

POLICY COMMITTEE | AGENDA

Date and time: 24 January 2023 10.00 - 13.00

Location: Zoom

Any member wishing to submit an apology for this meeting please contact NALC at NALCcommittees@nalc.gov.uk or phone 020 7637 1865.

(Please note there will be a ten-minute comfort break at 11.20)

1. Welcome and apologies (10.00)

2. Motions from county associations (10.00 – 10.50)

2.1 County Durham Association of Local Councils: extraordinary parish council meetings (to be attended by Cllr Stephen Gilling) – appendix 2.1

2.2 Dorset Association of Parish and Town Councils: energy efficiency in listed buildings (to be attended by Cllr Brian Larcombe) – appendix 2.2

3. Minutes of previous meetings (10.50 – 11.00)

3.1 To approve the draft minutes of the meeting held on 19 October 2022 – appendix 3.1

3.2 To receive the notes from the informal meeting held on 9 November 2022 – appendix 3.2

4. Local government finance (11.00 – 11.20)

4.1 Provisional local government finance settlement 2023-24.

4.2 Fair and secure funding campaign – verbal update from Funding Task and Finish Group.

Comfort break (11.20 – 11.30)

5. Mandatory training for councillors (11.30 – 11.50)

5.1 To consider a request from the Smaller Councils Committee to review NALC's policy on mandatory training for councillors – appendix 5.1

6. NALC campaigns (11.50 – 12.10)

6.1 Unadopted roads – to consider adopting a policy on unadopted roads following the recent House of Commons Adjournment Debate on unadopted roads and new build infrastructure led by Andrew Selous MP – appendix 6.1

6.2 Report of the Commission on the UK's Future – appendix 6.2

6.3. [Levelling Up White Paper and Bill](#) – update on the progress of Levelling Up the United Kingdom white paper and Levelling Up and Regeneration Bill (12:40 – 12:55) – appendix 6.3

7. Responses to consultations (12.55 – 13.00)

7.1 To note the response to the House of Commons Levelling Up, Housing and Communities Select Committee Inquiry into Levelling Up Funding.

8. Date and time of next meeting (13.00)

The next meeting of the Policy Committee will be held virtually on 28 March 2023.

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Appendix 2.1

Motion from County Durham Association of Local Councils

Extra-ordinary parish council meetings

1. Motion text

1.1 The County Durham Association of Local Councils in support of one of its larger town councils, expresses its concerns over the use of paragraph 9 (2) of schedule 12 to the 1972 Local Government Act.

1.2 The county association is asking NALC to lobby government to make the number of councillors necessary to call such meetings more proportionate to the size of the council.

1.3 As background information this legislation allows two councillors to sign a requisition for a council meeting to be convened.

1.4 If the chair either refuses or neglects to do so for seven days then any two councillors (not necessarily those who signed the requisition) may convene a meeting.

2. Reasoning for the motion

2.1 A larger council in Durham has concerns over the ease in which such a meeting can be requested in so much as current legislation allows only two of its twenty two members to be able to call such meetings.

2.2 In contrast to this their standing orders currently requires a special motion/resolution/written notice by at least six councillors to be given to the proper officer to be able to discuss a previous decision within six months of making it.

2.3 Whilst this is not a legal requirement it gives members a comparison to what is required locally to revisit a previous decision.

3. NALC manifesto theme

3.1 Empower communities.

4. How affecting local councils

4.1 The county association believes that the ease with which these extraordinary meetings can be called will be a national issue for all councils.

5. Recommendation

5.1 That Policy Committee reach a decision after consideration of this motion at its session on 24 January 2023.

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Appendix 2.2

Motion from Dorset Association of Parish and Town Councils

Energy efficiency measures in listed buildings

1. Motion text

1.1 Request that NALC lobby central government for changes to the National Planning Policy Framework to reduce the conflict and contradiction between conservation's adherence to less effective standards and building regulation's requirements to improved environmental and energy efficient insulation methods and materials, whilst respecting the value of listed buildings.

2. Reasoning for the motion

2.1 Lyme Regis was one of the first councils to declare a climate emergency and there is an independent 'One Planet' working group established to look at measures which can be taken at a local level to make a real contribution to reducing carbon emissions.

2.2 The town is keen to quantify and address its carbon footprint but would obviously prefer to adopt a consistent approach with other places in Dorset. It is also clear that whilst the town council can take local measures to address local issues, many of the issues affecting a town like Lyme Regis can only be sensibly addressed at a more strategic level. For instance, in August alone, there are around 2/3m vehicle movements into and out of Lyme Regis, despite a resident population of less than 4,000.

2.3 On a related but separate issue, the town council is also keen to consider how the balance between planning and the environment may be looked at in a more flexible and imaginative way to improve building performance and reduce carbon emissions.

2.4 DAPTC are particularly concerned that improving the environmental performance of historic and listed buildings, or buildings in conservation areas, often appears to be given a much lower priority than conserving features or using materials or designs whose intrinsic environmental performance may be poor.

2.5 This is a particular problem in communities like Lyme Regis where the number of listed buildings or the proportion of buildings within conservation areas is exceptionally high. The town council fully accepts the need to preserve the fundamental character and appearance of historic towns and villages and/or individual streets or buildings, it would, however, encourage the maximum use of flexibilities and discretions within existing legislation to give greater weight and priority to the environmental performance of building works to older and listed buildings.

3. NALC Manifesto theme

3.1 Empower communities

4. How affecting local councils

4.1 DAPTC would like national planning policy to give more weight to building regulation and energy performance considerations when determining planning application for heritage assets. This would give local authorities more confidence and flexibility to determining applications in favour of sensible energy-saving conservation.

5. Recommendation

5.1 That Policy Committee reach a decision after consideration of this motion at its session on 24 January 2023.

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Appendix 3.1

POLICY COMMITTEE | DRAFT MINUTES

Meeting of the Policy Committee held on 19 October 2022 at 10.00 taking place via Zoom.

Present:

Councillors David Francis (committee chair and Northumberland), Lillian Burns (committee vice chair and Cheshire), Peter Allison (Yorkshire), and Colin Peacock (Lancashire).

Guests in attendance: Cllr Kay Wesley (Congleton Town Council) and Cllr Sue Baxter (NALC vice-president) from the NALC National Network: Women Councillors.

Staff present: Justin Griggs (head of policy and communications), Chris Borg (policy manager), Fflur Jones (campaigns intern), Daisy Petrow (communications intern), Jessica Lancod-frost (policy officer, for part) and Rajiv Dudakia (digital communications manager, for part).

1. Apologies

The committee chair welcomed all attendees to the meeting.

Resolved: That the apologies be noted from Cllrs Richard Page and Janet Wallace and Shelley Parker, policy and external affairs manager, SLCC.

2. Motions from county associations

(a) Devon Association of Local Councils (DALC) on 30 miles per hour speed limits on single track rural roads.

Ian Cowling and Mark Clapham from DALC spoke to a motion asking NALC to lobby for a change in the law to create a maximum speed limit on rural single-track roads of 30 miles per hour (mph). There were dangerous problems being caused currently on single track Devon rural roads as many drivers exceeded that speed limit and caused danger and havoc to residents in the county.

During discussion, several points were raised:

(a) This issue is also a problem in Yorkshire.

(b) Additional signage was also discussed but was considered expensive.

(c) A DALC survey had revealed broad support for DALC and NALC lobbying for a reduction in the 30 (mph) speed limit on single track rural roads.

(d) CALC had engaged with Devon County Council on the issue who had reiterated the standing position.

Resolved: That the motion be noted and not supported at this stage, but that further work be undertaken including sourcing existing information on the number of incidents in Devon and engaging with the Local Government Association and Department for Transport to gauge their current positions on the imposition of 30 (mph) speed limits on rural roads.

(b) Avon Local Councils Association (ALCA) on exempting local councils from the latest round of government red diesel regulations.

Cllr Chris Willmore from ALCA spoke to a motion seeking to exempt local councils from the updated red diesel regulations from April 2022. White diesel had previously been £1.47 per litre and red diesel £0.78 per litre so red diesel was and is convenient for local councils to use where possible in their machines. However, the new regulations have meant that local councils can now broadly no longer use red diesel in their machines when cutting grass unless it is for cutting verges on behalf of the principal council. This has caused much unfairness as it now means that local councils must use the much more expensive white diesel more often and for tax reasons the cost to local councils of cutting their grass has much increased.

Resolved: That the motion be supported and NALC lobbies central government to exempt local councils from the red diesel regulations.

3. Minutes previous meeting - 21 June 2022 and action log

Cllr Burns raised the action log and asked for this to be updated to reflect previous discussions on the recommendations of the Smaller Councils Committee. The head of policy and communications reported committee action logs had been raised at the Larger Councils Committee and this was being explored to ensure consistency and simplicity.

Resolved: That the minutes of the meeting held on 21 June 2022 be noted.

4. Notes from the informal meeting - 22 August 2022

The committee chair asked if there were any amendments to be made to the notes from the informal committee session on 22 August 2022. There were none.

Resolved: That the notes from the informal committee session on 22 August 2022 be noted.

5. Local government finance

(a) Fair and secure funding campaign

The policy manager provided a brief verbal update on the work of the Funding Task and Finish Group which was developing the evidence and business case for local councils to apply for directly to central government funds and agencies on the same basis as principal councils. He reported that the group had met twice since March, conducted a survey of local councils and was in the process of gathering data from central government departments and agencies to assess whether local councils can currently apply to those funds or not, and the overall value of those funds.

Resolved: That the verbal update be noted.

(b) NALC analysis of council tax levels of local precepting authorities 2022-23

The policy officer provided a verbal update on the recently published NALC analysis of council tax levels of local precepting authorities 2022-23. The document was extremely useful annually in helping NALC vet the status of Band D and precept increases across the sector and was vital in helping NALC lobby for local council exclusion from council tax referendum principles.

NALC had been in touch with local councils with significant precept increases to understand the circumstances and reasons cited for such increases included staffing costs, energy bill costs, insurance costs and taking on assets and services.

A discussion also took place on the 10,221 civil parishes referred to in the Council Tax Statistics for Town and Parish Councils in England 2022-3 document and whether they included parish meetings. The policy officer informed the committee that the Department for Levelling Up, Housing and Communities (DLHUC) said it did, along with non-precepting local councils, local councils that “group” together to set a precept, and precepting parish councils.

Resolved: That the analysis be noted and that DLHUC be thanked for clarifying the statistical composition of smaller authorities in their Council Tax Statistics for Town and Parish Councils in England 2022-3 document.

A ten-minute break was held from 11.25 to 11.35.

6. We're Right Here campaign for community power

The policy manager provided a short verbal update on a recent NALC meeting with Will Brett an advisor from the We're Right Here campaign. It had been agreed at the session that local councils could be official partners in community covenants under the Community Power Act, working with other local partners. Will and his colleague Inayat Omarji had also attended the July 2022 meeting of the Super Councils Network where several councils expressed interest in getting involved including through a steering group.

Resolved: That the verbal update be noted.

7. British Parking Association 'Be Kind - Park with Others in Mind' campaign

The head of policy and communications provided a short update on recent engagement with the British Parking Association and their request for NALC to support the 'Be Kind - Park with Others in Mind' campaign whose aim was to encourage residents to park unselfishly and sensibly in their places.

Resolved: That the committee support the 'Be Kind - Park with Others in Mind' campaign.

8. Sustainable Communities Act

The policy manager provided a short verbal update on recent engagement with officials in the Department for Levelling Up, Housing and Communities on the Sustainable Communities Act (SCA) and in particular the need for future ministerial decisions on proposals to be made within statutory timescales. He added that he was working with county officers on a review of material on the NALC website on SCA.

Regarding the Weymouth Town Council proposal on dependant carer's allowances submitted three years ago, the committee noted with concern that a minister from the previous administration had confirmed in response to a written question from NALC's president that there would be a decision in due course. While government officials had agreed to pursue this at DLUHC, it was agreed NALC would continue to lobby for a ministerial response and gather examples of how this issue is affecting local councils.

Resolved: That the update on SCA and the Weymouth Town Council proposal be noted, and NALC continue to lobby the government and gather more information to support this.

9. Better banking campaign

The policy manager and head of policy and communications provided a short verbal update on the campaign for better banking services for local councils and a recent meeting with Action for Communities in Rural England (ACRE). It was reported that ACRE were also working with National Council for Voluntary Organisations (NCVO) on this issue which also affected voluntary and community organisations and charities. Based on a short report produced by NCVO summarising evidence from its own banks survey, UK Finance had commissioned some work into an impact assessment of poor banking services across the public sector.

Resolved: That the verbal update be noted.

10. Levelling Up White Paper and Bill

The head of policy and communications provided a short verbal update on the levelling up white paper and the Levelling Up and Regeneration Bill. The bill was still progressing through parliament and was at the committee stage where NALC was continuing to press for changes regarding remote meetings and standards. He added there had been no progress on the white paper commitment to conduct a neighbourhood governance review and this was an issue NALC raised directly with the local government minister at the Conservative Party conference.

Resolved: That the verbal update be noted.

11. White Ribbon campaign

The committee received a presentation from Cllr Kay Wesley of Congleton Town Council and the NALC National Network: Women Councillors on the White Ribbon Campaign whose aim was to raise awareness of domestic violence towards women, and to reduce it.

Resolved (1): That NALC support the White Ribbon campaign and encourage local councils to support the campaign.

Resolved (2): That the Management Board consider supporting the campaign by NALC becoming a White Ribbon accredited organisation.

12. Responses to consultations

The policy manager confirmed that responses had been submitted to the Department for Culture, Media and Sport inquiry into short term holiday lets and the Department for the Environment, Food and Rural Affairs consultation on the English portion of Dormant Assets Funding. It was agreed that no updates to the policy register were required.

Resolved: That the consultation responses be noted.

13. Rural Services Network representation and conference

Cllr Burns confirmed she wished to stand down as NALC's representative to the Rural Services Network. It was agreed to ask Policy Committee members first, then if no interest, to the Smaller Councils Committee. It was suggested that Cllr Burns write a short outline of the role to help councillors understand what is required.

Cllr Burns was thanked for her very thorough written report of the RSN conference she attended.

Resolved: That Cllr Burns be asked to draft a short role description which can then be sent to Policy Committee and as needed, Smaller Councils Committee, to secure the relevant expression of interest.

14. Date and time of next meeting

To note the next meeting of the Policy Committee will be held at on Tuesday 24 January 2023 (to be confirmed) at 10.00 via Zoom.

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Appendix 3.2

POLICY COMMITTEE I NOTES OF INFORMAL MEETING ON 9 NOVEMBER 2022

1. Devon motion on 30 m.p.h. speed limits on all single track rural roads

- Agreed that not possible to adopt the Devon motion on 30 m.p.h. speed limits on single track rural roads as national bodies tended in general not to adopt positions supporting blanket speed limits across the country which would require legislative change.
- **Resolved:** To update the NALC policy register supporting the committee's support of all traffic (principal) authorities being required to consult with all local (parish and town) councils in their areas when considering making changes to speed limits in their areas, or indeed maintaining them.

2. DLUHC Committee Inquiry into Funding

- The committee chair opened the discussions by saying that NALC had received a written invitation to respond to the Commons Levelling Up, Housing and Communities Committee into funding. The policy manager provided a summary on actions NALC had so far taken to seek sector views including – call today's special committee meeting, issuing a policy consultation briefing to the sector and consulting Super Councils at their session on 1 November.
- The committee chair kindly went through each of the 12 consultation questions set in the consultation though it was agreed that NALC should only seek to answer questions it had evidence for. The headline responses agreed for these questions are summarised in short order below:
 - **Q1. How can the Government ensure that all areas that need funding for Levelling up receive adequate support with the bidding process and subsequently receive adequate funding?**
 - **A.** By rural proofing all bidding and funding allocation processes and ensuring that monies are not unfairly driven largely to urban areas. This used to be done more on a partnership basis with a regional body which knew its patch. This is not currently the case.
 - **Q2. What are the challenges of competitive bidding and will this impact areas with limited resources and capabilities for bidding?**

- **A.** At the recent ESN conference a director from a principal authority in Norfolk expressed severe concern at very poor outcomes and very large resource required by even a principal authority in applying for such funds. Local councils wishing to bid for such funds would be even further disadvantaged. Systems need to be more subtly recast. LEADER programmes were more inclusive.
- **Q3. How does levelling up funding integrate with other funding streams such as the Towns Fund, the High St Fund, the Sustainable Transport Fund etc?**
- **A.** Smaller councils often have minimal desire to be involved in bidding for large central funds. Larger councils have more resource but even they struggle to understand the current funding environment or receive adequate central funds. Such funding lacks central oversight and local council experiences are therefore poor.
- **Q4. How can the Government achieve its aim of streamlining funding for Levelling Up?**
- **A.** The current funding system is not local enough. Application timescales are usually too short. More direct support should be provided to local councils.
- **Q5. How can funding focus on both wider regions, as well as individual towns?**
- **A.** Local councils are usually drowned out by principal authorities. Some funds are suitable for local councils, some not. Horses for courses. An adequate system would be a more flexible one with returned regional offices embracing both the wider sub-regions but with a more local knowledge than Whitehall. Combined authorities are at a marginal advantage. Principal authorities are too remote. No region is the same as the next.
- **Q6. How can Government ensure that spending across all departmental budgets can be adjusted accordingly to ensure all of government is focused on achieving levelling up and that resources are directed to the areas most in need?**

- **A.** Devolution Deals need to be factored in. Reintegration still being sought. It is needed at the sub-regional level. Principal authorities should be required to consult on bids with their local councils. Place needs to be prioritised more, the forte of local councils, seeing a return to partnership working. Rural proofing key.
- **Q7. How are Levelling Up projects being measured in terms of value for money and for their contribution to Levelling Up?**
- **A.** Local councils have often only been consulted after successful Sustainable Transport Fund bids, involving several million pounds. Rural and urban areas need to be levelled up, with a presumption in favour of rurality. Value for money is key.
- **Q8. Is the UKSPF a sufficient replacement of the European Structural Investment Funds?**
- **A.** We are reliant on local council examples. We need to try to evidence the impact on local areas (for which we have been sent evidence). Funding accessibility by local councils is key.
- **Q9. What is your assessment of the Levelling Up Fund, and what improvements could be made, with reference to:**
 - **The bidding process**
 - **Feedback on unsuccessful and successful applications**
 - **Transparency**
 - **The impact of inflation**
- **A.** Under ESF there used to be local councils being factored into the planning process – not now. The system needs to be more inclusive, consultative and partnership based.
- **Q10. How should the success of Levelling Up funding be measured against the government's desired outcomes for Levelling Up?**
- **A.** The government are only partially thinking sub-regionally. Less money is going into funding from Whitehall than formerly from Brussels. EU funding auditing was too tight. Agricultural funding should only be controlled by funding agencies.

- **Q11. How will the proposed Investment Zones contribute towards the key objectives of Levelling Up? And is this different approach the right approach?**
- **A.** Not seeing the same level of involvement. System is too short term, too complex. Local councils are just one part of the system.
- **Q12. Will the government's approach to funding for levelling up achieve its objective of levelling up the country?**
- **A.** Consistency is needed. LEADER programmes consulted local councils and gave them funding.

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Appendix 5.1

Mandatory training for councillors

1. Background

1.1 At its 11 October meeting, the Smaller Councils Committee had a discussion on civility and respect in the local council sector, including whether councillor training should be made mandatory.

1.2 Following this the Smaller Councils Committee agreed to ask Policy Committee to consider NALC's policy on mandatory training for councillors and any associated legislative changes required.

1.3 This request is not going to the Improvement and Development Board because it does not determine NALC policy positions.

2. Current policy position

2.1 NALC's current policy position on councillor training, as agreed by Policy Committee in 2010, is 'training for local councillors and clerks to be very strongly encouraged at county, regional and national level.'

3. Consultation responses

3.1 In August 2020, in response to the Local Government Association's Draft Model Code of Conduct consultation, NALC called for greater encouragement and support for training on ethical standards and the code of conduct. NALC went on to say that all new councillors should undertake this training as part of their induction process, with regular refresher training, including after local elections.

3.2 In January 2021 NALC's response to the Committee on Standards in Public Life, Standards Matter 2 consultation, identified a lack of training as one of the most significant obstacles to embedding high ethical standards in a public sector organisation.

4. National Assembly

4.1 In March 2019, National Assembly stated that it supported the aspiration that councillor training must be enhanced and supported. National Assembly raised a number of potential issues, including the challenge of practically supporting all 100,000 local councillors and the importance of training packs that county associations could use with councils. National Assembly also asked if it would be possible to build training commitments into councillors declaration of acceptance

and requested that online resources be utilised to reflect councillor time availability, while recognising the importance of training to county association income.

5. AGM

5.1 In October 2018, NALC's Annual General Meeting (AGM) endorsed a motion from the Worcestershire Association of Local Councils urging NALC to identify ways in which levels of training could be increased, including through the introduction of a national member development scheme, continuous professional development points for councillors, requiring training for appropriate activity in the national standing orders and considering lobbying for compulsory training.

5.2 NALC acknowledged the role that NALC and county associations play in organising and supporting a range of training and development opportunities for councillors. It was noted that this was overseen by the Improvement and Development Board (IDB), with the National Improvement Strategy representing a national commitment to training and development in the local council sector shared by national, regional and local stakeholder organisations.

5.3 NALC informed the committee that it had lobbied for support from both the government and the Local Government Association (LGA) to deliver the strategy.

5.4 NALC noted that the motion was consistent with its current policy positions and current strategic review and recommended that the AGM endorse it.

6. The National Improvement Strategy

6.1 The three building blocks of the [National Improvement Strategy for Parish and Town Councils](#) are set out below:

- Councils: raising the standard
- Officers: professional development
- Councillors: democratic leadership

6.2 The relevant section in the strategy on promoting councillor training is set out below:

"The Improvement and Development Board does not have the authority to impose mandatory councillor training, but through its work can help ensure that councillor training becomes the norm for the sector. All board partners are

committed to promoting councillor training and development through their work and communications with councils and councillors.”

7. Recommendation

The committee has a number of options and these are set out below:

- (a) That the committee note the referral from the Smaller Councils Committee of the request to review its position on national training in the sector on civility issues and undertake no further work on this issue.
- (b) That the committee considers the information provided and simply re-asserts the current policy position.
- (c) That further engagement takes place to assess views from across the sector on this issue including with stakeholders and interest groups including NALC governance, that this be considered at the NALC AGM 2023.

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Appendix 6.1

Unadopted roads and new build infrastructure

1. Summary

1.1 At end November 2022 NALC was approached by Andrew Selous, MP asking NALC if it had any strong policy positions on unadopted roads and new build infrastructure that we wished him to raise in an Adjournment Debate in the Commons he had secured for 2 December 2022.

1.2 NALC officers met and then approached SCN councils to confirm if they had any issues they wanted the MP to raise during the debate. Some previous material on unadopted roads, LTN 77 and a policy position on new build infrastructure were included in a short briefing for the MP which was framed also factoring in some limited feedback from SCN councils. The briefing is included at section 2 of this report.

2. Briefing

Local council powers

Local councils have the following powers relating to roads:

- Power to consent or not consent to the local highway authority stopping maintenance of a road in the council's area or stopping up/diverting a road in the council's area - Highways Act 1980, ss.47,116.
- Power to make payments to a highway authority for traffic calming schemes for the benefit of the council's area Highways Act 1980, s.274A.

Feedback from councils

It is typical to hear of new developments where the first residents must endure a long period of time during which the roads are unadopted, which causes problems of road surface quality and safety.

In some cases, the top surface isn't put down until just before the road is handed over to the council. On larger estates it can be years before this happens, with significant numbers of houses already occupied before the road is finished.

At the Fletcher Road Estate in Yate, which will total 2,600 houses when complete, the roads are still not finished, despite phases of it, equating to 1,000 houses, having been completely occupied for three years.

Road safety measures are not always put in place until the estate is complete, which can take several years.

The Fletcher Road Estate is designed to be one 20mph zone, however South Gloucestershire Council will not make the necessary traffic regulation order (TRO) for the speed limit to be reduced until the entire estate is complete, which could take 10 years. Last year a child was seriously injured on the estate and the accident safety report concluded if the road had been properly constructed, had speed humps, surfacing and a 20mph limit, it would have been safe.

Unadopted roads create uncertainty as to responsibility and who to report defects or safety concerns such as poor visibility, narrowness and lack of cycle lanes and pavements to.

They can also create resentment amongst residents, many of whom will express their displeasure at what they see as a situation where they pay their council tax like everyone else but do not feel that they benefit from a fundamental service in the form of local road maintenance.

Resident led management companies are not necessarily set up to deal with the significant costs that need to be covered in maintaining unadopted roads. East Grinstead Town Council have told us that this leads to them receiving calls about roadside facilities like street lighting and grit bins.

Unadopted roads are subject to surface drainage issues, leading to a higher risk of flooding.

Mortgage suppliers can withdraw funds from prospective house buyers if a road is not adopted.

Trowbridge Town Council have raised concerns about Wiltshire Council's policy that all new developments should transfer open spaces to management companies. At one of the first estates in Wiltshire to be covered by this policy, the Castle Mead Estate, the 600 homes are charged an amount similar to the council tax Band D charge raised by the town council. In effect this means that the residents of Castle Mead will be paying twice as much for the same range of services once the town council take over all greenspace management from Wiltshire Council on 1 April 2023 in most other parts of the town.

NALC has called for all new build houses and business to be provided with in built infrastructure to enable connection to fibre-optic broadband.

Whilst NALC currently has the existing position on land management companies “NALC lobbies government for the regulation of land management companies in relation to management charges and shared facilities” it may wish to consider adopting an informal position in light of the report above along the lines of a suggestion from Trowbridge Town Council “That NALC lobby government to change its policy so that local (parish and town) councils are given first refusal to take over the management of greenspace on new developments”.

3. Recommendation

That the committee decides on whether to adopt an informal position on the management of greenspace on new developments at its session.

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Appendix 6.2

Report of the Commission on the UK's Future

1. Summary

1.1 In 2020, the leader of the Labour Party, Keir Starmer MP, tasked former prime minister Gordon Brown with producing plans to “settle the future of the union” and devolve “power, wealth and opportunity” throughout the nation.

1.2 Brown established a commission on the UK's future which included Labour councillors, MPs, Peers, legal experts and academics.

1.3 The commission published its report [A New Britain: Renewing Our Democracy and Rebuilding Our Economy](#) in December 2022, setting out 40 recommendations for constitutional change in the UK covering rights, devolution within in England, devolution to Scotland, Wales and Northern Ireland, intergovernmental cooperation and reform of the House of Lords.

1.4 Labour leader Keir Starmer, MP said the report proposed “the biggest ever transfer of political power out of Westminster and into the towns, cities, and nations of the UK”.

1.5 All 40 recommendations will now be subject to consultation, with the conclusions likely ending in Labour's manifesto.

1.6 In his on-the-day [response](#), NALC's chair, Cllr Stevens, welcomed many of the report's proposals, particularly the empowerment of local government.

2. Report recommendations

2.1 The report recommendations (excluding those applying to Northern Ireland, Scotland and Wales) are set out below:

1. The political, social, and economic purposes of the UK as a Union of Nations, which the overwhelming majority of people in the country already accept, should be laid out in a new constitutional statute guiding how political power should be shared within it.

2. The common desire for more local control should be reflected in a legal requirement, to require decisions to be taken as close as meaningfully and practicably possible to the people affected by them, so putting power and opportunity closer to each citizen.

3. There should be a constitutional requirement that the political, administrative and financial autonomy of local government should be respected by central government.
4. There should be an explicit constitutional requirement to rebalance the UK's economy so that prosperity and investment can be spread more equally between different parts of the UK than it is today, thereby equalising living standards across the country over time.
5. There should be new, constitutionally protected social rights – like the right to health care for all based on need, not ability to pay – that reflect the current shared understanding of the minimum standards and public services that a British citizen should be guaranteed.
6. Towns and cities across England should be given new powers to drive growth and champion their areas.
7. The UK needs a radically reformed suite of place-based, innovation-led R&D programmes, with Mayors and local leaders in all parts of the UK playing a key role in design and delivery. This should include the replacement for EU regional funding, and future support for the Strength in Places Fund.
8. The UK Infrastructure Bank should be given an explicit mission to address regional economic inequality in the provision of infrastructure.
9. The British Business Bank should be given a new remit to promote regional economic equality in access to investment capital. It should do this by bridging the equity finance gap outside of London and the South East, and should be renamed the British Regional Investment Bank to reflect this change.
10. There should be an economic growth or prosperity plan for every town and city to contribute to our shared prosperity, owned by Councils, Mayors, towns and cities working in partnership.
11. 50,000 civil service jobs should be transferred out of London, saving at least £200m per year, and more Agency and Public Bodies Headquarters moved out of London. We identify the first dozen of possible candidates.
12. Local government should be given greater long-term financial certainty to enable them to invest more confidently in their areas' futures.
13. Local government should be given more capacity to generate its own revenue with new fiscal powers.

14. Local leaders should be able to take new powers from the centre, through a new, streamlined process to initiate local legislation in Parliament.
15. There should be "double devolution" that pushes power closer to people – giving them and their community the right to have more of a say on the issues that affect them, the services they use and the places they live.
28. There should be a 'solidarity clause', a legal obligation of co-operation between the different levels of Government and institutions across the UK.
29. The UK need a new and powerful institution to drive co-operation between all its governments – a Council of the Nations and Regions.
30. The structures of co-operation and of central government and Parliament should respect and recognise those areas of decision making that are England only.
31. Joint policy initiatives in areas of common interest, from climate change to security, should embed co-operation between different levels of government.
32. International trade policy should be made more inclusive of devolved leaders across the UK and have an explicit focus on reducing the UK's regional economic inequality.
33. UK-wide departments and public bodies should, as a matter of course, be obliged to make space in their governance and oversight arrangements for national and regional representation.
34. We must clean up our politics with new rules for politicians and civil servants, new powers to clamp down on outside earnings for MPs, new laws to eliminate foreign and corrupt money from UK politics, and powerful new institutions to enforce these, to replace the current institutions that have failed.
35. There should be a greater role for the public in making and enforcing the rules followed by politicians.
36. There should be a powerful new anti-corruption Commissioner to root out criminal behaviour in British political life where it occurs.
37. The House of Lords should be replaced with a new second chamber of Parliament: an Assembly of the Nations and Regions.

38. The new second chamber should complement the House of Commons with a new role of safeguarding the UK constitution, subject to an agreed procedure that sustains the primacy of the House of Commons.

39. The new second chamber must have electoral legitimacy, and should be markedly smaller than the present Lords, chosen on a different electoral cycle – with the precise composition and method of election matters for consultation.

40. We recommend that the necessary consultation and preparatory work should begin now, and this should include a ground-up conversation with the people of Britain.

3. Recommendation

3.1 That the committee considers the report's recommendations and NALC undertake further engagement with the Labour Party.

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Appendix 6.3

PARLIAMENTARY BRIEFING | LEVELLING UP AND REGENERATION BILL – HOUSE OF LORDS SECOND READING, 17 JANUARY 2023

Introduction

NALC is the national membership body that works with the 43 county associations of local councils to represent and support England's 10,000 local (parish and town) councils.

Local councils and their 100,000 councillors are the first tier of local government, closest to the people, and play an essential part in delivering hyper local services, building strong communities, and strengthening social fabric.

Local councils cover two thirds of England and a third of the population, and invest over £2 billion per year to improve and strengthen communities.

Empowering communities is the key to levelling up and improving local public services, and that includes unlocking the potential of local (parish and town) councils.

As an existing, sustainable model of community power, local leadership and public service delivery, local councils are already putting pride in place through the provision of parks and open spaces, markets, support for high streets and town centres, community events and so much more.

In recent years, the unique place-based role of local councils has been changing, they are doing more and they are increasingly innovating.

And they are providing local leadership to take action on local and national priorities such as climate change and cost of living, health and housing, loneliness and local services, transport and town centres.

By providing the right support, the government has an opportunity to help local councils to do more and provide the local leadership needed to level up communities, deliver good hyper local public services, and ensure a social, as well as economic, recovery from the coronavirus pandemic.

The Levelling Up and Regeneration Bill aims to drive local growth, empower local leaders to regenerate their areas, and ensure everyone can share in the United Kingdom's success.

When taken together, the levelling up white paper and now the Bill, are a welcome and positive first step down the long road ahead to levelling up, further devolution and empowering local communities.

But levelling up will not succeed if we do not empower communities and local councils.

The Bill must be more ambitious and go further to empower local councils and help them build strong communities and strengthen social fabric.

Because their potential is vast – including doing even more – such as helping deliver levelling up missions such as on crime and community safety, transport, broadband, local businesses, health inequality and pride in place.

This briefing sets out NALC's key issues and implications for local councils as well as several areas of concern.

Levelling up

The Bill creates a legal duty for the Government to set and report on a number of missions for levelling up the country.

However, the detail of the twelve missions published in the white paper are not on the face of the Bill. Instead, a levelling-up missions' statement will be laid before Parliament and published, alongside the methodology and metrics to be used to evaluate its progress towards their delivery.

This means the missions can be changed at any time by the government of the day. We would expect the government to fully consult on the proposed metrics to be used to produce an annual report on the Levelling Up missions.

Local democracy and devolution

Devolving powers to all areas in England that want them through the new devolution framework and devolution structures is welcome. But this must not be confined to county or regional level and must also empower local leaders at community level such as local councils.

The devolution framework does not currently require the three levels/models of devolution, including the new model of Combined Authority called Combined County Authorities (CCAs), to provide opportunities for further onward devolution to communities and local councils.

It is also the case that relationships and engagement between the three levels/models and local councils is often limited, including involvement in scrutiny arrangements.

The Bill should therefore go further to address both these issues including through the existing measure to enhance the overview and scrutiny and audit of new and existing combined authorities.

Also less positive is the Bill's lack of other measures to give communities and local councils more tools to improve their areas.

First, it does not include measures to take forward the white paper commitment to launch a review of neighbourhood governance which will also look at the role and functions of local councils and making local councils quicker and easier to establish, which NALC welcomes and called for.

Communities in two-thirds of England's population are being left behind in taking community-led action to level up their areas because they do not have a local council.

Onward's Social Fabric Index shows areas with full coverage of local councils score significantly higher than those without local councils for key measures of community strength (see notes at end).

Over the last decade, over 300 places have seen new local councils created in response to community demand or through local government reorganisation.

Yet barriers still exist from awareness by communities they can have a local council, support to help communities through the process, the process itself which is complicated and the attitude of principal councils who are often resistant.

The government is yet to publish further details or timescale for taking this white paper commitment forward, and the bill makes no provision for legislative change to enable such change.

The Bill should therefore be improved to level up local democracy by establishing local councils across all of England, abolishing unelected and unaccountable Charter Trustees, who can raise a precept without any election or vote, in the remaining 17 towns where they exist and replacing them with a town council, and by abolishing parish meetings in rural areas and creating new local councils covering one or more parish meeting areas.

The Bill also provides an opportunity to strengthen the first tier of local government and ensure their 100,000 councillors have the necessary funding, powers, relationships, and support to provide high-quality local facilities and services and improve people's sense of belonging and community.

On funding this should include access to dedicated government funding, a share of business rates and scrapping limitations and restrictions such as Section 137 of the Local Government Act 1972.

On powers this should consider the legislative and regulatory framework governing local councils. Many of the powers, duties and rules are archaic and urgently need reforming and updating. Examples would include extending the general power of competence, a much stronger right to take over assets/services from principal councils and purchase community assets, parity with the rest of local government to provide dependent carer's allowances, clarity over funding and maintenance of church buildings, and giving councils the flexibility to hold remote meetings.

On relationships this should consider building on previous work by NALC and the Local Government Association on working together and devolution, and also help build more effective links with other organisations and agencies.

On support this should cover not only investment in sector support and improvement but also helping communities to set up new local councils.

Second, the Bill provides for the new model of CCAs to have a general power of competence, aligning them with constituent principal councils which already have this power through the Localism Act 2011.

However, the first tier of local government is currently out of alignment with the rest of local government as the general power of competence is restricted to principal councils and only some local councils who meet certain tests imposed nationally by the government.

NALC data from our network of 43 county associations suggests this is just 18% of local councils.

To further empower communities and ensure they are not held back in being able to innovate and respond to local needs and priorities, to improve public services, and to restore a sense of community, local pride and belonging, the Bill should go further and extend the general power of competence to all local councils.

Third, the Bill doesn't go far enough to empower communities in devolution.

Devolving powers to all areas in England that want them through the new devolution framework and devolution structures is welcome. But this must not be confined to county or regional level and must also empower local leaders at community level such as local councils.

Our experience from previous and current rounds of negotiations and discussions about local government reform and devolution have generally highlighted the necessity for local councils (or the relevant county association of local councils on their behalf) to be much more involved.

Similarly, the devolution framework does not currently require the three levels/models of devolution, including the new model of Combined Authority called Combined County Authorities (CCAs), to provide opportunities for further onward devolution to communities and local councils.

It is also the case that relationships and engagement between the three levels/models and local councils is limited, including involvement in scrutiny arrangements.

The Bill should therefore address both these issues including through the existing measure to enhance the overview and scrutiny and audit of new and existing combined authorities.

Housing and planning

NALC is a strong supporter and advocate of neighbourhood planning which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Around 90% of neighbourhood plans developed to date have been led by local councils.

Which is why it is good the government has acted on calls from NALC to strengthen neighbourhood planning and give neighbourhood plans more weight and protection as part of its planning reforms being taken forward in the Bill.

It is also worth recognising that the current state of play – 3000 communities, 1300 referendums, average yes vote of 88%, average turnout of 33% – has been 10 years in the making but needs to be revisited and refreshed.

Despite this good progress, thousands of communities, in both parished and unparished areas, remain untouched – we want to see all local councils leading neighbourhood planning, with an increase in support to help achieve this.

Equally important will be shifting the culture and attitude of principal councils to be more positive and supportive of neighbourhood planning. There are parallels here with their attitude towards the creation of local councils too.

However, we are concerned the Bill gives National Development Management Policies primacy over local plans and neighbourhood plans and means they could easily and quickly be rendered out of date by changes to national policies.

This may stifle local innovation on issues such as affordable housing, energy efficiency and nature conservation. It would also undermine local democratic engagement in, and scrutiny of, the planning process and lead to significant legal delays where conflict between plans and national policies is contested. The Bill should be amended to remove any suggestion that national policies have automatic primacy over locally agreed ones.

Neighbourhood plans can only be in conformity with any national development policy in place at the time the plan is made. Any subsequent change to national policy should not override neighbourhood plans.

The Bill introduces a new neighbourhood planning tool called a neighbourhood priorities statement. This provides communities with a simpler and more accessible way to set out their key priorities and preferences for their local areas. In the same way that local councils are automatically designated bodies for developing a neighbourhood plan, this must also be the case for developing a neighbourhood priorities statement.

We are concerned that the introduction of street votes risks undermining both a plan-led (both local plans and neighbourhood plans) approach to development and also permitted development. We are keen to work with the government to increase engagement with, and involvement in, plan making.

We welcome the new Infrastructure Levy and importantly this will be mandatory and set at a local level, and we would expect local councils to be involved in the setting of the level.

The current definition of qualifying body is the right one and is consistent with the government's approach to devolution to local leaders with local accountability.

It is right that local councils will receive the 25% neighbourhood share of the Infrastructure Levy. This will ensure communities benefit from development and local councils can invest in local infrastructure and other priorities. It will be important for local councils to have full flexibility in how the levy is used.

However, the reported flat share of 25% does not provide an uplift or added incentive for communities that have a made neighbourhood plan in place, which is the presently the case where the Community Infrastructure Levy is charged.

The Bill introduces a discretionary council tax premium on second homes and changes the qualifying period for use of the long term-empty homes premium. A share of this premium should be provided to local councils who are often at the front line of dealing with the consequences of second homes on residents, businesses, services and facilities.

Funding

Neither the white paper or the Bill include funding to local councils as local leaders to help them level up their areas or to help them to improve and build capacity and capability.

Local councils are primarily funded through their small share of council tax. The average Band D is just £75 per year. Unlike principal councils they do not receive revenue support grant or a share of business rates.

And despite the growing role of local councils in responding to the social, economic, and environmental needs of communities, local councils were not eligible to apply in their own right for government growth funds such as the Community Renewal Fund, Levelling Up Fund, Towns Fund, or UK Shared Prosperity Fund (UKSPF). They are also excluded from the Community Ownership Fund.

Using the UKSPF as an example, at best we are disappointed local councils especially larger councils cannot apply directly to government, but at worst that the guidance does not explicitly require local authorities to ensure local councils have access to funds or are involved in local partnerships.

Many local councils faced significant financial pressures during the Coronavirus pandemic due to additional costs, but in particular, lost income.

However, government funding to support local government during the coronavirus pandemic was not passed on from principal councils to local councils.

The government stated they could not fund local councils directly as they had no powers to do so. The Bill should address this by amending Section 33 of the Local Government Act 2003 to provide ministers of the crown the power to grant fund local councils.

NALC welcomes the white paper commitment to build local government capacity and capability through ongoing sector support and funding a programme of improvement covering a range of priorities which is reviewed periodically.

Local councils are extremely diverse in terms of the areas they cover, from small villages to large towns, as well as in their skills, resources, and capacity.

The local council sector has many self-improvement initiatives already in existence, as a baseline from which to build, yet which lack investment including from the government.

Since the National Improvement Strategy for Town and Parish Councils was published in 2016, there has been no direct investment from the Government to support the delivery of its vision and initiatives.

This contrasts with the £18 million a year of funding for sector support provided by the Department for Levelling Up, Housing and Communities (DLUHC) to the Local Government Association (LGA).

In the last few years, the LGA has provided some welcome small-scale support through its DLUHC funding for two peer challenges, a joint guide on loneliness and for the National Association of Local Council's (NALC) Make A Change campaign to encourage more people to become councillors.

This underinvestment by the government leads to constraints in increasing the sector's efficiency, securing improvement, and unlocking performance that only the Government has the policy and financial levers to help with.

The government should provide NALC directly with a share of funding to support local councils, this can be provided from a proportion of the funding retained by the government when funding to LGA was reduced.

The Bill amends also the Local Government Finance Act 2003 to enable the Secretary of State to give one or more risk-mitigation directions to a local authority in England. This includes setting limits in relation to the borrowing of money or requiring the local authority to take action specified in the direction which could include to divest itself of a specified asset.

The Government should confirm whether local councils are in scope of this measure.

Remote council meetings

It is disappointing the Queen's Speech did not include a bill to allow councils at all levels to hold online and hybrid council meetings.

The government's call for evidence on remote council meetings closed in June 2021 and they are yet to publish the results or take any steps to address this issue.

The flexibility for councils to meet virtually was paramount during the pandemic to allowing councillors and the public to attend council meetings.

Councils saw an increase in meetings attendance, including the public and MPs, decreased carbon emissions and meetings related costs, and better work-life balance for councillors who work or have caring responsibilities.

Councils need the flexibility to meet in this way to be reinstated so that they can continue to work in the most accessible and resilient way possible, especially in times of emergency such as when there is adverse weather or flooding.

NALC welcomed amendments put forward during the Commons stages to address this issue but these were not supported by the government or voted upon.

The Bill should be amended to allow councils to hold online and hybrid council meetings.

Civility and respect in public life

Following the Conservative leadership campaign which had our national politician's behaviour, conduct and standards in public life among the key issues, the new prime minister has pledged to lead a government with integrity, professionalism, and accountability at every level.

NALC firmly supports and is committed to promoting and supporting the critically important principles of good governance and the highest standards of conduct and behaviour in local councils.

Most local councils are well run, with clerks and council staff working as a team with councillors to deliver their ambitions for the community.

But all too often the negative impact of poor and disruptive behaviour – by councillors, clerks, and residents – can overshadow the many whose tireless efforts play such a vital role in our civic life and local communities.

NALC has called for a reset on standards in public life and for the government to revisit the Committee on Standards in Public Life's (COSIPL) review of local government ethical standards and its series of recommendations, which are fully supported by NALC, to strengthen the current system and improve the conduct of local councillors.

The Bill should be amended to implement COSIPL's report and recommendations in full, including introducing tougher sanctions, such as suspension, on poorly behaving councillors.

For more information and to arrange a meeting to discuss the bill:

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