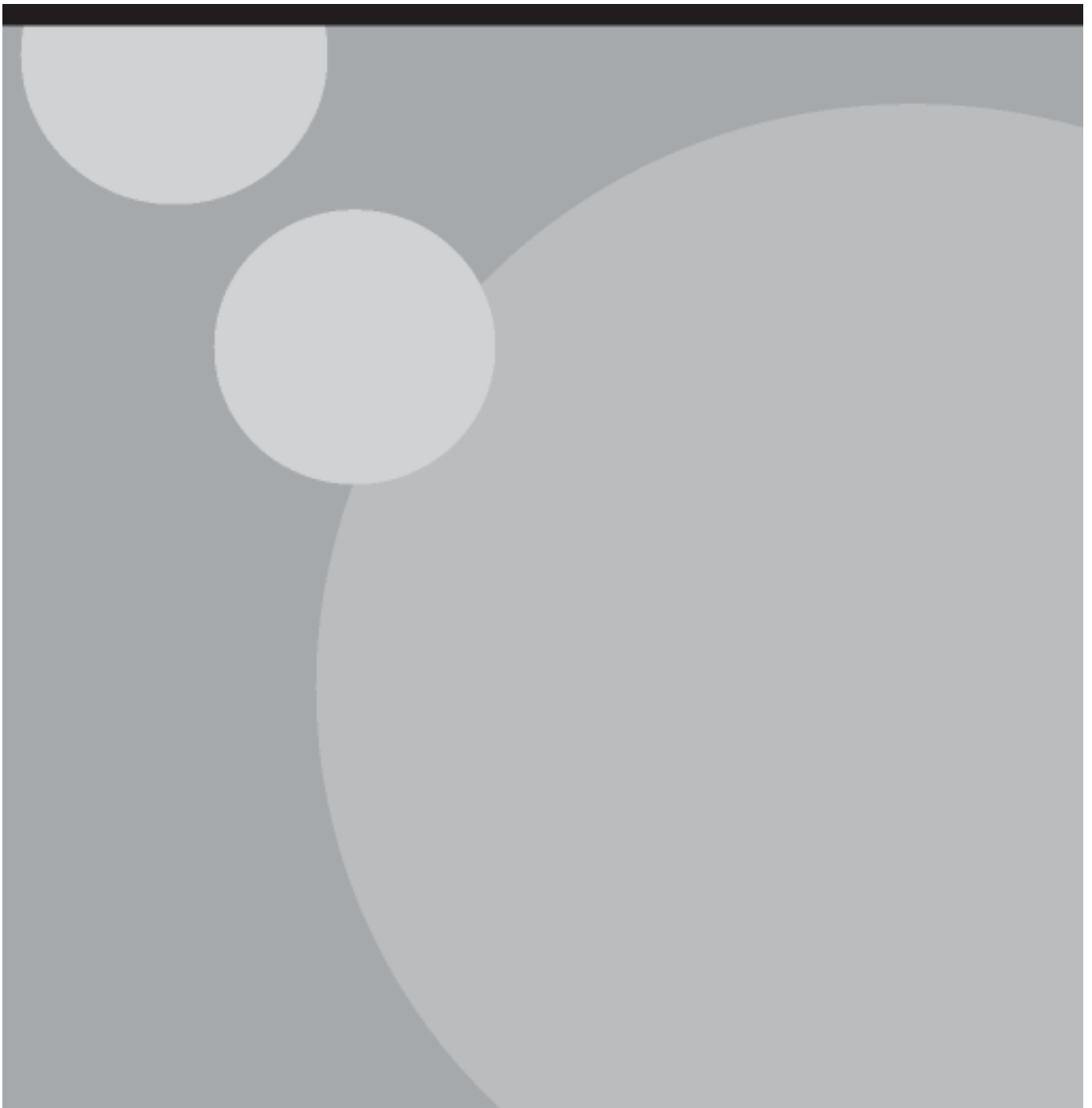




Sustainable Communities Act 2007

Decisions on proposals submitted following the 2008 invitation





Sustainable Communities Act 2007

**Decisions on proposals submitted following the
2008 invitation**

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Introduction

1. The Government believes that power should rest where it makes the most difference – in the hands of people and communities.
2. In 2007, the Sustainable Communities Act was passed to ‘promote the sustainability of local communities’. The process underpinning the Act was overly bureaucratic, but the sentiment was right – giving people the power to shape the future of their lives and communities. That is the essence of the Big Society.
3. The Act enshrined in law the right for communities to take control of their areas by asking Government to remove legislative barriers which were stifling local innovation.
4. The first request for ideas under the Act was issued by the previous government in October 2008. It called for local authorities to submit proposals which they believed would improve the social, economic or environmental well-being of their local area, but would need the Secretary of State’s assistance to make happen.
5. These ideas were gathered by councils from communities across the country, and put to central Government by the Local Government Association, as the appointed Selector.
6. In all, 100 local authorities submitted proposals to the Selector, in July 2009. The Selector then presented a short-list of 199 proposals – containing over 300 separate requests – to the previous government in December that year¹. However, the previous government did not issue a decision on any of the requests by the time it left office in May 2010.
7. Since coming into government in May 2010, we have taken decisive steps to decentralise power from government to communities and individuals. In doing so, we have taken action on many issues raised by proposals, such as committing to abolish Regional Strategies and giving councils new freedoms on how they spend their money.
8. We want to go further - to enable and encourage communities to take control and to grant rights and create the conditions for people to exercise influence.
9. That is why we are setting out in this document the Secretary of State’s decisions on the proposals put to Government under the Sustainable Communities Act. The proposals come from communities and councils, and Government has listened.

¹ <http://www.lga.gov.uk/lga/core/page.do?pageId=6688811>

'Reaching agreement with the selector'

10. As representatives of local communities, councils – represented by the Local Government Association as the Selector – played an important role in the discussions around the 199 proposals.
11. Government worked with the Selector to discuss the proposals in light of the policies within *The Coalition: our programme for government* and emerging policy development over the summer.
12. At the heart of these discussions was the principle set out by the Prime Minister: 'If it unleashes community engagement – we should do it. If it crushes it – we shouldn't.'

Note on the summaries of each request

13. The Selector's short-list contained 199 proposals, which they summarised into 13 themes. Many of these proposals contained more than one request for the Secretary of State's assistance.
14. In order to allow the Secretary of State to make decisions on every request independently of others within a proposal, Alistair Burt MP included a clause in the Sustainable Communities Act 2007 (Amendment) Act 2010 to enable the Secretary of State to decide proposals 'in part'.
15. The Government has therefore examined the individual requests for the Secretary of State's assistance within each proposal carefully, and summarised them in this document. The summary of each individual request naturally differs from the summary the LGA used for the overarching proposal.
16. Decisions are listed using the labels of the overarching proposal in the short-list, and grouped according to the change in policy requested. For example, South Gloucestershire Council (4) refers to a request contained within the fourth proposal submitted by that local authority. If the reference appears more than once, the proposal contains more than one request for government assistance.
17. Each decision is accompanied by a reason (as required by the Act) and, where the proposal is being taken forward, an Action Plan for implementation. These Action Plans are summarised in Chapter 5.

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Chapter 1

Requests within proposals that the Secretary of State will implement

The Secretary of State has decided to implement or work with councils on over half the requests put to Government by the Selector. This Chapter sets out the requests we will implement, or implement in part, along with an Action Plan setting out how we will put communities' requests into action.

Planning and Transport

Hampshire County Council	<i>Devolve the responsibility for Regional Strategy preparation from the regional level to county level.</i> <i>Raise the £5m major transport scheme threshold figure to £10m, and provide more expert assistance to councils who want to develop schemes over £10m.</i> <i>Merge together funding streams to reduce waste, bureaucracy and improve certainty of funding for new transport infrastructure.</i> <i>Make different arrangements for small unitary authorities, or allocate funding on historic county boundaries, or identified sub-regional areas.</i>
South Gloucestershire Council (4)	<i>Abolish the Regional Spatial Strategy.</i>
Hammersmith and Fulham London Borough Council	<i>Start a national conversation as to the pros and cons of nationally set housing targets.</i>

- It is clear that top-down targets do not build homes – they have just led to the lowest peacetime house building rates since 1924, and have fuelled resentment in the planning process that has slowed everything down.
- We agree with Hampshire County Council and South Gloucestershire Council

that Regional Strategies should be removed – and we will do just that in our Localism Bill. Councils will now have the freedom to prepare their local plans without having to follow top-down targets imposed by undemocratic, unaccountable bodies.

- We have also looked closely at the individual suggestions Hampshire has made. We agree strongly with the thrust of the proposal to devolve funding and accountability for major schemes as far as possible. In the document “*Investment in local major transport schemes*” published on 26 October we made it clear that we are determined to go further in devolving power over the coming years. The Department for Transport will work in partnership with local communities to develop a new framework for the funding of major local transport schemes over time, one that will have a reduced role for central government and give a proper voice to locally elected representatives and business interests.
- We envisage a more bottom-up approach than the previous government’s regional funding allocations, with Local Enterprise Partnerships (individually or in consortia) playing a key role over strategic investment choices in functional economic areas.
- However, given that these arrangements will take time to develop, we have set out a prioritisation process to identify the best of the current pipeline of local authority major schemes to fund over the next four years within a budget of around £1.5bn. We are committed to ensuring that any further analysis is restricted to that necessary to ensure schemes can be assessed on a level playing field basis before reconfirming Programme Entry. To reduce the appraisal burden further we have also set out plans to discontinue the Conditional Approval step for most schemes and to scale back the requirement for information at the Full Approval stage”.
- **Action Plan:** The Government will introduce a Localism Bill in the current session of Parliament which will repeal the remaining elements of the regional tier.

Wycombe District Council

Enable action to be taken to permanently reduce road noise, improve sound barriers and implement speed and night time restrictions along the M40 from Junction 3 to Junction 8.

The Minister for Transport and the Minister for Rural Affairs work together to reassess the formula for calculating noise level policies and priorities which is biased in favour of large and urban communities, so that the impact of motorway noise on rural communities and nationally recognised and designated landscapes is given greater importance

- The Department for Transport and the Highways Agency have met with Wycombe three times since March to discuss this proposal and the issues it raises about conditions on the M40. Roads are resurfaced with quiet material as part of ordinary network operations, which should help address their concerns.
- The Government recognises the council would like action to be taken more quickly, and has asked them for further information on the extent of the problem. The Highways Agency has a small programme of works specifically for noise mitigation measures in the most serious and pressing cases, where practical and cost-effective measures can be provided. These measures are applied to the entire strategic road network.
- **Action Plan:** The M40 will be resurfaced with quiet material as part of ordinary network operations. The Government is working with Wycombe District Council to establish whether the problems on this stretch of the M40 are serious and pressing enough to prioritise this stretch of road ahead of others.

Kettering Borough Council (2)	<i>Change the statutory guidance to allow local authorities to employ single teams of wardens capable of dealing with all civil enforcement issues.</i>
Redcar & Cleveland Borough Council (1)	<i>Enable the council's Community Protection Officer Service to carry out civil and criminal act duties in a combined manner without fear of legal challenge.</i>

- The Government recognises the difficulties faced, especially by smaller districts, in trying to implement entirely separate law enforcement regimes efficiently. We will work with Kettering and Redcar & Cleveland to address the issues they have raised.
- The advice in the Department for Transport guidance documents on civil parking enforcement - that civil enforcement officers should carry out only a limited range of duties - reflects an interpretation of the effect of section 63A of the Road Traffic Regulation Act 1984, but we are not aware of any definitive interpretations of section 63A arising from Court decisions. The Government wants to ensure legislation meets the changing needs of local authorities, so it will review the case for changes to this primary legislation, either to clarify its interpretation or to change its effect.
- **Action Plan:** The Department for Transport aims to announce a decision on whether to amend the Road Traffic Regulation Act 1984 by the end of March 2011.

Hammersmith and Fulham London Borough Council	<i>Increase local authority freedom over regeneration funding and capital allocations.</i>
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- The Government is determined to adopt a more permissive and neighbourhood focussed approach to regeneration, enabling deprived communities and neighbourhoods to play a leading role in the regeneration and renewal of their area. This includes handing more power to communities and local authorities to develop and drive forward plans for their area.
- The Government published a white paper, *Local Growth: Realising Every Place's Potential*, on 28 October, which sets out the Government's approach to sub-national growth.²
- **Action Plan:** The Government will give councils the power to join with local businesses to form their own Local Enterprise Partnerships to create the right local environment for business investment. Following the statement by the Business Secretary on 28 October the first Local Enterprise Partnerships are already being established.
- As also announced on 28 October, the Government will establish a Regional Growth Fund to support a sustainable increase in business employment and growth in those regions most reliant on public sector spending.
- As part of the 2010 Spending Review, the Government will end ring-fencing for all revenue grants from 2011-12, except simplified schools grants, and will introduce a new Public Health Grant from 2013.

South Hams District Council (3)	<i>Introduce a new policy termed 'Private Initiative Affordable Housing'.</i>
West Dorset District Council (1)	<i>Extension of the concept of Rural Exception Sites to settlements of over 3,000 to include market towns.</i>
Torridge District Council (5)	<i>Change national policy (specifically planning policy statements 3 and 7) to enable more vibrant and thriving rural communities.</i>

² <http://www.bis.gov.uk/assets/biscore/regional/docs/l/cm7961-local-growth-white-paper.pdf>

Teignbridge District Council (3)

Acknowledge the role of Community Land Bank Trusts and ensure involvement at local level on future housing developments.

- These proposals were submitted because people were concerned about the levels of affordable housing in rural areas, and proposed new ways to increase it.
- The Government is committed to community-led development, and will bring forward legislation for a Community Right to Build, announced on 23 July, to allow small-scale housing, and other development where there is majority community support. It will allow communities to deliver the homes and development that they really want, with minimal red tape. Although not specifically taking the action the councils suggest, it will help resolve the issues they have raised.
- Community Right to Build will complement, not replace Community Land Trusts, which still have a role in helping communities to bring forward the development they want to see in their area.
- In addition, *The Coalition: our programme for government* stated we will publish and present to Parliament a simple and consolidated national planning framework covering all forms of development. Decisions on changes to planning policy will be made through the national planning framework.
- **Action Plan:** The Government will ensure involvement at a local level on future housing developments by introducing a Community Right to Build in the Localism Bill, due for introduction in the current session of Parliament.
- The Government will also use the Localism Bill to put in place the legal provisions for Neighbourhood Plans and aims to set out, in a new National Planning Framework, the planning policy for these by April 2012.

Hackney London Borough Council

Introduce wider powers for councils to be able to reflect residents' views and influence the shape of local high streets where the concentration of particular kinds of businesses can mean that the needs of local people are not met and local communities cease to be sustainable.

- The Government believes local authorities, working with local people and business, are best placed to determine what development they need. We want to make localism a reality: giving communities responsibility for

planning their own areas and moving away from interfering in local decisions except when they raise issues of strategic importance.

- In *The Coalition: our programme for government*, the Government stated that it will publish and present to Parliament a simple and consolidated national planning framework covering all forms of development.
- **Action Plan:** The Government will use the Localism Bill to put in place the legal provisions for Neighbourhood Plans and aims to set out, in a new National Planning Framework, the planning policy for these by April 2012.

Waltham Forest London Borough Council (2)

The Government should reduce the time it takes to deal with appeals against the service of enforcement notices within the Planning Enforcement system.

- The Planning Inspectorate seeks to handle enforcement appeals as quickly as possible. It has already introduced some process changes including changing the procedure from hearings or inquiries to written representations in some cases, which should reduce the time from appeal to decision.
- **Action Plan:** The Planning Inspectorate will aim to reduce some enforcement procedure times against previous performance by the end of March 2011 and to improve upon this in all procedures by end October 2011.

Chorley Borough Council (1)

Amend Planning Policy Statement 3: Housing (PPS3) to exclude gardens from the definition of brownfield land.

- The Government agrees with Chorley that gardens should not be classified in the same group as derelict factories and disused railway sidings. It recognises the concerns that Chorley's residents have about 'garden grabbing'.
- **Action Plan:** The Government has taken decisive action to implement Chorley's proposal and has amended PPS3 to remove gardens from the classification of 'previously developed land'.

Torridge District Council (6)

Introduce financial penalties on retrospective planning applications.

- The Government is currently consulting on decentralising planning

application fees to local planning authorities³. This would include allowing local planning authorities to charge a fee commensurate with the cost of handling retrospective planning applications. Fees can only be charged on a cost recovery basis and local authorities are not allowed to make a profit. We cannot introduce a punitive fee as primary legislation does not allow this to happen for retrospective applications. Our consultation proposals address the issue which has been raised by Torridge District Council and other local authorities in relation to being able to recover the cost of handling a planning application. Furthermore, to impose a higher fee as a matter of course could unfairly penalise those who have made an honest mistake, and discourage them from applying to regularise their position, but this would be a matter for local authorities to determine.

- **Action Plan:** The Government will consider whether councils should be allowed to set higher fees for retrospective planning applications in light of our consultation on *Proposals for changes to planning application fees in England*, which closes on 7 January 2011. If the plans within the consultation are accepted and approved by Parliament, the changes would be implemented from April 2011, with a six month transition period until October 2011.

Post Offices

Herefordshire Council (9)	<i>Establish Post Banks in local Post Offices.</i>
Mid Devon District Council	<i>Give local Post Offices a much wider role in their community, in particular with regard to the provision of government services and banking services.</i>
South Hams District Council (1)	
West Devon Borough Council (3)	

- Post Offices are at the heart of local communities providing a wide range of readily accessible banking services and products face-to face. This includes the ability to withdraw cash free of charge from many banks' current accounts over post office counters. In the Coalition Agreement we have made clear that we will ensure that Post Offices are allowed to offer a wide range of services in order to sustain the network and we are looking at the case for developing new sources of revenue. The Government believes that the Post Office has a very important role to play in the financial services sector, and continues to advocate its expansion. We looked at the case for creating a state-backed Post Bank and concluded that, in this financial climate, it is just not a viable option. Modernising the Post Office network, placing it on a sustainable footing and maintaining the

³ <http://www.communities.gov.uk/publications/planningandbuilding/planningfeesconsultation>

current network size is what people really care about and we have announced £1.34bn of funding for the network to 2015.

- The Government recognises the important social and economic role of Post Offices, particularly in rural areas, and the continuing need to support the social network. The Government has also made clear it will not repeat the post office closure programme of the previous government.
- **Action Plan:** The Government will ensure that Post Offices are allowed to offer a wide range of services in order to sustain the network and sees continued growth of revenues from banking and financial services as an important part of the network's future sustainability. An agreement was reached in November between Royal Bank of Scotland (RBS) and the Post Office to allow RBS customers - including NatWest – customers to access their current and business accounts at Post Offices. This means that nearly 80 per cent of all UK current account holders will now be able to withdraw money free of charge at the Post Office.

Doncaster Metropolitan Borough Council	<i>Give the council and local strategic partnership an enhanced role in planning the future of the Post Office network.</i>
Liverpool City Council (7)	<i>That Post Offices can not be permanently closed until the local co-operative development office has been given the time and training budget to see if an increase in capacity could result in local people taking over the management of the premises.</i>
Sheffield City Council (4)	<i>That Sheffield City Council should be given responsibility for maintaining and sustaining the local Post Office network in our local area.</i>

- Post Office Ltd and Sheffield City Council are working together on a pilot scheme to develop processes for close liaison on future development of the network in the city to better meet local needs. They are also looking at local funding options to establish additional service provision and the scope for greater use of Post Offices in the city to deliver Council services.
- **Action Plan:** The Government will examine whether it is possible to implement the proposals by Doncaster and Liverpool to give them more involvement in the future development of the Post Office network in light of the results of the pilot scheme being run with Sheffield. We will keep Doncaster and Liverpool updated on the progress of the pilot. The pilot scheme is scheduled to run for 12 months, until the end of 2011.

Incentives for sustainable energy

Newcastle under Lyme Borough Council (2)	<i>Government should incentivise the generation of power within local communities for local consumption.</i>
Birmingham City Council (1)	<i>Introduce or extend financial incentives to promote local renewable energy generation.</i>
Brighton & Hove City Council (8)	<i>Introduce feed-in tariffs.</i>
South Hams District Council (10)	<i>Make national funding available, perhaps through a grant system, for setting up Energy Saving Companies (either community owned and managed or in partnership with local authorities).</i>

- The Government supports the principle of extending financial incentives for local renewable energy generation. We are replacing the Low Carbon Buildings Programme with new incentive schemes. Feed-in tariffs were introduced in April 2010 to support small scale renewable electricity generation. In order to increase awareness and understanding of the opportunities that all renewable and low carbon energy offers, and to help organisations access support available under feed-in tariffs and other mechanisms, the Government is developing an online portal for local authorities and communities, Community Energy Online. This will provide a comprehensive guide to designing and delivering low carbon community-scale energy infrastructure.
- The Government has considered whether it is feasible to make national funding available for setting up new Energy Saving Companies. However, in light of the spending review, and as they cover a wide range of business models for the supply of energy services, including private sector only models, we believe loans and financial payments would not be appropriate. For public sector partners especially in the local authority it would be an appropriate use of Salix to support this kind of initiative.
- **Action Plan:** The Government launched Community Energy Online on 25 November⁴.

⁴ <http://ceo.decc.gov.uk/>

Promotion of sustainable energy

Cambridge City Council (4)	<i>Make it much easier to introduce renewable energy schemes.</i>
South Hams District Council (10)	<i>Encourage communities and individuals to produce and distribute energy. Recognise and support local heat distribution networks and local renewable production, located near to the source of generation.</i>
South Somerset District Council (3)	<i>Develop an information resource for local authorities and master planners involved in physical regeneration and redevelopment.</i>
South Hams District Council (11)	<i>Government needs to introduce a suite of new green initiatives to drive forward their carbon reduction agenda.</i> <i>Introduce a 'Renewables Kit for Businesses' – where private and public sectors can easily convert to a renewable energy supply, due to the tailoring of different kits developed by the national bodies who specialise in renewables provision.</i>

- The Government is radically reforming the planning system to give local communities far more ability to determine the shape of the places where they live. We will provide incentives for local authorities to deliver sustainable development, including for new homes and businesses.
- The Government has also committed to publish and present to Parliament a simple and consolidated national planning framework covering all forms of development and setting out national economic, environmental and social priorities.
- Additionally, the Government will introduce permitted development rights for small domestic wind turbines and air source heat pumps, as part of our agenda of supporting renewable energy, microgeneration and a low carbon economy. We will bring forward the secondary legislation shortly.
- We are also providing some grant funding through the Homes and Communities Agency for community energy, and seeking to incentivise district heating attached to renewable heat plant through the Renewable Heat Incentive. The Government has announced a new provision to allow councils to sell renewable electricity.

- The Government is fully committed to taking action on renewable heat; this being a crucial part of ensuring that we meet our renewable targets, cutting carbon and ensuring energy security. The Government is considering responses to the Renewable Heat Incentive consultation and will set out detailed proposals on how to take forward action on renewable heat through the Spending Review.
- **Action Plan:** The Government is committed to allowing communities that host renewable energy projects to keep the additional business rates they generate. This will be considered by the Local Government Resource Review, starting in January 2011, as part of its broader work on options to enable business rate retention.

Birmingham City Council (1)	<i>Remove barriers to the local grid. In particular lifting the ceilings on the use of private electricity wires to supply domestic customers, and on electricity exports onto the grid from private wires.</i>
Lewes District Council (5)	<i>Develop a strategy to enable councils to promote local energy schemes and in particular review the requirements regarding private wire systems</i>

- We have removed the restriction for local authorities from selling renewable electricity from 18 August 2010. This will open new sources of income including the full benefit of the feed in tariff which incentivises renewable electricity.
- The Government will encourage communities to benefit from renewable energy schemes. A recent European Court of Justice ruling makes third party access to the grid mandatory.
- **Action Plan:** The Department of Energy and Climate Change will examine the implications of making third party access to the grid mandatory and are aiming to consult on this by the end of 2010.

South Hams District Council (11)	<i>That the Government introduces a range of new 'green' initiatives, including anaerobic digestion based fuel for public transport' – where local authorities utilise the organic waste they collect to produce 'green' fuel for public transport.</i>
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- The Government agrees with South Hams that the biomethane produced from the anaerobic digestion of organic waste is an efficient transport fuel.

Local authorities can already decide to utilise their organic waste for anaerobic digestion if they wish, and we are happy to discuss this further with the council.

- The Department for Environment, Food and Rural Affairs and the Department of Energy and Climate Change are working together on an Anaerobic Digestion Framework document, and have set out steps to promote the increase in energy from waste⁵.
- This work will lay the foundation for a detailed strategy, to be published in spring 2011, which is being taken forward within the framework of the Government review of waste policy, announced by Caroline Spelman in June this year.
- **Action Plan:** The Government will publish a detailed Anaerobic Digestion strategy by May 2011. This work is feeding into the wider review of waste policies, which is due to report in the spring 2011, and has the potential to contribute to the Government's objectives for renewable energy and for sustainable food production.

Redbridge London Borough Council (1)	<i>Review the current signs regulations and General Direction to relax the illumination requirements for some road signs.</i>
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- The Government is reviewing legislation and policy on traffic signing. One of the key aims of the review is to reduce environmental impacts. We are considering a range of ideas for achieving greater flexibility on sign design and visibility, and we are inviting the London Borough of Redbridge to contribute to this work. We expect to announce the outcome of the review in spring 2011.
- **Action Plan:** The Department for Transport will invite Redbridge to become involved in their work to review their policy on traffic signing.

North Yorkshire County Council (1)	<i>Introduce a range of measures in the public sector estate (especially the health and education sectors) to promote energy efficiency, and install energy and money saving meters in homes.</i>
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- The new carbon budget framework will include the health and education sectors from 2010/11. This will help to monitor emissions in those sectors and drive reductions. In addition, the CRC Energy Efficiency Scheme (formerly known as the Carbon Reduction Commitment) will also cover the

⁵ <http://www.defra.gov.uk/environment/waste/ad/documents/anaerobic-digestion-framework-101130.pdf>

larger parts of the public sector (and all of central government), and this will also provide the incentives to drive energy efficiency measures. The Government supports a range of energy efficiency work in the public sector and many departments have their own policies such as the Department for Education and the Department of Health with policies aimed specifically at schools and hospitals to ensure that they are energy efficient.

- In July 2010, the Government published for consultation a prospectus which sets out our detailed proposals for how smart meters should be rolled out.
- **Action Plan:** The Government recently consulted on how to roll out smart meters. The Government will analyse the consultation responses and develop a plan for subsequent phases of the programme, by April 2011.

South Somerset District Council (1)

Improve home insulation and other energy saving measures in people's homes, with a priority for older people, the 'near poor' and 'hard to treat' housing stock.

- The Government is committed to maximising the energy efficiency of all homes. It has announced it will legislate for an ambitious and radical Green Deal to help deliver this. This will be a market led programme to encourage and support the delivery of business and household energy efficiency improvements at no up-front cost, with consumers repaying through the savings they make through their energy bills. There will also be a continued, but refocused, energy company obligation to underpin it, focusing particularly on those householders (e.g. low income vulnerable homes) and those types of property (e.g. the hard to treat) which may need additional support. In July 2010, the Government published for consultation a prospectus which sets out detailed proposals for how smart meters should be rolled out to help provide all consumers with a tool to understand and manage their energy use.
- The Carbon Emissions Reduction Target (CERT) extension to December 2012, which came into force in the summer, will quicken the pace of energy efficiency improvements, benefiting consumers now and building capacity for the Green Deal.
- For the CERT extension the Government has introduced amendments to kick start a significant increase in the amount of home insulation installed. 3.5 million households are expected to benefit from subsidised insulation during the extension. Government is also ensuring more lower income pensioners, families and sick and disabled groups receive support. The CERT extension is expected to help 175,000 households receive measures which provide a long term solution to fuel poverty. Many more households will receive measures which will protect them from falling into fuel poverty. To support the installation of measures in hard to treat homes, Government has introduced attractive incentives for solid wall insulation in off-gas grid properties.

- We believe the CERT extension and the Green Deal, although not directly implementing the seven specific requests made by South Somerset (some of which asked for new grants) will help achieve the outcomes they want.
- The thermal comfort criterion of the decent homes standard helps to drive improvements in the energy efficiency of social housing. The Government will invest over £2 billion of capital funding to help towards completing the Decent Homes programme, enough to reduce the backlog over the next four years by half. The £1.6bn to be spent by local authorities could deliver over 150,000 refurbished council homes by 2014-15.
- **Action Plan:** In addition to action already taken to extend and refocus the Carbon Emissions Reduction Target obligation in summer 2010, the Government will drive greater energy efficiency in households (and businesses) through a Green Deal and a supporting energy company obligation. This will be achieved through an Energy Security and Green Economy Bill in late 2010, a detailed policy consultation in late 2011 and new secondary legislation in early 2012, with the aim of changes coming into force by January 2013.

Oxford City Council (5)

Provide interest free loans to householders to retrofit their house which are repayable over the period that it takes them to recoup the investment cost through savings in energy bills and are transferable to subsequent owners / tenants to dissuade short-sightedness.

- The Government has committed to drive greater energy efficiency in households and businesses through the Green Deal.
- **Action Plan:** We will design a Green Deal finance mechanism to: (a) help households and businesses fund energy efficiency improvements through savings on their energy bills, and (b) pass that charge onto a future bill-payer so that they only pay whilst enjoying the benefits. The Department of Energy and Climate Change has set out the steps it will take to implement the Green Deal in its Business Plan⁶ which will be updated monthly.

⁶ <http://transparency.number10.gov.uk/transparency/srp/view-srp/30/13>

Future of the Sustainable Communities Act

Wiltshire Council (20)

The Sustainable Communities Act consultation process should not just be a one off, but be ongoing, or at least held once per year.

- This Government is committed to making local decisions a normal part of everyday life, giving communities, neighbourhoods and individuals more say, choice and ownership of their local facilities. We have promised to decentralise power as far as possible, turning government upside down and inside out. The Sustainable Communities Act is a means to hold us to account and ensure we deliver on this promise.
- **Action Plan:** The Government issued a second invitation to local authorities to submit proposals under the Sustainable Communities Act on 15 December 2010. We have established an online portal which will enable local authorities to submit proposals at a time of their choosing, and with no deadline for doing so. We will revoke the current burdensome regulations and will consult on new, light-touch regulations by the end of January 2011.

Ring-fenced grants

Borough of Poole (1)

Give greater flexibility to local authorities on spending of ring-fenced grants.

- The Government is committed to providing greater financial autonomy and radical devolution of power to local authorities.
- The Coalition Agreement states that the Government will phase out ring-fencing of grants to local authorities. In 2010-11 over £1bn of funding has had the ring-fence removed.
- **Action Plan:** As part of the 2010 Spending Review, the Government announced the ending of all ring-fencing for revenue grants from 2011-12, except simplified schools grants, and the new Public Health Grant to be introduced from 2013.

Community assets

South Hams District Council (6)	<p><i>Establish a Community Right of Purchase giving properly constituted community bodies the right to purchase land or buildings being offered for sale.</i></p> <p><i>Legislate to give Councils a duty to transfer any inefficiently utilised asset, on the request of a properly constituted Community Body with a sound business case, wherever it can reasonably be argued this is in the public interest and has community support.</i></p> <p><i>This duty would confirm the obligation to publish and annually review a Schedule of Land and Building Assets, identifying those considered to be inefficiently utilised.</i></p>
Wirral Metropolitan Borough Council	<p><i>Make changes to central government legislation or improve national funding relating to Community Asset Transfer.</i></p>

- The Government does not wish to impose a duty in the precise way that South Hams suggest, as we believe it would unacceptably restrict the freedom of local authorities to manage their assets strategically. However we will be making it easier, through the Localism Bill, for communities to bid to take over assets, and will instead place a duty on local authorities to list Assets of Community Value. We believe these new powers will implement the proposal in part. A moratorium on the sale of listed assets will give community groups time to prepare a bid.
- **Action Plan:** The Localism Bill, published on 13 December, will set out the broad framework for introducing the Community Right to Buy scheme referred to above. A consultation document will be issued early in 2011, explaining the scheme in more detail, and seeking views on the detailed provisions to be set out in regulations. Once the Bill has received Royal Assent, likely to be autumn 2011, regulations drafted in the light of the consultation responses, will be put before Parliament. We expect the scheme to be commenced either in April 2012, or possibly October 2012.

Southwark Council (2)	<p><i>Establish a national Plastic Bag Free day to coincide with the International event.</i></p>
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- The Government is committed to ending the needless distribution of

excessive carrier bags. Our policy on carrier bags is based on a voluntary approach and this approach has been effective so far.

- Powers do exist to make charging for carrier bags mandatory (Climate Change Act 2008) but it has not been necessary to utilise these powers given the success of voluntary approaches. While there are good intentions behind this proposal, a legally-enforced plastic bag free day would in our opinion fall down for a number of reasons. For example, banning solely plastic bags is likely to run counter to the EU Packaging Directive; and the impact of legislation to prevent bags being distributed on one day a year would be outweighed by the efforts required to implement and enforce such a ban.
- However, the Government would welcome further ideas on how a ‘national bag free day’ could be implemented on a voluntary basis, and covering all ‘single-use’ bags, not just plastic ones.
- **Action Plan:** The Department for Environment, Food and Rural Affairs will invite Southwark to work with them to further discuss how a National Bag Free Day could be promoted voluntarily.

Licensing

Darlington Borough Council (1)	<i>A new power to enable licensing committees to take account of representations about local views on ‘sufficiency’ in relation to the provision of premises from which alcohol can be bought.</i>
Bury Metropolitan Borough Council	<i>Add ‘protecting and improving public health’ to the four existing objectives of the Licensing Act 2003.</i>
Islington London Borough Council (4)	<i>Give the council the power to decide if an area is saturated with gambling and/or off license premises so that it can then restrict new licences being granted (or existing licences being extended).⁷</i>
Islington London Borough Council (11)	<i>Extend the notice period for temporary event notices.</i>

⁷ In relation to the licensing of gambling premises, please see also the response to Lewisham London Borough Council proposal (1) on page 44

Nottingham City Council
(1)

Extend the period for closure of noisy premises from 24 hours to a period to be determined by the Local Authority/Police, but not to exceed 7 days

- The Government recently held a public consultation on proposals to overhaul the Licensing Act: 'Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing'. A response to the consultation was published on 1st December.⁸
- **Action Plan:** The final package of policy proposals to re-balance the Licensing Act will be taken forward in the Police Reform and Social Responsibility Bill published on 1st December. The Bill had its second Reading on 13th December.

Kettering Borough Council
(3)

Give licensing authorities, in conjunction with the police or the local Crime and Disorder Reduction Partnership, powers to prevent supermarkets selling alcohol below a certain price floor.

- The Government is committed to tackling alcohol-related crime and disorder, and is aware that there is growing concern about how cheaply some alcohol drinks are being sold. Accordingly, we announced in *the coalition: a programme for government* that we will introduce a ban on below cost sales, and have consulted on proposals for implementing this.
- **Action Plan:** The Government will ban the sale of alcohol below cost price and carry out a review, currently due to be concluded by April 2011, of alcohol pricing and taxation, to ensure that it tackles binge drinking without unduly impacting on responsible drinkers and businesses. HM Treasury announced the outcome of the taxation element of the review on 30 November 2010.

Health

Southend-on-Sea Borough Council

We require a one year extension to use the capital grant in 2010/11; this would enable the provision of integrated and co-located services within the St Lukes Healthy living Centre CIC.

⁸ <http://www.homeoffice.gov.uk/publications/consultations/cons-2010-licensing-act/>

- The Government is committed to the Big Society and the NHS white paper: *Equity and excellence: Liberating the NHS*⁹ makes a commitment to establishing the largest social enterprise sector in the world. St. Luke's is a project that meets both these commitments in putting local communities at the heart of the decision making process across a range of areas whilst also running as an established social enterprise.
- **Action Plan:** The Government will roll forward the capital funding allocated to the St Lukes Health Centre in 2009 - 10 to 2010 -11. Southend-on Sea has already been notified.

Business rates

Birmingham City Council (2)	<i>Increase the current ceiling on small business rate relief.</i>
Doncaster Metropolitan Borough Council	<i>Give small businesses automatic rate relief.</i>
South Gloucestershire Council (3)	<i>Introduce automatic small business rate relief rather than businesses having to apply for it.</i>
Islington London Borough Council (10)	

- The Government will, through the Localism Bill, remove the legal requirement for authorities to submit an application form in order to claim Small Business Rate Relief.
- **Action Plan:** The Government is proceeding with the temporary increase in Small Business Rates Relief for 12 months from October 2010, as announced in the June Budget. The Government will, through the Localism Bill, remove the legal requirement for authorities to submit an application form in order to claim Small Business Rate Relief.

⁹http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_117353

Birmingham City Council (4)

Introduce accelerated development zones (ADZs) to fund the provision of new capital infrastructure such as transport, major cultural facilities and housing.

Allow the council to retain the increase in business rate in an ADZ area for an agreed number of years to pay for the infrastructure provided in the zone.

- We will introduce new borrowing powers to enable authorities to carry out Tax Increment Financing schemes. This will allow them to borrow against future additional uplift in their business rates revenues to help fund key infrastructure and other capital projects. This will add to the freedoms for local authorities to drive forward economic growth in their areas
- **Action Plan:** The Local Government Resource Review, starting in January 2011, will consider the most appropriate way of delivering Tax Increment Financing in the context of proposals to allow authorities to keep their local business rates.

Brighton & Hove City Council (3)

That national government introduce a business rates local protection scheme which gives councils the authority to offer discretionary business rate relief to encourage and sustain small and medium local businesses.

Bristol City Council (1)

Government to extend Business Rate Relief to provide the same relief to urban Post Offices as rural.

Central Bedfordshire Council

The introduction of a 5 year discretionary rate relief for small businesses in the area operating the development and production of low carbon technologies related to this sector.

Doncaster Metropolitan Borough Council

Give local authorities wider powers to grant business rate discounts.

Lambeth London Borough Council (1)

Give local authorities the power to vary National Non Domestic Rates for those businesses that deliver social benefits

Oxford City Council (3)	<i>Promoting and supporting local businesses through a more flexible Business Rate Relief system</i>
South Hams District Council (5)	<i>That the Government gives Local Authorities the power to apply rate relief to businesses that earn 50% of their turnover from selling local foods and goods and that this be fully funded by central government.</i>
Waltham Forest London Borough Council (4)	<i>Allow discounts on business rates to be set by local criteria.</i> <i>Introduce legislation which will allow councils to offer discounts on business rates based on locally-set criteria. The funding for these discounts would be borne by the local authority but this would be offset against the benefit to the local community.</i>

- The Government will create in the Localism Bill a framework of powerful incentives for local authorities to deliver sustainable economic development, including wide-ranging powers for local authorities to offer local discounts on business rates.
- **Action Plan:** Through the Localism Bill the Government will give councils the power to set local discounts on business rates, provided that they are funded locally. This will give councils the ability to respond to local circumstances such as supporting the local pub or Post Office if they are struggling or encouraging new start-up enterprises.

Borough of Poole (6)	<i>The ability to retain and influence the setting of the national non-domestic rate collected by the council.</i>
Chorley Borough Council (3)	<i>Give Councils the power to retain a proportion of the revenue from business rates to be spent on local priorities or to have the power to raise revenue through this mechanism by giving powers back to local authorities to set a local levy.</i>

East Lindsey District Council (2)	<i>Allow the council to retain a proportion of national non domestic rates received from caravan parks for reinvestment into local community renewal projects, flood alleviation schemes, emergency planning measures, community enterprise schemes and town/village enhancements.</i>
Islington London Borough Council (8)	<i>Allow local authorities to keep and spend business rates collected in their area to spend on local services and priorities.</i>
Kingston upon Thames Royal Borough Council (2)	<i>Allow Kingston to keep a proportion of the business rates collected which would be ring-fenced for investment in programmes that contributed to local economic and social sustainability.</i>
Liverpool City Council (2)	<i>Allow local authorities to retain business rates for local spending.</i>
City of York Council (5)	
Southend-on-Sea Borough Council	<i>Retain 2% of business rates and landfill per annum to reinvest in local communities.</i>
St Albans City and District Council	<i>Allow the council to collect and retain 10% of business rates to provide stronger support (locally) for small business set up, training, guidance and infrastructure projects benefiting local businesses</i>
Warwick District Council (3)	<i>Allow local retention of business rates so they can be spent on locally determined priorities.</i>
Westminster City Council (2)	<i>Ring fence a proportion of the business rates collected in the city so that the City Council can invest in its City Recovery programme and economic development related activities.</i>

- The Government has noted the number of proposals which ask for a proportion of business rates to be retained locally, and we have considered the proposals as work on decentralisation and the Spending Review has progressed. As we set out in *Local growth: realising every place's potential*¹⁰, changing the system to allow retention of business rates would mean that many local councils are set free from dependency on central funding. We would also expect the proportion of councils to whom this would apply to increase over time. This would represent a radical departure

¹⁰ <http://interactive.bis.gov.uk/comment/growth/local-growthrealising-every-places-potential/>

from the way in which the existing local government finance system operates.

- The Government is clear that businesses should not be subject to locally imposed increases in the burdens of taxation that they do not support. We have already made clear that businesses would have the right to hold a binding vote on any local authority proposals to introduce a local supplement on business rates (as already applies for Business Improvement Districts). This is a principle that we remain firmly committed to. Equally, we will ensure that all councils will have adequate resources to meet the needs of their local community; rewarding growth is also about fairness in the local government finance system.
- **Action Plan:** The Government will undertake a Local Government Resource Review from January 2011. Local business rate retention will be considered within this review. This is a significant opportunity to consider a range of options to provide genuine incentives for local economic growth through the business rates regime, and to equip local authorities with the tools to support that role. Local authority, business and other stakeholder views will be vital in informing the Government as we carry out this work.

Restrictive covenants

Darlington Borough Council (4)	<i>Prohibit restrictive covenants that prevent any future use of a property as a 'local service' as defined by the Sustainable Communities Act.</i>
Newcastle upon Tyne City Council (2)	<i>The creation of statutory powers to prohibit large pub and retail companies from imposing restrictive covenants.</i>
Ryedale District Council (2)	<i>Give councils the power to remove restrictive covenants put on buildings such as pubs which are closed by national chains to prevent them from re-opening as a public house.</i>

- The Government believes that local pubs bring people together and strengthen community relationships. We believe they play an important role and agree with these councils that they should be protected.
- We recognise that restrictive covenants can have a large impact on local communities. Therefore the Government has agreed to look into the issues raised by Darlington, Ryedale and Newcastle Upon Tyne.
- **Action Plan:** The Government will, by June 2011, undertake a public consultation on the issue of covenants, with a particular focus on understanding the impact they have on pubs and communities, and seeking

views on the necessity and form of powers to restrict their use.

Economic growth

Windsor & Maidenhead Royal Borough (1)	<i>Devolve the provision of Information, Diagnosis and Brokerage (IDB) services, and their associated budgets, to the local authority.</i>
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- The Government has set out, in *Local Growth: Realising Every Place's Potential*, on 28 October 2010, how the Government can support locally driven growth and job creation. In addition, it outlines proposals about how local authorities working with business, via Local Enterprise Partnerships, might engage in the development of strategic plans to promote economic growth and rebalancing the economy.
- Windsor and Maidenhead is a partner of Thames Valley Berkshire - the Local Enterprise Partnership proposal the Secretary of State has received for Berkshire. As such, it will be able to develop its business support services, including diagnostic and brokerage services, to meet the needs of the local economy. It will, however, need to find its own resources to do so as there will be no budget transfer once the Business Link Regional Service is wound down in line with the abolition of regional development agencies (which currently provides funding for the Business Link regional service).
- **Action Plan:** The Government has invited Thames Valley Berkshire to develop a governance structure which will enable it to decide on its local priorities.

Local governance

East Lindsey District Council (1)

Change legislation to require a parish poll on a question or the appointment to an Office, with a larger number of those present at the meeting, with a de minimis included.

- It would not be appropriate for central government to dictate on what issue a parish poll can be held. As part of our drive to decentralise power to the lowest appropriate level, the Government will, however, review the threshold that triggers parish polls along with the rules that govern them. Depending on the result of the review, we will consider whether to introduce appropriate secondary legislation.
- **Action Plan:** The Government has committed to give residents the power to instigate a local referendum on any local issue, and will consider the issues surrounding parish polls carefully as we take this work forward. The powers are contained in the Localism Bill, introduced in December.

Housing

Birmingham City Council (3)

Local Authorities be granted the same flexibility as other Registered Social Landlords to grant assured and assured shorthold tenancies, as well as secure tenancies.

- The Government agrees that social landlords should have more flexibility in the tenancies they are able to offer. In November 2010, the Government set out, in *Local Decisions: a Fairer Future for Social Housing*, our intention to give both local authority and housing association landlords far greater flexibilities over the types of tenancy they can grant.
- The Government believes this will help create a social housing system which will provide stability where it is needed and more choice for tenants and prospective tenants. It will help people move for work; and protect vulnerable households.
- **Action Plan:** The Government will include clauses in the Localism Bill which will create a new shorter term 'flexible' tenancy for social landlords to use alongside existing secure lifetime tenancies. Subject to Parliamentary approval, the Government intends to commence these provisions in autumn 2011 at the earliest.

Cambridge City Council (3)	<i>The Government should change current arrangements to allow Cambridge City Council to keep all revenue collected from Council housing rents and all receipts from Right to Buy sales of Council homes.</i>
City of York Council (4)	<i>City of York council should be able to keep all of its council housing rental income and not be subject to the Housing Revenue Account subsidy Regime.</i>
South Kesteven District Council	<i>Allow the council to retain 100 per cent of the rent it collects from its housing stock.</i>
South Lakeland District Council	<i>Increasing supply of affordable housing by returning 100 per cent of council housing rents to the local authority area which they came from in order to fund new affordable housing.</i>
Warwick District Council (1)	<i>Councils should keep all the rental income on council properties.</i>
East Devon District Council	<i>Allow all local authorities to keep all the council home rent it collects from its tenants rather than sending this back to government</i>
Stroud District Council	<p><i>The national formula for assessing rents should be kept up-to-date and provide sufficient flexibility to enable effective local decision making. Local adjustments to formula rents of up to 10% could be allowed to recognise local factors.</i></p> <p><i>Limit rents should be discontinued by the end of the original re-structuring period.</i></p> <p><i>Remove charges for capital from any subsidy calculations to ensure that the resultant 'grant' is meaningful. (Repay notional debt rather than funding interest)</i></p> <p><i>Review methodologies to produce realistic estimates for housing repairs and other costs to provide a realistic long term plan that supports a consistently decent standard of housing.</i></p>

- On 5 October the Minister for Housing announced that the Government will replace the Housing Revenue Account Subsidy system with a new, more

transparent, system that devolves greater power to councils to better meet the housing needs of their local communities.

- This was confirmed in the Spending Review. Under this new system, “self-financing”, councils will keep all the rents they collect from their tenants. In return for this greater freedom some councils will be required to make a payment to central government and other councils will have some of their housing debt paid off by central government. The Spending Review confirmed that pooling of Right-to-Buy receipts will continue for the Spending Review period.
- **Action Plan:** Subject to Parliamentary approval we intend to implement “self-financing” through powers in the Localism Bill, during this session of Parliament.

Statistics

Westminster City Council (1)

Government should abandon its current methodology for calculating local authority area population estimates and instead works with the council to establish a more accurate methodology.

- The issues raised by Westminster are being addressed by the cross-government Migration Statistics Improvement Programme (MSIP), initiated by the National Statistician in April 2008. Several improvements to the methods for estimating the population have already been delivered, including a new sample for the International Passenger Survey optimised for measuring migrant flows, and improved statistical modelling to distribute migrants to Local Authorities using more timely data.
- The Programme is working on further improvements, seeking to maximise the use of administrative data to address the sample size issues inherent with survey data. Local authorities and other stakeholders have been kept informed and have been supportive of the plans and progress.
- **Action Plan:** The Government will deliver the final set of improved methods for estimating population levels by March 2012.

Benefits

South Somerset District Council (4)

Issue regulations within the Welfare Reform Act 2007, laying out the circumstances in which claimants can undertake work through the Community Allowance while their benefits status is protected.

Recognise the results of pilots and if successful, amend the benefits rules enabling individuals to earn up to 15 hours per week on the minimum wage on top of their benefits.

- The Government will radically simplify the back to work system by ending the complexity of the previous decade and replacing current schemes with a new Work Programme.
- The Work Programme will be an integrated package of support providing personalised help for people who find themselves out of work based on need and not the benefit they claim. The Government aims to have the new Work Programme in place nationally by the summer of 2011.
- In order to ensure that as many people benefit from the Work Programme as quickly as possible the Government will be phasing out many of the existing programmes and folding them into the Work Programme. Under the current Employment and Support Allowance rules it is possible for customers to undertake Permitted Work. The Permitted Work provisions apply from the beginning of a claim to the Employment and Support Allowance, and allow a customer to undertake certain types and amounts of work without their benefit entitlement being affected. The rules apply equally to both employment and self-employment.
- The Government will also introduce a new Universal Credit that will provide a basic allowance with additional elements for children, disability, housing and caring. It will support people both in and out of work, replacing Working Tax Credit, Child Tax Credit, Housing Benefit, Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance.
- We believe that the introduction of Universal Credit will help achieve the objectives behind this proposal. It will improve financial work incentives by ensuring that support is reduced at a consistent and managed rate as people return to work and increase their working hours and earnings. People will generally keep more of their earnings for themselves and their families than is currently the case. Universal Credit will also remove the distortions in the current system that tend to over-reward people for working a specific number of hours that may not suit them or their employers. Universal Credit will ensure that all amounts of work will be more financially

rewarding than inactivity and remove the current barriers to small amounts of work.

- Details of Universal Credit are set out in the white paper, *Universal Credit: Welfare that Works*¹¹.
- **Action Plan:** The Government will, by 2013, introduce a Universal Credit which will improve financial work incentives by ensuring that support is reduced at a consistent and managed rate as people return to work and increase their working hours and earnings. People will generally keep more of their earnings for themselves and their families than is currently the case.

Local amenity

Nottingham City Council (3)	Government should make changes to legislation to help tackle the issue of fly posting.
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- Local authorities have a number of powers to deal with the issue of fly posting, and we are happy to discuss these with Nottingham. Since the introduction of the Antisocial Behaviour Act 2003, local authorities have had the power to issue fixed penalty notices for fly-posting offences. The number of fixed penalty notices issued has increased from 883 with a payment rate of 59 per cent. in 2005-06 to 1,133 with a payment rate of 78 per cent. in 2006-07.
- Local planning authorities may also remove or obliterate any placards or posters after giving at least two clear days notice to anyone responsible for the display.
- Local planning authorities may also prosecute the owner or occupier of the land, or the person whose goods and services are advertised for the display of illegal advertisements
- **Action Plan:** The Government has included a clause into the Localism Bill to deal with persistent fly-posting which will allow local planning authorities to serve an 'action notice' on the owner or occupier of the land where the posters have been stuck. The action notice requires the owner or occupier to take specified measures to prevent or reduce the frequency of the unauthorised advertisements. If action is not taken, the authority may take the specified action itself and recover its expenses from the owner or occupier. Subject to Parliamentary approval, we expect this to come into force by April 2012.

¹¹ <http://www.dwp.gov.uk/policy/welfare-reform/legislation-and-key-documents/universal-credit/>

Chapter 2

Requests the Government will help councils to implement themselves, or explore further

Turning government upside down

Some of the proposals made under the Sustainable Communities Act contained requests which local authorities can implement themselves using existing powers.

We believe that, instead of the civil service only being focused upwards on providing advice to Ministers, we must drive the focus downwards and outwards to put those resources at the service of communities nationwide. So civil servants will work with the following councils to use their existing powers so they are able to achieve the outcomes they want for themselves, or work further with them to explore the issues raised in more detail.

Planning, amenity and waste

Lewisham London Borough Council (1)

Introduce a criterion of demand, removed by the Gambling Act, obliging the licensing authority to consider the level of demand for an additional betting shop in a prescribed area, in addition to current provisions for licensing authorities to take social responsibility into account;

Empower licensing authorities to decide and set a cap on the number of bookmakers' premises allowed to open in any district, neighbourhood or local parade; and

That licensing authorities be empowered to prevent a new bookmaker's premises from opening at a site where the number of existing betting shops in the area is at or exceeds a cap set by the licensing authority, and that if the cap has not been reached the need to consider demand must nevertheless be met.

- The Department for Culture, Media and Sport (DCMS) is currently considering with the Gambling Commission whether guidance can be amended to give licensing authorities more confidence to use their existing powers to intervene under the prevention of crime or disorder objective of the Gambling Act, working with the police where necessary.
- There is a lack of data on the numbers and concentrations of betting shops pre September 2007, as there was no central collection of figures before the introduction of the Gambling Act. DCMS know the total number of betting shops has remained constant or declined in recent years and is working with the Gambling Commission to identify better data on the numbers and locations. But it will be difficult to assess how this may have changed since the Gambling Act came into force in September 2007.
- Concerns about betting shops and problem gambling often relate to their higher stake/higher prize gaming machines. We think this is a main cause of local concerns. The Responsible Gambling Strategy Board, which advises the Gambling Commission and the Government on research, education and treatment, has prioritised the development of a programme of work into the risks relating to higher prize gaming machines.
- Local planning authorities have planning powers to use in controlling the number and location of betting shops (though this must be in relation to planning considerations, such as amenity, building mix, parking and congestion issues). Current planning policy encourages local planning authorities to pro-actively manage town centres and subsidiary shopping areas to promote vitality through a good mix of investment. Local planning authorities can use local shop frontage policies for parades of shops to ensure good representation of shops, alongside service uses and thus limit the concentration of betting shops
- Under the Use Classes Order, betting shops are classed as A2. Other A2 uses (such as banks and estate agents) and A3, A4 and A5 uses could change to betting shops without planning permission for change of use. It would be possible to alter the Use Classes Order to limit these changes or make betting shops sui generis, so planning permission would always be required for material changes of use. But to do this, we would need to demonstrate that there was a material planning difference between betting shops and other A2 land uses in terms in the impact on the environment.

- This would increase regulation and face councils with a potentially very large increase in the number of planning applications. It may not, therefore, be cost effective to make a national change.
- Lewisham could, however, explore whether they could use Article 4 powers to limit the development of betting shops in particular areas and we would be happy to discuss this with them.

Nottingham City Council (3)	<i>Government should change legislation to help tackle the issue of properties that are detrimental to the amenity of the neighbourhood.</i>
Redcar & Cleveland Borough Council (2)	<i>Change section 215 powers under the Town and Country Planning Act to speed up the process where land, including property, adversely affects the amenity of the area.</i>

- The Government wants to put power back in the hands of local authorities and communities so they can take the planning decisions that are best for them. The Government will discuss with Nottingham and Redcar & Cleveland how they can use their existing powers to more quickly improve the amenity of their local area. Should we discover that section 215 presents a more widespread problem, we will revisit the issue in more detail.

Islington London Borough Council (10)	<i>Make the sustainability of a neighbourhood shopping area a strong material consideration in planning decisions.</i>
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- Current planning policy says that in some circumstances, a local planning authority may give different weight to social, environmental, resource or economic considerations when determining a planning application. It is a matter for the decision maker to consider the relative weight to be attached to each of these considerations in their local circumstances and the planning application being considered. We would be happy to discuss this further with Islington.

Croydon London Borough Council	<i>Establish Local Appeals Boards to determine planning appeals on minor applications.</i>
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- The Government believes local authorities, working with local people and business, are best placed to determine what development they need. We want to make localism a reality: giving communities responsibility for planning their own areas and moving away from interfering in local decisions except when they raise issues of strategic importance. Although

the independence of the Secretary of State in determining appeals was valued by the majority of councils in a 2008 consultation on the matter, we will look again at the issue in light of the fundamental changes we are making to the planning system.

- The Government will review our appeals policy and process once we have taken forward our plans for planning reform included in the Localism Bill. We will work with Croydon Council in developing ideas further.

Islington London Borough Council (10)

Require full planning permission before any facility (such as a shop or a pub) is demolished to encourage developers to consider options for re-use and stop town centres being blighted by vacant sites for long periods of time.

Strengthen penalties for large organisations that demolish or part-demolish without proper planning permission.

- The Government is committed to helping local communities that wish to save local services threatened with closure. A planning application is already required for proposals for redevelopment which involve the demolition of one or more existing buildings, and any planning permission granted includes permission for the demolition of those buildings as well as for the new development. A requirement for planning permission for demolition of buildings, which does not form part of a development proposal, would be covered by the Private Member's Bill promoted by Nigel Adams MP (the 'Protection of Local Services (Planning) Bill'), which is due to have its 2nd reading on 21 January 2011. The Government is considering its response to the provisions of the Bill. The Department for Communities and Local Government would be happy to talk to Islington London Borough Council about their proposals for requiring planning permission for demolition, and on penalties for failing to obtain permission, following the 2nd reading of the Bill.

Islington London Borough Council (10)

Give greater protection to distinctive local shopping areas to protect their character by giving local authorities the tools to 'zone' these areas, giving them special protection.

Restrict 'formula businesses' in shopping areas.

Liverpool City Council (8)	<i>Change legislation to allow proximity to be considered as grounds for objection and refusal in respect of planning and licensing applications.</i>
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- Local authorities can already, through their local plans, identify specific areas that will be afforded special protection against, for example, cloning. Local authorities also have the power in some circumstances to remove permitted development rights to require planning permission for some changes of use which would otherwise not require it.
- The proposals raised issues surrounding different types of shops within the same use class. We are keeping the Use Classes Order under review. However, there are specific issues that need to be examined. We are determined to do more to help local planning authorities and communities shape the places in which people live. To this end, we are committed to publishing and presenting to Parliament a simple and consolidated national planning framework covering all forms of development. We will make an announcement on how we propose to take forward the national planning framework and the implications for specific areas of planning policy. We would be happy to discuss this further with Islington and Liverpool.

Newcastle under Lyme Borough Council (5)	<i>Clarify and simplify the law relating to the use of pavements by vehicular traffic so the pavement can be reserved exclusively for pedestrian use.</i>
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Newcastle upon Tyne City Council (1)	<i>Make it unlawful to park on the footway where any part of a vehicle is within 1100mm of the edge of the footway within the local authority area.</i>
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Birmingham City Council (8)	<i>Local authorities to be given the discretionary power to regulate vehicles that park on and damage footways and grass verges.</i>
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- Powers already exist to prohibit pavement parking and issue bans (Road Traffic Regulation Act 1984), and we would be happy to discuss this further with Newcastle under Lyme, Newcastle upon Tyne, and Birmingham.

Waltham Forest London Borough Council (5)

Give the council greater powers to deal with fly tipping, waste and graffiti on privately owned land and buildings where we deem there to be a risk to health, safety or the environment.

- We believe the law in this area is adequate under section 59 of the Environmental Protection Act 1990. We would be happy to explore further with Waltham Forest Borough Council.

Herefordshire Council (5)

Designate the Herefordshire Black Mountains as an area of outstanding national beauty.

- Natural England would be happy to receive a request from Herefordshire to designate the Black Mountains as an Area of Outstanding Natural Beauty.

Bristol City Council (8)

Change national legislation to require the need for planning permission for changes of use from A2/A3/A4/A5 to A1. It could apply to outlets with a floor area above a minimum size e.g. 100 sq m.

- Local authorities already have the power (Article 4 directions) to remove permitted development rights. These, granted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) allow changes of use from A2, A3, A4 and A5 to A1 to happen without the need for planning applications. The use of Article 4 directions allows local authorities to require planning applications for such development in their areas, and we are happy to discuss this further with Bristol.

Burnley Borough Council

Give local authorities greater flexibility to introduce selective licensing.

- Local Housing Authorities have the general consent to introduce selective licensing schemes without having to seek approval from the Secretary of State, if an area suffers from low housing demand and/or significant anti-social behaviour issues in the private rented sector. The Government has no current plans to introduce new legislation on how local authorities should carry out their statutory duties. It is right for local decisions to be made by those who are directly accountable to local communities, not central government. We are happy to discuss this further with Burnley.

**Stockton-on-Tees
Borough Council**

Bestow on local authorities stronger powers to help deal with the problems caused by derelict industrial land and buildings by:

Increasing the maximum fine under the Building Act 1984 is made to a level that acts as sufficient deterrent and encourages the owner to remedy the loss of amenity, and

Simplifying the process in which a sale is enforced.

**Islington London Borough
Council (7)**

Require all business premises to be kept in a good and presentable condition.

- The Government will discuss with Islington how they can use existing powers to protect the amenity of an area where it is being adversely affected by the condition of neighbouring land and buildings.
- The Government has also considered Stockton's proposal and believes there is merit in discussing this further with them.
- There is currently no provision in the Building Act to fine the building owner and thus no increase can legally be made. The power in the Building Act is for the local authority by notice to require the building owner to remedy the dereliction or demolish. If the building owner refuses the local authority can carry out the work itself and recover the cost from the building owner.
- The process for simplifying sale would be likely to be more contentious but we are willing to discuss this further with Stockton.
- The Government is not in a position where it can set out actions we will take with a view to implementing the proposal, as required under the Sustainable Communities Act, but we will contact the council to see what progress we can make.

Southwark Council (7)

Introduce a permissive regime that enables local authorities to prioritise permaculture design principles in local planning policy.

- The Government is returning decision-making powers on planning to local councils and will radically reform the planning system to give neighbourhoods far more ability to shape the places in which their inhabitants live. We are happy to discuss how Southwark can use these new freedoms to allow them to prioritise permaculture design principles.

City of York Council (1)	<i>Bring commercial waste into councils' targets for increased recycling by making appropriate adjustments to Landfill Allowance Trading Scheme targets when a council can demonstrate that it is developing more sustainable services for business.</i>
Southampton City Council (1)	<i>Government should provide waste disposal authorities with an additional landfill tonnage allowance to take into account commercial waste activities.</i>
Oxford City Council (5)	<i>Make recycling of waste a condition of a trading area</i>
Nottingham City Council (3)	<i>The Government should make some changes to legislation to help tackle the issue of bins left on streets.</i>

- The Government believes in strong, empowered local government able to act in the best interests of its residents. Local authorities have a crucial role to play in ensuring that day-to-day services to their communities are efficient and effective, offer good value for money and deliver what people actually want.
- The Government is reviewing all its waste policies and will consider the proposals from the councils above as part of that. The Department for Environment, Food and Rural Affairs recently rang a call for evidence from July till October 2010. It received over 100 responses from local authorities across the country and will be considering them as part of the review.
- The Government will look at the issues raised by proposals as part of the Review of Waste Policies due to report in April 2011.

Local food production

Birmingham City Council (7)	<i>Revise allotment legislation to encourage and facilitate local authorities to provide more allotments, community gardens, community orchards or market gardens.</i>
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- There is no need to revise legislation to do this. Local authorities already have the discretion to determine how to best use their open space based on local needs, and we would be happy to discuss this further with

Birmingham.

- Under existing legislation (the Small Holdings and Allotments Act 1908) there is a duty on local authorities (except for inner London boroughs) to provide allotments where they perceive a demand for them in their area. Planning policy encourages local authorities to make adequate provision for all types of open space – including allotments – that may be of public value.
- In addition Government is supportive of initiatives run by non-government organisations aimed at facilitating making land available for community uses including food growing.

Brighton & Hove City Council (2)

Change the Allotment Act to enable the sale of grown produce to allow holders to sell their surplus product to local shops.

- An allotment garden must, by definition, 'be wholly or mainly cultivated for production of vegetables or fruit crops for the consumption by the occupier or his family'. A change in the law is not required as there is no legal restriction on allotment holders selling genuine surplus product to local shops, but we would be happy to discuss this further with Brighton.

Licensing

Cheshire West and Chester

Amend the Licensing Act 2003 to include ward councillors in the definition of 'interested party'.

- The proposal no longer requires the assistance of the Secretary of State. The ability for local councillors to become 'interested parties' was implemented on 29 January 2010 under the Policing and Crime Act. We would be happy to discuss it with the council.

Nottingham City Council (1)

Require off licences to indelibly mark the containers that alcohol is sold in, so the police can identify the premises and take appropriate action against the licensed premises and the licence holder.

- Some local authorities have imposed such a requirement through conditions in the Licensing Act 2003 (for example, we believe action has been taken in Margate and West Yorkshire) so Nottingham may find it useful to contact them to learn how they have done it.

**Nottingham City Council
(1)**

Legislate to allow amendments to the term of a licence to prohibit the sale of certain alcohol where there is evidence it would prevent ASB e.g. specific high-alcohol content ciders and lagers where there is evidence of street drinking and ASB. Evidence gathering would be assisted by the marking of alcohol containers.

- Local Authorities already have the power to apply such conditions to licences, and we are happy to discuss this further with Nottingham.

**South Tyneside
Metropolitan Borough
Council (1)**

Provide more detailed guidance of when a garage could be licensed to sell alcohol under the Licensing Act 2003.

- As South Tyneside say in their proposal, it is up to each Licensing Authority to determine whether or not premises are primarily used as a garage and hence, whether they can sell alcohol. We feel that they – and not central government – are best placed to decide what factors they believe are relevant to their local situation. We therefore consider there to be sufficient legislative guidance and case law on this issue. However, we are happy to discuss this further with South Tyneside.

Housing

**Herefordshire Council (2)
Hammersmith and Fulham
London Borough Council**

Allow local authorities to develop local lettings policies.

- Local authorities already have powers to adopt local lettings policies for existing stock, and we would be happy to discuss these powers with both Herefordshire and Hammersmith and Fulham.

**Hammersmith and Fulham
London Borough Council**

Allow the council to discharge housing duties to homeless households into the private sector recognising in turn that there should be a review of benefits and incentives that encourage and support households into employment

- We have announced the introduction of a new Universal Credit that will:
 - help more people into employment and make even small amounts of work pay;
 - smooth the transition into work by offering an integrated system;
 - offer a simpler support, with one system replacing multiple systems, therefore reducing administration costs and the propensity for error;
 - tackle poverty through increased take-up since the system will be simpler; and ensure that the welfare system is affordable.
- Details of Universal Credit, which we hope to introduce from 2013, are set out in the White Paper, *Universal Credit: welfare that works*.
- The Government has considered the part of the proposal which asks for the ability to discharge their housing duties. We note that this is part of an overarching request for the council to be freed up from many of the current restrictions it faces on the use of funding and its existing assets to best suit the needs and aspirations of local residents within the context of local circumstances. We want to support the council in doing this. The Department for Communities and Local Government will work with the council to see what progress can be made.

Oxford City Council (1)

Introduce a city-wide landlord licensing scheme and a reduction in the size and occupancy threshold for houses in multiple occupation (HMOs) that is set by the Housing Act 2004.

Liverpool City Council (5)

Introduce legislation to allow local authorities to impose tighter restrictions and minimum requirements on private landlords including two storey multi-occupied houses.

Introduce landlord registration.

Pendle Borough Council

Introduce a landlord licensing scheme and pilot a landlord register in the area.

**Nottingham City Council
(2)**

Extend the current mandatory licensing of Houses in Multiple Occupation.

- A General Consent for discretionary licensing schemes under the Housing Act 2004 was granted to Local Housing Authorities on 1 April 2010. They can now establish additional licensing schemes for Houses of Multiple Occupation (HMO) not subject to mandatory HMO licensing or selective licensing schemes without the need for Communities and Local Government approval.
- Ministers announced on 10 June that they have no plans to implement the regulatory measures proposed by the previous Government in response to the Rugg review, which include legislation to set up a National Register of Landlords. There is nothing to prevent local authorities setting up their own registers on an informal basis – and we would be happy to discuss this further with the councils above - but this is no longer national policy.

**South Tyneside
Metropolitan Borough
Council (3)**

Remove the exemption criteria contained within SI 367 The Housing (Empty Dwelling Management Orders) (Prescribed Exceptions and Requirements) (England) Order 2006 for all dwellings that have been empty, unfurnished and un-maintained for more than five years.

- *The Coalition: our programme for government* commits to exploring a range of measures to bring empty homes back into use. Ministers are currently looking at the nature of the problem, and the civil liberty implications, and potential solutions including the operation of interim empty dwelling management orders. As part of this work we are looking at the effectiveness of the range of powers available to local authorities but in doing so we need to ensure we achieve a fair balance between the rights of the property owner with those of the local community. We will make an announcement shortly.

**West Dorset District
Council (3)**

Extend the rural repurchase fund.

- The Government has carefully considered the proposal put forward by West Devon council to allow community land trusts to apply for funding from the rural repurchase fund to retain the affordable homes they provide. The Government supports the principle of enabling housing providers to prevent affordable homes from being lost on the open market particularly in areas where replacement is difficult. However the Government believes that this can be achieved through existing measures and we would be happy to discuss these further with the council.

Liverpool City Council (1)

Local authorities are given power to force utility companies to reinstate works to original state. Any utilities works that are disruptive to the local highway network should be agreed and coordinated with the city council.

- Each highway authority already has the necessary powers to meet this proposal. It is for the highway authority to decide how to use these powers and we are happy to discuss this further with Liverpool.

Westminster City Council (3)

Government alters its targets relating to temporary accommodation so that levels of overcrowding can be reduced.

- The Government does not wish to impose top-down targets on councils any more. There is, therefore, no longer a Government target relating to temporary accommodation. It is therefore for individual local authorities to decide how they prioritise their housing pressures and to tackle them effectively as necessary.

Brighton & Hove City Council (4)

National Government remove pooling regulations for Right To Buy capital receipts and release future and accumulated capital receipts from the sale of council housing to the control of Local Authorities to be administered as they see fit, but especially to build new stock and renovate existing stock.

West Lancashire District Council (4)

Local authorities to keep a greater proportion of Right to Buy receipts to enable house building & estate remodelling.

- The Government confirmed in the spending review that pooling of Right-to-Buy receipts will continue for the Spending Review period. Recent provisions have allowed authorities to retain receipts from dwellings built or acquired after July 2008, as well as receipts arising from Social Homebuy disposals and we can discuss with the councils how they may be able to do this. We are considering the impact on HRA reform and will announce full details of this shortly.

Energy

Southampton City Council (3) *Set up a Regional Energy Service Company.*

- Local authorities are able to establish regional energy service companies should they wish to, and we are happy to discuss this further with Southampton. If operating an Energy Service Company, the business would be free to set whatever tariff it was prepared to pay in a liberalised energy market. However, this might affect the potential profitability of the business. No transfer of powers from Ofgem is needed.
- The Government has removed the restriction for local authorities from selling renewable electricity from 18 August 2010. This will open new sources of income including the full benefit of the feed in tariff which incentivises renewable electricity.

Wiltshire Council (17) *Introduce facilities for storing electrical energy generated by renewables, such as wind, solar and tidal through the use of compressed-air energy storage.*

- The Government is keen to see innovation on the electricity network and supports trials of new technologies or existing technologies being used in new ways on the grid. Under its Smart Grids Capital Grants scheme the Government made available £6 million for demonstration of new technologies on the grid which included electricity storage. The Government will consult this autumn on potential reforms to the electricity market that could be made in order to leverage the investment we need to make the transition to low carbon generation. This Electricity Market Reform will consider how the market framework could affect incentives to investment in storage as well as other balancing technologies such as interconnection and demand side management. We will invite Wiltshire to contribute to the autumn and later consultations as the reform develops.

Cambridge City Council (4) *Legislate to require high energy efficiency standards for all new buildings before 2016.*

- A 25% improvement on current energy efficiency standards under Part L of the Building Regulations came into force in October 2010. The Government has made clear its commitment to ensure that from 2016 new homes need not add extra carbon to the atmosphere, through an approach that balances

mitigating the carbon impact of new development with viability.

- The Government has considered Cambridge's proposal to take a legislative approach to ensuring new buildings have a low carbon footprint. However, local authorities can implement the proposal without additional legislation. The Planning and Energy Act 2008 already gives local councils the power to make policies on local energy requirements for new development and reassures councils that they can go further and faster than building regulations on energy efficiency but within a national framework .
- The next step up in building standards towards zero carbon for new homes and buildings is due in 2013.

Teignbridge District Council (2)

Review restrictions on conservation of buildings to allow the use of more energy efficient materials.

- The 2009 consultation on revising Part L (Conservation of fuel and power) of the Building Regulations proposed that the current statutory exemption for many historic buildings to meet Part L requirements should be removed as it caused confusion with other exemptions under the Building Regulations. Instead, it was proposed that the special considerations that apply to different classes of buildings (e.g. historic buildings) in the Approved Documents would be covered by guidance. However, in the light of the consultation responses, it was decided not to remove the statutory exemption. At the same time the guidance about historic buildings in the revised Approved Documents, which came into force on 1 October 2010, has been enhanced and improved.
- Current planning policy encourages local planning authorities to identify opportunities to mitigate and adapt to the effects of climate change when devising policies and making decisions relating to heritage assets. Amongst the opportunities cited are enhancing the energy efficiency of heritage assets.

Oxford City Council (5)

Provide councils with the powers to require businesses to make energy saving measures, particularly in the use of their lighting.

- Local authorities already have the powers requested, and we can assist Oxford City Council in using them.

Business Rates

Stockton-on-Tees Borough Council

Amend National Non-Domestic Rates legislation so that empty industrial sites remain in the valuation list and are liable for tax (with a 12 month exemption) unless they are undergoing renovation.

- Empty industrial sites remain on rating lists and benefit from 100 per cent exemption from rates for the first six months after becoming empty. After that, if the rateable value of a site is above £18,000 – or above £2,600 from 1 April 2011 - it is liable for full rates.

Transport

Dorset County Council

Commute the powers of the Highways Agency so their advice is changed from 'Mandatory' to 'Advisory with Consultation.'

- The Highways Agency has statutory duties on behalf of the Secretary of State for Transport to ensure that sustainable development is promoted through the plan-led system, working jointly with local authorities and developers to derive transport solutions that allow development to proceed without harm to the interests of the strategic road network.
- We recognise that Dorset County Council has a particular interest which the Highways Agency together with the Department for Transport would be willing to discuss further.

Herefordshire Council (7)

The Highways Agency should be required to take into account and act upon local needs.

- The Highways Agency is already required to balance national requirements with those specific to local communities and we would be happy to discuss this further with Herefordshire. The more detailed wording of the original proposal also appears to seek funding for a cycleway along the length of the A49 and needs to be considered alongside other similar requests for improvements.

Wiltshire Council (11)

All MOT tests should include the statutory recording of mileage (and ideally, the postcode of the driver) as standard to ensure accurate information is held for the purpose of local and national monitoring information.

- MOT tests already record vehicle mileage on the MOT certificate. Although this is not obligatory, mileage is recorded for over 95 per cent of vehicles undergoing an MOT test. We have no current plans to make it a statutory requirement to capture and record vehicle mileage at the time of its MOT test. We are happy to discuss this further with Wiltshire.
- It is already possible for the Department of Transport to get the postcode of the registered keeper of a vehicle which has undergone an MOT test. This can be achieved through linking the MOT data to the DVLA registration data.
- It is certainly very unlikely that “personal data” – such as information relating to how many miles a particular individual or vehicle drives – could be disclosed under “MOT legislation” as it stands. There is likely to be objection to legislation requiring it as some people may object to the release of such information on the grounds that it represents an invasion of privacy. As an alternative, it would be possible for the Department to anonymise and aggregate the data into administrative or postcode areas so that they could be used for local or national monitoring.
- The Department and the Vehicle and Operator Services Agency are already planning to release anonymised MOT data during winter 2010. The dataset will include mileage information, though no plans currently exist to include the postcodes of the registered keeper (to protect personal data). If the location of the registered keeper would be important to end-users the Department would consider what level of geography would be most suitable to attach (for instance, local authority or postcode sector) to ensure that there was no possibility that anyone could claim an invasion of privacy. Such data could be added at a later date.

Exeter City Council (2)

Ensure that all buses in rural areas are capable of carrying at least two bikes on externally secured bike carriers.

- Local authorities can use existing powers to enforce this on procured bus routes, and we would be happy to discuss this with Exeter. Making it a statutory requirement for all buses which pass through any rural area to have bicycle racks would be disproportionate, however.

Southwark Council (1)

Make the decision to introduce self-enforcing traffic calming measures in 20mph zones at the discretion of the local transport authority, rather than a statutory requirement.

- Southwark already have powers to introduce traffic calmed 20mph zones, including measures that are less intrusive than road humps. The Department for Transport will work with them to establish appropriate measures within 20mph zones.

Leeds City Council

Amend schedule 7 of the traffic management act 2004 to extend the powers of civil enforcement officers to issue penalty charge notices for obstructive parking.

- The criminal offence of obstructive parking can be dangerous and requires swift action by law enforcers. The appropriate remedy is usually the immediate removal of the vehicle by the police, rather than the issuing of a penalty charge notice by a civil enforcement officer. This specific suggestion would also be likely to have the effect of removing the powers of the police to tackle obstructive parking through vehicle removal. We will not therefore take forward this specific proposal. However other powers already exist to enable local authorities to enforce other causes of inconvenience or obstruction from parked vehicles - including double parking, parking across dropped kerbs, and inappropriate parking on the footway. We are happy to discuss the use of those powers, and how they might be improved, with Leeds.

Environment

Oxford City Council (4)

Amend legislation to permit the City Council to take a more active role in flood risk management.

Transfer the current role of consenting and enforcement on ordinary watercourses to local councils.

- The Flood and Water Management Act received Royal Assent in April 2010. Once schedule 2 comes into force (which is intended to take place in April 2011), consenting and enforcement functions in relation to ordinary

watercourses, under the Land Drainage Act 1991, will transfer from the Environment Agency to upper tier local authorities (schedule 2, para 32).

- Section 13 of the Flood and Water Management Act provides for these powers to be delegated to other risk management authorities. This means that Oxfordshire County Council will be able to enter into arrangements with the City Council, in reliance on section 13 of the Act, for the City Council to take on these powers. In respect of consenting and enforcement functions relating to main rivers, this power will remain with the Environment Agency but it will be able to enter into arrangements to transfer that function to the City Council as long as that power is made a flood risk management function (see Flood and Water Management Act, section 4). That can be done by way of an Order made under section 4. Authorities will have to act reasonably in exercising their power to enter into such delegation arrangements. We are happy to discuss this proposal further with Oxford.

West Oxfordshire District Council

Central Government make funding of local flood relief schemes direct to local authorities, who can then work with partners and local communities to implement schemes that meet residents / business needs

- The Government is examining ways in which we can encourage local partnerships to develop to tackle flood and coastal erosion risk management, increasing the democratic accountability and leveraging contributions from the direct beneficiaries of flood risk management activity while maintaining an efficient allocation of central government funding to ensure that value for money is maintained.
- The Department for Environment, Food and Rural Affairs is currently considering how to take this forward in light of the results of the spending review. We will contact West Oxfordshire and update them on our progress

South Hams District Council (9)

Extend powers and funding to local authorities to support local action that will help communities adapt green spaces to climate change and reduce emissions of greenhouse gases from land management activities.

This can be achieved by making changes to the Countryside and Rights of Way Act by, for example:

- *Rewording obligations to include 'maintaining ecological services in a changing climate'*
- *Make green infrastructure plans an obligation for all councils*
- *Holding discussions around the Flood and Water Management Bill.*

- The Government's ambition is to devolve power from Westminster to neighbourhoods and citizens, enabling local communities to address key issues of concern to them. We will make it possible for South Hams to take action to reduce emissions themselves, or support community groups who want to adapt green spaces in their area.
- *The coalition: a programme for government* also includes a commitment to "maintain the Green Belt, Sites of Special Scientific Interest (SSSIs) and other environmental protections, and create a new designation to protect green areas of particular importance to local communities". The Department for Environment, Food and Rural Affairs is working closely with the Department for Communities and Local Government on the creation of this new designation.
- These commitments to devolve power, and protect green spaces, will enable South Hams to achieve the outcomes they want.

Norfolk County Council

Ensure better engagement by the Environment Agency and Police with parish and town councils and flood wardens.

- The Government believes local councils and communities should have more power over how their area is run. It is important that all those involved in coordinating emergency evacuations have good working relationships with each other, and confidence in their procedures. The Department for Communities and Local Government are happy to talk to Norfolk if it believes we can improve the way parish and town councils can work with government agencies.

South Gloucestershire Council (2)

Give sympathetic consideration to the establishment of a consultant study, charged with determining the causes of flooding, and recommending remedial measures to support the prevention of flooding in the village of Aust.

- The new Flood and Water Management Act gained Royal Assent in April 2010 and placed new duties on lead local flood authorities (county councils or unitary authorities where there is no county) for the management of local flood risk which includes that from surface runoff.
- Under the Act the lead local flood authority has a duty to have a local flood risk management strategy for their area. A local flood risk management strategy seeks to resolve locally and agree a course of action between the partners and interested parties concerned. In addition the lead local flood authority also has a new power to investigate flooding to the extent that they consider it necessary or appropriate, determine which authorities have responsibilities for the flood risk and notify them.
- A number of authorities have already made an early start in taking up their responsibilities. We are happy to discuss with South Gloucestershire how this can help implement their proposal and provide the village of Aust with the reassurance it has requested.

Health

Chorley Borough Council (2)

Require NHS Central Lancashire to seek from Chorley Borough Council a representative to the management board of NHS Central Lancashire in order to improve relationships between the council and the Primary Care Trust (PCT), and to strengthen the democratic accountability of the PCT to the community.

- The white paper – *Equity and excellence: liberating the NHS*, published in July announced the Government’s intention to abolish Primary Care Trusts in 2013. Local authorities will also be given new functions in relation to the local strategies for NHS commissioning, social care and public health..
- The Government is determined to see greater democracy in health. A joint consultation document on local democratic legitimacy was published by the Department of Health and Communities and Local Government in July setting out our proposals for how we can increase democratic participation in health and strengthen the role of local government in ensuring that the NHS, public health and social care are joined up and meeting local

people's needs. The forthcoming publication on next steps on NHS reforms will set out how we intend to take this forward and how we will work with councils through implementation.

Local governance

Lewes District Council (4)	<i>Reform the provisions in the Local Government and Public Involvement in Health Act 2007 to allow for secret ballots when deciding to move from a parish meeting structure to establishing a parish or town council.</i>
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- There are already measures in place for a principal council to hold a poll on a local matter under s.116 of the Local Government Act 2003, Local people can also demand a parish poll (in effect a secret ballot) on issues affecting the area. Therefore, legislation already exists that addresses Lewes District Council's concerns.
- Also, the Government will give residents the power to instigate local referendums on any local issue through the Localism Bill.

Local service closure

Birmingham City Council (5)	<i>Ensure that greater consideration is given to the impact of closure of local public services on service users before a decision is made; decisions are made in negotiations involving all local stakeholders; that stakeholders represent the diversity of the area and all sections of the community served by the service in question.</i>
Herefordshire Council (10)	<i>When closing or moving public services (to include schools, public houses, post offices, telephone boxes etc), as well as the financial cost of different options, the environmental and social cost should also be considered.</i>

- The Government realises local services play an important role in many peoples' lives. When considering closing or moving public services, local authorities must have regard to their Sustainable Community Strategy, which sets out the long vision for the economic, social and environmental

well being of a local area. They must also consult people on how they commission services, any proposed changes to service provision under the Best Value duty, as well as meeting their duty to involve representatives of local persons when doing so.

- This means that local authorities are already required to take into account the environmental and social cost of changes to public services they are responsible for. We do not think, however, that we should place such a requirement on owners of private businesses, such as landlords of local pubs.
- On the closure of Post Offices, the Government recognises the important social and economic role of post offices and has made clear it will not repeat the post office closure programme of the previous government. But neither it nor Post Office Ltd can guarantee there will not be future voluntary closures. A code of practice on public consultation on changes in the post office network, agreed between Post Office Ltd and Consumer Focus provides for consultation with local authorities, strategic partnerships and other local stakeholders on any proposal for permanent closure of a Post Office or other significant change in service provision.

Local authority workforce

Bristol City Council (7)

Amend the Local Government and Housing Act to support the employment of young people and people with learning difficulties, specifically within local authorities

- The Government believes it is right that local authorities should employ people based on merit, and we do not wish to change this fundamental principle of local government employment policy.
- However, under the new public sector Equality Duty, local authorities have an active duty to advance equality of opportunity and foster good relations between different groups. This certainly includes considering how they can promote better employment opportunities for under-represented groups, which will often include young people, and those with learning disabilities. There is a great deal that authorities can do without breaching the principle of employment on merit - targeted work experience programmes, internships, outreach days, training for staff to overcome prejudice, advertising posts through different media, encouraging different people to apply, etc. We would encourage Bristol City Council to consider these.

Antisocial behaviour

**Nottingham City Council
(1)**

Create 'Community Safety Designated Zones' that would enable the local authority and police to manage designated areas with 'special measures' including the banning of various activities or behaviour.

- The Government believes that councils can already use existing powers or local bylaws to control certain behaviours in public spaces, and we are happy to discuss these with Nottingham.

**Nottingham City Council
(1)**

Allow noise making equipment to be seized/stopped on the authority of a senior local authority officer or police officer at the time of the incident

- Government policy already enables this matter to be addressed. Depending on the source, noise nuisance can be classified as a statutory nuisance. This enables an Environmental Health Officer to issue a noise abatement notice requiring the individual to turn the volume down. Failure to comply can result in the property being seized and prosecution in court.

Nottingham City Council (3)

Government should change legislation to help tackle the issue of littering from cars.

- The legal powers already exist to tackle littering from vehicles and to issue a fixed penalty notice to the person identified as littering. The Government recognises, however, that enforcement can be an issue. Those who litter from vehicles are subject to the same provisions as those who litter anywhere but it is acknowledged that clearly identifying the offender, especially in a vehicle moving at speed, can be a real problem for authorities.
- The Government will work with the council to consider this issue further. We would like to discuss with Nottingham a range of options, including whether it is possible to make the Registered Keeper responsible for littering from the vehicle, with a view to finding a practical solution to the problem; that may include additional legislation if a compelling case can be made.
- The Department for Environment, Food and Rural Affairs will therefore explore with Nottingham City Council, and the Driver and Vehicle Licensing Agency, what improvements could be effectively used by enforcement authorities to tackle the issue of littering from vehicles.

Statutory Notices

**Redbridge London
Borough Council (3)**

Suspend the requirement for Redbridge Council to publish statutory notices in the London Gazette and, instead, to publish notices on its award winning website, Redbridge-i and Redbridge Life, the Council paper as well as local papers.

- The London Gazette is the official newspaper of record for the UK Government. It has a major online presence, and is the only official source bringing Statutory Notice information together from across the UK. Many other organisations, including those in public sector, rely on the Gazette as their source for Statutory Notice information. The cost of placing a Notice in the London Gazette is currently about a third the cost of placing an advert in the local newspaper. However, we hope to be able to bring down the cost of submitting a Notice, and make it easier for councils to do so.
- The London Gazette plays a unique role, which can be replicated by neither local, nor online, advertising. It enables Notices to be captured in one place as part of the official public record. Each Notice is published on a specific day with clear and auditable provenance, which also applies to the electronic versions of Notices and to the data supplied from the Gazette to others. The Gazette is accepted as evidence in court and is often used to support legal or judicial processes as the definitive record. This is an important role, which we believe needs to be retained.
- However, there may be some Notices Redbridge place in the Gazette which do not need to be kept as part of the public record and so therefore do not need to be published in this way. The National Archives will work with Redbridge to see which Notices could be placed solely in local newspapers or on their website and what the wider impact would be of any change.
- The Government is currently considering how to free councils from many of the statutory burdens and duties imposed on them by central government. At the same time the Cabinet Office is taking forward work with the Central Office of Information to look at the role of Statutory Notices in the online era. We will review, as part of this work and following our discussions with Redbridge, whether legislation is required to remove the requirement to publish in the London Gazette.

Court proceedings

**Nottingham City Council
(1)**

Enact section 60 of the Family Law Act 1996 to allow the council and police to apply for Non-Molestation Orders on behalf of victims/families suffering from domestic abuse

- The Government recognises the benefits of the proposal and the advantages Nottingham believe enactment of section 60 would bring. The Coalition Government published, on 25 November 2010, its Strategic Narrative on violence against women and girls. We have included within this a commitment to consider whether section 60 should be implemented.
- The Government will consider the case, including the cost implications, for the implementation of Section 60 of the Family Law Act 1996 to enable a 'prescribed person' to apply to the civil court for a domestic violence injunction on someone else's behalf. The Ministry of Justice are happy to work with Nottingham as we do this.

Chapter 3

Requests within proposals which will not be implemented

The Secretary of State and selector have discussed all proposals, but some will not be taken forward. These proposals are set out below, along with the reasons why they are not being implemented.

Transport

Kent County Council (1)

Allow recourse to government funding in the provision of Motorway Service Areas to allow the authority to support development of a 3,000 space lorry park to be used to free up traffic on M20 and A20.

- The Highways Agency, police, Port of Dover and Kent County Council are continuing to look at ways in which the management of Operation Stack events, including the continued use of quick moveable barriers, can be improved in order to minimise disruption.
- In relation to the specific proposal to construct a lorry park in Kent, it is understood that the costs are likely to greatly exceed £35m due to the need for significant works to construct a new junction off the motorway. The Highways Agency has no objection to the lorry park being created, however government funding is not available for this project.

Doncaster Metropolitan Borough Council

Introduce a universal concessionary pass for young people implemented across the country, enabling unrestricted movement for young people.

- An England-wide young people's pass would be very expensive and unaffordable in the current climate where the Government's priority is to reduce the fiscal deficit. Authorities do already have powers under the Transport Act 1985 to implement the proposal locally if they so wish.

Brighton & Hove City Council (1)

Devolve power to local authorities to set vehicle speed limits on public roads at any maximum below existing regulations (20mph), according to local needs, in order to encourage safer and more people friendly streets where appropriate.

- The Government is unable to implement this proposal as speedometers are not required to be accurate under 20mph. Drivers may not know, therefore whether they were breaking the speed limit. The Government believes that it would be impossible to enforce, and may have potential Human Rights implications.

Hastings Borough Council

The Government is requested to enact legislation to enable the transfer of Highway Authority powers to those district councils who are willing and able to take on sole responsibility for on street parking.

- Counties can already transfer whichever highways and traffic authority responsibilities they wish to districts. The Government believes that power should be decentralised to the lowest appropriate level, and we will continue to consider how best to achieve this. County and district councils should work closely together to ensure they agree about what is best for their local area, and what powers are best transferred to the district council.

Southwark Council (8)

Create a Southwark Safety Camera Partnership to provide a localised approach to road safety.

- The previous government ceased the "netting off" approach whereby some of the fine money from fixed penalty notices goes back to the partnerships in 2007. The Government has considered the proposal but has decided not to review this decision. Local authorities are already able to develop a cohesive approach to road safety in partnership with other organisations, and we are happy to discuss this with Southwark.

Planning

Lambeth London Borough Council (3)

Require any purchaser of land to set out a clear short term (up to 4 years) rationale as to how they will utilise that land and what benefits that would provide.

- The Government will not be implementing this proposal, as it would impose regulatory hurdles on development.

Lambeth London Borough Council (3)

Once that initial time period (see above) has expired, if there has been no development of that land, and the owner cannot produce valid reasons why that land has not been developed, they should be required to sell that asset at the prevailing market prices at the time.

- This implies a degree of oversight which, in conjunction with the exercise of planning powers, could give local authorities effective control over local property markets. In such an environment, developers would be less inclined to take commercial risks and this would not be in the interests of development overall.
- The market imposes disciplines on land owners not to hoard land. Problems of vacant land tend to arise at times of recession, when a forced sale could provoke demands for compensation, especially if the owner could claim that the timing of the sale was inopportune. Moreover, there could be no guarantee that land sold would not end up in another land bank, while the new owner would be further behind in the development process.

Islington London Borough Council (10)

Establish greater differentiation within the use classes system. This could be to protect small shops by differentiating them from other facilities within the A1 category and by re-categorising premises such as internet cafes, coffee shops and other fast food outlets into A3 use.

Bristol City Council (8)

Change national legislation to require the need for planning permission a change of use from a shop unit previously occupied by an independent to a non-independent retailer, in order to ensure diversity of the retail offer

- The Government does not believe that the role of the planning system is to give preference to one type of retailer over another. The Use Classes Order is intended to be a deregulatory mechanism which removes unnecessary (because the impacts are minimal) applications from the planning system. In the main, it works well, however as with any such general provision, there may be instances where this is not the case. We believe the current classification of shops remains appropriate.

Oxford City Council (3)

Create a new Use Class A6 and to take all premises where food and drink is consumed on the premises as a primary activity, and which do not currently fall within Classes A3, A4 and A5 out of category A1. Change of use out of Class A1 would require planning permission.

- It is the primary purpose which is important in determining which use class a particular use falls into. Where the primary purpose is the sale and consumption of food and light refreshment on the premises then the use would fall within the A3 use class. The Government has considered the proposal but has concluded this should remain the correct approach, but we are happy to discuss further with Oxford.

Ashford Borough Council

Transfer some of the planning powers relating to applications for community building projects and residential developments from the County Council to District Local Planning Authorities, or give them a power of veto when consulted on these applications.

- We want to overhaul current planning policy so councils and communities have more control and flexibility over planning decisions made through a faster and leaner planning system. We believe the proposal would introduce additional complexity to the planning application process as the County Council would have to be able to challenge or appeal against the veto. We believe that in certain cases – applications for schools, libraries and youth centres for example – the County Council is best placed to determine planning applications, but these are dealt with in the same way as any other application would be. If the District Council objects to an application, then that is taken into account. Citizens also have the right to approach their democratically elected County Councillor and hold them to account for the decisions the council makes.

Bristol City Council (3)

Establish statutory biodiversity/eco footprint data in planning applications.

- Current planning policy makes clear that tackling climate change is central to what is expected of good planning.
- Environmental Impact Assessment Regulations already require likely significant effects on the environment to be considered for certain types of development. To require all development to have these would increase burdens for planning authorities and developers. We are of the view that

this proposal could be disproportionate, because of current Regulations that examine the likely significant effects of development on the environment, and would be burdensome for both planning authorities and developers. Local planning authorities can choose, however, to request additional supporting documents from applicants, and therefore have the powers to introduce additional information requirements, provided that these have a clear policy basis.

Islington London Borough Council (10)	<i>Remove developers' right of appeal over planning decisions in neighbourhood shopping centres.</i>
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- The Government believes that all applicants should have a general right of appeal against the refusal of planning permission.

Brighton & Hove City Council (5)	<i>Change national planning policy to explicitly support localised food systems.</i>
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- This proposal cannot be delivered through the planning system. In essence, it would require the planning authority to seek to assess and control the contractual relationships between a retailer and their suppliers. This is not a planning matter and, in many cases, would not even be in place when the planning application is made and may change over time.

Waltham Forest London Borough Council (1)	<i>Amend legislation so that a period of only one year must elapse before local authorities can make an adverse possession application on land they have made secure. The period for any interested party to appeal against the application should also be reduced to only one year.</i>
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- The Government believes voluntary 'meanwhile lease' better enable local authorities or other bodies to take temporary leases of vacant land. Compulsion would have a negative effect on the commercial property market, especially on perceptions of investment risk, potentially affecting mainstream development, including development of brownfield sites.
- If an authority has a proposed use for the land, it should use compulsory purchase powers, as a last resort, if they cannot negotiate a purchase by agreement.

Burnley Borough Council	<i>Change the compulsory purchase order framework so it is appropriate to the nature of the interest being acquired.</i>
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- To change Compulsory Purchase Order procedures according to 'the nature of the interest being acquired' would require pre-determination. If the acquiring authority asserted that a particular interest should be subject to some truncated procedure (undefined), that decision would be subject to challenge and would be more likely to lengthen, rather than shorten the process. The value of any asset is specifically excluded from consideration of compulsory purchase orders. Compensation falls to be determined (if there is no agreement) by the Lands Chamber of the Upper Tribunal, not the acquiring authority, which is merely a party to negotiations.

Trafford Metropolitan Borough Council	<i>Strengthen compulsory purchase powers, giving councils stronger powers to initiate action quickly and without cost to the council; require owners to provide realistic proposals for change within a reasonable timeframe.</i>
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- Local authorities must have a scheme for the use of the land so that they can demonstrate a compelling case in the public interest (such that the public interest outweighs the private interests of the landowners). Any relaxation of this test could probably have implications under the Human Rights Act. Compulsory purchase is a last resort and how quickly local authorities reach this point is a matter for them. The Secretary of State will expect to see evidence that other methods have failed before confirming a Compulsory Purchase Order.
- Planning permission is not a prerequisite, but authorities must be able to demonstrate that there are no planning impediments (or financial ones) that would prevent the scheme from going ahead within a reasonable timeframe.
- The Government believes it would be wrong to expect claimants to meet the costs of an authority in making a Compulsory Purchase Order and to do so could have implications under the Human Rights Act. People required by a public authority to defend their property rights should not have to pay for them to be taken away. Unsuccessful claimants pay their own costs at public inquiries.

Southwark Council (6)

Allow local authorities to impose civil penalties on freeholders, leaseholders or a tenant as appropriate, for the unlawful use of properties, in order to cover the costs of planning enforcement.

- The Government wants to put power back in the hands of local authorities and communities so they can take the planning decisions that are best for them. However, we believe a fixed penalty system (as suggested in the proposal) would not enable a local authority to take account of (i) differences in the relative seriousness of breaches of planning control, or (ii) a court's ability to take account of any financial benefits that might have accrued as a consequence of the breach of planning control.

Waste and recycling

Brighton & Hove City Council (7)

Introduce legislation that requires supermarkets to:

- *reduce the amount of non-recyclable materials that are used in food packaging*
- *provide facilities to collect a range of materials*
- *recycle wherever possible or bear the cost of landfill for the waste.*

City of York Council (7)

Change legislation, so that producers of packaging, such as supermarkets, have an obligation to take it back at their stores locally for reuse or recycling. Producers should pay the landfill tax, or other costs, associated with the recycling or disposal of the packaging if in-store facilities are not provided.

**Doncaster Metropolitan
Borough Council**

Require supermarkets to provide recycling facilities for plastics and associated packaging materials not recycled by the council; ensure that the material is recycled or, where this is not practicable, require them to bear the cost of treating it as landfill waste; and reduce the amount of plastic and non-recyclable materials used in food packaging.

- The Government encourages supermarkets to take greater responsibility for the waste they place on the market, but does not believe it should impose 'top-down' requirements in the way suggested. It would introduce burdens on businesses at a time the Government is working hard to support the economic recovery. Many supermarkets already offer recycling collection facilities to the public at their sites.
- A number of voluntary initiatives are in train and planned to encourage retailers and others to reduce the packaging they use and make it more recyclable – for example a well-developed statutory producer responsibility scheme which requires all businesses which handle packaging (including retailers) to make sure 60 per cent of it is recycled.
- The Department for Environment, Food and Rural Affairs would be happy to explore with the two councils the types of packaging they would like targeted.
- Tesco and Sainsbury's have both trialled bring banks for a wide range of packaging materials in various formats. This could be seen as the logical extension of producer responsibility along the lines proposed, relieving local authorities of their duty to collect packaging waste. However, the ability to provide this infrastructure is limited by space at the shops, and accessibility for householders (particularly compared to kerbside services) is likely to be an issue. This would also deprive local authorities of a source of revenue by taking valuable recyclates out the existing collection system, which would have to continue operating. Were this system to replace local authority collection altogether, it is likely that the amount of packaging collected for recycling would decline as the effort of getting the recyclates to the collection points would be more onerous for the public than kerbside collections.
- As set out in the Department for Environment, Food and Rural Affairs' Structural Reform Plan, we will explore responsibility deals with businesses – including retailers – on waste.

Bristol City Council (2)	<i>Reduce commercial and industrial waste by making local authorities responsible for its collection and disposal.</i>
Islington London Borough Council (3)	<p><i>Require all businesses to have a contract for the disposal of waste by recycling;</i></p> <p><i>Ensure that all businesses hold, on site, a 'duty of care' or 'waste transfer note' detailing the types and amounts of waste processed through recycling;</i></p> <p><i>Empower local authorities and the Environment Agency to enforce the new requirement.</i></p>

- Many businesses can achieve high rates of recycling, but the Government recognises that small and micro-sized businesses in particular often face significant barriers of cost, time and space which mean it is not as easy for them to recycle their waste as they would wish. The Government does not, therefore, wish to place a requirement on businesses in the way suggested. We want to help businesses overcome any barriers to recycling, however, and make it as easy for them to recycle at work as it is at home. The current Review of Waste policies – due to report in May 2011 – is looking at practical steps we can take to achieve this. We are very happy to talk to Islington as part of this process and on ways they can encourage recycling in their area.
- We believe local authorities should make decisions about the most appropriate way to collect and deal with their waste in their area, taking into account local circumstances, and we are happy to talk to Bristol to help them do this. This includes removing some of the barriers which currently exist for local authorities wishing to collect and recycle more business waste. The Government is looking at this as part of the Waste Review which will report in May 2011. However, placing a requirement on all local authorities to become responsible for commercial and industrial waste, however, will place an unacceptable burden on councils

Oxford City Council (5)	<i>Provide the council with the power to ban plastic bags</i>
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- The Government is committed to ending the needless distribution of excessive carrier bags. Our policy on carrier bags is based on a voluntary approach and this approach has been effective so far. Banning solely plastic bags is also likely to run counter to the EU Packaging Directive.

Housing

**Doncaster Metropolitan
Borough Council**

Require carbon monoxide detectors to be fitted as standard in all new homes.

Manufacturers and energy providers should invest in ensuring that carbon monoxide detectors are provided for everyone over 60 years and for vulnerable people.

- The use of carbon monoxide alarms was looked at as part of a review of Part J (combustion appliances and fuel storage systems) of the Building Regulations. This concluded that it would not be cost effective to impose the provision of an alarm on all homes but it would be cost effective to provide them for solid fuel burning appliances. A provision to this effect came into force in October 2010. The Government has no plans to revisit this matter in the near future.
- The investment priorities of manufacturers and energy providers are not matters for the Secretary of State under the Sustainable Communities Act. The Government believes that local councils know best how to use their money and will give them more freedom to use it how they wish.

**Hammersmith and Fulham
London Borough Council**

Enable local authorities to borrow against their assets and reduce the range of consents in use of assets.

- The prudential system allows local authorities to borrow money for capital expenditure without Government consent, provided they can service the debt out of their revenue income. The legislation does not allow authorities to borrow against their assets, and requires that borrowing is secured against total revenues. This gives lenders protection, as all of an authority's revenues serve as security. It is also more prudent, and the borrowing rates will be likely to be lower. Most authority loans are obtained from the Public Works Loan Board, which does not require security such as housing stock on loans.

East Devon District Council *Repeal the 'Right to Buy'*

- The Government supports the principle of Right to Buy. By giving social tenants the opportunity to buy their rented homes at a discount, the scheme has enabled hundreds of thousands of people to realise their aspirations to own their homes. There are no plans to reduce the right of eligible tenants to purchase their home under the Right to Buy scheme.

Liverpool City Council (3) *Change the decent homes criteria to allow local authorities to determine minimum standards for energy conservation, renewable energy, and flood prevention.*

- The Government's driving force is to decentralise power away from Whitehall and down to local people and communities. The Decent Homes Standard is a minimum standard. The Government believes social landlords know how best to develop their housing stock. Imposing a higher minimum standard would restrict the ability of landlords to ensure that Decent Homes work is appropriate to local circumstances.

West Dorset District Council (2) *Developers should be mandated to attain the highest practical Code for Sustainable Homes levels (or equivalent BREEAM rating) in all new developments.*

- Amendments made to the Building Regulations in 2010 strengthen the energy performance standards for all new homes to Code 3* levels and also introduce minimum water efficiency standards for the first time.
- Building Regulations require that the energy performance standards for new buildings be expressed in the form of CO₂ emissions targets. Progressive strengthening of standards is naturally encouraging the installation of renewable energy systems so the Government does not consider the need for imposing a 'top-down' requirement.
- The Government announced the suspension of Home Information Packs with immediate effect from 21 May 2010. The requirement for sellers to give a sustainability certificate (either a Code for Sustainable Homes certificate or a nil-rated certificate) to buyers of newly constructed homes has also been suspended. The Code for Sustainable Homes is still operational and remains the Government's national sustainability standard for new homes.

Islington London Borough Council (6) *Give local authorities greater freedom to taper council tax to discourage people from leaving properties empty.*

Lewes District Council (6) *Councils should be able to set increased council tax rates for properties kept solely as second homes or used as holiday lets.*

- Section 11A of the Local Government Finance Act 1992 and the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003) enable councils to charge up to 100 per cent council tax on properties which are unoccupied and substantially unfurnished.
- The Government has no current plans to change the council taxation rules in respect of second homes. Councils already have a broad discretion to reduce the council tax discount on second homes and use the additional funds as they see fit, and we are happy to discuss this with Lewes.

Islington London Borough Council (12) *Require leaseholders to keep and provide evidence that gas safety checks have been carried out in their properties.*

- The Government has considered the proposal by Islington, who have confirmed that it is intended to cover leaseholders who act as landlords by letting their property. The existing legal requirements on landlords require them to 1) maintain gas appliances and flues and 2) carry out annual gas safety checks and provide a record of the check to tenants. This proposal only addresses the second of these requirements and does not add to the existing requirements. The proposal would create additional burdens and costs on leaseholders who act as landlords and would not increase the gas safety measures in place to protect tenants.

Nottingham City Council (2) *Introduce legislation to require planning permission when converting a house to a House of Multiple Occupation.*

- The Government recognises that there are some areas where uncontrolled House of Multiple Occupation (HMO) development is having a significant impact on the quality of life of residents. However, we are also aware that in the majority of areas HMOs are either not of concern or seen as a valuable source of low cost housing.

- That is why we have amended the planning rules for HMOs to allow changes of use to small HMOs to happen without the need for planning applications unless there is a local need to control such development. Where there are problems local authorities can use existing powers to require planning applications in their area. We believe these changes will allow local authorities to put in place local solutions without placing unnecessary burdens in areas which do not share the same problems.

**South Tyneside
Metropolitan Borough
Council (3)**

Allow the local authority, following the making of a Final Empty Dwelling Management Order under Section 136 of the Housing Act 2004, to raise Capital Funding using the dwelling as security.

Amend the appropriate sections of the Housing Act 2004 to link the amount of rent charged to the level of the Local Housing Allowance, or registered social landlord rents, rather than the rent it could realise on the open market.

Allow the Final Empty Dwelling Management Order to exist until all costs have been recovered from rental income or until the dwelling owner repays all the outstanding costs whether from the proceeds of the sale of the property or otherwise.

- The Government does not wish to increase the burden on property owners. We believe this proposal has the potential to, so for this reason has decided not to implement it.

Oxford City Council (5)

Increase the size of grants offered by the Governments Warm Front Scheme.

Amend the eligibility criteria so that they can be used to address hard to treat properties and accessed by people in fuel poverty whether or not they receive benefits.

- The Government has considered the proposal but does not intend to increase the size of the grants. In 2009 the grant maxima was increased. Households connected to the gas grid are now eligible for a grant of £3,500, up from £2,700, while those who may receive oil or other low carbon technologies can apply for funding up to £6,000, an increase of £2,000. This means fewer households have to make a contribution to the cost of installing the proposed heating and insulation measures. Currently less than

one in ten households has to pay a contribution.

- Following the spending review we are working to improve the cost-effectiveness of the Warm Front Scheme by ensuring that Warm Front will be a better targeted programme to help the most vulnerable receive free or subsidised heating and insulation measures.

Oxford City Council (5)

Provide councils with the funds to reintroduce the local fuel poverty grant to complement Warm Front.

- The Government does not intend to introduce a local fuel poverty grant. The funding provided through Warm Front, Winter Fuel Payments and Cold Weather Payments targets households that are either fuel poor or vulnerable to it.

**Hammersmith and Fulham
London Borough Council**

Give local authorities the ability to use its Housing Revenue Account as a trading account

- The Government has no plans to change rules allowing trading funds. However, Housing Revenue Account reform, which we intend to implement through the Localism Bill, will enable local authorities to develop long-term asset management strategies.

Southwark Council (5)

Change financial regulations by allowing an individual savings account, used so public sector leaseholders can save money towards major works service charges, to be tax free

- The proposal to create a tax-free savings vehicle raises practical as well as policy concerns, including issues of equality with other home owners who would not have access to such assistance. However, Housing Revenue Account reform, which we will be implementing through the Localism Bill, will help local authorities to develop long term asset management strategies and, therefore, to provide better long term information for leaseholders about planned maintenance costs. The provision of such information should also help local authority leaseholders to budget more effectively.

Brighton & Hove City Council (6)

Change legislation that prohibits local authorities from borrowing against their social housing rental income.

- On 5 October the Minister for Housing announced that the Government will replace the Housing Revenue Account Subsidy system with a new, more transparent, system that devolves greater power to councils to better meet the housing needs of their local communities. We will publish more details shortly including our proposals for borrowing.

Local democracy

Bath & North East Somerset Council

Reduce the voting age to 16

- The Government has no current plans to lower the voting age to 16, but we will keep the issue under review.

Waltham Forest London Borough Council (3)

Give local authorities the power to have a 'local voting age or local age of representation' so that young people could vote and/or stand for their local elections.

- The Government has no current plans to lower the voting age to 16. Although it will keep this issue under review, the Government does not favour a power for local authorities to set local voting ages for statutory elections.

Local food production and promotion

Birmingham City Council (7)

Introduce automatic Statutory Allotment Status for appropriate sites after an agreed period.

- Statutory allotment status refers to land protected by section 8 of the Allotments Act 1925 which states that where a local authority has purchased or appropriated land for use as allotments, the local authority shall not sell, appropriate use or dispose of the land for any purpose other than use for allotments without the consent of the Secretary of State.

- Local authorities already have the powers to acquire land for allotments through acquisition by agreement or compulsory purchase and this land will have statutory status. Local authorities also have discretion to determine whether they wish to make land already in their ownership, such as temporary allotment land, statutory allotment land. This would normally require a resolution by the local authority.

South Somerset District Council (2)	<i>Help public sector organisations to support to procure more goods and services from local suppliers.</i>
West Lancashire District Council (6)	<i>Lobby for changes to the Treaty of Rome to encourage economic stimulus.</i>

- The Government is unable to implement these proposals as European Union (EU) law is designed to prevent non-discrimination and equal treatment in all procurements.
- A 'buy British' or 'buy local' approach would not allow suppliers from other member states to compete for these contracts. There are ways, however, within the EU Rules to encourage bids from local suppliers – for example with food, specifying fresh, seasonal produce, organic produce and having contract conditions on frequency of delivery.
- Contract award criteria are based on value for money (or MEAT) criteria and assessed from the perspective of the contracting authority. It is not permissible to take account of food miles or environmental impacts at contract award stage.
- The Office of Government Commerce works closely with the Department for Environment, Food and Rural Affairs on food and sustainability issues, advising them on what can be achieved within the legal and policy framework governing public procurement.
- The Government recognises the invaluable contribution of small and medium sized enterprises to the economy and is committed in its Coalition Agreement to promoting small business procurement in the public sector. Work is progressing on improving transparency in public procurement and the Office for Government Commerce website currently contains guidance on the flagging of opportunities suitable for small and medium sized enterprises, use of streamlined pre-qualification questionnaires and advice on supply chains. The Efficiency and Reform Group within the Cabinet Office is working on further simplification of procurement timescales to make it even easier to do business with the public sector

Local employment

Islington London Borough Council (1)

Amend legislation which restricts the freedom of the council to require its contractors to pay the London Living Wage.

- The Government is unable to implement this proposal as it would not comply with European Union law.
- While authorities cannot require their contractors to pay the London Living Wage, they can work with their suppliers on a purely voluntary basis outside the formal procurement process, to encourage suppliers to implement the London Living Wage. Authorities would need to make it clear that there would be no obligation on the supplier to pay the London Living Wage and that this would have no bearing on any future bids submitted by the supplier.

Sheffield City Council (2)

Allow asylum seekers the right to work in the city once their application for asylum has been received.

- The Government's priority is to ensure that those who apply for asylum have their applications processed as quickly as possible. Giving asylum seekers permission to work would be likely to encourage asylum applications from those without a well-founded fear of persecution, thus slowing down the processing of applications made by genuine refugees.
- The UK is committed to providing a safe haven for refugees. Asylum seekers who need support to avoid destitution are given it by the UK Border Agency under section 95 of the 1999 Act from the time they arrive in the UK until their claim is fully determined (or appeal rights exhausted).

Learning and skills

Sheffield City Council (3)

Create an Adult Learning, Skills and Employment Trust that establishes collective accountability for delivery and performance at the local level.

Require Sheffield City Council to compose an annual strategic plan for adult learning, skills and employment based on an assessment of local need.

- The Government is committed to the development of local enterprise partnerships to lead economic development across natural economic areas, and has invited local areas to submit proposals. It has encouraged partnerships to work closely with further and higher education providers, but it does not believe that enforced or statutory partnerships are the right way to encourage cooperative working arrangements.

Kent County Council (2)

Transfer the functions of the Skills Funding Agency and Young Peoples Learning Agency in regard to the county of Kent to Kent County Council.

Oxfordshire County Council

Transfer funding of the Learning and Skills Council adult education and training budget to a local body to set up a local training and advice service.

West Lancashire District Council (3)

Re-direct funding for training contracts to local authorities, to ensure locality-specific training needs can be addressed and enable the establishment of practical learning/training & social enterprise business hubs.

- The Government's commitment to free colleges and other training organisations from central control will allow them to deliver what is required locally in discussion and partnership with local authorities and other key local bodies such as the local enterprise partnership. If this new arrangement is to work efficiently, the distribution of public funding to the national network of approved colleges and training organisations must be streamlined and simplified. New arrangements being introduced will give the Skills Funding Agency responsibility for distributing funding to colleges

for young people's provision too so that bureaucracy and duplication of funding and management information arrangements are kept to an absolute minimum.

Sheffield City Council (3)

Government to recognise that Sheffield City Council, in its role as community leader, is invested with the authority to secure, through statutory partnership working with the national agencies, the necessary step change in performance in adult learning, skills and employment at the local level.

Grant the council the powers made available in the Further Education and Training Act (2007) for local authorities to jointly commission mainstream learning and skills provision with the Learning and Skills Council/Skills Funding Agency, as already happens through the London Skills and Employment Board.

- The Government's commitment to free colleges and other training organisations from central control will allow them to deliver what is required locally in discussion and partnership with the local enterprise partnership for the city region, of which the Sheffield City Council is an important member. The Government intends to repeal the legislation to which the Council refers because it does not believe that effective local partnership working is best achieved through statutory control.

Sheffield City Council (3)

Introduce a framework that reconciles local commissioning and centralised procurement.

- The Government is freeing colleges and training organisations from the targets, priorities, bureaucracy and other restrictions that have stifled their ability in the past to respond to local needs. This will allow them to deliver the skills that their customers require. The new demand-led system requires no commissioning, either by central or local government.

Essex County Council (1)

Change the definition of 'NEETs' to recognise participation in Essex County Council youth initiatives and formal volunteering programmes as valid alternatives to education, training and employment.

- We have examined the proposal carefully. Whilst we agree that

volunteering is valuable, it does not by itself give young people the qualifications that employers look for, or qualify them for further study. As we raise the participation age to 18 by 2015, we would encourage Essex to include volunteering as part of planned training programmes, or to offer part-time or part-year education or training to those who wish to volunteer (or who are in employment).

- We will also, subject to the agreement of other local authorities, make a small change to the Client Caseload Information System database to count full time volunteers separately within the NEET group from April 2011. We will work with Essex to agree a suitable definition.

Energy

Ryedale District Council (1) <i>Regulate the price of bottled gas / Liquid Petroleum Gas (LPG).</i>
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- The Government has sympathy with the difficulties faced by off-grid energy consumers reliant on LPG or heating oil, and recognises that more needs to be done in this area. This is why we have included a commitment in the Coalition Agreement to “seek to extend protection and support to ‘off-grid’ energy consumers”.
- The supply of LPG is subject to UK competition law. As a result of concerns about competition in the market for domestic bulk LPG, the Office of Fair Trading made a market investigation reference to the Competition Commission in July 2004. In June 2006, the Competition Commission published a report which said that difficulties in switching supplier have inhibited competition. The Commission has subsequently devised a package of remedies through two Orders on the industry. The changes are intended to make it easier to switch supplier, and make it possible to transfer ownership of a tank to a new supplier, rather than have it removed and replaced with the new supplier’s tank. More information and copies of the Orders can be found on the Commission’s website.¹²
- The Government supports the retention of a competitive market for heating oil and LPG, believing this to be in the best interests of all customers. The Government does not believe that bringing bottled gas and LPG under regulations having similar scope to the Gas and Electricity Acts would be an appropriate and proportionate form of regulation. In order to provide a choice for consumers UK LPG provides a search facility to find local suppliers.¹³ Maximum price controls to address fuel poverty in particular and the costs of economic regulation in general would likely be disproportionate.

¹² www.competition-commission.org.uk/inquiries/current/gas/index.htm

¹³ www.uklpg.org/supplier-search/

Oxford City Council (5)	<i>Increase the size of the Low Carbon Building Programme, extend its life, and amend its eligibility criteria to ensure that grants can be accessed by Industrial and Provident Societies for the benefit of the community, or sets up a new fund.</i>
Brighton & Hove City Council (8)	<i>Government transfer a proportion (£50,000) of the Low Carbon Buildings Programme funding direct to Brighton & Hove City Council.</i>

- The Low Carbon Buildings Programme ended in 2010. It has been replaced by a scheme of feed-in tariffs for small scale renewable and low carbon electricity, in a scheme which started in April 2010.

Oxford City Council (5)	<i>Make the purchase of shares in Industrial and Provident Societies for the benefit of the community tax exempt (e.g. for community owned renewable energy projects.)</i>
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- Many Industrial and Provident Societies undertake the same or similar businesses as a Companies Act company, and therefore it would be difficult to apply tax exemptions to some and not others – Industrial and Provident Societies can range significantly in both their size and their objectives. Not all Industrial and Provident Societies are small, community co-ops providing services for a few local people. Some are very substantial businesses.
- However, some Industrial and Provident Societies may be eligible for up to 100 per cent. mandatory rate relief if it is a non-profit making body and the property it occupies is used for social, philanthropic, educational or religious purposes.

South Somerset District Council (3)	<i>Invest in improving technology, so as to reduce the unit costs of providing renewable energy sources on residential and commercial developments.</i>
	<i>Invest in the green technology sector, to encourage growth and competition.</i>

- The Government does not consider the Sustainable Communities Act to be the best route to secure funding or investment. The Government is, however, providing incentives to invest in renewable energy.

City of York Council (2)

To create a mechanism (legislative or in a framework form) that legally binds energy suppliers and generators to partner with local authorities (and other local partners) to accelerate community-wide renewable energy programmes.

Distribute funding from suppliers and energy generators in a more simple, streamlined and coordinated manner. It should also be issued directly to the local authority (or partner).

Any revenue generated through community renewable energy programmes should be ring-fenced and spent by the community on future community projects.

- We support the ambition for local organisations to work together on renewable energy programmes, making the most of available resources (including land, financing and people). However, a legally-binding mechanism seems unnecessary and could be complex to implement, particularly as joint working might not be appropriate for every local area. We are happy to discuss with any local authority how they might take this forward at individual level.
- The Government is very supportive of community renewable energy projects in themselves, but we do not believe it is the Government's role to specify what must happen to the income generated through those projects. Indeed, *the Coalition: our programme for government* states that the Government will phase out ring-fencing of grants to local authorities. As part of the 2010 Spending Review, the Government will end ring-fencing for all revenue grants from 2011-12, except simplified schools grants, and will introduce a new Public Health Grant from 2013.
- It seems logical that if the project is run by a community, that the community would receive the benefits in any case – and they should have freedom to use that benefit as they see fit. The Government is happy to work with York on how to provide guidance for communities on specific projects.

South Somerset District Council (3)

Provide the Homes & Communities Agency with dedicated and additional funding to support upfront costs of suitable low or zero carbon technologies as well as the associated infrastructure with all development. This could be in the form of loans through the Allowable Solutions mechanism that has been established by Government but not yet enabled to meet the upfront costs of infrastructure to be recouped over the long-term of the development life.

- The Government's plans for feed in tariffs and the Renewable Heat Incentive confirmed in the Spending Review will provide support for investment in renewable energy technologies, but we believe industry, rather than central government, is best placed to support this. We have announced the creation of our Green Deal. This will be a market led programme to encourage and support the delivery of business and household energy efficiency improvements at no up-front cost, with consumers repaying through the savings they make through their energy bills. The Government is also continuing to work on options for developers to meet some of their obligations under the zero carbon homes policies through payments to fund local energy projects, possibly via an existing tariff mechanism.

Birmingham City Council (6)

Utility companies to provide regular, up to date, weather corrected CO2e data, resultant from domestic and business electricity and gas consumption, on a neighbourhood scale, to local authorities and local strategic partnerships for public use.

- This proposal sought to provide the council with evidence to help it meet National Indicator 186. On 13 October, the Secretary of State for Communities and Local Government announced replacing the National Indicator Set with a single comprehensive list of all central data requirements for local government. We are committed to working with the sector to design and refine this list, and to reduce burdens further over time.
- Super output areas data (around 8,400 areas) is published in February of the following year. This gives a delay of 12 and 14 months respectively from year-end which is significantly better than the two year delay Birmingham City Council suggests. Given the amount of work required, this is a rapid turnaround, and is unlikely to be improved upon without significant extra resource.

- Birmingham City Council’s proposal calls for utilities to provide greenhouse gas data for local authorities, but of course CO₂ emissions will come from a much wider set of activities than the gas and electricity companies produce. For non-network fuels the position is more complex. Although the data produced by the Department of Energy and Climate Change is two years old once published, we do not believe this is unreasonable, given the level of complexity.

Wiltshire Council (16)	<i>Government should make it mandatory for utility companies to publish or make available aggregate figures for utility usage on a community basis. This could then be used by the local authority and community groups to monitor actual usage figures to help inform sustainability planning.</i>
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- The Government does not want to impose this requirement on private companies. The Department of Energy and Climate Change (DECC) already publishes gas and electricity usage on an annual basis for local authorities and below this for middle layer super output areas/intermediate geography zones.
- DECC is working with the Local Government Group in response to its offer on climate change and through the Local Carbon Framework pilots. One part of both these two initiatives is exploring data issues and DECC is keen to ensure that Local Authorities have useful data whilst at the same time ensure that data confidentiality issues are satisfied.

Local amenity and the rail network

Southwark Council (3)	<i>Introduce a legal duty for rail operators to work with local authorities and local communities to safeguard and improve the environment around railway land and infrastructure.</i>
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- Rail operators already have environmental duties specified in their franchise and license agreements. The Department for Transport is considering future priorities for the network, including stations, as part of its programme of reform for the railways. Voluntary arrangements, such as have already been set up between Network Rail and London Boroughs, are seen as a preferred way of addressing any issues. Local authorities have legal powers to serve notices on railway operators for failing to address visual issues. A statutory duty would create additional burdens and costs, distracting rail operators from their primary duties.

Islington London Borough Council (5)

To give local authorities more control over developments by railway operators to ensure biodiversity is protected and enhanced in these key sites.

- Railway operators have significant rights to undertake certain development without planning permission from the local planning authority. Local authorities can, however, restrict these rights if their exercise poses a local problem by making 'article 4 directions'. Legislative changes introduced in April 2010 have made the process of making an article 4 direction quicker and more locally accountable.

East Lindsey District Council (3)

Remove the mandatory element to maintain closed churchyards, retaining a power for councils to support the activity, so it became a matter of local choice through the democratic process.

- If the Local Government Association and the Church of England were to reach the view that there would be merit in a discretionary or more flexible scheme, the Ministry of Justice would consider making any necessary amendments to the legislation. Discretionary powers for town/parish and principal councils to maintain cemeteries already exist under section 214(6) of the Local Government Act 1972.

Post offices

South Hams District Council (1)

West Devon Borough Council (3)

Government must commit or legislate not to enter into any further Post Office closure programmes; develop a vision for the future of the Post Office network; and provide adequate funding to sustain a national network of around 12,000 Post Offices nationally, including around 340 in Devon and Torbay.

- The Post Office stands at the heart of local communities providing a wide range of readily accessible banking services and products on a face-to face basis. In the Coalition Agreement we have made clear that we will ensure that post offices are allowed to offer a wide range of services in order to sustain the network. The Government recognises the important social and economic role of post offices, particularly in rural areas, and the continuing

need to support the social network. The Government has announced £1.34bn of funding for the network to 2015 to modernise the Post Office network and place it on a sustainable footing whilst maintaining the current network size. Continuing compliance by Post Office Ltd with the access criteria will be required.

- The Government has also made clear it will not repeat the Post Office closure programme of the previous government.

Benefits

Darlington Borough Council (2)	<i>Facilitate access to benefits for those in low paid work and those who volunteer by changing how benefits are tapered and the eligibility criteria for free school meals.</i>
Warrington Borough Council (1)	<i>Review the work / benefits balance.</i>
Essex County Council (5)	<i>Devolve the duty to set the eligibility criteria and amounts payable for all working age benefits for all claimants in Essex to Essex County Council.</i>

- The Government agrees with the above councils that the benefits system needs to be reformed to make it fairer, more affordable and better able to tackle poverty and reliance on welfare. We want to deliver real change to the benefits system by making it simpler and more efficient, with fewer benefits, fewer layers of bureaucracy and with financial support firmly focused on making work pay.
- We have announced the introduction of a new Universal Credit that will:
 - help more people into employment and make even small amounts of work pay;
 - smooth the transition into work by offering an integrated system;
 - offer a simpler support, with one system replacing multiple systems, therefore reducing administration costs and the propensity for error;
 - tackle poverty through increased take-up since the system will be simpler; and ensure that the welfare system is affordable.
- Details of Universal Credit, which we hope to introduce from 2013, are set out in the White Paper, *Universal Credit: welfare that works*. Volunteering, where this is part of the journey back to work, is recognised and supported for people on benefit.

- Our reform of the benefits system will be supported by our introduction of the new Work Programme from summer 2011. The Work Programme will be an integrated package of support providing personalised help for those who find themselves out of work. It will deliver support based on the needs of individuals and target the right support at the right time. It is expected that within the Work Programme there will be payments for longer in-work periods than previous employment programmes, potentially for 12 months.
- When we analysed responses to *21st Century Welfare*, there was overwhelming support for simplifying and streamlining both the benefit structure and the delivery process. We believe Essex's proposal would not simplify nor streamline the system, and would be incompatible with a universal system of social security, which provides an effective way of responding to economic and social change without disruption.
- Aligning benefit rates with the local cost of living could increase the disparities in economic performance across the UK, as individuals who lived in worst performing regions would receive lower benefit rates, which may then trigger further falls in prices and therefore benefits.

Pendle Borough Council

Enable Local Housing Allowance (LHA) to be paid to landlords, rather than tenants, to encourage them to join the landlord accreditation scheme.

- The Government wants to make people claiming benefit more responsible for their finances and prepare them for the transition to work. Payment of benefit under the Local Housing Allowance arrangements is therefore normally made to the tenant. However, the discretion already exists in the system to make direct payments to the landlord where the tenant is unable to manage their financial affairs or unlikely to pay their rent. To support the measures being introduced in April 2011 to reduce Local Housing Allowance rates we are temporarily extending the direct payments discretion where a landlord is prepared to reduce rents to a level at or near the new Local Housing Allowance rate. This is intended to be used to help secure or retain a tenancy. We would be happy to discuss these discretions with Pendle.

Community property

Islington London Borough Council (7)	<i>Make it compulsory for owners/landlords of empty business premises (mainly shops) to talk to their local authority with a view to making empty premises available for community use if it has been empty for six months.</i>
Lambeth London Borough Council (2)	<i>Give councils new powers to compel a freeholder to make a commercial property available for temporary use by third sector/social enterprise if it has been vacant for a specified period of time.</i>
Sheffield City Council (1)	<i>Introduce statutory legislation giving Sheffield City Council a rebuttable right to enter into temporary leases compulsorily with owners of vacant brownfield land, which they can then sublease to community groups.</i>

- The Government does not wish to introduce additional ‘top-down’ regulation into the commercial property market, and believes a voluntary approach – such as meanwhile leases – would be more suitable. We can discuss the challenges about engaging with landlords and owners with the councils concerned, however, if they wish.

Asset Transfer

South Hams District Council (6)	Consolidate funding schemes such as The Community Asset Fund, Community Builders Fund, and Adventure Capital Fund into a single Community Asset Transfer Fund
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- The Government is unable to implement this proposal as the Community Asset Fund is fully allocated in grants and the Adventure Capital Fund is closed to applicants. The Government has considered whether to merge funding streams together, but only Communitybuilders is now operational. In any event, Communitybuilders and the Adventure Capital Fund are already currently managed by the same organisation, the Social Investment Business.

South Hams District Council (6)

Government should establish a Community Asset Transfer Support Grant for Local Government in recognition that full market value of assets may have to be foregone.

- Creating a new ring-fenced grant would be totally against the Government's clear commitment in the Spending Review to reduce the number of ring-fenced grants, as part of its policy of transferring power from central to local government.

South Hams District Council (6)

Government should set up a Community Asset Transfer Arbitration Service to decide on matters of dispute between a council and its community about surplus assets and transfer issues.

- The Government is committed to transferring power to local authorities. Local authorities already have the power to transfer assets at less than best consideration to further local wellbeing, without central government consent. Through the Localism Bill, the Government intends to give community organisations the right to identify assets of community value in their neighbourhood, for the local authority to list, and a fair chance to bid for them if they come up for sale.

Environment

Sheffield City Council (1)

Make National Lottery funding available to groups seeking to garden community gardens without security of tenure.

- Lottery proceeds are public monies and, as such, Lottery Distributing Bodies are obliged to comply with requirements to protect public investments when awarding grants. Public sector organisations providing funds to others to acquire or develop assets are commonly expected to set conditions of grant which allow for clawback of some or the entire grant should the asset be sold.
- Such a condition of grant could only be entered into by an applicant who owned (though freehold or long term leasehold) the asset in question. Groups seeking lottery funding for land improvements where there was no such security of tenure may well have no control over proposals for sale or any rights to a share of any proceeds realised.

- The Government cannot therefore implement the proposal, as awarding National Lottery funding under such circumstances would run counter to central requirements to protect public monies.

Health

Essex County Council (3)	<i>Transfer responsibility for commissioning non-emergency patient transport services so Essex Primary Care Trusts and Essex County Council become jointly responsible. Place a duty on Essex Primary Care Trusts to work with the County Council to design, develop and implement joint-commissioning arrangements.</i>
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- The white paper – *Equity and excellence: liberating the NHS*, published in July, announced the intended abolition of Primary Care Trusts in 2013. Local authorities will also be given new functions in relation to the local strategies for NHS commissioning, social care and public health. Commissioners will have a continuing responsibility for coordinating transport for those medically eligible for Patient Transport Services.
- The Government is determined to see greater democracy in health. A joint consultation document on local democratic legitimacy was published by the Department of Health and the Department for Communities and Local Government in July setting out our proposals for how we can increase democratic participation in health and strengthen the role of local government in ensuring that the NHS, public health and social care are joined up and meeting local people's needs. The forthcoming publication on next steps on NHS reforms will set out how we intend to take this forward and how we will work with councils through implementation.

Business Rates

Exeter City Council (1)	<i>Give councils the power to retain revenue from locally imposed non-domestic rates on store car parking spaces, with the power for the council to allow discounts to stores that source at least some of their goods locally.</i>
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- Supermarket car parking spaces are already valued and liable for business rates. A supermarket with a number of parking spaces will thus pay more

business rates than a similar one without. The Government is considering ways for local authorities to grant discretionary business rate discounts (which might enable them to allow discounts to stores that source local goods, for example). The Government is also supporting small local shops by simplifying the process for claiming small business rate relief and has also significantly increased small business rate relief for a year.

Doncaster Metropolitan Borough Council

Change the eligibility criteria for Small Business Rates Relief

- Small Business Rate Relief is paid for by businesses that are not receiving the relief. Therefore, we need to ensure that the targeting of the relief strikes the right balance between those receiving and those paying for the relief. We have no plans to change the eligibility criteria but all taxes are kept under review.

Local authority performance

Essex County Council (2)

Allow Essex County Council to define and enforce a set of local performance standards for government agencies and non-departmental public bodies that operate within Essex.

- The Government aims to make localism real by delegating power to the lowest appropriate level. Local authorities have a crucial part to play in this, both in carrying out responsibilities delegated from central Government, and in devolving power further where possible. We believe the proposal is incompatible with the new accountability arrangements we are putting in place to ensure this happens.
- Whilst this proposal may remove a burden for Essex it would impose additional burdens on those agencies and non-departmental bodies that would be subject to any new local performance standards. This seems to transfer accountability for performance to the County Council rather than to local people. The model proposed is still top down, just at a lower level and empowers Essex at the expense of disempowering the non-departmental bodies and agencies subject to the new standards.

Broadband provision

Mid Sussex District Council

Provision of broadband services should be made the subject of a legal minimum requirement, in the same way that access to other infrastructure services is, e.g. water.

- The Government is committed to delivering super fast broadband to rural and remote areas at the same time as more densely populated areas, including a Universal Service Commitment of access to 2Mbps service for all where it is not possible to deliver a better service. We believe this will achieve what Mid Sussex seeks without the need for additional primary legislation.

Care

Norwich City Council (2)

Introduce a 'power of care' element to the existing lasting power of attorney. This will enable people who still have the capacity to make decisions, but not the capacity to arrange their care services, to formally choose someone to make decisions regarding the provision and organisation of (but not the initial decision to have) their care services

- The Government has considered Norwich's proposal carefully but does not consider the requested change is necessary. We believe a person should retain the right to autonomy to make decisions regarding their personal welfare for as long as they are able to. It is for this reason that an attorney acting under a Lasting Power of Attorney relating to personal welfare is not authorised to make these decisions unless the donor has lost capacity.
- Local Authorities are best placed to co-ordinate and organise services for people who need them. Carers, who will have first hand knowledge of the requirements of the person concerned, can be invited to assist in the selection of these services and discussions on how to care best for the person concerned. We believe these informal arrangements work well, and are flexible enough to ensure a person receives the best care possible.

Chapter 4

Tax related proposals

Decisions on tax are a matter for the Chancellor of the Exchequer, and are made as part of the normal Budget process when all taxes can be taken into consideration as part of an overall fiscal judgement. For this reason, the following requests will not be implemented under the terms of the Sustainable Communities Act. The Minister for Decentralisation will instead ask the Chancellor of the Exchequer to have regard to them as he prepares for the next Budget. This should not be construed as endorsement of any specific proposal by the Department for Communities and Local Government.

Bexley London Borough Council	<i>Review the volunteer mileage reimbursement system by reviewing the current tax free mileage and the guidance for higher rates of reimbursement.</i>
	<i>Calculate mileage reimbursement rates for volunteer drivers in the same way as incentives are given for those driving low emission vehicles.</i>
Bristol City Council (5)	<i>Encourage car clubs through exemption from congestion charges and free road fund licences.</i>
Bristol City Council (6)	<i>Place a tax on the purchase of plastic bags by retailers.</i>
Cambridge City Council (4)	<i>Change taxation to make renewable energy schemes more viable.</i>
City of York Council (6)	<i>Return all landfill tax and LATS penalties (where appropriate) to local authorities for investment in further recycling, reduction, reuse and repair measures.</i>
Essex County Council (6)	<i>Allow Essex County Council to retain money that it would otherwise have paid to the exchequer in landfill tax.</i>
South Hams District Council (11)	<i>Abolish VAT on retrofitting older properties to make them more energy efficient.</i>

**Warwick District
Council (2)**

Return 1 per cent of the landfill tax revenue raised locally (within the district) so it can be used solely by local authorities or the voluntary sector to help increase recycling rates.

Wiltshire Council (15)

Increase the tax on chewing gum to 200 per cent and devolve excess revenue to local authorities to fund cleaning up discarded gum.

**Oxford City Council
(5)**

Levy a tax on plastic bags.

Chapter 5

Action Plan

The Government will take the following actions with a view to implementing, or implementing in part, the proposals in Chapter 1 of this document. In accordance with the Sustainable Communities Act, if these actions have not been completed by 15 December 2011 then the Government will publish a progress report, and then yearly afterwards until they have been completed.

Planning and housing

1. The Government will introduce a Localism Bill in the current session of Parliament which will repeal the remaining elements of the regional tier.
2. The M40 will be resurfaced with quiet material as part of ordinary network operations. The Government is working with Wycombe District Council to establish whether the problems on this stretch of the M40 are serious and pressing enough to prioritise this stretch of road ahead of others.
3. The Department for Transport aims to announce a decision on whether to amend the Road Traffic Regulation Act 1984 by the end of March 2011.
4. The Government will give councils the power to join with local businesses to form their own Local Enterprise Partnerships to create the right local environment for business investment. Following the statement by the Business Secretary on 28 October the first Local Enterprise Partnerships are already being established.
5. As also announced on 28 October, the Government will establish a Regional Growth Fund to support a sustainable increase in business employment and growth in those regions most reliant on public sector spending.
6. The Government will ensure involvement at a local level on future housing developments by introducing a Community Right to Build in the Localism Bill, due for introduction in the current session of Parliament.
7. The Government will also use the Localism Bill to put in place the legal provisions for Neighbourhood Plans and aims to set out, in a new

National Planning Framework, the planning policy for these by April 2012.

8. The Planning Inspectorate will aim to reduce some enforcement procedure times against previous performance by the end of March 2011 and to improve upon this in all procedures by end October 2011.
9. The Government has taken decisive action to implement Chorley's proposal and has amended PPS3 to remove gardens from the classification of 'previously developed land'.
10. The Government will consider whether councils should be allowed to set higher fees for retrospective planning applications in light of our consultation on *proposals for changes to planning application fees in England*, which closes on 7 January 2011. If the plans within the consultation are accepted and approved by Parliament, the changes would be implemented from April 2011, with a six month transition period until October 2011.

Post Offices

11. The Government will ensure that Post Offices are allowed to offer a wide range of services in order to sustain the network and sees continued growth of revenues from banking and financial services as an important part of the network's future sustainability. An agreement was reached in November between Royal Bank of Scotland (RBS) and the Post Office to allow RBS customers - including NatWest – customers to access their current and business accounts at Post Offices. This means that nearly 80 per cent of all UK current account holders will now be able to withdraw money free of charge at the Post Office.
12. The Government will examine whether it is possible to implement the proposals by Doncaster and Liverpool to give them more involvement in the future development of the Post Office network in light of the results of the pilot scheme being run with Sheffield. We will keep Doncaster and Liverpool updated on the progress of the pilot. The pilot scheme is scheduled to run for 12 months, until the end of 2011.

Incentives for sustainable energy

13. The Government launched Community Energy Online on 25 November.

Promotion of sustainable energy

14. The Government is committed to allowing communities that host renewable energy projects to keep the additional business rates they generate. This will be considered by the Local Government Resource Review, starting in January 2011, as part of its broader work on options to enable business rate retention.

15. The Department of Energy and Climate Change will examine the implications of making third party access to the grid mandatory and are aiming to consult on this by the end of 2010.
16. The Government will publish a detailed Anaerobic Digestion strategy by May 2011. This work is feeding into the wider review of waste policies, which is due to report in the spring 2011, and has the potential to contribute to the Government's objectives for renewable energy and for sustainable food production.
17. The Department for Transport will invite Redbridge to become involved in their work to review their policy on traffic signing.
18. The Government recently consulted on how to roll out smart meters. The Government will analyse the consultation responses and develop a plan for subsequent phases of the programme, by April 2011.
19. In addition to action already taken to extend and refocus the Carbon Emissions Reduction Target obligation in summer 2010, the Government will drive greater energy efficiency in households (and businesses) through a Green Deal and a supporting energy company obligation. This will be achieved through an Energy Security and Green Economy Bill in late 2010, a detailed policy consultation in late 2011 and new secondary legislation in early 2012, with the aim of changes coming into force by January 2013.
20. We will design a Green Deal finance mechanism to: (a) help households and businesses fund energy efficiency improvements through savings on their energy bills, and (b) pass that charge onto a future bill-payer so that they only pay whilst enjoying the benefits. The Department of Energy and Climate Change has set out the steps it will take to implement the Green Deal in its Business Plan¹⁴ which will be updated monthly.

Future of the Sustainable Communities Act

21. The Government issued a second invitation to local authorities to submit proposals under the Sustainable Communities Act on 15 December 2010. We have established an online portal [link] which will enable local authorities to submit proposals at a time of their choosing, and with no deadline for doing so. We will revoke the current burdensome regulations and will consult on new, light-touch regulations by the end of January 2011.

¹⁴ <http://transparency.number10.gov.uk/transparency/srp/view-srp/30/13>

Ring-fenced grants

22. As part of the 2010 Spending Review, the Government announced the ending of all ring-fencing for revenue grants from 2011-12, except simplified schools grants, and the new Public Health Grant to be introduced from 2013.

Community assets

23. The Localism Bill, published on 13 December, will set out the broad framework for introducing the Community Right to Buy scheme referred to above. A consultation document will be issued early in 2011, explaining the scheme in more detail, and seeking views on the detailed provisions to be set out in regulations. Once the Bill has received Royal Assent, likely to be autumn 2011, regulations drafted in the light of the consultation responses, will be put before Parliament. We expect the scheme to be commenced either in April 2012, or possibly October 2012.

Waste

24. The Department for Environment, Food and Rural Affairs will invite Southwark to work with them to further discuss how a National Bag Free Day could be promoted voluntarily.

Licensing

25. The final package of policy proposals to re-balance the Licensing Act will be taken forward in the Police Reform and Social Responsibility Bill published on 1st December. The Bill had its second Reading on 13th December.
26. The Government will ban the sale of alcohol below cost price and carry out a review, currently due to be concluded by April 2011, of alcohol pricing and taxation, to ensure that it tackles binge drinking without unduly impacting on responsible drinkers and businesses. HM Treasury announced the outcome of the taxation element of the review on 30 November 2010.

Health

27. The Government will roll forward the capital funding allocated to the St Lukes Health Centre in 2009 - 10 to 2010 -11. Southend-on Sea has already been notified.

Business rates

28. The Government is proceeding with the temporary increase in Small Business Rates Relief for 12 months from October 2010, as announced in the June Budget. The Government will, through the Localism Bill, remove the legal requirement for authorities to submit an application form in order to claim Small Business Rate Relief.
29. The Local Government Resource Review, starting in January 2011, will consider the most appropriate way for delivering Tax Increment Financing in the context of proposals to allow authorities to keep their local business rates.
30. Through the Localism Bill the Government will give councils the power to set local discounts on business rates, provided that they are funded locally. This will give councils the ability to respond to local circumstances such as supporting the local pub or Post Office if they are struggling or encouraging new start-up enterprises.
31. The Government will undertake a Local Government Resource Review from January 2011. Local business rate retention will be considered within this review. This is a significant opportunity to consider a range of options to provide genuine incentives for local economic growth through the business rates regime, and to equip local authorities with the tools to support that role. Local authority, business and other stakeholder views will be vital in informing the Government as we carry out this work.

Restrictive covenants

32. The Government will, by June 2011, undertake a public consultation on the issue of covenants, with a particular focus on understanding the impact they have on pubs and communities, and seeking views on the necessity and form of powers to restrict their use.

Economic growth

33. The Government has invited Thames Valley Berkshire to develop a governance structure which will enable it to decide on its local priorities.

Local governance

34. The Government has committed to give residents the power to instigate a local referendum on any local issue, and will consider the issues surrounding parish polls carefully as we take this work forward. The powers are contained in the Localism Bill, introduced in November.

Housing

35. The Government will include clauses in the Localism Bill which will create a new shorter term 'flexible' tenancy for social landlords to use

alongside existing secure lifetime tenancies. Subject to Parliamentary approval, the Government intends to commence these provisions in autumn 2011 at the earliest.

36. Subject to Parliamentary approval we intend to implement “self-financing” through powers in the Localism Bill, during this session of Parliament.

Statistics

37. The Government will deliver the final set of improved methods for estimating population levels by March 2012.

Benefits

38. The Government will, by 2013, introduce a Universal Credit which will improve financial work incentives by ensuring that support is reduced at a consistent and managed rate as people return to work and increase their working hours and earnings. People will generally keep more of their earnings for themselves and their families than is currently the case.

Local Amenity

39. The Government has introduced a clause into the Localism Bill to deal with persistent fly-posting which will allow local planning authorities to serve an 'action notice' on the owner or occupier of the land where the posters have been stuck. The action notice requires the owner or occupier to take specified measures to prevent or reduce the frequency of the unauthorised advertisements. If action is not taken, the authority may take the specified action itself and recover its expenses from the owner or occupier. Subject to Parliamentary approval, we expect this to come into force by April 2012.