

CRC Briefing

Localism Bill 2011.



For a summary of the bill, see the Community Development Foundations' helpful summary at: [see here](#), go to cdf.org.uk and look for pages on the Localism Bill or go to the DCLG Localism Bill overview [here](#). The bill is at this time of writing currently in committee stage. A consultation is currently being held on two of its key proposals: the "right to buy" and the "right to challenge", which closes on May 3rd. It is set to be passed by November 2011.

The government is seeking to give local communities more powers through this bill, and this is to be welcomed. However, it remains to be seen how much of the rhetoric will actually be seen in practice. Some of the proposals will potentially give greater power to central government such as what is an excessive council tax rise; and give more power to cities, such as elected mayors; some of the proposals to help the local VCS such as the right to challenge could actually benefit large companies and national charities. But some proposals are likely to give local communities more say if they take up the mantle.

There are four main areas:

1. **New rights for communities.**

Local referendums about any issue can be called by just 5% of the electorate petitioning for one. A small minority could therefore affect the whole community – for good or bad, at a time of electorate deficit, when a majority of people do not engage.

There will be a right for groups to express an interest in running council services, such as social care services, libraries, leisure centres, children's centres (formerly sure start); a procurement exercise must then take place. Whilst this "right to challenge" is couched as encouraging local voluntary groups to take over services, there appears to be nothing preventing large private businesses also benefiting from this, or presumably large multi-million pound national charities. However, there are already churches taking over council services such as running after school clubs in schools ("extended services") – in our region, Bridge Street Pentecostal church runs services in Burmantofts, Leeds, and Holy Trinity Wakefield has been running these in some Wakefield schools, for example. There will be other churches and Christian groups who will want to pursue opportunities like this to bid to run council services. Clearly this is not an easy thing to do and would require a great deal of capacity, perhaps a group of churches working together.

There will be a right for communities to bid to buy public or private buildings such as libraries, pubs and shops, or land; a lot of the detail around this is currently unclear. There is an opportunity here for churches clearly. However, this right will no doubt be taken up in communities in a piecemeal way – where there is capability, skills and knowledge in a local community, they may well set up a community library – this could work in Headingley, Leeds, or Dore, Sheffield – but would it be taken up in Seacroft in Leeds or in Arbourthorne in Sheffield, where capacity is less since people's efforts are put into struggling to survive in difficult circumstances.? There doesn't seem to be funding to support groups to take up these challenges.

Communities will have the right to veto *excessive* council tax increases and know more about council spending. However, as Toby Blume has written in the Urban Forum's Localism Bill briefing, knowing a council spent £500 on pizza does not tell you whether the council had a nice lunch or there was an effective youth engagement event.

2. **Devolving greater power to councils and neighbourhoods.**

As well as giving more powers to councils – for example to use a committee system instead of a cabinet system, or for councillors to campaign, this goes hand-in-hand with the removing of a lot of regulation and monitoring of local authorities set up by Labour. So the duty to promote democracy – to tell local people

how governance locally works and how people can get involved – is removed. There will be a new power to create elected mayors, in 12 cities, including Bradford, Leeds, Sheffield and Wakefield. Even before a local referendum on the issue “shadow mayors” will be appointed with full powers. Our region’s experience of elected mayors has been a failure, in the shape of Doncaster, which is experiencing many problems, and therefore it remains to be seen how this will work in practice.

Extra powers to councils and less regulation will mean a kind of postcode lottery where good, high performing local authorities will thrive but others will fail to deliver local services of high quality. The measures that existed to encourage co-operation between local authorities and to drive up standards, are being cut, for example the demise of targets for local authorities, of Comprehensive Area Assessments, and of the Audit Commission. This is because the government believes it should not interfere in local areas.

3. Reform of the planning system.

A number of measures are proposed such as abolishing regional strategies and housing targets; it is not clear how planning which is wider than the local, will work. There is a new duty-to-co-operate, which means local bodies must co-operate with each other. However, this is quite vague, and it is not clear yet what bodies apart from local authorities are included. Local areas will decide how this works in their localities. In some areas it may work well and not in others.

Local authorities will have more power to decide where Community Infrastructure Levy is spent and how much it is, and some must be spent in the locality concerned (this is a charge made by Local Authorities to developers when they build). They will have more control over local planning, and local communities will have more say over bringing forward development projects (“community right to build”). This means a local community group could put forward a proposal for affordable housing, and where 50% of the local electorate vote for this in a referendum, the local authority is obliged to allow it. It is to be hoped this does mean locally agreed and locally planned developments will be forthcoming. Similarly, developers must consult local communities before bringing forward a planning application for large developments. Hopefully this will mean local people can influence plans at an early stage and comment on proposals in a way which the developers must respond to before the plan is submitted.

4. Community control over housing

There are plans to make it easier for social housing tenants to swap, through a national swap scheme.

The bill includes measures to decide who goes on their housing waiting lists, which is supposed to give councils flexibility in order to reduce waiting lists. Further, changes to the homelessness duty will mean councils can offer tenants private sector accommodation instead of being obliged to offer social housing. These changes may yield lower waiting lists, and suit some people’s circumstances, but they could result in some people in very unsuitable sub-standard private accommodation, (if you are under 35 you may be required to be in shared accommodation), or being in unsupported housing, when people may be vulnerable or have significant needs. It also means those “not in priority need” will be removed from the list – single people, for example. Organisations like Crisis are very concerned about the rights of homeless people being eroded in this way.

Councils will be able to offer new social housing tenants shorter fixed term tenancies – ending the right to council housing for life. Councils will also be able to spend the income they receive on maintaining homes.

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