

POLICY COMMITTEE | AGENDA

23 January 2024 from 10:00 – 12:00 noon via Zoom.

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

DECISION ITEMS (10:00 a.m. – 11:40 a.m.)

1. Welcome & apologies [10:00 – 10:02]

2. Minutes of previous meetings [10:02 – 10:05]

2.1. To approve the notes of the meeting held on 13 December 2023 (appendix 2.1)

2.2. To approve the draft minutes of the meeting held on 17 October 2023 (appendix 2.2)

3. Motions from county associations [10:05 – 10:50]

3.1 To consider a motion from the Yorkshire Local Councils Associations on the fire and rescue service – Cllr Robert Tams from the Yorkshire Local Councils Associations will propose the motion – see appendix 3.1

3.2 To consider a motion from the Yorkshire Local Councils Associations on pre-application consultations – Andrew Towler from the Yorkshire Local Councils Associations will propose the motion – see appendix 3.2

3.3 To consider a motion from the Dorset Association of Parish and Town Councils Associations on the energy efficiency of listed buildings – Cllr Brian Larcombe from the Dorset Association of Parish and Town Councils Associations will propose the motion – see appendix 3.3

[Short comfort break, 10:50 – 11:00]

4. Work plan 2024-25 [11:00 - 11:25]

4.1 To consider a report on the committee's work plan to deliver the National Assembly work programme/priorities for 2024/25 – see appendix 4.1

5. Co-options and additional expertise [11:25 – 11:40]

5.1 To identify proposals for co-options and securing additional expertise to the committee.

DISCUSSION ITEMS (11:40 – 11:55)

6. External speaker – Locality Neighbourhood Planning team [11:40 – 11:55]

6.1 To receive a short presentation from Samantha Banks, neighbourhood planning programme manager at Locality.

INFORMATION ITEMS (11:55 – Noon)

7. Items for information (11:55 – Noon)

- 7.1 NALC response to OFLOG consultation on next steps and metrics.
- 7.2 NALC response to Competition and Markets Authority housebuilding market study.
- 7.3 NALC response to Department for Science, Innovation and Technology consultation on very hard to reach areas rural broadband.

8. Date and time of next meeting (Noon)

- 8.1 In London from 11:00 to 15:00 on Tuesday 23 April 2024, venue to be confirmed (Zoom will be kept open until around 12:10 as needed)

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Appendix 2.1

Notes from Policy Committee governance session – 13 December 2023

- Item 1 – election of chair – Cllr Peter Allison duly elected as committee chair for 2024-5.
- Item 2 – election of vice chair – Cllr Richard Page duly elected as committee vice chair for 2024-5.
- Item 3.1 – all members were encouraged to read their role profiles setting out the roles and responsibilities of NALC committee members.
- Item 3.2 – all members were encouraged to read NALC's committees process document agreed by National Assembly.
- Item 3.3 – there was a request to add the civility and respect project to the committee terms of reference and for there to be an item on the Sustainable Communities Act on a future committee agenda in 2024.
- Item 3.4 – LUHC Committee Inquiry into OFLOG – it was agreed that NALC should submit a short response to this query and the handling plan was agreed.
- Item 4 – it was confirmed that the in-person session of the committee for 2024-25 financial year will take place on 23 April 2024 in London, venue to be confirmed.

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Appendix 2.2

POLICY COMMITTEE | DRAFT MINUTES

Meeting of the Policy Committee held on 17 October 2023 at 10.00 via Zoom.

Present:

Councillors Peter Allison (committee vice chair and West Yorkshire), David Francis (committee chair and Northumberland), Richard Page (Gloucestershire), Charlene Slade (county officer, Essex Association of Local Councils); and Shelley Parker, policy and external affairs manager, Society of Local Council Clerks.

Staff present: Justin Griggs, head of policy and communications and Chris Borg, policy manager.

1. Welcome and apologies

The committee chair welcomed all attendees to the meeting, and apologies from Cllr Keith Stevens, NALC chair, and Janet Wallace (Dorset), were noted.

2. Motions from county associations

2.1 To consider a motion on freeholder management of shared facilities from the Gloucestershire Association of Parish and Town Councils – Cllr Richard Page from the Gloucestershire county association (and committee member), will propose the motion.

Cllr Page presented a motion on freeholder management of shared facilities from the Gloucestershire Association of Parish and Town Councils, noting that NALC had a headline position on this matter but that the request of his association was specifically adding teeth to that position, and more detail.

The specific request was that the committee adopt a position to make provision for the regulation of fees, charged by management companies to freeholders of residential properties, to ensure legal step-in rights, in perpetuity, for the self-management of shared facilities by such freeholders, parish & town councils, or other appropriate community groups. And that the principle of the statutory right be communicated to the CMA (Competition and Markets Authority) as part of their current investigation / consultation.

There was a lengthy sympathetic discussion on the matter during which it was considered an essential matter for local councils, especially as both NALC and the Gloucestershire associations had received detailed supporting evidence from several other associations including Cornwall. It was then agreed to adopt the motion, factoring in that the committee wanted local councils to have a right, but no obligation, to step in; it would apply to leaseholders as well as freeholders; the committee were concerned with facilities such as children's play areas and parks.

Resolved: That the motion be adopted, that NALC officers enquire with Competition and Markets Authority as to whether it will still receive representations to its inquiry into housebuilding and land management practices, and if so to submit a short response, as well as engaging with the Housebuilders Federation and relevant government departments.

3. Central government data collection

3.1 To consider whether to develop and adopt a policy to require the Department for Levelling Up, Housing and Communities to collate specified additional data and intelligence for local councils in future (e.g. parish elections hard results data annually where parish elections have taken place)

The committee introduced an item borne of the recent exercise to obtain hard election results for the local council elections of 4 May 2023 in 34 county areas across England which had held them – specifically from the 182 principal authority sites hosting these datasets. This exercise had not resulted in complete datasets for these areas being obtained and had proved extremely taxing on resource-poor associations and NALC officers. Also, this data is often difficult to discover on principal authority websites, is presented in differing and inconsistent ways, and often for only a few months duration.

It was confirmed that central government currently collated data for local council borrowing and council tax / precept statistics annually. However it was also agreed as desirable that central government should collate local council elections data annually, that NALC had to have a clear case about why it required certain datasets, that it had to work smarter to obtain that data (avoiding lengthy, time consuming and labour intensive trawls through county associations where possible), and liaising with existing national stakeholders to obtain such data.

Resolved: That NALC liaise with SAAA, OFLOG and AEAA to obtain relevant datasets as necessary in the future, that the new NALC website be used to build a single database of thematic data where possible, and that NALC, SLCC and county associations act in concert where a case is proven, to provide and elicit sector data, efficiently.

4. Neighbourhood Planning update

The policy manager confirmed that the government had confirmed and granted Locality neighbourhood planning (NP) support funding, likely to end financial year 2023-24. Whilst this was good news, there had been several queries from member councils earlier in the financial year asking what had caused the severe delays in the funding being announced given that NP is such a main policy plank of the current government.

There was a wider discussion during which it was confirmed that all of the main parties at their recent conferences had confirmed support for more houses being

built, but there was recognition that NPs were a very useful way of allocating housing numbers and now, of drawing down local design codes.

Resolved: That the verbal update be noted.

5. Minutes of previous meetings

5.1 To approve the draft minutes of the meeting held on 20 June 2023

Resolved: That the draft minutes from the formal committee session on 20 June 2023 be approved.

5.2 To approve the notes from the special committee session of 8 September 2023, by Zoom

Resolved: That the notes from the special committee online session on 8 September 2023 be approved.

There was then a short comfort break between 11:03 and 11:15.

6. Martyn's Law

6.1 To receive a verbal update from the head of policy and communications on progress with the Terrorism (protection of premises) draft bill otherwise known as Martyn's Law since the special committee session on 8 September 2023.

The head of policy and communications provided a short verbal update regarding the Draft (Protection of Premises) Bill confirming that the government likely needed to respond to the Home Affairs Select Committee inquiry into the bill before it could enter the bill to parliament. However, it was confirmed that the bill would likely be included in the King's Speech on 7 November.

Resolved: That the verbal update be noted.

6.2 To note the response to the Home Affairs Select Committee Inquiry into Martyn's Law (the Terrorism [protection of premises] draft bill).

The policy manager confirmed that NALC had responded to the recent Home Affairs Select Committee inquiry into the draft (protection of premises) bill, arguing for greater engagement from the Home Office with NALC and SLCC, the need for a support package for local councils if the bill becomes law, and a proportionate regime.

Resolved: That the verbal update be noted.

6.3 To discuss and agree the formation of a sector steering group comprised of one member of this committee, one member of the Larger Councils Committee, one member of the Smaller Councils Committee, one county officer, the policy

manager and one SLCC representative – to guide and inform the sector’s response to Martyn’s Law, its requirements if enacted, and the promotion of anti-terrorism good practice.

The policy manager provided a short update on a sector steering group which was being created to vet the draft protection of premises bill and to lobby for a relevant support package – a committee member was secured to take part in the work of the steering group.

Resolved: That Cllr Richard Page represent the committee on the Martyn’s Law sector steering group.

7. Levelling Up and Regeneration Bill

7.1 Levelling Up and Regeneration Bill – verbal update on the progress of the Levelling Up the United Kingdom white paper and Levelling Up and Regeneration Bill.

The head of policy and communications provided confirmation that the Levelling Up and Regeneration Bill had now entered Commons ping-pong stages, but that at the end of the previous week it had issued an order paper containing an amendment to remove the previously included sector amendment on remote meetings. The bill had initially been seen as a catchall chance to progress various NALC positions, which NALC had continued to lobby on at party conferences.

Resolved: That the verbal update be noted.

8. Policy headlines from party conferences 2023

8.1 To receive a short verbal update on headline policy outcomes from the main political party conferences 2023 from the head of policy and communications.

The head of policy and communications provided a helpful steer on NALC’s engagement at the Labour, Liberal Democrat, Conservative and Green party conferences. The head of policy and communications, chief executive, chair or NALC and several other senior members had represented NALC at these events, lobbying hard for relevant NALC positions and ensuring that the flag was flown for parishes across England.

Resolved: That the verbal update be noted.

9. Responses to consultations

9.1 To note recent responses on hedgerows, permitted development rights and local plans.

The policy manager provided a short verbal update to confirm that NALC had recently submitted responses to government consultations on hedgerows, permitted development rights and local plans, with more in the pipeline – the committee was thanked for its input.

Resolved: That the verbal update be noted.

10. Mini-review of 2022-23 committee tenure

10.1 For each committee member to verbally feed-back on their experiences of being on the committee during the 2022-23 tenure, highlighting significant policy wins, learnings and improvements for policy delivery in 2024-25.

The committee chair asked each committee member to summarise in brief their experiences on the committee during their time on it over the last 2 years. Members broadly confirmed their time on the committee had been positive and busy, enjoying help NALC frame responses to consultations and being a voice for local councils. Officers then thanked all committee members, saying they hoped members would stand for election to the committee again in 2024-25.

Resolved (1): That all committee members be thanked for their sterling work over the last 2 years on the committee; that NALC officers seek clarification on the use of the “reply all” function in Outlook between meetings; and that use of the broadest thematic expertise be secured in 2024-25 for presence on the committee and responding to consultations.

Resolved (2): That the long serving committee chair Cllr Francis be thanked for his excellent service to the committee over several years and that Cllr Allison the committee vice chair also be thanked for sterling service to the committee.

11. Date and time of next meeting

The next meeting of the Policy Committee will be a governance session between 10 a.m. and Noon on 13 December 2023 at which incoming members of the committee for the 2024-25 tenure will be welcomed, and a committee chair and vice chair will be elected for that period, by Zoom.

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Appendix 3.1

Motion – Fire and rescue service – Yorkshire Associations of Local Councils

Proposer: Cllr R. Tams

1. Motion text

1.1 The YLCA Joint Annual Meeting has resolved that NALC lobby HM Government for: the Fire and Rescue Service to be designated a statutory consultee for the purpose of development of Battery Energy Storage System (BESS) sites of one megawatt or greater; that it be mandatory that applicants of a BESS site of one megawatt or greater must consult with the Fire and Rescue Service before submitting a planning application; that local planning authorities must consider guidance produced by the National Fire Chief's Council when determining applications; and that the local planning authority must consult with local fire and rescue services before issuing decisions on BESS applications as described above.

2. Reasoning for the motion

2.1 The Yorkshire Local Councils Associations are concerned about the emergence of battery storage plants appearing in locations too close to housing and workplaces, also minimum regard to safety. There is upward of 360 schemes in the process of planning or installing in the UK – one example is a 500mw application close to a housing estate at the former Eggborough power station in North Yorkshire. This application has now been passed. A second example is a 240mw application which is actively being considered to the south of Hensall Village in North Yorkshire within close proximity of a primary school and housing. Lithium-ion battery energy storage is used-car batteries placed in shipping containers and usually stacked one on top of another.

3. NALC manifesto theme

3.1 Empowered communities.

4. How affecting local councils

4.1 Councillors are concerned and worried about the lack of scrutiny and consultation when a BESS site is proposed. A key concern is around system failures as the toxic fumes are detrimental to life. The only way to put battery fires out is to douse with water and wait until it stops burning – that water can contain Hydrofluoric acid, copper oxide and other particulates and will, if not contained, seep into the land, water courses, dykes and rivers and potentially contaminate and threaten drinking water. When on thermal runaway the gases produced contain hydrogen fluoride, methane, carbon monoxide and other toxins from plastics etc – when that gas cloud meets an ignition source it will explode. Lithium-Ion storage facilities can be dangerous and, in the view of the YLCA (from information provided by member councils) must be correctly categorised as hazardous.

5. Recommendation

5.1 That Policy Committee reach a decision after consideration of this motion at its session on 23 January 2024.

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Appendix 3.2

Motion – pre-application consultations – Yorkshire Associations of Local Councils

Proposer: Andrew Towlerton

1. Motion text

1.1 That the Yorkshire Local Councils Associations and the National Association of Local Councils lobby HM Government to seek a change in national planning policy that would make it mandatory on local planning authorities that they must inform and consult with affected local councils of formal pre-application discussions involving major developments.

2. Reasoning for the motion

2.1 Pre-application advice is where a developer seeks advice from a local planning authority on development before they apply for planning permission. The local planning authority will then issue advice on whether the proposal is acceptable in planning terms or what changes are needed to make it acceptable. Most often, the local planning authority will charge for this service. The advice provided is not binding on the local planning authority but can be a ‘material consideration’ to be taken into account in the planning application process should a formal planning application be made. National planning guidance encourages developers and local planning authorities to enter into pre-application advice, and there is some evidence that there has been a big increase nationally in pre-application advice sought by developers.

However, while national planning guidance encourages engagement with local councils and the wider community in pre-application advice, this is not the mandatory bar in a few special circumstances where it relates to planning applications for wind turbines. It is largely at the discretion of individual local planning authorities whether they involve communities in the pre-application advice process. Some do, and many do not. That local councils have not been involved in pre-application advice discussions affecting their area is of some concern to some local councils.

3. NALC manifesto theme

3.1 Empowered communities.

4. How affecting local councils

4.1 The motion seeks a change in planning rules and regulations that would make it mandatory to consult the local community, including local councils, as part of the pre-application advice process ideally for all developments, but if this is not considered appropriate, for major developments at least. In Wales, it is also a legal

requirement for developers to consult the local community before applying for planning permission for major developments.

5. Recommendation

5.1 That Policy Committee reach a decision after consideration of this motion at its session on 23 January 2024.

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Appendix 3.3

Motion – energy efficiency of listed buildings – Dorset Association of Parish and Town Councils

Proposer: Cllr Brian Larcombe

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 This is a re-submission because the representatives from the councils in Dorset putting this forward missed presenting at Policy Committee and as such the case was not made as fully as had been hoped. 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. 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 (annually), there are around 2/3m vehicle movements into and out of Lyme Regis, despite a resident population of less than 4,000.

3. NALC manifesto theme

3.1 Empowered communities.

4. How affecting local councils

4.1 We 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. On a related but separate issue, we are 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. We 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. 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. The town council would request that this issue is considered seriously by Dorset Council; particularly with the opportunities afforded by the introduction of a new Dorset Council-wide 'local' plan.

5. Recommendation

5.1 That Policy Committee reach a decision after consideration of this motion at its session on 23 January 2024.

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Appendix 4.1

Policy Committee work plan 2024-25

1. **Purpose of report**

2. For direction.

3. **Summary**

4. This report summarises the committee's proposed projects and programmes for the 2024/25 cycle.

5. **Recommendation**

6. That the committee comments on and agrees the activity, including the proposals in 11-31, for recommendation to Management Board.

7. **Financial implications**

8. All commitments can be met from the within existing staffing resources and budget; some new proposals may have to be considered for the next financial year.

9. **Background**

10. The meeting of National Assembly on 29 November agreed proposals to develop a two-year work programme for 2024/25.

11. The work programme would comprise:

- current themes and campaigns of climate change, health and wellbeing, young people, make a change, and planning, with a focused piece of work identified for each.
- a new theme of community safety.
- other areas of sector financial resilience, workforce issues and strategy, sector risk register, NALC manifesto, artificial Intelligence, data and a membership survey.

12. Following discussions with the committee chair, officers have developed a draft work plan to deliver the National Assembly work programme and committee terms of reference.

13. **Climate change**

- NNN: Climate emergency.
- Updating Climate emergency webpage.

- Online event on climate change – June 2024.
- Develop new Net Zero sub-group (already held its first roundtable).
- Ongoing promotion of policy positions.

14. **Health and well-being**

- Updating Health and wellbeing webpage.
- Future online event on health and wellbeing.

15. **Young people**

- Updating young people web page.
- Online event on young people – December 2024.

16. **Planning**

- Updating Planning webpage.
- Online event on planning/neighbourhood planning – September 2024.
- Re-engage with Locality with focus on neighbourhood planning support programme.
- Continuing to make the case for neighbourhood planning support programme.
- Develop proposals and commission external planning advice/expertise.
- Working with CPRE to update planning guides.
- Of the 2,900 neighbourhood planning areas the majority were completed before 2020 and will be approaching a five-year review. Engage with these councils on what they would like to change.

17. **Make a change**

- Updating Make a Change webpage.
- Two new Councillor Stories.
- Joint work with LGA Be A Cllr campaign (further joint online event if funded).

18. **Community safety**

- Martyn's Law steering group.
- New dedicated webpage.
- Case studies publication.
- Engage with government and relevant stakeholders.
- Identify policy issues to lobby on.
- Online event on community resilience – October 2024.

19. **Workforce issues and strategy**

- Work with Improvement and Development Board and Member Services team to lobby on changes to employment law.

20. **Sector financial resilience**

- Continue to make the case for local councils to have flexible and diverse funding.
- Online event – April 2024.

21. **Sector risk register**

- To develop this liaising with relevant other committees and sector stakeholders.

22. **NALC manifesto**

- Promote the NALC manifesto to all political parties.
- Roundtable with Labour Coast and Country for shadow local government minister and Prospective Parliamentary Candidates (PPCs).
- Online briefing sessions for PPCs.
- Prioritise policy objective to promote civility and respect in public life, including strengthening the standards regime and introducing sanctions.

23. **Artificial Intelligence**

- Identify policy issues to lobby on.
- Online event – July 2024.

24. **Data**

- Engage with Government, OFLOG and other bodies.
- Continue to make the case for extension of OFLOG remit to cover local councils.
- Develop suite of themes for data metrics on local councils.

25. **Membership survey**

- Work with Member Services team on development of membership survey.

26. **Creation of new councils (including in new towns and community stewardship organisations)**

- Engage with government on update to guidance on community governance reviews.

- Continue to provide support and advice to county associations and community campaigns.
- Focused piece of work on new councils in metropolitan district council areas (with the election of Iain Hamilton there are now two people on Policy Committee who represent councils in Metropolitan Districts) (something on new towns and community stewardship organisations).

27. Consultations and inquiries

- Make submissions to consultations and inquiries by government, Parliament and other bodies.

28. Sustainable Communities Act (SCA) Selector

- Briefing/induction session for the Committee on SCA and its role as selector – future committee session.
- Consider proposals from local councils.

29. Sharing good practice

- NALC National Network: Coastal communities.
- Develop new case study template.

30. External speakers for Committee meetings

- Neighbourhood planning programme manager, Locality.
- Government officials.
- Local Government Association.
- Co-Director(s) from Zero Hour (promote Climate and Ecology Bill)
- MPs as needed.

31. Preparation for a New Government

- Analyse manifesto commitments by winning party(-ies) with implications for local council sector.

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