



House of Commons
Communities and Local
Government Committee

Localism

Third Report of Session 2010–12

Volume II

Additional written evidence

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The Communities and Local Government Committee

The Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Communities and Local Government.

Current membership

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Heidi Alexander MP (*Labour, Lewisham East*)
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Clive Efford MP (*Labour, Eltham*), Mike Freer MP (*Conservative, Finchley and Golders Green*) and George Freeman MP (*Conservative, Mid Norfolk*) were members of the Committee during this inquiry.

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/parliament.uk/clg. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Huw Yardley (Clerk), Judith Boyce (Second Clerk), Josephine Willows (Inquiry Manager), Kevin Maddison (Committee Specialist), Emily Gregory (Senior Committee Assistant), Mandy Sullivan (Committee Assistant), Stewart McIlvenna, (Committee Support Assistant) and Hannah Pearce (Media Officer).

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Written evidence

Written evidence submitted by Sense, The National Deafblind and Rubella Association (LOCO 02)

1. SUMMARY

- A move towards greater localism must not have a negative impact on those with low incidence disabilities.
- Statutory guidance places duties on local authorities to meet the social care needs of deafblind people. Local authorities must fulfil such guidance and there is a need for central government to ensure this.
- Total Place pilots indicate some potential opportunities to provide services in a more joined-up way.
- Central government must monitor local implementation of national policy so as to avoid failure to implement it correctly.

2. INTRODUCTION

2.1 Sense is the leading national charity working with, and campaigning for, children and adults who are deafblind. Sense provides expert advice, support, information and services for deafblind people, their families and professionals.

2.2 Deafblindness is a combination of both sight *and* hearing difficulties. The complex impact of dual sensory loss means that it is a unique disability. Support with communication, access to information and mobility are key areas for deafblind people. There are an estimated 365,000 deafblind people in the UK, of whom the largest group are people over 70 with acquired dual sensory loss.¹

3. TOTAL PLACE

3.1 There is positive potential in services thinking beyond their own local authority boundary. Deafblindness is a low incidence disability and deafblind people are not always known to services. Commissioning services across local authority and health boundaries could be an effective way of using resources most effectively to meet the needs of people with low incidence disabilities.

3.2 Appropriate joined-up assessment for health, social care and possibly other services could benefit deafblind people. It is however essential that individuals have access to specialist knowledge as part of integrated assessment processes. We would hope that such a process could lead to an increased focus on meeting the needs of those with complex needs in a joined-up and preventative way.

3.3 We do see a potential for spreading good practice between areas. While each area may need to meet the needs of deafblind people through different models of service provision, it is undeniably useful for good practice to be shared, especially amongst rural areas (where deafblind people may be more greatly dispersed) or areas with a large population of older people (where the level of deafblindness will be higher).

3.4 In some Total Place pilot sites, single points of contact for all services were established, including for face to face services. Face to face contact with services must be preserved in locations that are easily accessible to those who find it difficult to both travel large distances or access information in alternative ways.

3.5 There are strong suggestions that the local voluntary sector should be involved in ensuring appropriate services are in place. This is often not appropriate for individuals with low incidence disabilities. Such groups will often not be represented at a local level and national organisations may not have the capacity and/or local involvement to carry this out effectively.

3.6 For some deafblind people, a relatively low level of support can prevent escalation of needs and higher cost packages. However a number of deafblind people, particularly those who are congenitally deafblind, require intensive specialist support. Total Place processes can identify more explicitly the cost of relatively expensive support for individuals with complex and/or specialist needs. While it is clear that resources must be used efficiently, expensive/intensive support packages must not be stigmatised.

4. THE ROLE OF LOCAL GOVERNMENT

4.1 Local authorities should ensure that legal requirements such as those bound by statutory guidance are met. The Deafblind Guidance is statutory guidance issued by the Department of Health for local authorities in England.² Where it is implemented, the positive impact is clear with more deafblind people receiving specialist assessment and services. Moves to decentralise power must be accompanied by central government mechanisms that can ensure local authorities fully implement such statutory guidance.

4.2 Given the increase in personalisation of service, it is vital that local authorities take an active role in ensuring services are available to meet the needs of the local population, whether this be through council-run

¹ Robertson, J, and Emerson, E, Centre for Disability Research, 2010, Estimating the Number of People with Co-occurring Vision and Hearing Impairments in the UK.

² Department of Health, 2009, Social Care for Deafblind Children and Adults LAC (DH) (2009) 6.

or independent services. This process should look at the needs of those with more specialist requirements and ensure that seldom heard groups are included in analysis of local need.

5. THE LIMITS OF LOCALISM

5.1 The limits of localism can take two forms. These are unintended consequences and a post code lottery. An example of unintended consequences can be seen in events following the Concessionary Bus Travel Act 2008. An example of the post code lottery can be seen in the implementation of Fair Access to Care Services (FACS) guidance.

5.2 In April 2008, the Concessionary Bus Travel Act came into force. The Act was brought in to allow disabled and older people to travel between different local authorities for free. Previously, bus passes would only allow disabled people to travel in their own local authority. By bringing in a national pass disabled people can use buses for free outside their own local authority. At the time of the Act coming into force, many local authorities decided to review the discretionary concessions that they offered disabled people, including companion passes for those who are unable to travel independently and peak-time travel. The Act did not change requirements on local authorities in terms of these discretionary elements, but the national change had negative consequences at a local level, where many local authorities withdrew companion passes, or started to charge for them when previously they were free. Many people also lost free peak-time travel. The failure to include the companion pass and peak-time travel in the Act has led to a piece-meal entitlement for disabled people, some of whom have had to challenge their right to a companion pass in order to use what should be free travel.

5.3 The Fair Access to Care Services (FACS) system, by allowing each local authority to set their own threshold for social care services, allows for a postcode lottery. For disabled people, access to vital services, which make a major difference to their quality of life, is governed by a system of local discretion. In addition to this, local authorities have also ignored parts of the guidance which support provision of services other than personal care, as well as preventative services.

6. ACTION BY WHITEHALL DEPARTMENTS

6.1 It is essential that Whitehall departments have a clear, responsible and active role in working towards decentralised public service delivery. An example is the role out of personal budgets for social care. It is government policy to ensure all adult service users have a social care personal budget. So there is clear national ownership of a policy that is to be implemented by local authorities; this implementation is currently very patchy, including for those with specialist needs.

6.2 Where there are significant issues with rolling out such a policy, such as insufficient budgets being allocated to individuals, it is not sufficient for central government to state that local government is solely responsible for effective implementation. It must also not be left up to individuals to challenge the way policy is implemented. Central government must have an active role in identifying challenges and barriers to implementing policies locally, in providing support, guidance and where appropriate resources in order to effectively implement them and mechanisms whereby they can ensure that local authorities implement policy correctly.

September 2010

Written evidence submitted by Cllr Andrew Gravells, Chairman of the Health, Community and Care (LOCO 03)

OVERVIEW AND SCRUTINY COMMITTEE, GLOUCESTERSHIRE COUNTY COUNCIL

The local government scrutiny process is one of the most important ways that non-executive councillors can address issues affecting their local communities. Councillors are in regular contact with local people and are often the first to know when public services are not performing as well as they should be. The fresh independent thinking provided by councillors allows them to suggest better ways of working.

Health scrutiny has been particularly successful in Gloucestershire and we have a number of examples where it is making a difference for local people.

— *Great Western Ambulance Joint Health Scrutiny Committee*

This committee was set up in February 2008 due to collective concerns regarding the performance of the Great Western Ambulance Service NHS Trust. The seven county and unitary councils covering the trust area are represented on the committee. Serious concern had been expressed at poor ambulance response times in rural areas, most notably in the Cotswolds, Forest of Dean, Stroud and rural parts of Wiltshire. Councillors have subsequently worked closely with the ambulance trust to help them in improving their performance. A notable achievement is the recruitment of additional community first responders, made possible through the local knowledge of elected members. The Great Western Ambulance Service is rated as the most improved ambulance service in England.

— *Bed closures*

In March 2010, the Gloucestershire Hospitals' NHS Foundation Trust announced 200 bed closures at the hospitals in Gloucester and Cheltenham. The county health scrutiny committee called the chief executive of the hospitals' trust in to explain why the changes were being made. At the request of elected members the proposals were put on hold whilst a consultation exercise was undertaken with the public and other stakeholders. Elected members are now working with managers at the hospitals' trust on ward reconfiguration proposals that will result in a much smaller number of bed closures.

— *Older people's mental health services*

Following proposals to centralise services in Gloucestershire, the health scrutiny committee referred its concerns to the Secretary of State for Health. The subsequent negotiations resulted in an agreement to increase community staffing levels, to phase the relocation of services and to help people without their own transport to visit relatives in hospital.

What should the future be for health scrutiny?

We would wish to see the power to refer matters to the Secretary of State that are proposed for the health and well being boards extended to health scrutiny committees. It would be wrong for the referral powers to be limited to health and well being boards which will be made up of representatives from GP consortia and other decision makers.

September 2010

Written evidence submitted by Cllr Rob Garnham, Chairman of the Overview and Scrutiny Management Committee, Gloucestershire County Council (LOCO 04)

Scrutiny done well can undoubtedly result in improved public services. The fresh independent thinking provided by councillors involved in the scrutiny process can make a real difference for local people. To be successful it should be member led and engage with the local community.

The key message is that scrutiny should make a difference in the areas that matter to local people—health services, crime and disorder, adult social care, schools, vulnerable people.

It provides an opportunity to bring public agencies together to pick up important issues that might not otherwise be addressed—sometimes referred to as the “wicked” issues!

In Gloucestershire, we have had some good examples of how the scrutiny process is making a difference.

— *Summer Emergency 2007*

In July 2007, Gloucestershire was hit by some of the worst flooding in living memory. Not only were homes and businesses flooded and roads closed but vital services such as water and electricity were seriously disrupted. The county council along with the emergency services was at the centre of responding to the emergency and, in the months that followed, the council led a scrutiny inquiry into the lessons learnt and what could have been done better. One of the major outcomes is that Severn Trent, the local water company, is investing over £30 million in securing water supplies to Gloucestershire. This includes an alternative water supply pipeline that can be brought into use should the water treatment works in Tewkesbury fail again.

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What should the role of scrutiny be in the future?

In common with all public services, local government is facing challenging times with a significant reduction in central government funding inevitable. There will be some tough decisions and through the scrutiny process non-executive councillors are well placed to identify priorities and ensure that services are provided in the most effective way.

The “total place” pilot studies have indicated that disproportionate levels of funding are being spent in some areas, for example dysfunctional families. Early intervention can deliver better outcomes and release significant sums of public money. The scrutiny process offers opportunities for councillors to become engaged in this process and shape the design of public services.

In Gloucestershire we have developed an innovative scrutiny structure with district councillors and non-executive members of other public bodies joining county councillors on scrutiny bodies. This is particularly true of our joint scrutiny committee looking at community safety issues. Depending upon the final proposals to be announced we believe this committee could be well placed to take on the role of the police and crime panels proposed in the Policing White Paper.

Our health scrutiny committee includes district councillors and is widely acknowledged for championing local health issues. We would wish to see the power to refer matters to the Secretary of State that are proposed for the health and well being boards extended to health scrutiny committees. It would be wrong for the referral powers to be limited to health and well being boards which will be made up of representatives from GP consortia and other decision makers.

Without Audit Commission central regulation through the comprehensive area assessment, councils will need to demonstrate to the public how well they are performing. There is a clear role here for non-executive councillors in holding public service providers to account.

September 2010

Written evidence submitted by Merseytravel (LOCO 05)

1. SUBMISSION FROM MERSEYTRAVEL

1.1 Any approach to partnership-working, policy making and delivery that allows particular challenges to be addressed at the most appropriate spatial level is to be welcomed. Merseytravel supports the localism agenda and the bottom-up approach that is being advocated.

2. ABOUT MERSEYTRAVEL

2.1 Merseytravel is the combined Passenger Transport Executive (PTE) and Integrated Transport Authority (ITA) for Merseyside. It is the public sector body responsible for the coordination of public transport through partnership initiatives, doing so with the aim of producing a fully integrated and sustainable transport network which is accessible to all.

2.2 Merseytravel operates at the level of the city region, largely reflecting Merseyside’s functional economic area and operating at the optimum strategic level for the provision of transport. Merseytravel works with private and public sector bodies (District Councils, transport operating companies, Network Rail, the business community, community and voluntary organisations) to deliver the requirements of the city region. Merseytravel is committed to playing a major role in the continued regeneration of Merseyside, both economically and socially.

2.3 The ITA/PTE model is a highly successful example of a bottom-up approach that allows local authorities to come together with other stakeholders to address shared challenges around the provision of transport services and infrastructure, and to support policy objectives around economic development and regeneration, social inclusion, health and climate change.

2.4 Since the proposed removal of the Regional Strategies, the key policy framework for transport in the city regions is provided by the Local Transport Plan (LTP). Merseytravel now has sole responsibility for preparing and delivering the LTP for the city region, with the exception of Halton Borough Council which prepares its own LTP in close co-ordination with Merseytravel.

2.5 Public transport is essential for sustainable economic growth. As an economic enabler, effective transport infrastructure connects people to jobs and markets, benefiting businesses and potential employees and helping to tackle worklessness and unleash the skills potential of many people on the peripheries of our towns and cities. Effective transport infrastructure creates greater opportunities for businesses by opening up new markets and increasing competition and productivity. In addition, investment in transport infrastructure can also directly support jobs and boost local economies.

2.6 Merseytravel is a member of the Passenger Transport Executive Group (*pteg*), which represents the interests of the six PTE’s in England. Merseytravel’s Director-General and Chief Executive, Neil Scales, currently chairs *pteg* but this consultation sets out the views of Merseytravel only.

3. COMMENTS

3.1 In principle, decentralisation should lead to more effective models of public service delivery which are more closely aligned to specific local requirements. However devolution of responsibility has to be accompanied by meaningful devolution of funding, powers and appropriate decision-making which invariably will have significant financial implications. It also requires sufficient delivery capabilities and capacity at the local level, and transparent and accountable delivery structures and mechanisms.

3.2 As with the development of policy, the most effective spatial level for public service delivery varies across policy areas. As indicated above, for the provision of transport in the urban areas, this is likely to be at the level of functional economic areas or the city regions. This should be combined with close and effective coordination with the composite local authorities and past them to the level of the communities and neighbourhoods served.

3.3 Clearly not all public services can be delivered locally and wider strategic approaches will still be required. We welcome the commitment to localism but we are concerned that the speed with which some policies have been implemented, for instance the abolition of Regional Strategies, may lead a void in strategic policy with implications for potential investment. We would also highlight the loss of Government Offices (GOs) and DCLG's commitments to distance itself from local authorities and local areas. We would note that there will be an ever more important role for local and sub-regional advocacy, guidance and support, and a need to fill the void that will be left as a result of the abolition of GOs.

3.4 This also raises issues about ensuring that local bodies work together rather than compete. Without prejudice to the importance of the localism agenda, there will always remain a role for clear central government guidance on specific issues. Good examples here include carbon reduction objectives, strategic transport and land use planning. There is otherwise a risk that localism could translate as a "free-for-all", or else place one local authority against another. There remains a need for clear national frameworks, with the ability for local authorities or groups of local authorities to tailor these, where appropriate, to suit their own distinctive needs.

3.5 Total Place was an interesting exercise and we look forward to further information about how (or if) the Coalition intends to take forward some form of place-based budgeting. We would, however, emphasise the essential role that the business community, the voluntary sector and public bodies which have responsibilities across local authority boundaries, such as ITAs, must play in the budgeting process. These roles must be formalised if place-based budgeting is taken forward.

3.6 We would add that these issues clearly cannot be considered in isolation from the upcoming review of local government finance which we hope will consider opportunities for greater funding to be raised locally.

3.7 The role of accountable, effective and empowered local government is essential in a decentralised model of public service delivery. "Local government" should be taken to include local authorities, public bodies which have responsibilities across local authority boundaries and other delivery agents.

3.8 A meaningful commitment to localism across all Whitehall spending departments is going to be necessary if the initiative is going to be effective. Central to ensuring this is for local government to demonstrate that it has the capability to deliver this agenda.

3.9 Co-ordination between government departments will be important and it is difficult to see how this coordination will be ensured in the potential absence of the regional Government Offices. We look forward to further information from the Government in this regard.

3.10 We are sure that the Coalition Government would agree that the localism agenda is an important one in its own right which, whilst related, has to be considered separate to the current focus on the public finances. Allowing the localism agenda to be perceived as a mechanism for delivering "cuts" will undermine the credibility of the entire agenda.

3.11 The primary focus has to be on providing for effective and efficient delivery of public services at the most appropriate local level, albeit designed within the overall spending envelope that will be set out most immediately in the October Spending Review. The intention should be to set out the principles of a robust and credible approach to localism that will continue to serve the country and the communities within it long after the country's current fiscal challenges have been overcome.

3.12 We look forward to further details from the Coalition Government on arrangements for the oversight of local government bodies' performance in the context of Ministers' expressed intentions to "free local government from central and regional control" and following the announcement about the proposed abolition of the Audit Commission. If the localism agenda is successful in devolving responsibility for public service delivery to the most appropriate level there will be a requirement for some mechanism of oversight, whether from above or below.

3.13 As the Committee's Inquiry's terms of reference imply, the requirement for oversight and accountability is particularly acute for expenditure voted for by Parliament and it is hard to see how this can be provided from anywhere but from above. Oppositely, it would be expected that any mechanisms for funding raised locally, particularly new mechanisms, would have built in mechanisms of accountability from below as part of the procedures around their design, authorisation and implementation. We would seek reassurance that

government will put in place adequate controls to prevent the localism agenda from undermining or replacing strong, accountable, local democratic structures.

September 2010

Written evidence submitted by Devon County Council (LOCO 06)

SUMMARY

- Devon County Council supports Government's plans to transfer power from Westminster to local authorities, local communities and local people.
- Devon County Council welcomes the proposal to give councils a general power of competence.
- Devon County Council sees the effective delivery of public services and a local level as being through a mixture of organisational models and arrangements.
- The early results from Devon, Torbay and Plymouth Strategic Partnerships' work on a whole area approach to public services show that bringing a greater proportion of public expenditure under local direction and influence could lead to more effective public service delivery at a lower cost.
- The Devon Strategic Partnership is developing a new set of locally agreed priorities to replace the Devon Local Area Agreement 2008–11 which was agreed with the previous government.
- Devon County Council urges the Department for Communities and Local Government to rationalise performance requirements to support and enable local authorities to report to local communities.
- Devon County Council is making a comprehensive assessment of the impacts of all of national policy changes affecting local government to ensure a coherent response and it is important that Government does the same.

1. INTRODUCTION AND BACKGROUND TO DEVON COUNTY COUNCIL

This is Devon County Council's submission to the Communities and Local Government's Select Committee Inquiry into the Government's plans for localism and decentralisation of public services.

Devon County Council has 62 members (41 Conservative, 13 Liberal Democrat, 5 Labour, 2 Independent and 1 Green Party) representing 750,100 people. Its gross budget for 2010–11 is £1.385 billion. Torbay Council and Plymouth City Council are unitary authorities responsible for providing local government services in Torbay and Plymouth.

The County Council's Strategic Plan 2009–13, prepared after the local elections in May 2009, has four core principles and five priorities.

A. Core Principles:

1. **Care**—To deliver high quality services that care for Devon, its residents and environment.
2. **Community**—Work with local people to help build strong and prosperous communities and ensure a sustainable future for all.
3. **Enterprise**—To develop a competitive economy as the key to a better quality of life for all.
4. **Value**—To be a businesslike Council that is lean and focused, providing good value for money.

B. Priorities:

1. Support local business and tourism.
2. Improve knowledge, skills and productivity.
3. Promote green travel, improve roads and reduce congestion.
4. Provide responsive services that support people and families in need.
5. Reduce waste, improve recycling and reduce landfill.

2. DECENTRALISATION AND EFFECTIVE PUBLIC SERVICES

The Government recognises that the UK has become one of the most centralised countries in the democratic world in terms of the balance of power between central and local government. Devon County Council supports its plans to remedy this by transferring power from Westminster to local authorities, local communities and local people.

An important question for the Select Committee is whether localism and decentralisation are compatible with the measures necessary to reduce the national budget deficit. Devon County Council believes that they are, but creative thinking and bold decision-making will be needed to avoid a decline in the quality of frontline public services.

Devon County Council is at the early stages of planning to radically change how it is structured and how it delivers services. It will be moving towards an organisational model where far fewer services are provided directly by the local authority. There is likely to be a mixed economy of provision where services are provided through social enterprises, employee mutuals, community and voluntary groups and joint ventures.

3. LESSONS FOR DECENTRALISATION FROM “TOTAL PLACE”

Over the last six years, Devon County Council has become more efficient through a combination of annual incremental improvements and major review exercises. The previous Government’s targets for efficiency savings in local government increased from 2.5% in 2005–06 to a collective target to achieve annual cash-releasing efficiency savings of 4% in the current year. This is equivalent to £21million for Devon County Council and it is being achieved through improved commissioning and procurement, better use of technology, restructuring back office processes and changes to working practices.

The scale of expenditure reductions envisaged for the four years from 2011–12 demands a different approach. The Devon, Torbay and Plymouth Strategic Partnerships are collaborating on a programme, supported by the SW Regional Improvement and Efficiency Partnership, to review the totality of public expenditure in the sub-region and find ways to improve outcomes at less cost through a greater focus on people and communities. The three LSPs estimate that £9 billion of public money comes into the sub-region (Devon, Torbay and Plymouth) annually, of which only £4 billion is under local direction.

The three LSPs are studying these areas:³

A. “Seven 2 One”: Working together to reduce re-offending (led by Plymouth LSP)

Statutory, third sector and voluntary agencies across the three areas are developing processes to support integrated offender management across the three areas. They will build on the success of the Plymouth Priority and Prolific Offenders scheme in reducing reconvictions by over 60% over the last three years.

B. Reducing child poverty (led by Torbay LSP)

The project team met the head of the Government’s Child Poverty Unit in June who reaffirmed the government’s aim to eradicate child poverty by 2020. A single strategy to achieve this could be developed across the subregional/peninsula. Pilot projects are to be run in Hele (in Torquay) and Ilfracombe (in northern Devon) to explore how we can tap into the capacity of the community to raise levels of aspiration that is seen as one of the building blocks to overcoming child poverty. This is linked to the work on economic and financial inclusion.

C. Economic and financial inclusion (led by Devon LSP)

The national agenda on benefits provision and payments is changing rapidly and a recent report by the Secretary of State for the Department of Work and Pensions stated that the “*confusing and frustrating experience of claiming benefits can also mean claimants are reluctant to take a job that may not work out*”. Bringing together citizens, voluntary and community, public sector and central government organisations involved in the complex benefits and financial advice system in Devon, the project is working towards producing recommendations for simplifying the system to feed into the Government’s spending review in September 2010.

Early findings from our Working Together programme reinforce the learning from the work carried out by the 13 Total Place pilots under the previous Government. There are too many costly agencies spending money managing themselves rather than providing services in ways that respond to people’s needs. Too much time at the frontline is spent accounting to internal requirements rather than focussed on the people who actually use services. The LSPs’ work shows that decentralising public services by bringing a greater proportion of public expenditure under local influence and direction will lead to more effective public service delivery at less cost.

4. LOCAL GOVERNMENT AND OTHER LOCAL AGENTS IN A DECENTRALISED MODEL OF LOCAL PUBLIC SERVICE DELIVERY

The County Council supports and facilitates the Devon Strategic Partnership which brings the whole range of public service providers together, along with partners in the private and voluntary sectors. The DSP is developing a new approach to partnership delivery to replace the current Devon Local Area Agreement 2008–11 which will expire at the end of March 2011. The DSP has identified small number priority issues which its members will work together to address:

- Child poverty.
- Impacts of an ageing population.
- Climate change.
- Health inequalities.
- Families in crisis.
- Domestic violence.

³ More information at Working Together—Home (www.indevon.org.uk/totalplace)

5. ACTIONS FOR WHITEHALL DEPARTMENTS

Devon County Council's primary accountability under the previous Government was upwards to central departments rather than outwards and downwards to local people and communities. Under the coalition Government, Whitehall departments have made a welcome start in creating the environment where local authorities can re-establish their focus to become more accountable to local communities for the performance of local services.

The Department for Communities and Local Government should radically reform the National Indicator Set which was designed primarily to enable central departments to report to the Treasury on performance against their separate national Public Service Agreement targets. PSAs have been replaced by the Departmental Structural Reform plans and the NIS is no longer needed in its current form. The NIS should encompass all the other departmental performance frameworks, eg health and policing and be aligned and rationalised to support local authorities and their partners in reporting to the recipients of their services rather than to Whitehall.

6. IMPACT OF DECENTRALISATION ON SAVINGS

The Government has recognised that the local government finance system needs to change in order to give financial autonomy and fair funding to local councils and communities. Devon County Council looks forward to contributing to the Government's promised review.

The impacts of decentralisation on the achievement of savings in the costs of local public services cannot be assessed in isolation from the other national policy developments affecting local government. The spending reductions over the period to 2014–15 will necessitate an unprecedented level of change in the way that Devon County Council provides public services. The reforms to the NHS and transferring of responsibilities from PCTs to local authorities; the establishment of Local Enterprise Partnerships; the reductions in local authorities direct responsibilities for education and schools will fundamentally change the Council's "job description". The Council is making a comprehensive assessment of the impacts of all of these changes to ensure that there is a coherent response to them.

It is important that the Government makes its own assessment of the cumulative and overall impacts of these changes on local authorities. Government's desire to make rapid reductions in public spending and drive through its legislative programme should not outweigh the need for joined up policy making.

7. THE OVERSIGHT OF LOCAL AUTHORITY PERFORMANCE

The Government is keen to ensure that local people are furnished with information to enable them to know how and where public money is being spent and that they have the ability to challenge local authorities where there are failings or poorly performing services. Local authorities' task will be to report to communities on performance against the priorities which they [the local community] have identified. The lines of reporting will be downwards to local people.

Since May 2010, we have published monthly lists of all items of expenditure over £500. The 6,000 to 7,000 transactions each month demonstrate the value, breadth and complexity of services provided by the Council. We are not convinced that this is stimulating an "army of armchair auditors" but are ready to try suggestions that challenge traditional thinking about openness and the publication of information.

There is a continuing role for risk-based, targeted and proportionate inspections in relation to vulnerable groups. Peer support, benchmarking, sharing best-practice and networking should be used to improve performance with inspections being a last resort.

8. ACCOUNTABILITY FOR EXPENDITURE

Local authorities are already empowered to act in the interests of local social and economic wellbeing. Devon County Council believes that the Decentralisation and Localism Bill will contribute to devolving power and enabling local communities to have more influence over decisions affecting their area. These examples show how we already work closely with the local people and communities they serve:

Winter Service

In response to last winter's severe weather, Devon County Council's Overview and Scrutiny Committee conducted a review of winter highway maintenance with recommendations in relation to highway operations, grit bins, bus routes, procurement, emergency planning, communications and community and individual self help. In formulating the recommendations the Task Group drew on the views of the affected local communities and took evidence from the Devon Association of Local Councils as well as the Met Office (which has its HQ in Exeter), Highways Agency, public transport operators and emergency services. The County Council is supporting individuals and parish councils to help themselves and their communities. Parish and town councils are being encouraged, as part of their resilience planning, to appoint "snow wardens". The County Council will train and support them, and agree responsibilities for treating footways or highways. The Parish Councils would be responsible for managing local resources within the parish and could become focal points for

exchanging information in snow events with the county on the state of the highway and perhaps co-ordinate social needs within the parish during an event. Anyone working on the highway under the direction of a trained Snow Warden would be covered by the County Council's indemnity insurance. Whilst this could be seen as a minor issue, it has a significant impact on life in such a large rural county.

Mobile Libraries

There has been a sharp decline in the use of Devon mobile libraries and an increase in relative costs per visit over the past 10 years. The results of a consultation carried out during Spring 2010 involving nearly 3000 individuals and 132 town and parish councils enabled county councillors to improve the service. The libraries now provide better access for a wider age range, the location and timing of stops has been changed; with improvement to the type and range of books, access to other media and information on other services. Wider benefits to the locality include:

- Improved opportunities for social interaction in rural communities.
- Better value.
- Improved access to the service for people currently unable to use it.
- Increased use.
- Access to other services.

Land use planning

The abolition of Regional Spatial Strategy has meant that the Devon Structure Plan has reasserted itself as the foundation for land-use planning by Devon's eight district councils and national park authority. It provides a consistent, robust and coherent basis against which key strategic planning decisions, including the preparation of Local Development Frameworks, can be taken. Many of the County's towns and villages have already prepared a community-led plan which identifies local priorities and issues. There is sometimes a sense of frustration that they are not recognised as such by the local planning authority as supplementary planning guidance or a material consideration in determining planning applications.

9. CONCLUSION

The Secretary of State for Communities' mantra is "just do it"! It will take time for local authorities and the communities they serve to develop new relationships and networks. There are additional complexities in Devon with its three tiers of local government (county, district and parish/town councils). However, there are firm foundations to build on: Devon already has high levels of community involvement and volunteering. Nearly a third of the Devon respondents to the national "Place Survey" had given unpaid help to a community group.

The response from Devon County Council to the Minister is: "we're up for it"! We are ready to support more local communities in becoming more self-reliant and having a greater influence in their public services.

September 2010

Written evidence submitted by Kent County Council (LOCO 07)

EXECUTIVE SUMMARY

- Kent County Council strongly believes that decentralisation and the principle of subsidiarity ie that decision making should be taken at the most appropriate local level of democratic representation offers the most targeted and responsive approach to public service delivery.
- The key requirement from Whitehall departments to achieve decentralisation and savings will be their trust in local Government. What has always been lacking in the British governance model is the constitutional protection of local Government and a strong distinction between national and local Government roles.
- Greater financial autonomy is required and we believe that upper tier authorities are the most appropriate choice to act as the responsible body for expenditure allocated to an area for the delivery of local services. Following on from the Total Place Initiative we consider Place Based Budgets the natural vehicle to commission services across the public, private and voluntary sector according to real local need, reducing duplication, empowering local communities and releasing real financial savings for the taxpayer.
- We believe that upper-tier local authorities have a particular responsibility to act as the strategic commissioner across local areas for the wider range of public services. We are exploring a move to area-based commissioning for Kent, using pooled budgets to a single pot of funding that can be allocated according to priorities set by KCC elected Members and formalised in a local commissioning plan. We also think that there would be greater opportunities in having a single district based commissioning plan for two tier areas—shared by County Council Members, MPs and District Councillors covering County and District services.

- Many barriers at a local level can be mitigated by removing unnecessary burdens and restrictions which limit the freedom of local public services to operate freely and take on increased risk, so that we can begin to do things radically different at the local level it is hoped this will be a key plank of the forthcoming *Decentralisation and Localism Bill*.
- Taking localism to its fullest extent, “local agents” include Big Society—We feel that there is a role for Kent County Council here in supporting the Voluntary and Community Sector; encouraging civic action through volunteering; and, for example, giving practical support via financial start-up capital.
- It should be up to this tier of Government to self-regulate their performance, leaving inspection targeted on service specific areas of risk where there is a role for proper professional challenge, for example by a body such as Ofsted.

1. *The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism*

1.1 Kent County Council strongly believes that decentralisation leads to more effective and efficient public service delivery. We are fully committed to the principle of subsidiarity ie that decision making should be taken at the most appropriate local level as this offers the most targeted and responsive approach to public service delivery. We have consistently made this position clear in past consultations including the CLG 2008–9 inquiry “*The Balance of Power: Central and Local Government*” and the July 2009 consultation by CLG “*Strengthening Local Democracy*”. We welcome the fact that many quangos are being or are to be abolished.

1.2 We believe that the principles of localism and subsidiarity go hand in hand, which means that localism should be always be centred on using the most appropriate tier for decision- making. Nonetheless, it is important to recognise the need for democratic legitimacy in decision-making, by those who can fully represent local communities and understand their priorities; therefore a localist approach should be focused on devolving down to the most appropriate level of *democratic* representation. Local authorities should be trusted to act as first amongst equals in the desire to improve their areas economic, environmental and social conditions.

1.3 A new constitutional relationship between local and national Government needs to be forged and it is hoped this will be a key plank of the forthcoming *Decentralisation and Localism Bill*. However, we have significant concerns that a Power of General Competence may suffer from the same weaknesses as the Power of Well-Being and instead propose enshrining the “subsidiarity” principle into law. The LGA Act 2000 Power of Well-being has been proved inadequate for the purposes originally envisioned—as evidenced by the recent Court of Appeal LAML judgement that ruled that it was not within the powers of London Boroughs to set up a mutual insurance company using this power. Despite national Government’s intention that this would be a permissive power for local Government, it was flawed by the courts interpretation of this of actions taken through this power as *ultra vires*. The strength of the “Power of General competence” hinges on the way it is interpreted by the judiciary which is why the Government and Parliament to seek to ensure that any legislation, primary or secondary is well defined and explicit.

1.4 What has always been lacking in the British governance model is the constitutional protection of local Government and a strong distinction between national and local Government roles. Our existence is dependant on unpredictable ministerial discretion and parliamentary approval, with few safeguards for our autonomy. There are many mechanisms that exist which could offer a more robust model of local governance. One of these which would be easy to enshrine in British law is the European Charter of Local Self Government, which was already ratified in 1998.

1.5 These issues have long since been recognised—not least those articulated by the House of Commons Justice Select Committee (in their report—*Constitutional Reform and Renewal*) that Local Government powers should be enshrined in legislation, “In comparison with many other democracies, local Government in England remains relatively weak in relation to national Government ... This raises the question of whether the powers and structures of local Government would or should be recognised in a written constitution, with a specified process for any changes to be made in them.” We believe it should then be up to national Government and local Government to jointly set the definition and any concurrent functions for local Government.

2. *The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting*

2.1 As the Kent Total Place Report has highlighted, one of the key benefits of the initiative has been the general recognition that the relationship between national Government and local public sector service providers must fundamentally change. The work undertaken as part of the pilot has offered substantial evidence that decentralisation is not only more effective, but in a time of financial austerity can offer significant savings for the public purse that do not impact on front line service delivery. The Kent Total Place report highlighted the potential to save up to £40 million through the rationalisation of public sector assets in the county.

2.2 For decentralisation to truly work there needs to be commitment from all Whitehall departments that join up local delivery. Kent’s experience in the Margate Task Force strand of our Total Place pilot was that commitment across different organisations to changing their way of working was driven by a clear rationale and a shared consensus about the key issues for the two wards, ie an evidence based understanding of local

needs. However commitment locally is not always matched by an ability from Whitehall departments to let go and empower local managers to work with local partners on joining up services. For example, there is a clear rationale for linking aspects of the JobCentre Plus service delivery with the Gateway model (a work stream of Kent's Total Place pilot), and we have had excellent engagement from local JobCentre Plus colleagues on opportunities to deliver savings and improve service delivery; however there has been slow progress in seeing this converted into concrete action. That said, momentum has been building over the last twelve months and there is now a shared recognition of the need for change.

2.3 Following on from the work kick-started under the Total Place Initiative, we consider Place Based Budgets the natural vehicle to commission services across the public, private and voluntary sector according to real local need, reducing duplication, empowering local communities and releasing real financial savings for the taxpayer. Total Place has provided a catalyst for local partners to fully commit to new and challenging ways of working together at a local level, and with the robust governance structures in place to deliver place based budgets across local partners we believe there is now the potential not just to make significant savings for the public purse, but to also improve delivery to truly reflect local priorities,

2.4 Another key message from the legacy of the Total Place Initiative is that it is not just funding streams that can better deliver better outcomes from a decentralised approach. Many barriers at a local level can be mitigated by removing unnecessary burdens and restrictions which limit the freedom of local public services to operate freely and take on increased risk, so that we can begin to do things radically different at the local level without having to continually justify ourselves or seek approval from risk-averse spending departments in Whitehall. By devolving locally delivery budgets to local agents, with clear and robust lines of accountability, there should be the freedom and flexibility for Local Government to ensure that funding is used creatively and effectively.

3. The role of local Government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

3.1 Local Government must be at the heart of an effective locally led approach to public service delivery. Over the last decade local Government has become increasingly efficient, innovating and adapting to improve the quality of services to local residents. This success has been delivered by placing service users at the heart of service design and delivery, empowering individuals and local communities and improving the efficiency and effectiveness of local Government services.

3.2 We believe that upper-tier local authorities have a particular responsibility to act as the strategic commissioner across local areas for the wider range of public services such as police, health and welfare. It is our view that to be truly "localist" local delivery agents should have an element of democratic legitimacy—given their unique position as the democratically elected representatives of local people, local Government is better equipped to make the decisions on their behalf that align local priorities with the resources available. However, at the present moment in time, this vision is fractured and there is a danger that the influence that legitimate democratically elected Government can have on some services is being further eroded and split.

3.3 Localism requires a local infrastructure, and we are exploring a move to area-based commissioning for Kent, using pooled budgets to a single pot of funding that can be allocated according to priorities set by KCC elected Members and formalised in a local commissioning plan.

3.4 However, we think there would be greater opportunities in having a single district based commissioning plan for two tier areas—shared by County Council Members, MPs and District Councillors covering County and District services. This would give greater leverage in the use of resources but also rationalise partnership arrangements. For example, the possibility of merging our Local Strategic Partnerships into these arrangements would bring in wider partners.

3.5 Taking localism to its fullest extent, "local agents" include Big Society activities and these cover Public service reform: ie public services being run by mutuals, co-operatives, charities and social enterprises; and Civic action/Community empowerment: an encouragement on the individual to become more civic minded. We feel that there is a role for Kent County Council here in supporting the Voluntary and Community Sector; encouraging civic action through volunteering; and, for example, giving practical support via financial start-up capital.

4. The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

4.1 The key requirement from Whitehall departments to achieve decentralisation will be their trust in local Government. Mechanisms for decentralisation will not be successful unless they are grounded in a strong relationship between national and local Government and this requires a significant culture change. It must be consistent across all departments rather than piecemeal engagement on particular policy issues, which was the experience of local authorities during the Total Place Initiative pilot. There also needs to be more consistency of approach to localism in policymaking across Whitehall departments. At present, local Government's role in the localism agenda is interpreted differently in each departmental policy; for example the de minimis role for local Government in the proposed reforms for Education and Policing, conflicting with the approach taken in the NHS White paper proposals to increase the role of local Government in public health and GP

commissioning. These different messages undermine the legitimacy of local authorities to act as enablers of localism, and make their role ambiguous.

4.2 Over the last 25 years, our experience has been that powers and responsibilities have been slowly eroded from Government at a local level, undermining the democratic mandate of councils to maintain a place shaping role on behalf of (and accountable to) local communities. Local Government is adept at solving national issues at a local level, for example the transfer of responsibility and funding for care in the community to local Government has enabled this tier of Government to manage down the services accessed and their costs. Further moves in this direction would be greatly welcomed.

4.3 There needs to be “one message” from Whitehall so that there are not conflicting priorities filtered down to local agents from each department that act as a barrier to delivery. For example, the Asset Management strand of Kent’s Total Place pilot found that whilst many of the assets are locally managed, control of a significant proportion of the Government estate is managed nationally with an array of different protocols and operational frameworks across some national Government spending departments. Despite seeming widespread support for the amalgamation of public sector estate, we still require a policy shift across the public sector to bring coherence to this issue as a number of organisations do not have the freedom to manage their assets.

4.4 A more coherent policy message from Whitehall departments will allow local partners to fully focus on achieving outcomes together rather than on resolving the tensions between incompatible edicts from the centre.

5. The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

5.1 As made clear in KCC’s 2010 paper “Bold steps for Radical Reform”, and in the lessons learned from Total Place, Kent County Council believes that significant savings can only be achieved if local Government forges a new relationship with Whitehall. We propose to move back to the original intention at the core of Local Public Service Agreement 1 (PSA1)—a bi-lateral contract between HM Treasury and local Government centred on the provision of Place Based Budgets, as part of the new initiative in this area. This would allow a serious debate with national Government about the longer-term public policy outcomes facing our local communities rather than simply being subject to the micro-management of short-term targets. It would also reduce the instances of conflicting messages and priorities coming from different Whitehall departments. Underpinning each contract should be the aspiration to continue to transform local public services and become more outcome focused and customer centric.

6. What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

6.1 The new coalition Government’s swift action to scrap top-down, target-driven assessments is strongly welcomed by Kent County Council and we believe this approach will both produce significant savings for the public purse and focus local accountability more directly to the public. The introduction of constitutional protection for local Government and a clear demarcation of functions should mean it should be up to this tier of Government to self-regulate their performance, leaving inspection targeted on service specific areas of risk where there is a role for proper professional challenge, for example by a body such as Ofsted.

6.2 Kent County Council sees the Transparency agenda as a fundamental principle of how we do business and are working to ensure that we share as much of our data as possible with the people of Kent so that they are able to directly hold us to account for the decisions we make on their behalf.

6.3 As proposed in our paper “Bold Steps to radical Reform” we believe that it is for the sector itself to be responsible for bringing its poorest performers up to standard, and reducing any risk that exists in the ability of the local public service providers to deliver against local needs collectively. We foresee the key role in sector-led support being with the Local Government Association (LGA), who would work with the best authorities in the area to actively support and engage any individual authority who had consistently performed well below the average for the sector and whose performance might have a detrimental impact on meeting local priorities. The LGA’s role would be as a broker and facilitator of sector-led support, promoting exchange of information and expertise across authorities.

7. How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

7.1 Whilst we clearly recognise the need for Ministers to have absolute confidence and clarity about who is responsible for devolved monies for which they would still be financially and politically accountable for to Parliament, there is no reason why a democratically locally elected representative cannot be held to account for expenditure any less than a minister or civil servant.

7.2 We believe that upper tier authorities are the most appropriate choice to act as the responsible body for expenditure allocated to an area for the delivery of local services—with the authority’s Leader acting as the named accountable individual responsible for oversight and delivery of this expenditure to the relevant Minister and the authority’s Chief Financial Officer/S151 officer being the named accountable individual for financial probity and oversight of devolved budgets. Both would regularly and formally report to named Ministers and

Senior Civil Servants responsible for the oversight of devolved budgets. For monies that have been devolved to local Government that ministers are responsible for to Parliament, this should be accompanied by Parliamentary oversight.

September 2010

Written evidence submitted by the Business Services Association (LOCO 08)

INTRODUCTION

1. The BSA—Business Services Association—is the trade body that represents companies and advisors delivering outsourced and business services across the public and private sectors.

2. BSA members are involved across the full range of public service provision—including health, education, defence, waste management, housing and other local services, IT and digital services, security and transport. Full members have a combined worldwide turnover of c £70 billion and employ around two million people. In the UK the combined turnover is c £16.5 billion and c 365,000 people are employed across the country.

3. The BSA cautiously welcomes the coalition government’s commitment to decentralisation and a new provision of localism, but it must consider the effects that that may have on public expenditure and the effective provision of good services.

4. We wish to make the following key points:

- Locally determined services can be more appropriate and more responsive to community needs.
- However, it is crucial for procurement and service contracting to be done well given the fiscal strain facing public bodies.
- The procurement of local services cannot ignore economies of scale. Small-scale contracts dotted across local authorities will represent poor value for money, and let down the council, the consumer and the taxpayer.
- Local authorities may therefore have to think of new ways to reconcile these competing imperatives. This may mean a greater emphasis on whole-service contracts which can be easier, bring lower costs and provide better service.

5. This submission will attempt to provide an opinion on each question asked by the Communities and Local Government Select Committee.

Does decentralisation lead to more effective public service delivery? What should be the limits of localism?

6. Decentralisation can lead to much more effective public services if it is done right. Locally determined services can be more responsive to community needs. However, it is essential that decentralisation does not come with a price-tag of poor and costly public services.

7. Only by effectively outsourcing support services can local authorities focus on the frontline, providing better services for less money. The BSA is concerned that procurement skills may be lost as mechanisms are devolved to a local level. There can sometimes be a paucity of skilled and experience procurement staff at a local level.

8. Furthermore, the good value of scale economies must not be overlooked in the haste to decentralise. Larger contracts often represent better value for money, because the buying power of well-capitalised private sector service providers means that more money can be invested up front. This may mean that in order to ensure public service contracts can be of the highest quality, local authorities opt for more encompassing contracts than they have done in the past—contracts which give extra responsibility to the private sector, allowing it to deliver to a far greater extent.

What are the lessons for decentralisation from the Total Place initiative?

9. Total Place is a good model for future local governance structures. Its emphasis on a “whole area” approach challenges waste and duplication and provides a more holistic basis for service contracting.

10. The BSA believes that the Total Place initiative provides an excellent model for simultaneous cost-cutting and decentralisation. By treating a local authority’s problems as one, institutional and budgetary boundaries can be broken down and money channelled more effectively.

11. The widening of the potential contract portfolio means good news for auditors. Service contractors can treat each local authority as one client with a diverse range of needs, and avoid service silos which work to the detriment of consumers and taxpayers. Economies of scale mean that larger contracts tend to be cheaper per unit of output, which is good news for a public which expects better services at a lower cost.

12. Total place is an excellent example of how the sometimes competing dynamics of decentralisation and cost efficiency can be combined. Greater localism does not have to mean poorer quality services.

What should be the role of local government in a decentralised model of local public service delivery? How far should localism extend to other agents?

13. Local authorities are better in tune with the needs of their communities. The paradox is that their smaller budgets and relative lack of expertise can mean that they are less able to satisfy those needs by working alone.

14. The BSA has long promoted the benefits of outsourcing support service functions, particularly for local government. We believe that the best and most responsible way for local government to serve its community would be to adopt a model of outsourced support services, allowing a better focus and more resources on frontline operations.

15. Local authorities need to improve their procurement capabilities to do this. Procurement expertise could be improved in central government, but much more work needs to be done within the local tiers.

16. Without careful thought, such changes could come at the expense of the decentralisation agenda.

What action, if any, is required from Whitehall departments to achieve decentralised public services?

17. For decentralisation to work for people and government, it must be effective. That means making sure that decentralisation is done only where it is appropriate and conducive to the public good. The potential for localised diseconomies of scale in service contracts threaten the good value for money that the taxpayer deserves.

18. Although localism should be pursued from the bottom up, there should be a role for Whitehall in decentralisation. Incentives and guidelines for adopting regional procurement frameworks or whole-service contracts could mean that the buying power of contractors can be fully exploited. This would remain entirely optional, thus preserving local self-determination.

What would be the impact of decentralisation on savings in local public services? How could cuts be targeted effectively?

19. Achieving cost savings whilst maintaining or improving the standards of local services will only be realised by properly utilising procurement expertise and buying power. Failing to do this could threaten the good value of large contracts.

20. Multi-service contract models similar to Total Place can and should become more widespread. Having several different contracts for different services is not cost effective, encourages silos, and engenders disparate decision-making and responsibility.

21. Should regional procurement frameworks be created, and support services effectively outsourced (allowing local authorities to focus resources on frontline operations), a situation could arise where costs decrease and output improves.

22. In this respect, and although it will of course be up to local authorities to decide, we feel that cuts should be targeted on back-office functions by outsourcing their delivery to the support services industry. This would bring investment to the area, and could create more jobs at the same time, whilst saving the taxpayer money and improving performance.

Should there be any oversight or accountability mechanisms to judge local authority performances and services—especially where money from Parliament is concerned?

23. This is a necessary measure to make sure that local authorities are spending public money wisely.

24. It is possible that the remit of the newly created Office for Budget Responsibility could be extended to oversee procurement processes at local level—or the OBR could work in conjunction with CLG.

25. Oversight could include benchmarking, league tables, quality assessments and frameworks, and would hopefully increase competition and increase accountability. This is particularly important for the use of money allocated to local authorities by Parliament.

KEY RECOMMENDATIONS

- That localism be promoted as the best way to understand the needs and requirements of communities.
- That Whitehall works with local government to develop an incentives and guidelines to promote full-service contracts, greater procurement expertise, and greater cooperation among local authorities in tendering and outsourcing.
- That the principle of “whole service” contracts in the Total Place initiative start to become the norm so that waste and duplication can be minimised.

- That local authorities strongly consider outsourcing support service functions so that they can focus resources properly on the frontline.

September 2010

Written evidence submitted by the Devon & Somerset Fire & Rescue Authority (LOCO 09)

Thank you for the opportunity to contribute to the ongoing debate on localism. The Terms of the Committee's inquiry were discussed recently by the Members of the Devon & Somerset Fire & Rescue Authority and the purpose of this letter is to relay the views of the Authority to you.

At the outset it is worth stating that, as a combined fire and rescue authority, the Devon & Somerset Fire & Rescue Authority is not able to benefit from certain freedoms (eg power of well-being) available to other types of local authority to pursue local initiatives. The Authority would wish this position to be redressed at the earliest opportunity and empowered to act, lawfully, in the best interests of the community it serves. The potential mechanism for doing this is explored later in this document.

By way of further introduction, it is perhaps appropriate and realistic to say that it is difficult at this stage to advance any firm ideas given a clear and transparent definition of "localism" has yet to emerge. Indeed, raising the subject does tend to generate more questions than answers, for example "how local is local", how does one maintain an appropriate balance between "localism" and a corporate identity etc.

Looked at from its widest perspective, the view of the Authority was that "localism" should represent a freedom from central government dictat, with the flexibility for an authority—in this case the Devon & Somerset Fire & Rescue Authority—to be able to deliver its services and respond to the community it serves in the most efficient and cost-effective way. Similarly, the Authority should be free to determine the most appropriate method of judging its performance, being answerable to the community it serves rather than necessarily seeking to slavishly follow and satisfy centrally set targets.

Doing this would clearly involve a high degree of engagement with the community served but the Authority is convinced that this is the right direction and that decades of centrally-set targets and performance measures (some of which have been dysfunctional or "perverse incentives") have done little to really assist in providing for the community served and that, at times, the previous "one size fits all" approach has taken the focus away from being able to respond to local issues in a truly local way.

The issue of powers and duties of local authorities—and in particular combined fire and rescue authorities—requires careful consideration and where necessary rationalisation and clarification. For example, this Authority annually incurs considerable expense in responding to what transpires to be "false" calls from automatic fire alarm (AFA) systems. Frequently, there is a pattern of repeat "serial offenders" in this respect and yet—at present—there is no sanction that this Authority can impose on such "serial offenders" to motivate them to take better steps in terms of maintenance of the systems. This Authority is not unique in this respect and yet a relatively simple measure—an amendment to the current Charging Order⁴ to enable the Service to recover the costs incurred in repeat false AFA attendances—would place less of a drain on already limited and finite resources and enable these resources to be used productively in promoting prevention and intervention initiatives.

This Authority considers that it—and the fire and rescue service in general—has already embraced many of the principles that might be associated with localism. Centrally set response standards no longer exist and, since the Fire and Rescue Services Act 2004, fire and rescue authorities have been responsible, in consultation with the communities they serve, for setting their own response standards and initiatives aimed at promoting safety, reducing deaths and injuries and safeguarding the environment. The fire and rescue service is held in high esteem by the public and any "localism" initiatives should at the least maintain this high regard if not seeking to enhance it.

This Authority is also engaged in a number of successful initiatives with partner agencies again aimed at enhancing community safety. These initiatives include:

- working with social services to more accurately target initiatives (eg the fitting of smoke detectors) to those most vulnerable in the community;
- school educational and youth community safety campaigns such as the 999 Cadet Scheme;
- a number of road safety campaigns;
- arson reduction initiatives; and
- station open days.

There are other areas the Authority is also likely to be pursuing in future months to foster local ownership of the fire and rescue service, for example:

- badging/branding which reflects both local identity and wider corporate identity;

⁴ The Fire and Rescue Services (England) Order 2004 SI No 2305.

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- highlighting local features/initiatives and the contribution made by local communities to the Service (eg by local employers releasing employees as retained firefighters) both in the Service internal magazine and—proactive involvement—local media;
 - promoting greater engagement with all levels of local democracy, from District to Parish/Town Councils; and
 - investigating the opportunity to integrate a community based budgeting approach in the development of our Local Community Plans.

Many of the above initiatives currently rest within the purview of the Authority to deliver. As indicated earlier, however, the Authority is very mindful that there is a fine balance to be drawn between promoting “local” issues and maintaining a corporate focus for its service delivery, with robust and accountable governance structures to enable a fair distribution of services across the entire community it serves rather than creating multi-tiered and potentially divisive/unequal responses.

As indicated at the outset of this letter, this Authority is also very mindful that, as a combined fire and rescue authority, it does not currently have access to certain legislative powers that could facilitate more innovative and “local” solutions to issues. This Authority would very much wish to embrace what it perceives to be the underlying philosophy of localism (ie the freedom to respond in the most appropriate manner to locally expressed needs) although it considers that this may be difficult within the current legislative framework. Mention has already been made in this letter for a need to rationalise and clarify the existing legislative provision. This is by no means an easy area, as the recent experience over the Fire and Rescue Authorities Mutual demonstrated when all participating parties fully believed, on the basis of Counsel advice, that they had the power to establish a mutual only to discover from the courts (via the decision in *Brent LBC v Risk Management Partners*—the Brent case) that they did not. Although this situation has now been remedied and fire and rescue authorities may now lawfully establish mutual insurance companies,⁵ it remains a salutary pointer to the need for all local authorities—including combined fire and rescue authorities—to have the legislative freedom to pursue innovative solutions.

In this respect this Authority is aware that, during the time of the previous government, the Local Government Association was promoting a bill to give authorities a wide-ranging “power of general competence” that could be used as a measure of first resort to effect initiatives that would either directly or indirectly benefit the community served.

It is understood that the Decentralisation and Localism Bill will feature the introduction of a “power of general competence”. This Authority would wish to see this power drafted in the widest possible terms and for the power applied to combined fire and rescue authorities rather than solely principal authorities (which happened with the well-being power introduced by the Local Government Act 2000 but which did not—because of drafting—apply to combined fire and rescue authorities).

In taking forward any localism initiatives care must be taken to manage expectations appropriately—balancing addressing local needs in an effective manner while maintaining a due level of control and overall, transparent governance arrangements. In this context, this Authority is very aware of the issues between the Royal Berkshire Fire and Rescue Service and the Royal Borough of Windsor and Maidenhead Council where the latter has sought judicial review on a decision relating to Windsor Fire Station on the grounds that a proper public consultation was not undertaken and that the assessment of risks surrounding the closure was inadequate.

The Council also sought to use the provisions of the Sustainable Communities Act 2007 to take responsibility for the fire service in its area and thereby block the proposed closure. This proved unsuccessful and the Minister at that time—in the view of this Authority quite properly—asserted that matters relating to the fire and rescue service rested squarely with the relevant fire and rescue authority. This Authority would wish to see this stance reinforced and would advocate against any localism initiative that may have the perhaps unintended consequence of eroding existing, locally accountable governance structures. Care must be taken that “the baby is not thrown out with the bathwater” and that the responsibility for decisions continues to rest with those organisations best placed (by virtue of the professionalism and expertise employed) to exercise it.

September 2010

Written evidence submitted by the National Association of Independent Schools and Non-Maintained Special Schools (NASS) (LOCO 010)

EXECUTIVE SUMMARY

NASS and its member schools would like to put on record its caution that in embracing a more decentralised model for public service delivery the Government does not forget the needs of those children and young people who require *low-incidence* special educational *needs* support, services and provision.

⁵ The Local Democracy, Economic Development and Construction Act 2009.

BACKGROUND TO NASS

The National Association of Independent Schools and Non-Maintained Special Schools (NASS) is a membership organisation catering for approximately 6000 very vulnerable children and young people. It provides information, support and training to its members in order to benefit and advance the education of children and young people with SEN. NASS is delighted to contribute to this inquiry into localism.

NASS is the only national organisation representing special schools in the voluntary and private sectors. NASS works in partnership with key national and regional organisations and acts as the voice for Non Maintained and Independent Special Schools (NMISS). NASS currently represents almost 190 schools across England and Wales.

NASS believes fundamentally in the crucial role that is played by NMISS and the support that they provide for children with SEN and non-maintained and independent schools in their area. NMISS are funded by Local Authorities who pay to place pupils for whom they have been unable to meet needs.

GENERAL POINTS ABOUT THE IMPACT OF LOCALISM AGENDA

NASS schools play an important part in meeting the objectives set out by the government for SEN as well as supporting children achieve and develop. It should be noted, however, that schools rely on clear policy frameworks at the national level along with consistency around funding and planning at the local level. NASS would, therefore, like to make the point that in embracing a more decentralised model for public service delivery the Government does not forget the needs of those children and young people who require *low-incidence* special educational *needs* support, services and provision.

NASS schools cater for children with special needs and disabilities classified as “low incidence”. This includes children with sensory impairments, autism spectrum conditions and social, emotional and behavioural difficulties. Within an individual Local Authority it is generally the case that these needs occur at such a low incidence, one or two children per authority in some cases, that it is not an effective use of resources to create a specialist resource in house. It is at this point that Local Authorities look to the Independent and Non-maintained special school sector.

Although NASS member schools have an important role to play in their local communities, they generally accept placements from a large number of Local Authorities. For some schools, this may be as few as five or six different Authorities but for some schools, especially those catering for very low incidence needs, this number can be as high as 45. In the past, co-operation between Local Authorities through regional arrangements such as the Department for Education and Skills SEN Regional Partnerships and Regional Commissioning programmes has supported a number of efficiencies including:

- Strategic planning of low-incidence provision.
- Shared monitoring of out of authority placements.
- Use of a National Contract for placements in NMISS.
- Shared negotiations around fees.

In 2007, savings from these actions implemented by a group of four regions, comprising 43 authorities were estimated to have saved in excess of £8 million.

NASS schools are already seeing an impact from the move towards localism:

- Less co-ordinated planning of the need for placements resulting in a decrease in referrals to specialist provision and an increase in emergency placements following mainstream placement breakdown.
- A proliferation in the number of local and regional contracts being introduced.
- A lack of capacity within Local Authorities to effectively monitor out of authority placements of very vulnerable children.

The bureaucratic costs of this to schools are high. A school dealing with 45 Local Authorities and being asked to operate 45 different contracts needs to spend a considerable amount of staff time in administration. When placements come on an emergency basis across the school year it becomes increasingly difficult for schools to plan budgets and to sustain and develop high quality services.

NASS believes that low-incidence SEN and Disabilities require a sub-regional, regional and even national approach, in some cases. We are concerned that the localism agenda does not encourage Authorities to work together, even though there is evidence that this is the most efficient way of addressing some areas of service provision. In a time of financial constraint, we believe that the Government needs to maintain and develop incentives for Local Authorities to work co-operatively on regional level to most efficiently meet the needs of children and young people with complex, low-incidence SEN and disabilities.

CONCLUSION

In conclusion NASS, while welcoming the localism agenda, is concerned that the decentralisation of public service delivery may have a detrimental impact on the services provided to children with low incidence SEN.

As low incidence SEN is not prevalent in any single local authority, NMISS frequently cater for vulnerable children from across a large number of local authorities. This requires cooperation at a sub regional and regional level to ensure efficient and effective planning.

However, from our experience the move towards localism is hindering the effective planning of, and referral, to specialist provision for these vulnerable children, as well as placing additional bureaucratic burdens on NMISS.

NASS therefore proposes that the Government ensure mechanisms and incentives are in place for local authorities to work collaboratively, enabling a coherent sub regional level of planning for supporting children with low incidence SEN. From our experience these measures would result in significant cost savings, making SEN provision more efficient and targeted to need.

September 2010

Written evidence submitted by Jackie Terry (LOCO 11)

I am extremely concerned that more decisions may be decided at a local level. I would say that there could be more dissatisfaction with local politicians than national politicians and I think that this would be worth exploring via a survey. At least national politicians are of a certain intellect which cannot be said about local politicians. Sometimes very unsuitable persons are standing and they are elected because there are no other alternatives.

I am surprised at the power which local politicians have already and I would not like them to have more power but less power. After a local election I am always surprised about how many changes are made even though so very few will have voted for the local politicians.

If you want to see local dissatisfaction at work you need look no further than the Isle of Wight. The council there are very poor and unpopular regardless of who are elected. Many of the councillors there seem to have been disciplined for various reasons. Money has been wasted and I am amazed that the district auditor has not stepped in. Maybe it is so discredited that competent people do not want to stand. Running a council requires competence and professionalism which is sadly lacking in many councillors all over the country. If localism is going to happen then there has to be a different model of local Government.

August 2010

Written evidence submitted by the National Housing Federation (LOCO 12)

The National Housing Federation is pleased to provide evidence to the Committee's enquiry into the Government's plans for localism and decentralisation of public services.

The National Housing Federation represents 1,200 independent, not-for-profit housing associations in England, and is the voice of affordable housing. Our members work with communities to provide better homes and neighbourhoods, at present providing two and a half million homes for more than five million people.

SUMMARY OF THE FEDERATION'S EVIDENCE TO THE COMMITTEE

- Housing associations are a locally responsive model of public service delivery.
- Housing associations could be more responsive to local needs if the regulatory system removed bureaucracy and top-down direction by the state.
- Citizens must be empowered to hold local authorities accountable for their spending decisions, particularly around services for the vulnerable.

HOUSING ASSOCIATIONS AND LOCAL PUBLIC SERVICE DELIVERY

Affordable housing is a unique public service. It is the only public service where the greater part of provision is outside the hands of the state, with independent, not-for-profit housing associations now providing the majority of social housing in England.⁶

Successive governments have supported the expanding role of housing associations because they have recognised that the sector is:

- Well-run, with strong governance and resident involvement.
 - Able to borrow from lenders to lever in private investment, more than doubling the value of any public investment.
 - Responsive to the residents and communities it serves.
-

⁶ Communities & Local Government housing statistics shows that in 2008–09 there were 2,195,195 homes owned by housing associations, compared to 1,819,696 owned by local authorities. See <http://www.communities.gov.uk/documents/housing/xls/table100.xls>

The new government is committed to building a “Big Society”. The Prime Minister has spoken of building “a culture of voluntarism, philanthropy, social action”.⁷ Housing associations’ are outstanding examples of these principles in action, as independent not-for-profit charitable organisations which exist to meet local housing need.

The Federation also notes the Governments’ commitment to new models of service delivery such as academy/free schools and GP commissioning. Housing associations have always operated on the basis of a local self-governance model, and over the last 20 years the sector has taken on responsibility for over 1 million homes from local authorities, through the stock transfer programme.

Academic research shows that following transfer, housing associations have been able to focus single-mindedly on improving housing conditions and housing services, and stimulating tenant involvement through the widespread establishment of tenant working groups, resident panels, area committees and the like.⁸ This resident involvement builds on the strong history of resident involvement in traditional housing associations.

Many of the issues residents wish to see addressed extend beyond the provision of “bricks and mortar”. These are often extremely localised and occur at neighbourhood or street level. Working with residents, housing associations have taken locally responsive decisions to address these specific local needs. The cumulative impact of this work has grown to the extent that it benefits more than 1 in 10 of the population. Taken together, housing associations now invest £435 million each year in neighbourhood services.⁹

The relationship between provider and recipient in affordable housing is underpinned by a very clear contract, in the form of the tenancy agreement, which clearly sets out the rights and responsibilities of both parties. The housing association sector recognises that our residents are consumers, and their expectations of us as service providers are continually rising. Housing associations stand ready to meet that challenge.

It is clear that housing associations offer a locally responsive model of service delivery. The sector has been delivering on the principles of local self-governance and the Big Society for some years and will continue to build on this.

HOUSING ASSOCIATIONS AND REGULATION

The regulatory regime which housing associations are subject to has supported them to deliver more and better housing, but too often it has also imposed bureaucratic barriers and needless administrative burdens as successive Governments have sought to impose their ideas on an independent sector.

Our views on the future regulatory arrangements for the sector are set out in detail in our response to the Government’s review of the Tenant Services Authority¹⁰ but can be summarised as:

- Robust economic regulation to help maintain the financial viability and reputation of the sector, as well as protecting the interests of taxpayers, lenders and tenants.
- A leaner, better focused regulator dealing with economic issues and governance, potentially funded by fees from the sector and thus without cost to the taxpayer.
- Reinforcement of the “non-public” status of independent social housing providers.

The Federation believes that given suitable regulatory arrangements, the sector will be able to fulfil its potential in addressing pressing social needs, and will be still more responsive to local needs.

THE NEED FOR ACCOUNTABILITY ON SPENDING DECISIONS

The Government has announced radical changes to the oversight of local government and other agencies. It has also proposed changes to existing funding streams to increase flexibility at local level.

These changes place a responsibility upon all citizens to hold local government to account through the local electoral process. This in turn means it will be increasingly important that the electorate are provided with sufficient information to enable it to make informed judgements about the priorities and performance of local administrations.

The Federation believes that it should be clear to citizens, civil society organisations and elected councillors which funds are being allocated to local authorities by government, and how they are being spent.

In particular, this should include clear information on funds provided through the area based grant, broken down into the grant areas which make up this pot; plus details of outturn expenditure. This will allow citizens to scrutinise decisions and accurately determine which level of government is responsible.

⁷ Prime Ministers speech on the Big Society, Liverpool, 19 July 2010.

⁸ See “*Maturing Assets : The Evolution of Stock Transfer Housing Associations*”, Hal Pawson and Cathie Fancy, 2008.

⁹ Neighbourhood Audit, National Housing Federation
<http://www.housing.org.uk/Uploads/File/About%20us/audit07/090721%20N'hood%20Audit%20-%20main%20report.pdf>

¹⁰ <http://www.housing.org.uk/Uploads/File/Policy%20briefings/Neighbourhoods/TSA%20Review%20-%20nsre2010sb01.pdf>

We therefore support the enhancement of the Local Spending Reports, legislated for by the 2007 Sustainable Communities Act, to provide clear and practical information to the public.

September 2010

Written evidence submitted by the Magistrates' Association (LOCO 14)

JUDICIAL POLICY AND PRACTICE COMMITTEE

INTRODUCTION

There are three main issues that concern the Magistrates' Association when considering the question of localism. These are:

- The concept of local justice.
- The management of magistrates' courts.
- Community engagement.

1. *The concept of local justice*

Magistrates have their origins in communities and for most of their history a link to a community has been an essential prerequisite for the selection of magistrates. The definition of local and community may have changed significantly over the 650 years of the Magistrates' Courts and may now mean different things to different people, depending on their own location, but the concept of crime being dealt with in the area in which it is committed remains fundamental to the criminal justice system.

The Association therefore believes that summary justice should be rooted in communities and actions taken by the justice system both to try to prevent offending and to deter re-offending should be taken at a local level. The magistrates' courts have an essential part to play in delivering this local justice in an open democratic and participative manner.

Wherever possible magistrates have links to communities or knowledge of them and whenever possible, trials in magistrates' courts should be heard by a bench constituted of such magistrates.

As in so many other areas of public life, the arrival of greater mobility in society has changed the nature of communities. Magistrates may well come from within the very community where offences are committed, or from slightly further afield, but this does not detract from the importance and effectiveness of local justice. The very diversity of the magistracy is of real benefit—magistrates are selected, trained, developed and appraised to a much higher level than was known even 20 years ago. They are equipped to deal with matters ranging from those where local knowledge might be beneficial to the understanding of a case being dealt with—through to those where such knowledge is unnecessary.

Nevertheless, as the move by some local authorities to develop Community Justice Panels (often linked to the notion of restorative justice) and the previous government's initiative relating to community courts (where North Liverpool and Salford remain the best known examples) exemplify, there is an important role for criminal justice to be seen to be closely involved in and with local communities.

The criminal justice system belongs to the people it serves. Magistrates *are* such people. Magistrates' courts also operate in an open and transparent manner that is an essential feature of a criminal justice system in a true democracy.

2. *Management of magistrates' courts*

Magistrates' courts form the focus for community justice. Magistrates deal with all summary crime cases brought to court, a significant percentage of either-way criminal offences as well as family matters and certain other civil cases. Magistrates' courts have always had a strong link to their local areas—however in recent years, that link has been weakened as control has moved from local Magistrates' Courts' Committees (MCCs) which were closely linked to local authorities, to amalgamations of MCCs particularly in Metropolitan Areas and now to HMCS, an agency within the Ministry of Justice.

This link has become even more remote with the addition of the Regional and Area management layers of HMCS. In little more than 10 years the management of the business of a court has been removed from complete local control to a complete lack of local control to such an extent that anecdotes are told across the country of the inability to make simple local changes within a court (eg changing light bulbs) without several strata of HMCS becoming involved.

It is the view of the Association that not only would the removal of one or more of these layers be financially beneficial, but the management operation of local courts would not suffer, and there would inevitably be an increased local involvement between the community and the local criminal justice system.

The Magistrates' Association would strongly urge that the administration of local courts, especially that of youth courts, is taken away from the central control of HMCS and returned to a form of local governance which allows for the involvement of magistrates in the management of their courts.

HMCS already accepts the principle that there should normally be a court within no more than one hour of travel by public transport. To meet this target would require a change of the HMCS policy of maximising courtroom utilisation and a fundamental reappraisal of the resultant estates driven court closure proposals. County market towns and their surrounding rural hinterland do not need a courtroom functioning five days a week but do benefit, directly and indirectly, from the presence of an operating magistrates' court.

3. *Community Engagement*

The Magistrates' Association's MIC (Magistrates in the Community) project already provides opportunities for judicial engagement with communities—with schools, neighbourhood schemes, local councils, employers etc. This is an inexpensive programme but is already under threat because of HMCS budget cuts affecting court open days, school visits and other engagement activities. Cuts in funding should not be allowed to compromise this highly successful and effective programme. There should be a budgeted marketing programme for community engagement to ensure consistent national and local awareness and to encourage communities to become involved.

Local authorities and other bodies should be sensible to the need to promote the magistracy and all its functions, to the whole community they serve. The Association's MIC project and the associated schemes Local Crime, Community Sentence (LCCS) and the Mock Trial Competition have helped to introduce the role of the court in society, and the involvement of citizens in administering justice, to a wide audience within its limited funding.

This has been of real benefit because it has opened up the workings of the Criminal Justice System to the community. It is our view that one of the main reasons for a lack of confidence in the criminal justice system has been lack of knowledge. Informing the public at local level as well as a national level is a key to a greater understanding of the system and how it works. Consistently our statistics indicate an increase in public confidence following any one of our presentations. This should be maintained and properly funded at local and national level.

Historically, the media also have a significant part to play as it is often media output on which the public opinion is based, whether right or wrong. Despite the relative demise of the local press, the development of new technologies makes it easier than ever to communicate accurate outcomes from the decisions of courts and this should be progressed on a local basis.

4. *Summary*

We welcome the opportunity to respond to this consultation because we are rooted in local communities. Our members are competent, well trained and regularly appraised in their roles. They give their time freely to the criminal justice system and accordingly we on their behalf would welcome any steps to move us closer to the communities we serve both in terms of communication and control.

If second tier councils are to be the key building block in addressing the issue of localism then summary justice ought to be aligned with that tier of local government.

September 2010

Written evidence submitted by Professor Michael Chisholm, Professor Steve Leach and Dr Mark Roberts (LOCO 15)

Our names and relevant experience are summarised as follows:

MICHAEL CHISHOLM

An academic geographer retired 1996 from a professorship at the University of Cambridge, with a long standing interest in regional development. National appointments include: the Social Science Research Council (1967–72); the Local Government Boundary Commission for England (1972–78); the Development Commission, later Rural Development Commission (1981–90); the Local Government Commission for England (1992–95). Over the period 2006–08, consultancy reports on nine of the 16 proposals for unitary council in England that went forward for consultation. Cambridgeshire appointments have included: Cambridgeshire rural community council; trustee of the Cambridge Preservation Society; chairman of the Conservators of the River Cam. Founder member of his local residents' association, secretary thereof and active in local planning issues.

STEVE LEACH

An Emeritus Professor of Local Government at De Montfort University. Amongst many other interests, he has evaluated schemes of decentralised decision-making and community involvement in Rochdale, Kingston-on-Thames, Norwich and most recently, a major project on neighbourhood working in Derby (with Mark Roberts). He contributed to the DETR-funded review of public participation (1998–2000) and has published several articles and papers on public participation since. His new book “*Managing in a Political World: The Life Cycle of Local Authority Chief Executives*” is to be published by Palgrave/Macmillan in October/November 2010.

MARK ROBERTS

Completed his doctorate at the Institute of Local Government, University of Birmingham in 1998 and is now Visiting Research Fellow at De Montfort University. Recent work includes: co-authorship of report for the Association for Public Service Excellence (APSE) on localism in the Neighbourhood Structures in Birmingham, Edinburgh and Nottingham entitled “*The Ensuring Council; governance neighbourhoods and service delivery*” published January 2010; a major project on neighbourhood working in Derby with Professor Steve Leach (as above). A chapter in a forthcoming book (“*From recession to renewal: The impact of the financial crisis on public services and local government*”), on the local political context of the recession (also with Steve Leach).

INTRODUCTION AND BACKGROUND

We welcome the desire to devolve power from central government but we note that “localism” is an imprecise concept. We believe that improvements are possible to what already exists in localities, and should be made, but there is no “perfect” set of arrangements. Consequently, we do not offer a blueprint for the future, but rather a set of issues to be considered in reaching conclusions about what realistically can be done.

- Local authorities and other bodies have statutory obligations. If localism impinges on those obligations, care must be exercised to ensure capacity is maintained to meet the obligations in parallel with localism, or in the event localism fails to deliver. For local authorities this seems to imply that localism should be achieved by devolving powers from central government to local councils, giving them greater financial autonomy. In this way local councils should be primarily responsible for further devolution, and for achieving a minimum standard in this respect.
- We use the term “minimum standard” here because we recognise a whole range of issues in relation to central government’s role in setting and enforcing standards of service delivery, and, in particular, whether there should be uniform national standards, or basic acceptable levels of service, on which local authorities might be encouraged to improve as local conditions dictate. We believe the latter approach to be more in line with the principles of localism and more likely to bring about the innovation required for the successful implementation of a localist policy.
- We also believe it important to point out that innovation depends on a certain amount of experimentation and with this comes the possibility of failure. While we would not expect incidents of this sort to be widespread we would see a role here for both local and central government in protecting localities from the most severe consequences of failure and enabling to learn from their mistakes.

THE OBJECTIVES OF LOCALISM

There are a number of different reasons for introducing or strengthening a localist perspective on public service provision. It is important that any localist policy developed by government is clear about the relative priority accorded to these different objectives.

- Strengthening civic engagement—as a desirable objective in itself, but also as a contribution to social cohesion.
- Providing a pattern of services, within a specified budget, which more closely matches the priorities of local residents.
- Providing a local input into the required response to local problems such as anti-social behaviour and traffic congestion.
- Providing a local input into the development of a longer term plan or strategic vision for the locality.
- Different priorities will be appropriate for different types of locality. For example strengthening civic engagement through some form of community development initiative may be a necessary pre-condition for the achievement of other objectives in areas where residents are chronically disengaged for participation. Equally it may be possible to progress immediately to “local visioning” in areas where “buy in” to participation is already established.

PROBLEMS IN PRACTICE

While we are enthusiastic supporters of the ideals of localism, we also recognise that there are often difficulties in their translation into practice. This section summarises some of the problems which have arisen in the past when devolution to local level has been pursued by central and local government.

- In the past relationships between central and local government have been fraught with conflict and have not engendered trust. In addition, the dependence by local authorities on central government for a great deal of their funding has not always engendered a sense of responsibility at a local level.
- In this context, central government retains a large portfolio of responsibilities and accountabilities in relation to many democratic functions and technocratic services which could “go local”. In the most recent past, the centre has been reluctant to trust either local authorities or local people with these and has attempted to “micro manage” the processes of devolution and delivery.
- During the same period, local authorities have striven to hang on to their own statutory responsibilities and accountabilities. Local councillors see themselves as the democratically elected representatives for their area and are often resistant to the influence of “pressure groups” who they deem have little or no democratic mandate.
- In this way councillors often see themselves as pressured from above by central government and squeezed from below by disgruntled residents.
- Despite this rather negative context, most local authorities have recognised the value of localism in principle, and now have some structure for devolution of powers in place, in the form of neighbourhood committees or boards, operating across one or more council wards.
- However, with some exceptions, their default position has been to set these up to focus on the lowest common denominator aspects of managing the local environment, such as graffiti and rubbish clearance, traffic calming and parking, anti-social behaviour and problems with youth.
- To date, local people do not attend these meetings in large numbers, but will often mobilise around specific projects such as organising a football team for youngsters, or to respond when services are threatened (eg closure of local swimming baths).
- In some cases where services of this sort might be taken on by local people, the risks involved are clearly too high, for example, trustees may be asked to take on liabilities which in the case of failure would bankrupt them.
- Finally there is a genuinely held fear, not only amongst councillors, but also amongst residents themselves, that small groups of activists who have little democratic legitimacy within communities may “capture” local projects and turn them to their advantage. These may emerge for example as “anti-council” groups, religiously motivated factions, or the representatives of the “sharp elbowed middle class”.

IMPLEMENTING LOCALISM: ISSUES AND PRIORITIES

There is a wide range of opportunities for taking the localism agenda forward. This section draws on research carried out by Professor Steve Leach AND Dr Mark Roberts to identify key opportunities and challenges in work commissioned from De Montfort University for Derby City Community Safety Partnership.

- The potential for local civic engagement is strongest in areas in which there is already a strong sense of local identity. How local authorities and partners attempt to identify and demarcate localities is extremely important.
- There is also an important choice for local authorities around whether schemes of devolution to localities should be comprehensive (eg across all wards of the city of Derby), or selective (eg focused on those wards best able to respond, or most in need). If those most in need are selected these are also likely to be the localities which are most deprived and where strengthening civic engagement through some form of community development initiative may be a necessary pre-condition for the achievement of other objectives.
- Localist initiatives at local authority level typically require some pump priming investment in terms of staff and a small budget to promote civic engagement.
- Localism is facilitated by robust infrastructures for local decision making and resource allocation with the following features:
 - A structure based on small units within the city or geographic area (eg area or ward committees).
 - Some form of mechanism for drawing in local partners (typically police, health, education, housing providers and the voluntary sector).
 - Some form of community forum open to all members of the public where issues can be debated and local residents can influence decision making and resource allocation.

- Because problems always arise regarding the representativeness and accountability of groups at local level, the role of local councillors and partners in leading such processes is central to engendering a climate of fairness and in ensuring that the views of under-represented groups such as disaffected young people are channelled into the decision making processes.
- The development of civic engagement, including in schemes such as asset transfer and management, can be facilitated by:
 - Limited pump priming for local projects.
 - Strong accountability between local forum (eg area or ward committees) and the wider community forum.
 - Taking some of the risks and impediments away from local individuals and organisations who may otherwise be willing to manage public assets.
 - The involvement and commitment of a wider group of local agencies who may not be seen as immediately relevant to public participation, eg local schools, medical centres, civic and recreational societies.
 - The stimulation of a critical mass of local activists who are prepared to involve themselves in improving the overall quality of life in the locality.
- While pooling budgets in toto across services such as health, police and the local authority has proved difficult at locality level, there have been successful initiatives of this sort which address a specific problem, eg anti-social behaviour, or overlapping responsibility, eg services for the frail elderly.

RECONFIGURING ROLES, RELATIONSHIPS AND RESPONSIBILITIES

The brief account we have presented above suggests that, as a prerequisite for successful localism in practice, some reconfiguration of roles, relationships and responsibilities will need to be undertaken. Below we outline these briefly in respect of central government, local authorities, and local people.

- Central government should take responsibility for repairing relationships as far as possible with local government. While we recognise this may be difficult given the “history” between the two sets of actors, and the current context of cuts in public services, we believe that only when a minimal level of trust is re-established will efforts to progress localism bear fruit.
- Central government initiatives of this sort may involve allowing councils to raise more of their revenue locally and could reasonably be accompanied by an expectation that councillors will consequently take more transparent responsibility for decisions made locally.
- In this context, central government should be prepared to “let go” to a large extent and avoid the temptation to micro manage devolved responsibilities. Powers to intervene should be retained but these would be guided by a redesigned “exception” principle.
- For their part, as better relationships with central government make them more confident in exercising their powers and responsibilities, local councillors should be able to play a more expansive and generous role in encouraging local individuals and groups to become involved in both the running of services and wider participation in local democratic processes.
- We would suggest that, rather than attempting to start with a blank sheet and incurring the disruption and costs which this would involve, the best vehicle for this revitalised commitment is already in place, in the form of the neighbourhood committees or boards which most local authorities now operate at ward level.
- Expanding the ambitions of these will bring to the surface some of the risks outlined above, and so a more trusting and tolerant attitude from both central and local government will be required towards local groups, which allows for experimentation, diversity and the occasional failure.
- In particular, those risks taken on by “ordinary” citizens will need to be removed from them to a greater or lesser extent, and underwritten by local government, which in turn will be supported in these efforts by central government. As with central-local relations above, powers for local authorities to intervene should be clearly stated and these would be guided by a redesigned “exception” principle.

SUMMARY AND CONCLUSION

We believe that there is an art in finding ways to realise the opportunities offered by localism without creating undue risks. As a matter of judgement, the main hope is that localism will improve the quality of life, but whether financial savings may be made is a moot point, especially in the short run. In the end improvements in the relationship between central and local government, and from that base, the strengthening of local government’s accountability to local people are both essential prerequisites for the success of such an initiative.

Written evidence submitted by Barton Willmore (LOCO 19)

INTRODUCTION AND SUMMARY

1.0 Barton Willmore is the largest planning practice in the Country.¹¹ Our comments below focus on the planning aspects of localism based on our considerable, collective experience of planning across the UK. We regularly promote large schemes and as part of that promotion we regularly undertake public consultation, so we have considerable knowledge of the concerns of the public, and how these are juxtaposed with evidence based assessments within planning.

1.1 We will examine this relationship through three strands:

1. Evidence based planning and public attitudes.
2. Natural justice.
3. Accountability.

1.2 We are concerned that evidence and local sentiment will often pull the decision making process in opposite directions. We believe it is therefore essential that National Policy Guidance, and legislation if necessary, emphasise the importance of good evidence to support local plan making, and to make clear that the Secretary of State will refer plans back to local planning authorities where an inspector considers that the evidence base is deficient or defective.

1.3 In the section on natural justice we have focused on the appeals process. We believe that the proposals contained in the Conservative's Green Paper *Open Source Planning*, if implemented, represent a seismic shift away from the rights of landowners and developers towards local communities, which will increase risk and act as a disincentive to developers. While our preference would be that third party rights of appeal are not introduced we have produced five recommendations covering the position where they are introduced.

1. Rights of appeal for applicants should remain unchanged.
2. Appeals by third parties should be lodged within three months to avoid delays in implementing permissions.
3. Grounds for appeal by third parties and mechanisms for weeding out frivolous or malicious appeals need to be carefully defined.
4. Where permission is granted and then subject to an unsuccessful third party appeal permission will be deemed to be granted from the date of the appeal decision.
5. The process of call-in by the Secretary of State for applications which a local planning authority are minded to approve but which are contrary to the development plan should be discontinued.

1.4 With respect to accountability, the ultimate responsibility for producing local plans must rest with the local planning authority both in the interests of accountability and to deliver local plans within a reasonable timescale.

2.0 EVIDENCE BASED PLANNING AND PUBLIC ATTITUDES

2.1 Politicians say that planning is a political process. That is why local politicians make the decisions on planning applications (although increasingly, with local delegation, only on the largest and most controversial ones). Public consultation on development plans and planning applications has been good practice since the Skeffington Report in the 1960s, but extra emphasis has been placed upon it in the last decade with the introduction of Statements of Community Involvement. These provide a framework for consultation which is published in advance and which the Council are expected to conform to in their plan making and developers to conform to in their planning applications.

2.2 However, fundamentally planning is also an evidence-based process. At both plan making and planning application stages a wealth of information is collected on subjects as diverse as population growth, biodiversity, archaeology, transport and flood risk. For plans and large applications these are collected together in the form of sustainability assessments, environmental impact assessments and a range of other technical documents which together form the evidence base for the plan or the application. Our clients complain about the huge cost of producing all the information, but it is clear that a proper consideration of a development proposal, whether as an allocation in a plan or as a planning application requires proper consideration of the factors which affect that site and the wider area within which it is located.

2.3 There is an inherent tension between evidence based approaches and public attitudes in many cases. Public attitudes are first and foremost conditioned by the effect that a development proposal will have on them. If a development proposal has no impact on them they have no reason to become involved. Life's too short. All too often this involvement takes the form of a campaign of outright opposition rather than constructive working to improve the development. This opposition is not based on consideration of the evidence, except in so far as it can be used against the scheme, but on sentiment and self interest. We do not say this in a critical way—it is just human nature.

¹¹ Source: "Planning" magazine, annual survey of Planning consultants, November 2009.

2.4 We encounter this on a regular basis at public consultation events. People are not aware of the complexities of a development scheme—and why should they be, they are not (mostly) development professionals (although every scheme seems to have a retired engineer or surveyor living nearby). Having said that, we almost always obtain important information from the public that helps improve schemes.

2.5 Our concern is that under the proposals as they appear in *Open Source Planning*, public attitudes will override the evidence base. This gives rise to three particular causes of concern. First, plans will be based on local issues and will ignore the “big picture”. Second, schemes that are technically sound and whose sustainability has been demonstrated will be abandoned or fail to be approved because of pressure from people in the immediate vicinity of the scheme. Third, if the weight given to the evidence base is reduced then planning becomes much less transparent and more open to abuse as a consequence.

2.6 To illustrate the first point we have submitted evidence to the Inquiry on the abolition of Regional Strategies that reducing housebuilding has significant economic and social effects. A step change in housebuilding is required and this will require determined action on the part of Government. This needs to be communicated to all those who are participating in the plan making process.

2.7 To illustrate the second point, we believe that Ministers expect localism to lead to the demise of large urban extensions around some of our cities and towns, particularly those that are in green belt, in the knowledge that they are highly unpopular with local residents. These schemes are now described as “unsustainable urban sprawl” when in fact a great deal of evidence has been produced to show that building on the edge of our cities and towns is the most sustainable way of providing the homes we need as close as possible to jobs.

2.8 *Open Source Planning* has trailed the notion of local definitions of sustainability and there is considerable concern that these will not be based on the well established principles of sustainability that have developed over recent years on the basis of evidence, but will be based on little more than local sentiment.

2.9 To illustrate the third point, at the plan making level there seems to be no ultimate sanction proposed in *Open Source Planning* on authorities who do not produce robust evidence to support the level of development in their area. On the one hand, *Open Source Planning* says that councils should provide good data to electors so that they can develop a vision for their community on a well-informed basis. On the other hand while a Secretary of State can reject a plan where the local authority has not adequately performed this task, *Open Source Planning* stresses that levels of provision will ultimately be for local determination. This runs to the heart of the tension between evidence and local sentiment but does not resolve it.

2.10 At the level of the planning application, *Open Source Planning*'s proposals for dealing with immediate neighbours (p13) have been widely derided as a recipe for corruption.

2.11 Finally, it is appropriate to address the issue of the “Community Right to Build” here because this illustrates the tension between evidence and local sentiment. The Question and Answer briefing that accompanied the Minister for Housing's announcement of the Community Right to Build makes repeated reference to the need for schemes to meet minimum criteria to ensure that the development is sustainable. This is not elaborated upon but must involve submission of evidence to demonstrate sustainability. The key questions are who will decide what is sustainable and how will it be decided. Will it need to go to Committee? Will there be a right of appeal? In short, how different will it be to submitting a planning application? Also, given the primacy of the local plan referred to elsewhere in *Open Source Planning*, will schemes be allowed which do not conform to the plan?

2.12 We therefore wish to see National Policy Guidance, and legislation if necessary, emphasise the importance of good evidence to support local plan making and to make clear that the Secretary of State will refer plans back to local planning authorities where an inspector considers that the evidence base is deficient or defective.

3.0 NATURAL JUSTICE

3.1 A fundamental principle of *Open Source Planning* is that central government inspectors should not “have the power to ride roughshod over local sentiment” (p 6). This is mentioned in the context of local plan making, but has an obvious extension into the appeal system. It is another area where the tension between evidence and local sentiment emerges.

3.2 We believe that a system such as planning must have a series of checks and balances. The appeal system for applicants is an important part of those checks and balances. The planning inspectorate has an impressive record of determining appeals impartially.

3.3 The Government has expressed its desire to see more houses built. The contribution of private sector housebuilders will continue to be fundamental to this process whatever new forms of housing delivery are introduced. Housebuilders need incentives. Fundamentally, they need to be able to make a profit in as risk-free an environment as possible. The greater the risk the greater the profit required. We are concerned that the proposals contained in *Open Source Planning*, if implemented, will considerably increase the risks for housebuilders acting as a significant disincentive for the sector, thus acting against the objective of building more houses.

3.4 It should be recognised that in its proposals for the appeal system *Open Source Planning* potentially represents a seismic shift away from the rights of landowners to develop their land as they see fit towards local communities by dramatically reducing the grounds of appeal for an applicant and introducing third party rights of appeal. The net result is described as a more “symmetrical” system in *Open Source Planning*.

3.5 This needs to be seen in a historical context. The 1947 Town & Country Planning Act recognised that it was taking away the right for landowners to develop their land as they saw fit. By the early 1980s far from being an infringement on the right of landowners and developers, it was seen as a service to them and fees for applications were introduced. These are still with us and can now amount to sizeable sums. Now the argument has come full circle and it is local residents who now need to be compensated for the effects of development according to *Open Source Planning*, rather than landowners compensated for the inability to develop land.

3.6 *Open Source Planning* says that it will limit the grounds for appeal against a local planning permission to just two:

1. that correct procedure was not followed in assessing the application; or
2. that the decision reached is in contravention of the local plan.

3.7 This is specifically described as grounds for appeal against a “permission” (ie by a third party). However, if the system is to be “symmetrical” will these be the only grounds available for an applicant as well?

3.8 If the applicant’s right of appeal is reduced at the same time as third party rights of appeal are introduced this is a “double whammy” for the development industry.

3.9 We submit that the applicant’s right of appeal should not be curtailed. At the moment Section 38 of the Planning and Compulsory Purchase Act 2004 states that decisions on planning applications must be made in accordance with the development plan “unless material considerations indicate otherwise”. Material considerations might include the lack of a five year supply of housing land. It is essential that the ability to take account of such factors which may be external to the local plan should continue to be available to applicants as grounds for appeal. The government seems to be implying that by making local plans consistent with national policy the need to take account of material considerations will disappear. However, in practice local plans will probably be consistent with parts of national guidance but not with others. Moreover, development proposals will almost always be consistent with some policies of a local plan but not others—or, rather, judgement has to be exercised in determining whether the proposal is consistent with policy (for example, where the policy requires “acceptable” or “suitable” transport provision). The lack of the opportunity for independent adjudication on such issues is in our view likely to act as a serious disincentive for landowners and developers to engage with the planning system.

3.10 The use of material considerations is an important safety valve which needs to be retained, and the rights of an applicant to appeal should therefore remain as they are now. We regard this as an important part of the rights of landowners and developers which is a feature of the natural justice of the present system.

3.11 Above all, the removal or reduction of the right to appeal should not be introduced as a cost-saving measure.

3.12 Turning to third party rights of appeal, we have to rely on what is contained in *Open Source Planning*. This proposes to limit the grounds of appeal to those stated above. Appeals on grounds of incorrect procedure, dealt with by the Ombudsman, will presumably either be dismissed or referred back to the local planning authority. Appeals on grounds that the decision contravenes the local plan will be appeals in the traditional sense.

3.13 *Open Source Planning* refers to the introduction of a mechanism for weeding out frivolous or malicious appeals which would significantly delay development. While this appears to be an extremely important principle the process appears to have the ability to delay even further the confirmation of a planning permission.

3.14 Seen in its historical context and taking account of the huge cost of promoting development, particularly of larger sites, we do not see any need to have a totally symmetrical process. A development may adversely affect near neighbours while being of great benefit to an undefined body of people who may occupy or use the development in the future, but whose voice cannot be heard because, at the time, many will not even know that they will benefit from it.

3.15 We believe that if a simpler method of challenging a permission than judicial review is available people will use it. It will be incredibly difficult to determine what is malicious or frivolous as this will depend to a large extent on the point of view of the person making the judgement. We do not have a set of principles for making that decision.

3.16 In conclusion, we would much rather that there was no third party right of appeal. However, given the likelihood that the Government will wish to introduce it, we think it should be subject to the following principles.

1. Rights of appeal for applicants should remain unchanged, with a six month period for appealing being retained and material considerations continuing to be taken into consideration.
2. Appeals by third parties should be lodged within three months to keep delays to a minimum.

3. Grounds for appeal by third parties need to be carefully defined based on the two grounds in *Open Source Planning*, as does the mechanism for weeding out frivolous or malicious appeals.
4. Where a permission is granted, but is then subject to appeal by a third party which is dismissed, the permission will be deemed to be granted from the date of the appeal decision.
5. The process of call-in by the Secretary of State for applications which a local planning authority is minded to approve but which are contrary to the development plan would be redundant and should be abandoned.

4.0 ACCOUNTABILITY

4.1 One of the major concerns about Localism is that it will give far too much influence to pressure groups who have a particular interest but whose views are not representative of the community as a whole.

4.2 Pressure groups are frequently set up to oppose development in particular local areas. They are formed on an *ad-hoc* basis and have no democratic accountability. It is human nature that people do not generally want to get involved in issues unless they are directly affected by them. The “Big Society” will not change this. However, they or their children or grandchildren may regret the failure to deliver jobs and homes that were opposed successfully by a particular pressure group.

4.3 Fundamentally, the system of democratically elected councillors is designed to take a broader perspective. Their decisions are, generally, transparent and they can be held to account by the people they represent at election time. The system works well and it should not be undermined. We have no objection to giving greater powers to democratically elected councils but we are concerned about giving greater power to unelected groups.

4.4 *Open Source Planning* sets out proposals for the evolution of local plans to start at “ground level” in neighbourhoods with every single resident of the neighbourhood approached to take part (p 8). There is a clear desire to increase the level of involvement considerably from what happens now through a process of “collaborative democracy” which will be the centrepiece of the local planning system.

4.5 This will be a huge undertaking to carry out properly and will involve huge amounts of councillor and officer time at neighbourhood meetings. There must be major questions about whether the resources will exist to carry this out properly and about whether the “reasonable timescales” that will be legislated for can be achieved. What happens if agreement within or between neighbourhoods cannot be achieved? What happens if, as we suspect, people will not get involved as the Government hopes?

4.6 The local planning authority must take the lead in plan making. The important thing for the localism agenda is that there is no imposition of levels of development or particular strategic projects. But elected members, with officers, will still have to adjudicate between competing groups or neighbourhoods and between what the evidence base is demonstrating and what people want.

4.7 We therefore wish the Government to be much clearer about the limits to collaborative democracy. The ultimate responsibility must rest with the elected local planning authority in the interests of accountability and in order to deliver local plans within a reasonable timescale.

CONCLUSION

5.0 We are concerned that evidence and local sentiment will often pull the decision making process in opposite directions. We believe it is therefore essential that National Policy Guidance, and legislation if necessary, emphasise the importance of good evidence to support local plan making, and to make clear that the Secretary of State will refer plans back to local planning authorities where an inspector considers that the evidence base is deficient or defective.

5.1 We believe that the proposals contained in the Conservative’s Green Paper *Open Source Planning*, if implemented, represent a seismic shift away from the rights of landowners and developers towards local communities, which will increase risk to developers and act as a disincentive to them.

5.2 While our preference would be that third party rights of appeal are not introduced, we have produced five recommendations covering the position where they are introduced.

1. Rights of appeal for applicants should remain unchanged.
2. Appeals by third parties should be lodged within three months to avoid delays in implementing permissions.
3. Grounds for appeal by third parties and mechanisms for weeding out frivolous or malicious appeals need to be carefully defined.
4. Where permission is granted and then subject to an unsuccessful third party appeal permission will be deemed to be granted from the date of the appeal decision.
5. The process of call-in by the Secretary of State for applications which a local planning authority is minded to approve but which are contrary to the development plan should be discontinued.

5.3 The ultimate responsibility for producing local plans must rest with the local planning authority both in the interests of accountability and to deliver local plans within a reasonable timescale.

5.4 Localism represents a fundamental experiment in the way decisions are made. We recognise that this extends well beyond the matters we have discussed in the submission. We welcome the Committee's interest in these matters and we hope that these comments will assist the work of both the Committee and Government.

September 2010

Written evidence submitted by Mark Fox, Director, Pegasus Planning Group (LOCO 20)

SUMMARY

- The English planning system needs to be simplified and made more locally accountable to replace the present overly complicated and centralised system and procedures.
- The introduction of “Localism” and the decentralisation of public services will have major implications for spatial planning in England. The proposed radical reform of the planning system in the Coalition Government's Programme for Government must address and resolve the concerns highlighted in this statement to ensure an effective, accountable and sustainable new planning system is established, without undue delay.
- The transitional arrangements to guide the shift from the current system to the new “Single Tier Localist” planning system, envisaged by the Coalition Government, must be clear, particularly in respect of the development proposals that are at an advanced stage, formulated under the existing system and for the likely extensive time period until the proposed new “Localism” based system is fully operational and/or nationwide plan coverage achieved.
- The introduction of localism into the English planning system requires close and careful consideration. The “Devil will be in the detail” and there is a risk that the collective outputs from the locally prepared planning documents will fall well short of the scale and distribution of development required to stimulate and sustain economic recovery and tackle the deep seated housing crisis.

INTRODUCTION

Pegasus Planning Group is a nationwide town planning consultancy representing a number of developers and landowners, including the majority of national volume house builders. Pegasus Planning Group regularly engages with local communities, development stakeholders and local planning authorities on various development proposals being progressed through the development plan and development management processes.

This memorandum addresses the introduction of “Localism” and the proposed decentralisation of public services from a spatial planning perspective.

Pegasus acknowledge the Coalition Government's desire to move away from a perceived centralist approach and to establish a more locally determined and accountable planning system, which lifts the “burden” of planning from local communities, developers and stakeholders. However, inevitably with such a radical reform of the planning system, the “Devil will be in the detail.” It is essential for a wide range of social, economic and environmental reasons that an effective, sustainable, accountable, fair and consistent new planning system is established without undue delay.

Planning for the future is not a “Popularity” contest and the “sum of the parts” arising from Localism may fall well short of the scale of development needed to address the current deep seated housing crisis and sustain economic recovery.

THE CONTEXT FOR LOCALISM AND DECENTRALISATION OF PUBLIC SERVICES

The policy shift towards greater “Localism” and a decentralisation of public services is taking place in unprecedented times. The Conservative Party highlighted the problems of “Broken Britain” during its 2010 General Election campaign. Not only is the Coalition Government having to steer the country towards economic recovery; reduce the Budget Deficit and strive to achieve a stable long term economic future, following the Credit Crunch and financial crisis¹² since 2008, but it must also address the severe housing crisis¹³ and wider issues such as Climate Change¹⁴. The shift will also be expected to occur during extensive uncertainties in the public sector and a reduction in the local authority staff available to engage in the public sector planning related activities to roll out “localism” on the ground. There appears to be a significant inconsistency between the expected additional workload arising from the introduction of a new planning system; the transition from the current system and the significant cuts envisaged in public sector planning departments arising from the Comprehensive Spending Review.

Furthermore, demographic factors such as the Ageing population, high levels of inter regional migration in some regions and social factors, such as high levels of divorce and separation, will all impact on the appropriate

¹² The Coalition: Our Programme for Government (2010).

¹³ Shelter—The Housing Crisis (2010).

¹⁴ Supplement to Planning Policy Statement: Planning and Climate Change (December 2007).

level of growth to be planned for, which should be taken into account by the reformed “Localist” planning system and can not be ignored as such change occurs independent of the planning process but its impacts are felt locally.

The realism of the supposition that all communities across the country will actually engage in the proposed localism agenda is highly questionable. Some communities will seek to take full advantage of “Localism” opportunities, whereas other less prosperous or less well organised communities may not be sufficiently motivated, informed or simply not have the time available to effectively engage in “Localism” as it relates to spatial planning. Furthermore, there is a risk that greater “Localism” may result in even more “Nimbyism” and the discouragement of development.

RESOURCES

Given the cut backs at local planning authorities, particularly in terms of staff, it is questionable whether sufficient resources will be genuinely available to effectively introduce the new Localist plans.

LOCALISM AND MODERN SOCIETY

A fundamental question to be addressed by the new “Localism” is how it is to be reconciled with a highly mobile modern society and economy, in which on average, people move home every seven years or so for a variety of reasons, and where growth in specific sectors of the economy is associated with internal migration and pressures on particular local housing markets. How will “Localism” interpret and address the needs of future generations, when these needs require understanding and responding to economic and demographic changes over wide areas? Is Localism intended to cover controlling occupancy of new homes or business premises or even an existing property, eg by seeking to control second homes, student housing or other Houses in Multiple Occupation? Who will be responsible for any compensation liabilities?

LOCALISM AND EVIDENCE BASE REQUIREMENTS

A key component of the current LDF system is that it is evidentially based. Whilst some may criticise the extent to which local planning authorities have gathered evidence, instead of advancing their plan making, for fear of having their plans found “unsound” by the independent LDF Planning Inspectors, it is nonetheless important that the new “Localism” planning system is also evidentially based. PPS 3 Housing (June 2010) para 33 sets out the factors that should be taken into account when determining the local level of housing provision, these will need to be considered as part of the new system.¹⁵ The Government’s latest household projections must be taken into account. PPS12 Local Spatial Planning para 4.37 emphasises that it is essential that plans are based on thorough evidence, proportionate and relevant to the job being undertaken.¹⁶

COMPULSORY PURCHASE ACT 2004 SECTION 38(6)

The current system operates in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 whereby “where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise”. The Localism Bill or other legislation will need to clarify whether S38(6) is to be retained, refined, replaced or abandoned.

A locally prepared development plan could fulfil this role provided it has been subject to appropriate public participation; it has been examined by an independent Inspector and is consistent with the forthcoming National Planning Framework and/or other extant national planning policy and guidance. Pegasus Planning is concerned that some locally prepared plans may fall short of this ideal but will still be afforded a planning status equivalent to S38(6).

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

The Open Source Planning document sets out the Conservative Party’s intention to introduce a “presumption in favour of sustainable development”. It is unclear how sustainable development will be defined locally or whether it should be or if a national definition will be imposed on local planning authorities, precluding the establishment of local definitions. How will the Planning Inspectorate arbitrate on this matter in appeals?

It is unclear how “Localism” sits with sustainable development. The Open Source Planning document, page 11,¹⁷ states “We believe that the country needs to see a major upswing in development and construction as soon as possible, and we will enact policies to make it happen... in redesigning the overall framework for planning, it is right and proper that the system be underpinned by a predisposition in favour of sustainable development”. The document goes on to state “We will counterbalance our introduction of genuine local planning control, by making it a guiding principle of the planning system that there is a presumption in favour of sustainable development”. How is this intended to work in the revised Development Management and Appeal system, particularly in light of initiatives which seek to side line conventional planning such as

¹⁵ PPS3 Housing (June 2010) Para 33.

¹⁶ PPS12 Local Spatial Planning Para 4.37.

¹⁷ Open Source Planning Page 11

“Community Right to Build”? The relationships to international obligations regarding sustainability and other matters, need to be addressed by the Coalition Government in any reforms of the Planning System.

LOCALISM AND INTERNATIONAL OBLIGATIONS

Plan making in England must be undertaken in accordance with various international obligations and directives, in particular the Strategic Environmental Assessment Directive¹⁸ and the Habitats Regulation Directive.¹⁹ It is unclear how meeting the aspirations of local communities would be integrated with the legal requirements of plan making, particularly if neighbourhood scale or referendum based approaches are envisaged. The legal implications of the revised approach must be thoroughly examined and resolved.

LOCALISM AND SUSTAINABILITY APPRAISAL

The current plan making system is subject to Sustainability Appraisal²⁰. The Coalition Government need to clarify whether this will remain part of the new system and who is responsible for the undertaking such Sustainability Appraisals, if a neighbourhood approach is followed.

LOCALISM AND CLIMATE CHANGE

Broad Issues, such as climate change, that have overarching implications need to be addressed through both national and local policy initiatives. It is important that locally produced policy is consistent with, and not contradictory to, any national planning policy statement. It is unclear how conflicts between national and local policies will be resolved in the potential absence of “Binding” Inspector’s Reports.

LOCALISM AND THE HOUSING MARKET

The planning system establishes the planning framework to enable the housing market to operate effectively, in particular the new housing sector. Fundamental to its continued operation is the provision of sufficient new housing to meet need, allow for market choice and competition. It is unclear how the “Localist” planning system will ensure that an adequate and flexible supply of housing will be secured in future. Given that the volume housing building sector remains fragile, it is imperative that the introduction of “Localism” in the English planning system does not undermine housing building in England.

LOCALISM AND HOUSING MARKET AREAS

The revoked Regional Spatial Strategies incorporated policy guidance, based on evidence, on the housing and other development needs of particular Housing Market Areas.²¹ These were generally larger in extent than the “Localist” plans and reflected the functional realities and influence of particular housing markets. The new system will need to be clear whether or not a Housing Market Area based approach will be adopted in “Localism” and how any joint arrangements will be enforced or encouraged.

The inter-relationships and interaction between local authority areas are important as many local administrative boundaries are historic or somewhat arbitrary. There is a risk that the Localism approach will result in “isolationist” plans, where cross boundary issues are ignored, with the “Sum of the Parts” not amounting to a cogent, integrated and robust planning strategy for particular areas. This problem is experienced at many larger urban areas, such as Bristol and Swindon.

“LOCALISM” AND THE “STEP CHANGE” IN HOUSING DELIVERY

House building is currently at historically low levels of provision,²² falling well below the level required to better meet defined housing needs and demands and address long term housing affordability.²³ The Coalition Government is committed to increasing the provision of housing generally and affordable housing in particular. However, the introduction of “Localism” in spatial planning will inevitably take time and generate significant uncertainty during interim transitional period. This uncertainty will undermine investor confidence during the fragile economic recovery. Therefore, if the “Step Change” in housing delivery²⁴ is to be achieved then the Coalition Government needs to be clear how this will occur, particularly in those areas where the local planning authorities are reducing the level of development to be planned for in response to the revocation of Regional Strategies and progress on the Site Allocations Development Plan Documents (DPD) is pitiful.

LOCALISM AND BACKLOG OF UNMET HOUSING NEED

Many of the current problems in terms of housing provision, can be traced back to previous under-performance against in housing provision. Any “Backlog” of unmet housing need is a key planning

¹⁸ Strategic Environmental Assessment Directive.

¹⁹ Habitat Regulations Directive.

²⁰ S19(5) of the Planning and Compulsory Purchase Act 2004

²¹ PPS3 Housing June 2010 Para 11.

²² Historic Housing Completions Data.

²³ Government Response to Barker Review.

²⁴ PPS3 Housing Para 2 (June 2010).

consideration. The new planning system needs to clearly set out how the new style planning documents are to address any backlog of unmet need and the period over which the “backlog” should be made good.

LOCALISM AND MULTI-AREA AGREEMENTS

Many authorities have signed up to Multi Area Agreements to expedite the delivery of housing. It is unclear what will happen in circumstances where local opinion seeks the provision of less homes than the level agreed in the Multi-Area Agreement.

LOCALISM AND A RESPONSIVE PLANNING SYSTEM

If a more flexible and responsive planning system is sought then a realistic and robust plan making process and timetable is required. Previous plan making of Local Plans and Local Development Frameworks has been poor. Poorly performing local planning authorities have not been adequately brought to account. How will the reformed planning process ensure that plans are prepared on time?

LOCALISM AND DELAYS IN THE PLAN LED SYSTEM

Recent evidence on the reaction of local planning authorities to the revocation of the regional strategies reveals that half of Councils are proposing to revisit their housing targets and employment policies in the wake of the eventual abolition of regional strategies. However, the time taken to do this will be considerable, with Councils delaying their re-working of the housing figures as they are awaiting further guidance from the Coalition Government on the approach to Localism²⁵ and what it means for consultation and engagement with local communities. Production of Core Strategies is slipping further and the spectre of the Local Government Elections in May 2011, could result in some Councils “treading water” on their plans until after May.^{26, 27}

LOCALISM AND REVOCATION OF THE REGIONAL STRATEGIES

The revocation of the Regional Strategies, particularly in Southern England, will result in yet more delays in the strategic planning of new development, despite the robust evidential base for increasing provision.

SINGLE TIER PLANNING SYSTEM

The revocation of the Regional Strategies²⁸ and their eventual abolition through the Decentralisation and Localism Bill will create a de facto single tier planning system below the proposed National Planning Framework.²⁹ The current system of RSSs and Local Development Frameworks was not designed to operate as a “single tier” system. Therefore, a radical reform of the planning policy and development management system will be required that is accountable, strategic, cost effective, efficient, easily understood, consistent and sustainable. It is not clear whether the Localism Bill will fully address the extensive review of the planning system necessary or merely seek to abolish the regional strategies. If the reforms to the planning system are to be addressed in a future session of Parliament through further legislation then the Coalition Government needs to be clear how the current system is expected to function effectively during the interim transitional period to maintain the delivery and forward supply of new development.

The legal framework of the new system must be clear to ensure consistency in plan preparation and provide legal legitimacy for the “Localist” plans.

LOCALISM AND TRANSITIONAL ARRANGEMENTS

It is essential that the transitional arrangements are clearly set out. How will development schemes be determined during the period until the locally derived plans have been prepared and independently examined?

IS THE LOCAL DEVELOPMENT FRAMEWORK SYSTEM STILL “FIT FOR PURPOSE”

It is questionable whether the current LDF system is still “Fit for Purpose” in light of the proposed abolition of the Regional Strategies and the new “Localism” envisaged by the Coalition Government. The Regional Strategies determined the scale and distribution of development. If the new style “Localism” plans are to take such matters forward in future, the Coalition Government needs to be clear on the scope and nature of the plans required and where the responsibility lies for their preparation. Given the financial cut backs at the local planning authorities, there may be insufficient staff, resources or the inclination to prepare the new plans in a timely manner. Furthermore, if existing Local Development Framework documents are to be amended then there will be further additional costs to the local planning authorities.

²⁵ West Dorset DC Core Strategy.

²⁶ Eastleigh BC Core Strategy.

²⁷ Bath and North East Somerset Core Strategy.

²⁸ Secretary of State Letter 27th May 2010

²⁹ The Coalition: Our Programme for Government

LOCALISM AND BINDING INSPECTOR'S REPORTS

The future of "Binding" Inspector's Reports should be thoroughly considered before a final decision is taken whether or not to abandon this aspect of plan making. The underlying reasons why binding inspector's reports were previously introduced should be carefully considered. The previous system contained a "Modifications" stage, post inquiry after the publication of the Inspector's Report. This stage was often time consuming and sometimes generated a need for a second Local Plan Inquiry. The removal of this stage was intended to expedite overall plan preparation. The speeding up of the planning process in England is a long held objective. Furthermore, the binding reports give greater certainty to the development industry that Inspector's recommendations will be accepted. However, it is noted that some authorities consider "Binding" reports undermine local determinism.

If "Binding" Inspector's Report are not continued in the new "Localism" system, then this will inevitably result in delays in future plan preparation. Previous experience indicates that some local authorities could seek to produce several rounds of modifications, such as Tewkesbury Borough Council which delayed the adoption of its Local Plan.

It should be noted that even within the present system of "Binding" Inspector's Report, there is recent evidence that a different approach is emerging which could stifle the delivery of adopted LDF Core Strategies, which are critical to the success of the "plan led" system. EIP Inspectors are flagging up where a submitted document is likely to be unsound, prior to the completion of the Examination stage, to alert the Council and ascertain whether or not the Council still wishes for the examination to proceed.³⁰

STRUCTURE OF LOCAL GOVERNMENT AND JOINT ARRANGEMENTS

The structure of Local Government varies across England with London Boroughs, metropolitan unitary authorities, other urban unitary authorities, former County unitary authorities as well as the conventional two tier system of County Councils and District Councils. Therefore "One Size Fits All" approach for "Localism" plan making in England is unlikely to be appropriate or achievable.

It is noted that informal joint working arrangements are encouraged by the Coalition Government. However, the nationwide planning system needs to be clear as to the nature, geographical coverage and extent of the planning policy documents to be prepared, their purpose, status, timetable and who will be responsible for their preparation.

In the case of unitary authorities it may be more straight forward, however new unitary Councils, such as Wiltshire and Cornwall, cover geographically extensive areas including many towns and villages, where a range of differing "local" views may be expressed.

Other parts of the country, such as Gloucestershire, Somerset and Dorset, operate a two tier system which, prior to the Regional Strategies, used to prepare Structure Plans and Local Plans. What is the intended role of the County Councils in future "Localism" plan preparation?

The responsibility for minerals and waste matters is currently retained by the County Councils. Will this continue at County level and the strategic planning for minerals and waste undertaken at County level, where such authorities still exist, or is the intention to integrate minerals and waste planning with the planning of other issues in the new style plans?

Transportation issues are usually addressed by the County Councils, where there is a two tier system. How will the new localism resolve any conflicts between county transport priorities and local development requirements, where there are funding problems?

Community engagement across local authority areas inevitably will be variable and views expressed may be contradictory. The new planning system needs to be clear where and when final decisions are taken by whom. This will be a particular problem where joint plan making arrangements are envisaged. Who will have the last word?

The inter-relationship between localism and the future planning of specific issues needs to be clarified. Planning issues are not solely housing related but strongly expressed anti-development views can distort, delay or disrupt long term plan making to the detriment of resolving other planning issues.

LOCALISM AND CROSS BORDER OR STRATEGIC ISSUES

The new planning system needs to be sufficiently robust to accommodate cross boundary issues. This is often a particular problem where large scale urban extensions are required in adjacent authority areas to provide for the development needs of a large urban area, unable to accommodate all of its development requirements. For example, planning for the needs of Greater Bristol requires provision in South Gloucestershire, North Somerset and Bath & North East Somerset. However, these Councils have recently reduced the level of development to be planned for well below that required.³¹

³⁰ Bristol Core Strategy EIP Inspector's Note September 2010.

³¹ South Gloucestershire, North Somerset & BANES Reduced Housing figures.

Whilst easing restrictions on development at smaller settlements may be highly desirable, it can only provide part of the solution for delivering the housing and economic development required in England. Some larger urban development projects will still be needed, including urban extensions and new settlements. These projects will require long term planning, co-ordination of development with strategic infrastructure and other requirements, such as commercial and community facilities and are likely, in some cases, to entail cross boundary co-operation between local authorities, involving a number of “local” communities. Informal associations of Local Planning Authorities, without a legal mandate or financial powers, are unlikely to be effective and deliver timely development.

Many planning issues are “Larger than Local” and there remains a robust case for some form of strategic sub-regional planning within a reformed planning system. The integration of strategic planning issues with locally determined solutions must be carefully considered by the Coalition Government. To what degree will the Coalition Government issue policy guidance or good practice advice on how “Localism” plans are to be prepared in future?

LOCALISM AND LOCAL ENTERPRISE PARTNERSHIPS

The relationships between the emerging Local Enterprise Partnerships and the reformed plan making system are unclear. To what regard will Local Planning Authorities be obliged to integrate the views of the LEPs in their policy planning documents where there is conflict or inconsistency with Localist views, expressed by particular neighbourhoods or communities? How will the preparation of the new style “Localism” documents be co-ordinated with the formation of the LEPs? Will there be a further unintended delay in plan making in England?

The DCLG Structural Reform Plan flags the issue of governance arrangements between local planning authorities and the relationship to the business sector. How will the creation of the LEPs interact with Localism?

LOCALISM AND LABOUR SUPPLY/ECONOMIC DEVELOPMENT CONSIDERATIONS

A key role of the planning system is to ensure that the right development happens in the right place at the right time. This is particularly true in terms of employment and economic development. A dysfunctional housing market can restrict labour mobility and impede economic development. A static housing market results in a declining population and economic stagnation.

SCALE OF “LOCALIST” PLAN MAKING

The scale of future “localist” plan making should be carefully considered. Is it intended that District or Unitary—wide coverage through Local Development Frameworks will continue? Alternatively, will the advent of “Localism” result in a return to the preparation of “Town based” plans and/or Area Action Plans? The prioritisation of the limited local government planning staff resources likely to be available could result in frustration and delay for those communities not at the “front of the queue”. The prospect of a neighbourhood based approach has tensions relative to the continuation of a district-wide approach, in circumstances where several neighbourhoods have fundamentally opposing views on the direction of growth for particular settlements or the location of particular facilities or specific development proposals.

THE GENERAL EXTENT OF THE GREEN BELT

A specific issue that needs to be addressed by the Coalition Government is the appropriate policy document to define the general extent of the statutory Green Belt. Originally, the general extent was defined through the Structure Plans, prepared by the County Councils. However, this function was passed to the now revoked Regional Spatial Strategies. The Coalition Government must be clear whether or not the general extent of the Green Belt is to be defined in the Local Development Frameworks or their “Localist” replacements or whether a joint subject plan is envisaged. Whilst joint committee and officer working arrangements can progress the details, the legal status of the plan expected to define the general extent of the Green Belt must be clarified.

LOCALISM AND DISENFRANCHISED GROUPS

A fundamental tension exists between the often short term views expressed by “NIMBY” groups and long term needs. Some groups are disenfranchised from effective participation in localism as they are households yet to form or migrants yet to move to a particular area. In the South West of England there are deep seated trends on net in-migration which need to be taken into account by “local” plan making. If such development pressures are ignored locally then there will be insufficient provision made and the current housing pressures exacerbated.

Localism presumes that communities will engage in the planning process. Whereas, in some circumstances, the public for a variety of reasons may chose not to participate. It is unclear what is intended to happen where communities decline to participate.

LOCALISM DEFINITIONS

There needs to be greater clarity as to what precisely “localism” means. Given the “Right to Build” initiative, it would appear that “Localism” means more than simply the majority party of a particular local authority. If this is the case, how under the new system are matters such as infrastructure assessment and provision to be co-ordinated? The views of a particular town or parish council may be very different to those of a controlling party at a unitary authority.

How will a “community” be defined? It is noted that Parish Councils are highly variable in size and character. Many councils are returned unopposed, without election, and are therefore self appointing. Furthermore, Parish Councils may cover more than one settlement. What is expected in the cities and towns? Will ward levels be used or will local resident groups be recognised as representative organisations? What tests will there be of democratic legitimacy, probity and competence for organisations to exercise the “Right to Build” or the “Right to Plan”?

LOCALISM AND SUSTAINABLE COMMUNITIES STRATEGIES

The relationships between the Sustainable Communities Strategies and the locally produced plans need to be clarified. Will locally prepared plans for particular settlements still have to address the matters in the Sustainable Communities Strategies? Are the Sustainable Community Strategies still meaningful and relevant? If the “Spatial Planning” approach is to be carried forward into the new system, it is questionable whether such strategies are actually necessary. Each Council should have a “Corporate” plan and clear budget priorities, in any event.

To what degree will the Localist plans need to be consistent with the plans of others, such as the Environment Agency’s Catchment Management Plans?

LOCALISM AND THE HIGHWAYS AGENCY VETO

The Coalition Government must clarify whether the current Highways Agency veto will continue relative to locally prepared plans. In a two tier system of County and District Councils, how will highway comments be reflected in the locally produced plans, particularly where there are political differences between the two authorities?

LOCALISM AND LONG TERM DIRECTIONS OF GROWTH

A key function of the “plan led” system, in terms of the co-ordination of infrastructure provision, is to give an indication of the broad long term directions of growth for particular settlement. The new localist plans should continue to have regard to the constraints and opportunities at particular settlements and indicate the long term expected directions of growth.

LOCALISM AND SITE ALLOCATION DPDs

Will the Coalition Government make clear whether or not the Site Allocations DPDs, envisaged by the adopted Core Strategies, will be allowed to be completed before the introduction of the new locally prepared plans? As most Core Strategies do not include site allocations, how will such sites be identified in the short term to avoid a dip in the forward land supply in future?

LOCALISM AND INFRASTRUCTURE DELIVERY PLANS

Will the requirements to prepare an Infrastructure Delivery Plan for Local Development Framework documents be continued in the replacement system? If so, who will be responsible for their preparation and co-ordinate infrastructure delivery? How will this be monitored?

CONSISTENT PLAN PERIODS

The importance of consistent plan periods, both in terms of starting base dates and end dates, to the effective operation of the planning system should not be overlooked or underestimated. Plans must be monitored against performance and areas can be compared on a consistent basis, this is particularly important where joint working arrangements are envisaged. The revoked Regional Spatial Strategies covered the period to 2026. The new style plans need to have a reasonable time horizon post adoption and be subject to regular review. The current system seeks a 15 year period post adoption. Phasing, monitoring and review should be tied to 5 yearly cycles linked to the 2026, 2031 and 2036 time horizons.

SECRETARY OF STATE’S RESERVE POWERS AND LOCAL OPINION

The role of the Secretary of State, in terms of exercising his reserve powers, and the Planning Inspectorate relative to the proposed Localism approach is unclear and requires clarification, particularly if future legal challenges are to be avoided.

Without binding Inspector’s Reports some local authorities will seek to do as they please with impunity.

Reserve powers for the Secretary of State are essential to avoid abuses or other failures of the system. Corruption is not unknown in UK Local Government and the new “Localism” system must be clear, accountable and transparent regarding how matters of “probity” and “self interest” are to be regulated and enforced.

SCRUTINY OF LOCALLY PREPARED PLANS

The Government Offices scrutinise the emerging LDF documents. With the demise of the Government Offices, who will ensure that the early stages of plan preparation are undertaken in accordance with national planning policy? If this role reverts back to the Council, there is a risk that such scrutiny will not be undertaken to the same level. Should there be a role for the Planning Inspectorate in the early scrutiny and auditing of locally prepared plans? If so, will sufficient resources be assigned to ensure that early scrutiny continues to avoid potential legal challenges.

LOCALISM AND PENALTIES FOR NON-COMPLIANCE

Many Councils have a poor track record of plan preparation, finding it almost impossible to produce an adopted plan. Whilst the emerging details of the incentives are noted, it is clear that the new system will need effective “Sticks” as well as “Carrots”. The penalties for not maintaining an up to date development plan must be clear and enforced.

LOCALISM AND THE COMMUNITY INFRASTRUCTURE LEVY

The Coalition Government appears to wish to pursue the Community Infrastructure Levy (CIL) and S106 approach advocated by the previous Government. However, it is unclear how local planning authorities will determine their CIL requirements in circumstances where “localist” plans or proposals have yet to identify their social and physical infrastructure requirements.

September 2010

Written evidence submitted by Bryan S. Jzeph (LOCO 021)

1.0 SUMMARY

- The principle of Localism in terms of ensuring greater benefits for local communities is strongly supported. However, the published advice will not achieve this objective.
- How can the issue of Sustainability be given adequate emphasis when local residents have a different agenda—minimising the impact upon them?
- The Sustainability Assessment does not include the assessment of existing facilities. Thus, the fact that there is an existing school with capacity or even a need for more pupils to ensure its viability is not part of the evaluation process. The same applies to the existence of community facilities. The fact that they exist is beneficial but they need greater investment or usage. A similar situation applies to churches, shops etc. On the other hand, a new Major/Strategic Development Area is favoured where new schools, community facilities, churches and shops have to be provided. The priority should be reversed. Optimise the existing and then promote the new.
- Engaging with local residents is resisted even if benefits are offered. Attempts to engage Parish Councils in the past two years have met with resistance and prevarication. Of four Parish Council’s in Winchester District, one has received a presentation and discussed “wish lists” for new facilities; one has refused outright to engage; one has agreed but not offered a date over a year of discussion and finally, the fourth agreed to receive a private presentation on the basis that no reference was made by my practice to the event taking place and no note of meeting.
- The offer of benefits by way of Council Tax payments for six years may be helpful to some Districts. In the case of Winchester, for example, there are two major developments proposed at Whiteley (an extension of 3,000 new dwellings) and West of Waterlooville (an additional 1,000 proposed over and above an agreed figure of 2,000). Whiteley adjoins the boundary of Fareham Borough but it is 15 miles from Winchester City while West of Waterlooville is co-terminous with Havant Borough Council but 17 miles from Winchester City. How will the local community benefit from the Council Tax benefits?
- Some Districts such as Hart are so constrained that little development is proposed and the benefits will not materialise at all.
- Finally, development can assist with the issue of sustainability by providing sources of energy that could serve the existing community such as wind farms, ground source thermal systems, etc.

2.0 DETAILED EVALUATION

The Principle of Localism

2.1 The principle of Localism in terms of ensuring greater benefits for local communities is strongly supported. However, the published advice will not achieve this objective.

2.2 As a Town Planner (MRTPI) and a Chartered Surveyor (FRICS), I am able to advise developers on both planning and valuation matters. The combination of these skills enables me to provide advice on both planning and development issues. As a result, I pre-empted the “localism agenda” by pursuing my own version over the past few years to try to engage communities and to offer the prospect of enhancing local facilities. Sadly, in the main, this fell upon “deaf ears”.

2.3 I had the good fortune of receiving instructions from client landowners who were willing to make significant contributions to local communities as part of the promotion of their land. I have therefore tested “localism” already and I have set out my experience in the section below entitled “Consulting Local Communities”.

Political Representation

2.4 The promotion of land is exceptionally complex and it is difficult to explain the issues to local residents. This is especially the case in the context of public opposition to development. I suspect that the Parish Councils consider that to discuss development proposals and “wish lists” is like “communing with the enemy”.

2.5 I have recently received a publication showing the faces of the Councillors in the Borough of Fareham. The average age of the Councillors was clearly in the plus 50 range and probably much older. There were no Councillors under 40. These Councillors essentially represent the same age group which is dominated by “nimbys”.

2.6 This extremely biased representation means that the young are not involved in the process. Perhaps, it is necessary to consult young people including local school children separately. They are the ones who will appreciate the need for more housing as they are or will be the ones who cannot afford to buy without parental support or even afford rents. I often hear that young people are leaving the UK to find housing at affordable prices.

2.7 The young and poor are not organised as a pressure group and there is no motivation to place housing higher on the agenda in spite of the consequences for a large sector of the community. Even the issue of the ageing population fails to reach the agenda. It is essential that every local community is “incentivised” and required to provide housing to meet the needs of these groups.

Sustainability

2.8 One of the objectives of the planning system is to guide development towards the most sustainable locations. This raises two significant issues. In the first place, local residents have a different agenda. Their objective is to guide development away from their homes. This means that many schemes have political support where it affects the least number of people. This is one of the reasons for the support for development on the Strategic Development Areas and Major Development Areas of Whiteley and West of Waterlooville. These large areas have very few local residents while the landowners are the greatest beneficiaries.

2.9 It is surprising and not widely recognised that the Sustainability Assessment does not include the assessment of existing facilities. Thus, the fact that there may be an existing school with capacity or even a need for more pupils to ensure its viability is not part of the evaluation process. The same applies to the existence of community facilities. Besides the fact that they are already available, or may need greater investment or usage is not part of the assessment. The same issues affect churches, shops, jobs etc. This issue is especially important in times of recession when investment in schools is on hold and finance for community facilities severely restricted.

2.10 On the other hand, a new Major/Strategic Development Area is favoured where new schools, community facilities, churches and shops have to be provided. The priority should be reversed. Optimise the existing and then promote the new.

2.11 I have been advised that a new primary school costs in the region of £10 million while a secondary school is around £25–30 million. As a result, school children have to be bussed out of the area to attend secondary schools. Is this something that can be contemplated in the SDA at Whiteley in the near future?

2.12 In my opinion, Whiteley is one of the most unsustainable locations in the South East of England. It relies on access from a Motorway Junction. It is evident that a very high proportion of employees travel by car as it is virtually impossible to travel there by public transport. The bus services must serve a very wide sub-region and the nearest railway station is outside the area. Once in the area, there are many firms and consequent job opportunities but it is very difficult to park there. Car parks are full and the access roads to the commercial buildings are entirely lined by workers’ cars.

2.13 On the other hand, development on the edge of existing settlements will help to sustain local facilities including schools and will promote development in difficult times. Maximising existing facilities is a fundamental consideration in the assessment of sustainability. More development can also provide support for public transport.

Tax Incentives

2.14 The offer of benefits by way of Council Tax payments for six years may be helpful to some Districts. It is uncertain how the local community or neighbourhood will benefit from these payments. They are not likely to influence the location of development but simply raise revenue.

2.15 In the example of Winchester District, there are two major developments proposed at Whiteley (3,000 new dwellings) and West of Waterlooville (an additional 1,000 proposed over and above an agreed figure of 2,000). Whiteley adjoins the boundary of Fareham Borough but it is 15 miles from Winchester City while West of Waterlooville is co-terminous with Havant Borough Council but 17 miles from Winchester City. How will the local community benefit from the Council Tax benefits?

2.16 By contrast, development at the West of Waterlooville provides facilities mostly for the residents of Havant and Whiteley provides the same limitations with very few benefits for the wider population of Winchester District. This means that the ratepayers of Winchester will benefit from these payments while the new residents of these growth areas will look to the adjoining authorities for their services and facilities.

CONSULTING LOCAL COMMUNITIES

2.17 In my role as a planning consultant, I have made innumerable presentations to local resident groups and Councils. The difficulty of persuading local residents that there was any benefit in accepting development made me realise that more had to be done. This led me to consider offering benefits as part of development directly to the local community. In fact, I pre-empted the “localism agenda” by pursuing my own version over the past few years to try to engage communities. I had the good fortune of receiving instructions from client landowners who were willing to make significant contributions to local communities as part of the promotion of their land.

2.18 I have been advising landowners who are promoting sites in the settlements of Bishops Waltham, Swanmore, Wickham and Denmead. As local people, the owners feel responsible for their actions and they all have an element of altruism which extends beyond the desire to sell their land for maximum value. In these four cases, my clients were willing to engage with the local community to offer the provision of significant benefits over and above the normal level of contributions sought by the Councils. As a result, I was asked to approach the local Parish Councils to attempt to ascertain their “wish lists” to provide new or improved community facilities. I can provide copies of the relevant correspondence.

2.19 There are two important considerations that determine the level of contributions that can be offered. The first is the support for realistic levels of development to provide some certainty that there will be a reward for their expenditure on promoting their land. This will ensure that there is no need to turn to a development company to promote the development. In most cases, the background work on deliverability has already been undertaken and can be proven.

2.20 The second point is that there is a threshold in every case where the contributions towards local facilities moves from a low minimal level (as typically required by S106 agreements) to a higher level. For example, some sites require major infrastructure provision to support development which precludes significant contributions whereas other sites have few problems. In the latter case, a greater contribution towards local facilities is possible.

2.21 My example for the sake of the argument that 100 houses can only contribute towards infrastructure requirements; but for an additional 100 houses it is possible to provide significant sums towards community provision. While for a yet greater number the level of provision can be very substantial indeed. It is possible to refine these figures for each site.

2.22 In one case with which I am involved, the land owners tried to engage with the Parish Council to develop these thresholds so that the community can see the possibilities. The thresholds are difficult to be precise at this stage but for say 100 houses the owners are willing to provide 4 hectares of land for recreation purposes. For say 200 houses, the land can be laid out as playing fields and for 300 houses a pavilion can be financed and over 300 houses a pavilion plus swimming pool could be provided.

2.23 I have tried to engage with four Parish Councils in Winchester District where my clients owned land. One has received a presentation and discussed “wish lists” for new facilities; one has refused outright to engage; one has agreed but not offered a date over a year of discussion and finally, the fourth agreed to receive a private presentation on the basis that no reference was made by my practice to the event taking place and no note of meeting.

2.24 In one settlement I have tried to promote a retirement village. I have received no response or acknowledgement of this proposal from the Parish or District Council. The Parish Council agreed to meet but have prevaricated about a date for a presentation. Nothing has been arranged a year later. In another settlement,

the land owner is willing to provide land for community facilities in return for support for housing development on his land. Parish Council has already indicated that it would welcome the improvement of its bus services which are exceptionally poor.

2.25 The offer of meetings with another Parish Council have been rejected. In fact, my use of a published “wish list” resulted in a letter from the Parish Council questioning its use. The Parish Council had indicated that it needs better leisure facilities.

2.26 In a third settlement, the land owners proposed a nursing home as part of a scheme for housing development and support for community facilities. The settlement needs employment opportunities and a nursing home could provide over 50 jobs. A private meeting with some Members of the Parish Council was held but only on the basis of informing the Councillors with the condition that no mention of the meeting was to be made public.

2.27 In the fourth settlement, two presentations have taken place but the Parish Council has reneged on a public statement of support for a level of development reducing the proposed number of dwellings from 250 to 114 but still expecting the same level of contributions towards facilities. It is difficult to see how the community can be obliged to maintain its position. I have consulted the Education Authority and it is very clear that utilising capacity in existing schools is the most economical solution. Children from any new development in the village can be readily accommodated in the existing school.

2.28 The release of land in these settlements could provide housing land for a range of local development companies who could provide local employment and, in turn, could be perhaps, be required to provide work for a range of apprentices etc.

ECONOMIC BENEFITS OF ENCOURAGING HOUSE BUILDING

2.29 There are other reasons why we should be encouraging house building. It would help the recovery from recession. It can provide jobs and support many businesses and support local facilities. Making the efficient use of limited resources is more important than ever in the emerging straitened circumstances. There is also the “multiplier effect” that new house building can bring. With the looming funding crisis for Housing Associations, the private sector could make a greater contribution to the provision of affordable housing.

DTZ REPORT

2.30 There is a further puzzling consideration. The Councils of Eastleigh, Fareham, Winchester and East Hampshire, jointly commissioned a study by DTZ which clearly favoured the wider distribution of development and less reliance on SDAs.

2.31 Why were the findings of this Report ignored? The Report favoured a range of smaller sites across the region and it questioned the merits of having both the West of Waterlooville MDA and the North of Fareham SDA as they both serve south east Hampshire. There has not been any reference in either the Winchester or the Fareham Core Strategies on the impact of the Fareham SDA on the rural area to the north including Wickham village. The traffic implications of 8,000–10,000 houses will be immense and much greater than any housing proposals in the village.

2.32 Consultation across District boundaries does not involve local residents. Unless the issues are pointed out to them they will live in ignorance until the impact becomes a reality. Consultation programmes do not attempt to involve the “hard to reach”.

THE GERMAN EXPERIENCE

2.33 A large development in Germany has been reported in the press recently. At Vauban, a suburb of Freiburg, an exceptionally sustainable housing scheme has been developed. By working with the local Council with the objective of maximising the benefits an estate has been developed which has minimised the energy requirements of the community by creating sufficient electricity that there is excess to be sold to the “grid”. Cars are not excluded but they are banished to a communal car park to create “home zones”. Individual plots have been sold to families willing to develop carbon free homes. The development is very popular.

2.34 The Council has attributed its success to “a ground up approach, with strong local leaders and no developers”! Surely, we should be taking a similar and more pro-active and even experimental approach especially with regard to issues relating to sustainable construction. Larger scale developments on the edge of these settlements offer the prospect of providing benefits to the local residents by generating energy from a range of sustainable sources.

3.0 CONCLUSION

3.1 The greater involvement of local communities will be very beneficial. However, local residents need much stronger incentives to ensure that they take seriously the importance of promoting development. Most development creates strong hostility. Contributions to Council income is not going to influence the older members of society. Enhanced services and maximising existing facilities are not going to register with a majority of residents.

3.2 It is imperative that both a carrot and a stick approach is developed. Communities must recognise that they have a responsibility to look after the young and old and the disenfranchised. They make their contribution to the needs of the wider community in the mutual interest of us all. I do not believe that the proposals as published to date will achieve this.

October 2010

Written evidence submitted by Khulisa UK and AOPM (LOCO 022)

ABOUT THE ASSOCIATION OF PANEL MEMBERS:

AOPM is a membership organisation for the 5,400 community volunteers supporting Youth Offending Teams (YOTs) in England and Wales. We operate through the goodwill of Board members, without central or local government funding. The purpose of the Association is to advance the performance of Panel Members in performing their civic duties with young people involved in the criminal justice system. We promote Good Practice in delivering restorative justice to communities afflicted by youth crime, also the rights of children in the criminal justice system, particularly in respect of access to education provisions for those with restricted engagement in the national curriculum.

ABOUT KHULISA UK:

Khulisa UK is an independent charity arm of the successful Khulisa Crime Prevention Initiative in South Africa. Khulisa has a 14 year track record of being at the forefront of restorative justice, violence-reduction, community development and social enterprise projects in South Africa, addressing all aspects of the crime cycle and community regeneration.

After launching a number of pilots in early 2009, that October Khulisa was invited to trial *Silence the Violence* under the Home Office's Tackling Knives Action Programme (TKAP). Khulisa continues to work with a number of prisons, YOIs, schools and communities.

1. EXECUTIVE SUMMARY

Low level crime and the traditional justice system are perceived by the community both as disempowering and intimidating—involving loss of choice, control and decision-making powers. If ordinary people have a “voice” or play a key role in the justice process, this increases their ownership of problems and engagement in the community solutions.

The potential for massive Third and Voluntary Sector contribution to a fully Restorative Youth Justice system (eg through Victim Support, Community Engagement and Mentoring) is currently untapped, whilst positive activities underpinning reparative projects that add value to local communities and contribute to a young person's personal development, remain undeveloped.

Youth Offender Panels administrating Referral Orders from the court offer the lowest reoffending rate of all juvenile court imposed sentences,¹ whilst in 2007–08 youth courts were rated the lowest of all CJS groups, with only 16%ⁱⁱ of the public saying they do an excellent or good job.

2. RECOMMENDATIONS

Further to recommendations in July 2009 by the APPG on Local Government in *Primary Justice: an inquiry into justice in communities*, AOPM and Khulisa UK support Primary Justice and the development of true, community-led Restorative Justice processes that will be a requisite for successful additional expansion of Community Justice Panels into the Youth Justice system, funded from the local “safety and justice” budget. We recommend:

- Community Justice Panels should be transferred from YOTs to CPS, as with Scotland's Children's Tribunals, in order to allow further development of restorative justice in communities afflicted by ASB.
- Pre-Court Community Justice Panels delivering Youth Conditional Cautions and other diversionary measures, supported by a professional Conference Administrator as optional, non-formal disposals to encourage police to pre-empt future criminal behavior.
- Review of breached Community Orders by young people, delegated to Community Justice Panels under CJA 2003 S178 to identify factors leading to the breach and additional support measures. This avoids the current default of custodial sentences as the remedy for breaches arising from offences that did not warrant custody in the first instance eg ASBOs and provides an exit route from the criminal justice system.
- The danger of localization is that best practice and the exploitation of innovation is only delivered at a local level. The role of the volunteer-led AOPM as a national community of Youth Justice Volunteers provides a forum for establishing robust Third Sector partnerships and identifying and promoting best practice. We therefore recommend that AOPM should be centrally funded to deliver increasingly effective localized services.

3. BACKGROUND

Up and down the country many people are considering the implications of the Big Society—what it would look like, and what it means for the place in which they live. Citizens increasingly want to know how to work together with institutions, take ownership and make real their own vision of their own community.

At the same time, some of the agencies that affect our lives and families have taken the first steps towards using the new ideas and thinking that lie at the heart of Restorative Justice. In schools and within police forces, people have taken important steps and begun to use the tools and ideas of Restorative Justice to meet some of the problems that bother people most: anti-social behaviour, criminal activity, disputes between neighbours, vandalism and bullying on the street and in schools. They are using different ways of dealing with conflict to contribute towards making their neighbourhoods safer and more enjoyable places in which to live, work and learn.

The April 2009 consultation *Engaging Communities in Criminal Justice* addressed the role of volunteer magistrates in community justice, but omitted mention of the contribution by Youth Offending Panel Members to the issue of youth crime.

In July 2009 the APPG on Local Government report *Primary Justice: an inquiry into justice in communities* included the following recommendations:

- Creation of a new system of primary justice: shifting control of prisons and key supporting services away from Whitehall to a local level.
- Creation of a local “safety and justice” budget to fund, amongst other things: local prisons and neighbourhood policing. This funding pot would be used to commission local services, either from existing providers or by setting up new local services. A local budget could include approximately 35% of the prison budget, the administration budget for magistrates’ courts, local policing and probation.
- Designing a system underpinned by the principle that offenders should be helped to get work and up-skill, with business and voluntary sector organisations, taking a much greater role in helping to open up employment opportunities for ex-offenders.
- Using aspects of social networking to give victims, witnesses and members of the public opportunities to access information and express opinion online about specific cases in the public domain.

4. *The extent to which decentralisation leads to more effective public service delivery*

A major problem with the present YJ system is the inability to deal with the whole person and see an offence as an action that does not define the individual. The YJ system cannot deal with the whole person, but young people who are involved in crime should have equal access to services in terms of education, addiction treatment, health or housing—even if they need special help to make sure this happens. Local Authorities are where this should happen.

One of the main objectives of a Youth Restorative Justice Service is to create and enhance access to justice for children in communities who experience economic, cultural, language and educational barriers. Youth Restorative Justice also addresses the cyclical nature of crime, repeat offending and victimisation. By placing due importance to the needs of victims, the service has the potential to become the primary vehicle for access to justice for both victims and offenders in a much more holistic way, and to diminish the prevailing fear and anxiety associated with engagement with the formal criminal justice system. The process also embeds accountability structures within participants’ communities, allowing ownership by those who are directly affected by crime and/or commit it.

Neighbourhood crimes often occur amongst people who are acquainted with each other, where parties are family members or neighbours; these scenarios are eminently suitable for a carefully managed restorative justice process where participants are given greater opportunities to explain their side of the story, seek resolution and appropriate restitution. ASB and low level crime are generally impulsive and may be attributed to the frustration and disillusionment experienced by those experiencing economic hardship, whilst common assault and domestic violence often intersect.

The risk of victimisation is heightened in situations of economic dependency, especially in domestic violence cases; moreover, idleness and the lack of an income (especially among girls and women) put individuals at greater risk of victimization, as well as involvement in criminality. Where NEETS and children excluded from school feature prominently as both offenders and victims, this points to the need for intelligent community intervention programs that directly address links between child poverty and youth crime, in order to cater for development of personal and social skills in young people and promote their positive engagement with alternative education provisions, to prevent escalation into worsening criminality and gang culture.

Panel Members remove the locus of community volunteering in the youth justice system from magistrates delivering punitive sentences, to ordinary people working alongside the criminal justice system to deliver restorative solutions which rehabilitate and reintegrate young people back into their communities. Panels are conducted at premises outside the youth court, because the physical space is very significant and has a direct

impact on both participants' willingness (victim and offender) to engage in the process, as well as the success or failure of that process.

Panel Members challenge young people's criminal behaviour by ensuring that victims become the jury and amends are made. Additionally, by agreeing a contract to engage with support services offered by the YOT/ Local Authority, the contextual factors which led to the crime can be directly addressed.

The potential of Community Justice Panels and community-led restorative justice processes is enormous for changing the mindsets of young people involved in crime, in a setting where they can fit in and can speak for themselves in open dialogue with the Panel (instead of through legal and other professionals) and so come to realise how their offending affects the community. With the young person's agreement, Panels will refer them onwards to programs that target the range of social problems faced within poor and deprived communities afflicted by ASB, including substance abuse, frustration, exclusion, lack of personal skills and anger.

Community Justice Panels and community-led restorative justice processes delivering Youth Conditional Cautions and Pre-court diversionary disposals will reduce the backlogs accruing to courts, allowing swift and speedy delivery of justice, which can be seen to be done by members of the affected community. Intelligent community service reparations may be linked to learning programs for the young people, selected by those living in the afflicted neighbourhoods, eg environmental health, heritage or conservation projects.

5. What are the limits of localism?

Whilst there has been national recognition that YOTs' local structure has been more effective in many ways than the centralised structures for adults, the devolution of responsibility to Local Authorities and consequent complexities of funding YOTs—from five sources—has resulted in confused accountability and responsibility, duplication of effort, resistance to cross-boundary fertilization and, at worst, breakdowns in strategic partnerships for tackling youth crime.

This is most apparent in development of the newly created role of Community Panel Members where the Youth Justice Board plays no part in funding or enforcing statutory governance provisions, nor in enforcing compliance with the Victims Code to ensure the proper functioning of Panels, as defined in primary legislation in respect of first time offenders. The result has been that restorative youth justice is often optional. Some areas have even operated in contravention of legal requirements. Belatedly, after years of targeting the "low hanging fruit" of youth crime, police-led restorative justice initiatives have been introduced in some areas, with the objective of reducing criminalization of this age group.

Despite providing a statutory volunteer function equal in status to Youth Court Magistrates, Appropriate Adults, Independent Custody Visitors and the Independent Monitoring Board, no central funding whatsoever is available for governance and infrastructure of Panel Members—unlike for the more privileged cousins. The result is highly variable quality of initial and in-service training, with a norm of inconsistent performance standards and constant re-inventions of the wheel. This under-funding and lack of consistency has created the Catch 22 situation of custodial sentencing for first time entrants based on sentencers' lack of confidence in Panels, arising from the perception of young people's crimes being "too serious" for a Referral Order.

6. What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery?

Aside from lack of financial provision for governance and infrastructure for volunteers, statutory guidance on the organization and management of Panels allows for oversight of some aspects of YOTs' performance in terms of service delivery. However this was considerably diminished in 2009, with revised provisions removing Panel Members from YOT Steering Groups—albeit that magistrates remain. This was unfortunate for the following reasons:

Neutrality

Panel Members are occasional visitors to the YOT and independent from the Local Authority. They have the freedom to ask questions where expectations are not met, and hence the potential to become critical friends by prompting the YOT partnership towards achieving better outcomes for young people, eg improved access to education provisions. The potential effectiveness of neutrality is severely compromised without places for Panel Members on YOT Steering Groups. Volunteers also struggle to obtain satisfactory responses and support from staff who lack the authority to challenge or develop entrenched practices, or who are torn between supporting / defending their charges. However, the law has always been clear that if dissatisfied with responses, Panel Members should refer their issues to the YOT Manager.

Accountability

Panel Members make transparent, reasoned and thorough decisions that are publicly accountable through signed, written agreements, which victims and young people understand as being fair and just. That is, Panels are accountable firstly to their community, then to the victims of crime and to the young person and latterly to the YOT. Some contract elements require the YOT to provide in-house learning resources, others simply require monitoring and support. Through the statutory review process, Panels have the power to hold YOT

case supervisors to account for their performance in supporting the young person and providing the necessary remedial activity. However, the complexities of securing access to education for an excluded pupil, for example, are such that accountability may be nominal only.

If oversight of LCJB, LSP and YOTs performance in relation to youth crime is to be effective in communities, it will be necessary to radically review provisions for ensuring accountability to central and local government also to the wider public through engaged volunteers, in a manner that protects the rights of volunteers to question or challenge practices where necessary. It is therefore essential that the third and voluntary sectors of the children's workforce supporting youth crime agencies have direct line responsibility to the office of the Children's Commissioner. This accountability would allow for a more robust engagement in the justice system by members of the community, and empower them with an ownership of the solutions to many of the crime and ASB related challenges they face.

MORE ABOUT THE ASSOCIATION OF PANEL MEMBERS

We aim to:

- Share Good Practice in the administration of Referral Orders.
- Provide a voice for communities to influence the effectiveness and development of Youth Restorative Justice.

DISCLAIMER

The contents of this briefing do not necessarily reflect the views of all Panel Members/

REFERENCES

ⁱ Hansard 23/6/09

ⁱⁱ Public confidence in the Criminal Justice System: findings from the British Crime Survey 2002–03 to 2007–08.

October 2010

Written evidence submitted by Michael Chang, Sri Hall, Sarah Jones, Sarah Marshall, Tammy Riordan and Burnetta Van Stipriaan (LOCO 25)

1.0 INTRODUCTION

1.1 This submission has been prepared by the following individuals, who are New Zealand planners currently working for a local authority, private sector consultancy or third sector organisation in the UK. All have a number of years experience working in the New Zealand and the UK systems respectively.

- Michael Chang;
- Sri Hall;
- Sarah Jones;
- Sarah Marshall;
- Tammy Riordan; and
- Burnetta Van Stipriaan.

2.0 SUMMARY OF OUR SUBMISSION

2.1 In highlighting an example of decentralisation and extending public service delivery to the private sector, we recommend the following actions for consideration by the Committee in its inquiry into localism:

- recognise town and country planning services as an essential and necessary public service in the delivery of sustainable development and the sustainable management of UK's natural resources;
- the need to safeguard the existing skills base within local authorities in the round of public sector spending cuts, in particular expertise in dealing with strategic and complex development proposals;
- seek to learning transferable lessons to the UK from improving public service delivery of development management functions through limited and controlled out-sourcing;
- seek to understand the advantages and disadvantages and implications of decentralisation of planning services; and
- that in proposing decentralisation of planning as a public service to the private and/ or the third sector, seek to ensuring a robust framework of check and balances and a direct line/s of accountability, including service agreements, conflicts of interest policy, and ethical standards of practice.

3.0 SPECIFIC RESPONSES TO INQUIRY TERMS OF REFERENCE

3.1 We begin our submission to emphasise and advocate its perspective that the planning service within local government is and will continue to be a necessary public service to help deliver sustainable development. Effective planning helps bring different partners and stakeholder together to co-ordinate and deliver responses to meet local challenges, such as housing pressures, regeneration, and health and well-being. Planning is also necessary and crucial to the delivery of other public services and responsibilities of local authorities and other organisations with an interest in the use and development of land as key determinants to, for example, health and well-being, and quality of life. Regardless of the range of planning jargon to illustrate the outcomes of this coming together of different partners and stakeholders to deliver shared priorities, ultimately, planning aspires to enable everyone to be involved in shaping great places to live, work and play. This is to be done in a way that is responsible to our stewardship role over the environment and providing future generations with the same opportunities, which we have and currently enjoy.

3.2 We also emphasise and advocate the need to safeguard existing skills base within local planning authorities for two reasons. Firstly, experienced planning staff are required to facilitate the delivery of development. In particular, such staff are required to provide competent pre-application advice; to assess and negotiate on complex and large-scale developments which will often have significant impact in the local area and so require mitigation measures to be secured; and, post the grant of planning permission (and other consents), to ensure high-quality design through (overseeing) the discharge of planning conditions and monitoring (whether directly or indirectly) the payment of financial obligations when payment is triggered. As a result of ambiguous advice at the pre-application stage, developers may, for example, expend considerable time and incur considerable cost working up a scheme ultimately destined to “fail”. There are therefore good reasons to retain experienced planning staff from process and outcome perspectives. Secondly, despite significant public sector spending cuts, planning staff need to be retained to ensure that local planning authorities are resourced for the eventual upturn in development activity. In this regard and until the upturn, we encourage the Committee to promote the (further) redeployment of staff into enforcement and/or planning policy, wherever possible. Councils would be able to (further) expedite the investigation into and, if relevant and expedient, the taking of enforcement action where there have been (alleged) breaches of planning control. They would also be able to further progress their LDFs. At the same time, staff would be up-skilled and, we would hope, outcomes bettered as a result. We further note here that planners will be needed to engage with communities. With the need for engagement (likely) to increase under localism, retention of planning staff to carry out engagement and consultation should, we submit, therefore be taken into account.

3.3 In addressing the issue of “The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents”, we present an illustrated example of decentralisation of planning services to the private sector in New Zealand based on our respective experience. While we are not per se recommending or advocating a transition to a system of private sector outsourcing of all development management work, by presenting examples from the New Zealand context, we believe there may be advantages and disadvantages which merit consideration and further exploration.

3.4 *Similarities and differences with the UK system:* In New Zealand, regional councils and territorial authorities as local authorities are responsible for sustainable resource management (with resource management a term to essentially denote town and country planning). The Committee should appreciate the New Zealand planning system as a zonal system in which development schemes are assessed in accordance with local plans detailing permitted and non-permitted land use activities. National planning guidance is extremely limited although the Ministry for the Environment (the Government department responsible for environmental planning and resource management) is preparing a number of high level policy statements, which compares to a combination of England’s PPSs and new NPSs. The planning system is relatively decentralised and local authorities have discretion in setting out development rules. However national planning legislation is more prescriptive compared to the UK planning acts.

3.5 *Methods for outsourcing:* It is the general perception that outsourcing means outsourcing to the private sector, however outsourcing can take many forms. The advice from Quality Planning (see 3.11) to practitioners in New Zealand is that outsourcing may include the use of consultants, one local authority providing a service to another local authority, retired/part-time planners on short term contracts, or sharing of services.

3.6 *Cost effectiveness:* In many New Zealand local authorities, consents work or development management functions in processing planning applications are outsourced to private sector planning consultants, particularly during periods of high workload and when there is no internal capacity to complete the work. In our experience, the primary issue was cost effectiveness. It may, for example, have been cost effective to outsource a group of related applications for which there was a shared impact or concern or that were within a similar area (eg within a water catchment area). It may not be appropriate to generalise about the case for cost-effectiveness in outsourcing, as it may (will, in our view) depend on the scope of outsourcing work and each individual authority’s contract terms and conditions. However, in a case study cited by Quality Planning (see 3.11), the local authority had sufficient cost information to compare private sector bids to in-house provision, where additional resources and staff numbers would be required to improve the respective service delivery.

3.7 *Selection and screening process:* In choosing who to outsource work to, the responsible development management officer selected/ retained planning consultants who performed well, providing officer reports

within agreed timeframes and with good outcomes. Successful consultants were those with relevant experience, problem solving expertise and appropriate people contacts to obtain the required information, in order to the job done efficiently and effectively (to avoid objections to costs given the user pay system).

3.8 *Familiarity with the local plan*: In general (but not always) work was outsourced to those who had previously worked for the local authority as they did not require up-skilling and knew the processes, checklists, resources and formats in which the work was to be completed. Consultants could also come into the office to complete any necessary database work or alternatively complete forms to enable a Council officer to do this. Therefore, private sector consultants appointed in undertaking the work, needed to be familiar with the local plan and zoning rules.

3.9 *Checks and balances*: Outsourced work is required to be reviewed by a delegated Council officer (eg team leader, manager) to ensure objective and consistent decision making and, as well, other quality assurances (eg site visit notes, etc). If it was necessary to make revisions, such as adding/ deleting/ changing conditions, this was done in consultation with the consultant.

3.10 In summary, in our view, the key issues and concerns for decision-makers to take into account include:

- safeguarding existing skills and experienced planning staff in local authorities in preparation for the upturn in development activity and, more immediately, so as to respond positively to localism;
- recognising the benefits of outsourcing of *limited but not all* development management functions to private sector consultants, in terms of flexibility to dealing with short-term increases in workload or where the local authorities have no officers with relevant or competent skills in dealing with certain development or planning procedures;
- having an early comparative assessment of cost benefits and value for money;
- recognising the different methods of outsourcing within the public sector and to the private sector, and that all planning practitioners must work within the planning system with the primary objective and requirement to help contribute to the achievement of sustainable development;
- requiring robust safeguards and accountability mechanisms in place to act as oversight of outsourced work;
- recognising the need for an up to date and sound local development plan as the framework for making sound individual planning decision; and
- understanding who will bear the burden of costs—developer or local authority.

3.11 We highlight advice and guidance by the Quality Planning website in “Contracting Out Resource Consent Processing”. It provides councils with tools to decide what to achieve through outsourcing, to make informed decisions, and to set up and manage external processing to minimise cost and risk. The advice can be accessed here <http://www.qualityplanning.org.nz/consents/contracting-out.php>. Quality Planning is managed and funded by New Zealand’s Ministry for the Environment, and is the online equivalent of the Planning Advisory Service and Planning Portal.

September 2010

Written evidence submitted by the Irish Traveller Movement in Britain (LOCO 27)

The Irish Traveller Movement in Britain (ITMB) welcomes the opportunity to participate in the Communities and Local Government Select Committee inquiry into localism and decentralisation. ITMB is proud to work in partnership with the Gypsy, Roma and Traveller communities together with service providers and policy makers across the UK, to better promote social inclusion and community cohesion.

KEY POINTS

- As highlighted in the Irish Traveller Movement in Britain’s submission on the abolition of regional spatial strategies, there is strong evidence that a localism and decentralisation agenda is limited in its capacity to identify and provide accommodation for the Gypsy and Traveller communities.
- A simplified and centralised national approach to the provision of Gypsy and Traveller accommodation is essential to overcoming the discrimination Gypsies and Travellers face at the local level on accommodation issues.
- *The Community Right to Build* is a good example of how a localism agenda could negatively affect Travellers as it is unlikely that autonomous local community organisations will be any more willing to address Gypsy and Traveller accommodation needs.
- Local authorities spend approximately £18 million a year evicting Gypsies and Travellers from unauthorised sites.³² The pursuit of a decentralisation and localism agenda—in relation to Gypsy and Traveller accommodation provision—will more than likely lead to an increase in local authorities’ expenditure on evictions of Gypsy and Traveller communities.

³² Commission for Racial Equality, 2006, *Common Ground*.

- Strong evidence from the Equality and Human Rights Commission (EHRC) and local authorities has shown that once proper Gypsy and Traveller sites are provided, conflict and tension between local settled communities and Gypsies and Travellers is significantly reduced, leading to greater community cohesion.

1. INTRODUCTION

1.1 The Irish Traveller Movement in Britain (ITMB) is not adverse to the localism and decentralisation agenda. However, ITMB believes the Governments' existing proposals will not address the severe shortage of Gypsy and Traveller sites. Localism and decentralisation also pose the danger of increasing inequality within and between communities with disadvantaged groups such as Gypsies and Travellers potentially suffering from even greater exclusion.

2. *The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism*

Limitations of Localism in the provision of Gypsy and Traveller Accommodation

2.1 The Government's decentralisation and localism agenda is, by its nature, limited in its ability to provide accommodation for Gypsy and Traveller communities. Evidence has highlighted that unwilling local authorities, often unduly influenced by hostile local residents, are predominantly the reason why there has previously been a failure to deliver the required number of sites throughout the regions. A 2009 EHRC research report ascribed the main barrier to provision of Gypsy and Traveller accommodation as being 'the planning system and, more fundamentally, resistance from the sedentary population to the idea of new sites for Gypsies and Travellers.'³³ Communities and Local Governments' (CLG) 2009 *Progress Report on Gypsy and Traveller sites* stated:

"The current position on site delivery remains unsatisfactory. It is clear that local authorities need to increase the pace at which suitable locations are identified that can be used as Gypsy and Traveller sites".³⁴

A move towards a more localised decentralised system of accommodation provision for Gypsy and Traveller communities will most likely lead to a reduction in provision of Gypsy and Traveller sites.

2.2 Presently there is a severe shortage of Gypsy and Traveller sites with research in 2009 by the EHRC finding that 83% of local authorities are not on track to meet their five year pitch targets as identified in the Gypsy Traveller Accommodation Assessments (GTAAs):

- There are approximately 8,263 pitches for Gypsies and Travellers in England.
- GTAAs have highlighted a need for 5,733 pitches over five years. That is a 70% increase (EHRC 2009).³⁵
- At the current rate of pitch provision it will take local authorities 18 years to meet the GTAAs specified in relation to permanent pitch requirements set for a five year period (EHRC 2009).³⁶

Case for a centralised national approach to Gypsy and Traveller accommodation provision

2.3 As the evidence suggests, local authorities have been slow to increase site provision for Gypsies and Travellers. However, evidence also indicates that since the introduction of more centralised measures for the provision of Gypsy and Traveller accommodation provision—through the Housing Act 2004 and ODPM Circular 01/06—there has been an increase in authorised pitch provision by approximately 13%.

- In the year ending March 2010, CLG evidenced that local authorities processed 230 applications for Gypsy and Traveller pitches and granted 48–50% of these applications.³⁷ In 1997, the Advisory Committee for the Education of Romanies and Travellers (ACERT) found that 90% of Gypsy and Traveller planning applications were initially rejected.³⁸
- In the two years prior to the introduction of Circular 01/06 on 2 February 2006, 68% of appeals relating to Gypsy and Traveller sites were dismissed. In the following two years, 65% of appeals were granted planning permission' (CLG, 2009).³⁹

³³ EHRC, 2009, *Inequalities experienced by Gypsy and Traveller communities: A review*, p 24.

http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

³⁴ CLG, 2009, *Progress Report on Gypsy and Traveller Policy*, p 4
<http://www.communities.gov.uk/documents/housing/pdf/1284500>

³⁵ EHRC, 2009, *Assessing local housing authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England*, p 12
http://www.equalityhumanrights.com/uploaded_files/13assessing_local_housing_authorities_progress.pdf

³⁶ Ibid.

³⁷ CLG, 2010, *Planning applications March quarter 2010 (England)*, p 5
<http://www.communities.gov.uk/documents/statistics/pdf/1627448.pdf>

³⁸ ACERT and Wilson M. 1997, *Directory of Planning Policies for Gypsy Site Provision*, Bristol, Policy Press.

³⁹ CLG, 2009, *Progress Report on Gypsy and Traveller Policy*, p 12
<http://www.communities.gov.uk/documents/housing/pdf/1284500>

2.4 The ITMB acknowledges the flaws of the previous Governments' approach to Gypsy and Traveller accommodation provision. The ECHR has also criticised the planning process for being too complex, not "working as intended" and lacking "clearer guidance" for local authorities.⁴⁰ However, what is evident is that a centralised national approach to the provision of Gypsy and Traveller accommodation is essential in meeting the accommodation needs of these communities. The EHRC supports this position:

"There should be greater leadership at national level not only signalling.

Commitment to increasing site provision but also seeking to tackle the prejudice and racist stereotypes which underlie much of the resistance to site development" (EHRC, 2009).⁴¹

3. *The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents*

Localism Example: CLG's Community Right to Build proposals

3.1 In July 2010, CLG released proposals for *The Community Right to Build* for possible inclusion in the Decentralisation and Localism Bill. The Community Right to Builds' core objective is:

"to allow a community organisation to go ahead with development without the need for an application for planning permission, if there is overwhelming community support for the development and minimum criteria are met" (CLG, 2010).⁴²

3.2 *The Community Right to Build* is a good example of how a localism agenda could negatively affect disadvantaged minority groups such as the Gypsy and Traveller communities. Considering that 83% of local authorities are not on track to meet identified Gypsy and Traveller accommodation targets—in many cases as a result of pressure from local settled communities—then it is unlikely that autonomous local community organisations will be any more willing to address Gypsy and Traveller accommodation needs.

3.3 It is essential that local authorities have a central role in any decentralised model of service delivery, especially in respect of their statutory equality and human rights duties.

3.4 In relation to the provision of Gypsy and Traveller accommodation it is essential that local authorities work under a centralised national structure which places an obligation on them to provide appropriate accommodation for the Gypsy and Traveller communities.

4. *The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services*

4.1 Local authorities spend approximately £18 million a year evicting Gypsies and Travellers from unauthorised sites.⁴³

Evidence indicates that when left to the discretion of local authorities and local communities, in a majority of cases Gypsies and Travellers accommodation needs are not properly addressed. This has led to an extreme shortage of authorised sites and a prevalence of unauthorised Gypsy and Traveller sites leading to significant annual eviction costs for local authorities.

The pursuit of decentralisation and localism agenda in relation to Gypsy and Traveller accommodation provision will more than likely lead to an increase in local authorities' expenditure on evictions of Gypsy and Traveller communities.

4.2 A centralised national approach to Gypsy and Traveller accommodation provision has been proven to be more effective in delivering authorised sites and consequently reducing repeated eviction costs.

Bristol City Council has reduced its annual expenditure on evictions from £200,000 to £5,000 by building a permanent site and a transit site to meet Gypsies and Travellers' accommodation needs (EHRC).⁴⁴

CONCLUSION

A localism and decentralisation agenda would be limited in its capacity to ultimately provide accommodation for the Gypsy and Traveller communities. It is recommended that a simplified and centralised national approach to the provision of Gypsy and Traveller accommodation is essential to overcoming the discrimination Gypsies and Travellers face at the local level. Once proper Gypsy and Traveller sites are indeed provided, conflict and

⁴⁰ EHRC, 2009, *Assessing local housing authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England*, p 14
http://www.equalityhumanrights.com/uploaded_files/13assessing_local_housing_authorities_progress.pdf

⁴¹ Ibid.

⁴² CLG, 2010, *The Community Right to Build*
<http://www.communities.gov.uk/documents/housing/pdf/1648333.pdf>

⁴³ Commission for Racial Equality, 2006, *Common Ground*.

⁴⁴ EHRC, 2009, *Inequalities experienced by Gypsy and Traveller communities: A review*, p 31
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

tension between local settled communities and Gypsies and Travellers will be significantly reduced, leading to greater community cohesion.

September 2010

Written evidence submitted by Action for Market Towns (LOCO 28)

EXECUTIVE SUMMARY (BULLETS)

Action for Market Towns (AMT) is a national membership group that provides small towns, local authorities and others with information and advice, examples of best practice and national representation. With over 400 members, AMT supports local partnerships in developing community-led plans in order to address issues from a community perspective.

Within the context of this experience, our response to the localism agenda builds upon the work of the Carnegie Commission for Rural Development and the Charter for Rural Communities, which examines the success of community empowerment as dependent upon enabling the following three factors:

- *Empowering Factor 1:* Growing the capacity of local people, agencies and professionals who support rural communities;
- *Empowering Factor 2:* Enhancing community assets of all kinds; and
- *Empowering Factor 3:* Effective Community Led Planning (CLP) and stronger local governance.

Each of these factors is focussed on in more detail within the response providing details of where these factors have enabled successful community empowerment, and where additional resource and support from government is required.

1. INTRODUCTION

1.1 Where the renaissance of our rural communities has worked well in recent times, it has combined strategic understanding and an enabling approach from the public sector, with strong local leadership and a spirit of self-reliance and enterprise by town and parish councils, community partnerships and business forums.

1.2 This empowering approach can provide a win-win situation for everyone involved in championing the development of rural communities and is an underlying and necessary first step in addressing the issues identified elsewhere in this submission.

1.3 This stance is supported by the work of the Carnegie Commission for Rural Development that comprised internationally recognised rural experts from a wide range of backgrounds and disciplines. In its final report, a Charter for Rural Communities published in June 2007, the Commission suggested that the dynamic, vibrant, engaged, sustainable rural community of the future would display a number of interrelated characteristics and that empowering local governance would be a key requisite. As part of its recommendations to enable such empowerment, the report called upon:

- Government to place a duty upon parish and community level councils to prepare and publish a community action plan every four years and a duty upon higher tier authorities to consider these plans in their own strategic planning; and
- Local authorities to provide funding and other resources to enable parish and community level councils to access independent technical assistance and capacity building support so that a community action plan can be produced.

1.4 Such transformation of rural communities will depend on three “empowering factors”:

- *Empowering Factor 1:* Growing the capacity of local people, agencies and professionals who support rural communities;
- *Empowering Factor 2:* Enhancing community assets of all kinds; and
- *Empowering Factor 3:* Effective Community Led Planning (CLP) and stronger local governance.

1.5 These “empowering factors” are considered in more detail in the sections below. In line with the Charter for Rural Communities the first factor, covering capacity issues, has been sub-divided to explore capacity from both a top-down and bottom-up perspective:

- *An Enabling Public Sector*—the fostering of a genuinely enabling culture and approach to partnership working by the principal local authorities and other agencies.
- *Strengthening local leadership and capacity*—the capacity building that needs to be achieved by recognising and supporting strong and effective local leadership at the community level.

2. EMPOWERING FACTOR 1: GROWING THE CAPACITY OF LOCAL PEOPLE, AGENCIES AND PROFESSIONALS WHO SUPPORT RURAL COMMUNITIES

An Enabling Public Sector

2.1 The Local Innovation Awards Scheme (building on the former Beacon Scheme) was set up jointly by Communities and Local Government (CLG) and the Local Government Association (LGA) and is managed by the Local Government Improvement and Development (LGID). It has highlighted valuable aspects of good practice in empowerment as part of its wider role to share best practice in service delivery across local government. Over the years a number of Beacon themes have been focused on wider empowerment and particularly CLP, including:

- *Round 6: Getting Closer to Communities*, which as part of its conclusions stated that “a dynamic relationship between authorities and communities requires that, on the one hand, authorities deliver services in an effective and integrated way at a local level, and on the other, that they support the development of the communities’ own role.
- *Round 7: Improving Rural Services Empowering Communities*, which concluded that, “often the best services may be those delivered locally with local commitment but “empowered” by someone else through a process of engagement and leadership”.
- *Round 8: Promoting sustainable communities through the planning process*, which included the conclusion that, “for planning to play its part in delivering sustainable communities people need to see and experience planning as a system which works for them; a system they value as something which can help them deliver their vision for their communities—retaining what is valued and changing what is not”.
- *Round 9: Transforming Services through Citizen Engagement and Empowerment*, concluded that “there is a growing recognition that, by working with users, organisations can create services that are more effective and have higher levels of customer satisfaction. This is an evolving area, with scope for innovation and the opportunity to develop ground-breaking approaches to service delivery and engagement”.

2.2 The work of South Somerset District Council as an empowering local authority featured in three of these Beacon Council rounds. South Somerset displays an impressive momentum in getting closer to communities. It is successfully supporting a wide variety of local projects which involve and benefit residents, and there is a sense of good organisation and positive energy. A small establishment of District community development staff maintains a network which has drawn in other front-line staff from within the district, other public sector partners in the district and from other districts in the county. A number of staff in other disciplines have also been trained as “InterAct facilitators”, to facilitate participative community meetings.

2.3 Further examples of good practice and enabling culture in councils are demonstrated by the Network of Empowering Authorities (NEA) which consists of 18 councils from across the country chosen by the Government to help champion community empowerment.

2.4 LGID has worked with the NEA to produce a benchmark of “the ideal empowering authority”, together with diagnostic questions and best practice examples that help authorities and partnerships to assess their performance, strengths and areas that require further work. An updated publication (June 2010) “The Ideal Empowering Authority: An illustrated framework” describes what “ideal” looks like and how to raise performance to mirror that of the leaders in this field, identifying three key “pillars” to develop:

- mainstreaming empowerment and developing a business case;
- working with diverse communities and neighbourhoods; and
- the role of members in championing community empowerment.

2.5 The framework is key to achieving the principal authorities needed to make localism work.

Strengthening Local Leadership and Capacity

2.6 Support for grassroots activity over the last decade has seen the potential of a new localism that is now widely advocated. The lessons learnt from a decade of community-led regeneration across rural areas indicate that to be successful some decisions and delivery need to be devolved beyond the principal local authorities to the community level and be backed by suitable support for community capacity building. As the Carnegie UK Trust states in A Manifesto for Rural Communities published in October 2009:

“Although the rhetoric of governments is encouraging a “new localism” and greater community engagement, without sustained investment in growing the capacity of all those who need to be involved in the process, these aspirations will not be fulfilled”.

2.7 Local people have a far greater understanding of their community’s needs and—supported and facilitated by voluntary sector groups with the right combination of powers and capability to help them do it—will be far more sensitive to the value of proposed change and be able to take the decisions and contribute their own efforts to making it happen. Success is dependent on consistent policies, institutions and a move away from

stop-start funding that creates disparities between communities, leads to wasted resources and weakens commitment over the longer-term.

2.8 AMT's experience of working with town partnerships and other organisations interested in community-led development in rural towns, suggests that different types of towns face a range of possible futures. Our experience suggests that effective community leadership is, and will continue to be, as important a determining factor as governmental intervention.

2.9 Many (but by no means all) towns already have skilled, caring and committed people living in them. There is, of course, always room for improvement. In our experience the key is to help local people to gain leadership and management skills, while encouraging the development and implementation of new models of local governance and techniques for achieving greater strategic influence—in short, helping communities to help themselves.

2.10 One of AMT's responses to these challenges has been the formation of a Market Towns Academy. This helps town councils and community partnerships to assess their organisational development and training needs and provides tailored training courses on leadership, fund raising, financial management and other core skills.

2.11 Town and Parish Councils, as the tier of government closest to communities have an important role to play in the localism agenda, yet many are simply not fit for purpose. The Quality Parish and Town Council Scheme, was developed as part of the Rural White Paper of 2000 with the aim of encouraging all parish councils to reach the standards of the best and, in doing so, to demonstrate their status as the local representatives of their communities. The number of Quality Parish and Town Councils nationally varies from region to region, with some areas having as few as just 2 having met the standard. As an opt-in scheme, and with no duty on the upper tier authorities to ensure take-up, the scheme seems to have little chance of being a benchmark for all lower tier councils and this needs to be addressed, through bolstering the scheme and met with level of quality assurance built into CLP as a delivery mechanism led by the community themselves.

2.12 Other work of note includes the Carnegie UK Trust which has worked with a Skills Consortium made up of academic and practitioner partners from across the UK and Ireland, to determine the core skills, knowledge and competencies required by rural activists, professionals and policy makers and, thinking ahead, the requirements for communities who face an uncertain future.

2.13 In addition both the Rural Community Action Network of 38 Rural Community Councils and the federation of county-based groups linked to the National Association of Local Councils (NALC) also provide extensive training and capacity building to support community-led action, increase sustainability and influence public sector policies and services to achieve equity for rural communities.

3. EMPOWERING FACTOR 2: ENHANCING COMMUNITY ASSETS OF ALL KINDS

3.1 The Carnegie Commission for Rural Community Development recognised asset-based development as a positive approach that builds upon the things that a community has -rather than what it lacks. Whilst not denying that there is an urgent need for public investment in some rural areas, the Commission's model of sustainable communities puts asset-building at its heart in the belief that rural communities are well placed to understand how that resource or expertise can be allied with local assets to build economic and social success.

3.2 This comes on the back of a wider review of community asset ownership and management completed by Barry Quirk for CLG in 2007. This provided the momentum for increasing the asset transfer between local authorities and communities over recent years. His report stated: "there are no substantive impediments to the transfer of public assets to communities. It can be done, indeed it has been done legitimately and successfully in very many places. There are risks but they can be minimised and managed—there is plenty of experience to draw on. The secret is all parties working together."

3.3 The Development Trust Association (DTA) has been at the forefront of applying an asset-based approach across all types of communities including rural villages and market towns. This has included leading a consortium (funded by CLG) to deliver Advancing Assets, a four year programme of advice for up to 110 local authorities and their partners to assist asset transfer. In 2009 the DTA, in association with Community Matters, the Local Government Association, and other stakeholders, launched the Asset Transfer Unit (also funded by CLG), to provide technical advice to community groups, local authorities and others, and to carry out research and promote understanding of the community assets agenda.

3.4 As communities take on responsibilities for a range of assets, the Carnegie Commission recognised that there needs to be a parallel growth in the provision of technical advice services by a cadre of professionals who understand the need to adapt and modify approaches to suit this new client group. The DTA calls for this support to be focused on making sure that transfer does result in long term viability rather than liability—with a focus on a realistic business plan, and where necessary with investment and revenue commitments or endowments alongside the land or building.

3.5 The experiences of rural Development Trusts, set out in their action research report "Bearing Fruit: Good Practice in Asset-Based Rural Development" and in the National Community Land Trusts Demonstration Project, suggests that there is a path from good idea through to mainstreaming that has to be supported. There also needs to be an acknowledgement that this takes time; much longer than usual project timeframes. The

constant reinvention of funding programmes (or programme promiscuity) is not helpful to communities who really want to make initiatives work on the ground. “A Partnership Routemap” has been developed by the DTA to inform all public sector, private sector and community organisations engaged in the transfer of a building or land to help to develop and support these essential partnerships.

3.6 The Carnegie Commission considered that Community Land Trusts offered particularly strong opportunities for providing affordable rural housing as a community-owned asset and called for national and regional support to ensure that the early pioneers will be followed by a mainstream social movement to transform rural affordable housing provision.

3.7 Asset-based development and empowerment requires access to a mix of capital grants and patient loan finance for community asset purchase, refurbishment, and new-build, combined with revenue funds for initial feasibility, project development, and to strengthen management and financial competences. The DTA points to the need to incentivise new approaches to finance, including promoting community share and bond issues, with community investment by individuals being linked to Gift Aid tax relief. The DTA also suggests that, in recession, there is a once in a generation opportunity for community asset acquisition in order to provide the foundation for resilient communities. They are exploring community “landbanking” and other fast-track mechanisms that enable a fast response to the economic downturn.

4. EMPOWERING FACTOR 3: EFFECTIVE COMMUNITY LED PLANNING AND STRONGER LOCAL GOVERNANCE

4.1 Community Led Planning (CLP) is about local communities being able to have a real involvement in the way their community is developed, and informing the statutory system. It is a structured process, involving local community groups, activists and volunteers creating a vision for the community and an action plan to achieve it.

4.2 The process involves using a mix of evidence collection, different types of consultation and debate at the very local community level. Every citizen should have the opportunity to participate and the resulting vision should focus on the social, economic, environmental and cultural well-being of the community and all those who live and work there. The process ensures that links are made with external partners, such as local government, so that the action plans can be put into effect. Worryingly, community planning is often interpreted as an exercise in joining up the policies and decisions of different government departments and agencies (horizontal coordination) rather than linking and engaging with local communities (vertical integration).

4.3 As an example of the reach and effectiveness of CLP, in the East of England region since 2002, 231 communities have created plans that contained over 9,000 individual actions to improve their locality. 47% of these actions were able to be taken on by the community themselves without external support. Of the remainder, 34% required negotiation with public service providers to bring them to fruition.

4.4 Effective tools and techniques for CLP have been tried and tested in rural areas over the last 20 years. The two most frequently used are Town Action Planning and Parish and Community Planning. Whilst a framework has been developed to overarch the two methods, ideally there needs to be a synthesis of the CLP methodologies. Not only would this enable one common approach among the different organisations, but it could lead to greater efficiencies in terms of spending and support, offer a clear and consistent message to funders and policy-makers and enable CLP approaches in rural and urban areas to be standardised. It could also enable CLP partnerships to share information and advice about process, and make it easier for outside agencies to understand, contribute to and respond to CLP initiatives and outcomes.

4.5 As a structured process, CLP can provide an over-arching mechanism across a wide area. As such, the CLP process can provide a first stage in planning the long-term physical development of a community, as well as linking this to “softer” issues such as service provision. Where major development opportunities are identified, for example, the action planning stage would be extended to include detailed master planning—to map a strategic vision and plan for development. This would be followed by techniques such as Enquiry by Design and Planning for Real to facilitate community involvement in preparing site-specific, development briefs.

4.6 The CLP process can also be used as a trigger for community-led affordable housing development. The role of CLP will be to provide “thinking time” to broadly identify housing needs and opportunities. This will then form a basis for determining the support of towns/parish councils and principal local authorities for proposals, subject to more detailed work in relation to the need, scale, viability and design. This will be reinforced if such recognition by CLP activity, gives communities a clear right to initiate community-led affordable housing schemes. CLP can also provide a first step in developing exception sites.

4.7 Whilst such CLP techniques have been valuable in directing local delivery, their main shortcoming to-date has been the continued disconnect between the creation of these local action plans and local authority and other public sector strategies. Local authorities need to be much more engaged in the production of such plans to ensure that they can make full use of them. Effective CLP should also provide a mechanism for uniting the strategic knowledge and concerns of local authorities with additional local understanding and involvement by communities.

4.8 The benefits of CLP for the community include: enabling communities to unite behind a common vision which can help them to strengthen their influence over decisions that will shape their future; having, and promoting, a shared plan can enable a community to draw down resources, that would be otherwise unavailable, for community projects such as transport facilities, town centre regeneration and local services; serving as a catalyst for community action, bringing together people from the community whose passion, skills, knowledge and expertise is stimulated by the community planning process. These energised people working together can drive the community forward.

4.9 CLP can also help local authorities meet current requirements such as the duty to involve communities in local decision making and inform Sustainable Community Strategies (SCSs), Local Area Agreements (LAAs) and Local Development Frameworks (LDFs). At its most basic level, CLP offers local authorities a framework for engaging people in a debate about their local area on terms that are meaningful to everyone involved. Not only can this result in very high rates of participation (in many cases up to 70%), but it can also harness the energy and commitment of volunteers to make things happen at a very local level saving money and resources. In addition, a wealth of evidence about local needs and aspirations is produced which could potentially be used to inform broader strategies and the targeting of services.

4.10 A consortium of key partners including AMT, ACRE, Carnegie, Community Matters, NALC and the Urban Forum is committed to further developing the application of CLP in a way that is both empowering to communities and enabling to local authorities. For example, AMT is managing an Empowerment Fund contract with CLG, to test how CLP can fit better with local authority strategic planning. As part of this, AMT has been working with Northumberland County Council to assess how the approach can be approved to better meet the strategic needs of unitary authorities (final report due November 2010).

4.11 AMT, as part of this consortium and its research into CLP on behalf of CLG, has produced a Policy Position Statement that identifies ten key challenges to delivering effective CLP. These include: overlapping, unaligned CLP methodologies; a lack of community capacity (knowledge, funds etc) to undertake CLP; difficulties in linking community led plans to local authority plans; complexity of local government structures and levels of representation; ensuring that community led plans are sustainable; difficulties in accessing and reporting up-to-date data.

4.12 Government should consider the role of Community Led Planning and how it can help to deliver the localism agenda. Where relevant support organisations already exist to support communities on the ground, national “community organiser investment” might best be channelled into their work to produce better and more sustainable value.

October 2010

Written evidence submitted by the Town and Country Planning Association (TCPA) (LOCO 29)

1.0 ABOUT THE TCPA

1.1 The Town and Country Planning Association (TCPA) is an independent charity working to improve town and country planning. Its membership includes organisations and individuals drawn from planning practitioners in government, private practice and universities. It puts social justice and the environment at the heart of policy debate and champions fresh perspectives on major issues, of planning policy, housing, regeneration and climate change. Our objectives are to:

- Secure a decent, well designed home for everyone, in a human-scale environment combining the best features of town and country.
- Empower people and communities to influence decisions that affect them.
- Improve the planning system in accordance with the principles of sustainable development.

1.2 The TCPA’s submission highlights the important role of local government planning services to support the delivery of local sustainable development and sustainable communities priorities. Throughout our history the TCPA has have consistently championed a positive and proactive role for local communities in shaping their own future. Collaborative governance was central to the Garden Cities movement of the late 1890s, a movement which had a profound influence on the fundamental principles of the UK planning system today. The TCPA established Planning Aid in 1973, sponsored community support projects at Lightmoor and Birkenhead in the 1980s and our work today includes providing planning guidance to planners, cultural, sport and health professionals as well as communities.

2.0 SUMMARY OF TCPA EVIDENCE

2.1 This submission is based on a series of cross-sector roundtable debates on the future of planning the TCPA organised early in 2010. The outcomes from these roundtables are summarised in the publication “Making Planning Work: a peaceful path to real reform”, which recommends that any reforms of planning should start with a commitment to responsible localism (this statement is included as supporting evidence). Strong local leadership is essential to provide the homes, jobs and services that every community needs, to accelerate the move to a low-carbon society, and to protect our valuable natural environment. In parallel,

widespread community participation must provide the foundation for this strong leadership. We believe that reforms of planning must:

- be part of a much wider effort to invigorate local democracy—planning reforms cannot be promoted in isolation;
- remain based on representative democracy, avoiding distortion by narrow sectional interests; and
- ensure that reliable, independent evidence is available to help support and inform key decisions about a community’s future—and to monitor the impact of these decisions.

2.2 The TCPA recognises that the debate about localism and decentralisation of public service delivery is more than just on the planning responsibilities of local government.

2.3 In the TCPA’s briefing paper on Responsible Democratic Localism (document attached), published in September 2010, the Association highlights the following issues:

- responsible localism means:
 - collaborative, and participative,
 - visionary, by providing a long term vision,
 - Democratic and accountable so that decisions are taken by local politicians, and
 - requires resources and skills.

2.4 The TCPA’s submission addresses the vital role of local government planning services. It is in two parts. First it highlights a number of fundamental issues, which are:

- Planning is a necessary public service.
- The need for strategic oversight.
- Opportunities and limitations of community participation.

Secondly, it addresses specific lines of inquiry for the Committee. These build on our written evidence to the Committee’s inquiry into the abolition of the regional spatial strategies.

3. SUMMARY OF ISSUES

3.1 *Planning is a necessary public service*

3.1.1 The TCPA believes that the spatial planning functions within a local authority are a necessary public service. Effective planning helps bring different partners together to co-ordinate and deliver responses to meet local challenges, such as housing pressures and health and well-being. Planning is also necessary and crucial to the delivery of other public services and responsibilities of local authorities and other organisations with an interest in the use and development of land, such as parks and open space, transport, sports and cultural services. Planning has, should and must inspire everyone to be involved in shaping great places to live.

3.1.2 Planning services engage in daily conversations with individuals and organisations with land and building interests wishing to use and develop their physical land assets for public and private enjoyment and amenity. Planning services also engage in daily conversations with different stakeholders and partners to enable joined-up planning and decision-making around the provision of services. In the context of the new agenda for a locally co-ordinated approach to “place”, planning can have an important role in linking activities at the different spatial levels. For example, the HM Treasury’s report on the Total Place initiative, found that the “Total Place approach has the scope to deliver real benefits at all spatial levels”⁴⁵.

3.2 *The need for strategic oversight of planning*

3.2.1 The Planning service must deal with a whole series of issues which have more than local significance. Strategic planning is the only way of tackling issues such as energy or climate change which needs cross border approaches. Renewable energy is one example where a mass of purely local decisions is unlikely to meet our European or international obligations. A number of important mechanisms which had begun to address this issue have recently been abolished.

3.2.2 Firstly, the Government has now removed central targets for housing delivery by abolishing the National Housing and Planning Advice Unit (NHPAU). The NHPAU offered independent advice to ministers and regional and local planning bodies on the levels of house building required to meet affordability. This advice was subject to rigorous testing through the regional Examination in Public process. Without such advice, the link between strategy and local delivery is broken, and the cause and solutions offered by the NHPAU through research has been lost.

3.2.3 Secondly, the Government has revoked the Regional Spatial Strategies and abolished the regional tier of governance. This has removed the long term vision and strategic oversight of local planning and delivery of services. This may impede the sustainability of local development in terms of coherence and integration, in particular where functions extend beyond administrative boundaries. A practical example of the problem would

⁴⁵ HM Treasury, 2010, Total place: a whole area approach to public services, pp 7.

be how, under a purely localised planning regime, controversial development for energy projects or for the Gypsy and Traveller community or asylum seekers might be delivered? The Government has outlined a proposed system of incentives for some forms of development but it is unlikely that this system will be sufficient enough to overcome ingrained local opposition.

3.2.4 The TCPA believes there is a need for greater clarity about the roles of local and strategic planning. Central government must embark on a comprehensive national framework which can deal with a wide range of social, economic and environmental infrastructure issues. Such a framework should have a clear legal status in the overall plan-making system⁴⁶. There must also be an obligation on local planning authorities to invest in providing local people with the information they will need to make decisions—on why we need more homes; on where we need them; and on what mix of tenure we need to meet local demand. This would require a new relationship between officialdom and local communities, supported by measures to improve community involvement and engagement—so-called “capacity building”⁴⁷.

3.2.5 Thirdly, the Sustainable Communities Act 2007 has reporting and accountability mechanisms which could be better utilised. Mechanisms include Local Spending Reports and Sustainable Community Strategies. These provide a channel for local people to ask central and local government to take action according to locally-agreed priorities and hold local authorities to account.

3.2.6 The TCPA believes achieving sustainable development will and must continue to be the overarching framework within which planning and other local functions operate. Local Agenda 21 began to address these issues by helping local authorities to broaden their focus from local stewardship to global citizenship with local communities having expressed a vision of the future in which a protected environment, a prosperous economy, and an included society exist simultaneously.

3.3 Opportunities and limitations of community participation

3.3.1 The localism agenda seeks to devolve power down to the lowest possible community scale. In general this has to be the right approach for decision making but if only if a number of detailed and difficult issues are resolved. Planning decision making is a litmus test for localism because of the positive opportunities it creates and the negative challenges in terms of bad neighbour development. The ambition of Conservative Party’s “Open Source Planning” policy to transfer of powers and responsibilities from professionals to members of the public raises two sets of important questions.

3.3.2 The first relates to how communities are to gain access to the skills and capacity to shape plans effectively. For example, the Greater Manchester area contains around 1,000 neighbourhoods which would make effective local planning units. Each requires proper resources and professional support. To give communities the responsibility for planning without the means to meet those obligations will lead to further exclusion, inequality and cynicism by the hard-to-reach groups. The approach risks a two tier system of planning between affluent and engaged communities and those whose lack of resource and social capital make it hard, if not impossible, to participate. The lack of clarity about what, if any, resources will be given to communities is compounded by the skill set of the planning profession. Previous Committee inquiries had uncovered that the planning profession continues to lack the skills and capacity to effectively deliver on the sustainable communities agenda⁴⁸.

3.3.3 The second area of question relates to an honest assessment about the limits to community participation.¹ We should be honest that there are and should be limits to local decision making. The local planning process will have to comply with important national and European legislation on equality, disability and the environment which impact on both the process and outcomes of plan making. Local planning will also have to acknowledge wider strategic needs agreed democratically at the national level. Crucially it must take responsibility for providing the social needs of their own community and the wider needs of other communities. We also have to be honest about where the resources will come from to deliver such plans. These constraints are real and provide the context for community empowerment measures.

3.3.4 Policy-makers must also realise that while the decision-making process should be as open and participative as possible, ultimately this participation is bounded and limited by the need for elected politicians to make final decisions in ways that are accountable to the wider community. The TCPA Tomorrow Series paper “People, Planning and Power” concluded:

“New localisation may have benefits for service delivery but does not offer a vital clarity of purpose nor a coherent vision that can achieve the reconnection with communities. This can only come with a holistic view of the balance between representative and participative democracy and recognition of the importance of clear civil rights which enable opportunities for meaningful, participative decision-making”.⁴⁹

3.3.5 The TCPA remains concerned that there is insufficient rigour in the localism agenda to ensure that it is properly related to existing models of local democracy or properly recognises the level of resources necessary

⁴⁶ TCPA Making Planning Work: Briefing Paper 2—National Planning Framework, 2010, Recommendation 1.

⁴⁷ TCPA Making Planning Work: Briefing Paper 1—Responsible Democratic Localism, 2010, Recommendation 3.

⁴⁸ CLG Committee, 2008, *Planning Matters—labour shortages and skills gaps*. Eleventh report of session 2007–08, TSO, London.

⁴⁹ Ellis, H, 2004, *People, Planning and Power—Beyond New Localisation*. Tomorrow Series Paper, TCPA.

to ensure meaningful change. There is also a lack of acknowledgment that purely localised decision will not always reflect the wider public interest or the rights minority communities.

3.3.6 The Place Survey and Citizenship Survey illustrates how localism can, and should, be best taken forward to reflect local circumstances. Results from the latest Place Survey for England⁵⁰ found that there is scope to improve how local people can be involved in local decision-making processes, and there are already people involved in volunteering work and/ or belonging to groups who make decisions affecting their local area. However the key question remains which is whether there is capacity to sustain further decentralisation of public service delivery without increasing resources and professional support. The degree to which there is an appetite to take full responsibility for planning at the local level is unclear. It is safer to assume that people want a system which is sensitive and responsive to their needs. If that is the case then changing the culture of planning while leaving its current structure broadly in place would yield the most cost effective results.

A summary of the survey results are highlighted below for the Committee's information:

- 45% satisfied with (taking everything into account) how their local council runs things.
- 33% agree that the local council provides value for money.
- 29% felt they could influence decisions in their area.
- 27% would like to be more involved in local decision making.
- 23% gave unpaid help to groups, clubs or organisations, at least once per month in the previous 12 months.
- 14% in the last 12 months have belonged to groups who make decisions affecting their local area.

4.0 SPECIFIC COMMENTS

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

4.1 The limits of localism should be based on the most appropriate level and scale of planning for sustainable development. This means marrying bottom-up planning for localism with a robust strategic framework of investment and infrastructure.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

4.2 The TCPA recommends that the Committee examine detailed results from the Total Place pilots in the form of a report by the HM Treasury. Total Place is a relatively new initiative and like any new initiative and programme of work, must be given time. In particular the TCPA highlights the following key lessons:

- Put the correct structures in place.
- Scope for financial savings from shared management and joint working arrangements.
- Avoid duplication of services.
- Improve communication between national and local government.
- Flexibility and recognise that a “one size fits all approach” will not work.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents.

4.3 The TCPA believes that local government should continue to take on the leadership role with greater, not less, responsibility. Local government and its elected members will and should continue to be held accountable for local decisions. The TCPA's view is that balance must be struck between a system of democratic representation and the Government's desire to move towards democratic participation.

4.4 The issue of resources, capacity and skills of professionals and local communities, in particular community and voluntary sector organisations, will continue to be a major concern. The TCPA emphasises the chronic nature of a skills deficit already in the planning profession as identified by the Egan Review for skills in delivering sustainable communities and previous CLG Select Committee inquiries. Decentralisation and localism must not be associated with the systematic degradation of the role of professionals in delivering complex services and undertaking technical work such as those associated with planning and development.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

4.5 The TCPA emphasises the need for clarity in the differentiation of roles in Government setting quality standards for consistency across the country and in the relationship between local government and potential service providers. In addition to points raised in Section 3.2, there will be a continuing need for scrutiny of

⁵⁰ CLG, June 2009, *Place Survey 2008 England. Local Government Statistical Release*. Regional breakdown of statistics are also available.

emerging legislation to avoid the unintended consequences of legislation on vulnerable groups of the community.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

4.6 Please see comments under Section 3.2: Need for Strategic Oversight of Planning.

REFERENCE

ⁱ Research by Nick Gallent for the Economic and Social Research Council published in June 2010 titled “The Politics of Scale and Network Building in Spatial Planning: Bridging Community Ambition to Strategic Priority in Southern England” sought to understand the processes of capacity building within communities and how, through networking, communities build lobbying-alliances, connect to policy makers, and maximise the influence of community-led plans in decision making.

October 2010

Written evidence submitted by Gender Identity Research Education Society (GIRES) (LOCO 30)

PROPOSALS TO THE CLG COMMITTEE

We propose that *local* social and psychological support be provided for trans people and their families, in line with equality law, and the government White Paper on the new NHS.

THE LAW

- Those who propose to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex, are protected in the provision of goods and services; those perceived to have the characteristic of gender reassignment; and those associated with people who have the characteristic, are also protected from discrimination by:
 - the Equality Act 2010;¹ and by
 - the Human Rights Act, 1998 (Articles 8 and 14).²
 - European law protects users of health services from experiencing “undue” delay in accessing treatment.³
- There will be a “requirement for GP consortia to have a ‘duty to promote equalities.’”⁴
- Present treatment protocols for trans people risk breaching these laws by:
 - providing discriminatory treatment; causing
 - undue delay, and
 - failing to provide adequate holistic, therapeutic support for trans people and their families that is locally accessible.
- Decentralising social and mental health care under the GP consortia provides an opportunity to reassess the delivery of care and support to this marginalized group.
- Although the numbers are still low, 20 per 100,000 (subject to regional variation), the numbers presenting for treatment are doubling every five years. Existing tertiary services are already overburdened. If no supplementary provision is available, even longer delays will ensue.
- This will be reflected in the significant deterioration in mental health of many trans people and their family members, frequently resulting in family breakdown.

PROPOSED LOCAL COMPLEMENTARY SERVICES

In the treatment of trans people it has become customary to follow inflexible protocols and pathways, encompassing primary, secondary and tertiary providers; these pathways are applied to all trans people, regardless of their individual needs and circumstances. This suggests stereotyping, so the protocols are, therefore, discriminatory in their application with regard to some service users.⁵

Some local expertise already exists and a few trans people are benefiting from services delivered in their area. However, many are having to wait for long periods of time to be given appointments, and then are obliged to travel long distances to Gender Identity Clinics, at personal expense or, in some cases, funded by the Local Authority.

The Department of Health’s recent Procurement document invites us to challenge existing service provision, by securing delivery of service that is:

- Innovative;and
- more cost-effective.

It is proposed that a new approach, running in parallel with existing tertiary provision, will be cost effective because it is supplied locally under the auspices of primary care; it will be less stressful and expensive for the service users themselves; it will help to avoid the collateral damage to trans people's lives and those of their families by providing holistic psychotherapeutic support; and it will be likely to secure better mental health outcomes. Consequently, the ongoing cost to the NHS is likely to be less, and the service users are more likely to be making a contribution in the work place because of associated improvements to their mental health and wellbeing.

"A model for such locally accessed treatment is the Trans Care Project in Vancouver, Canada. When the centralised hospital gender dysphoria programme was closed in 2002, a dispersed community-based model of care was set up. Care for the trans population became the responsibility of clinicians with varying degrees of trans experience out in the community.^{6, 7, 8} Training was provided where needed.

GP CONSORTIA

"GPs are well-placed to design care packages for patients, which should lead to improved health outcomes and tighter financial control".⁹

The establishment of 450 GP consortia provides an opportunity to follow a similar model in the UK. It is not suggested that the existing model involving tertiary Gender Identity Clinics be discontinued, but that complementary services be provided locally that would be used in conjunction with, and perhaps, sometimes instead of, tertiary services. Each consortium may expect to be caring for approximately 45–50 trans service users; there may be around six to eight new cases a year.

TRAINING OF LOCAL CLINICIANS AND HEALTH PRACTITIONERS

It is proposed that five regional two-day training events are undertaken, which one GP and one mental health provider from each consortium attends. This would provide a level of expertise at primary care level which would be capable of initiating local mental health support that would be independent of the "gatekeeper" function currently undertaken by psychiatrists, usually as part of the GIC provision.

*"It is quite difficult to develop an authentic therapeutic relationship with a client when the initial diagnostic evaluation casts the clinician in the role of a gatekeeper who controls access to medical treatments."*¹⁰

The "gatekeeper" has the power to delay or deny treatment, which severely inhibits open and transparent communication with service users, who often feel obliged to present with an acceptable "script", which omits or minimises the real difficulties experienced in their lives. The dual role of the GIC clinicians in providing psychological support, as well as undertaking the "gatekeeper" function is inherently contradictory and less able to provide the therapeutic support needed by service users.

Training would be provided by a mixture of professionals and voluntary groups with expertise in the field. In addition an e-learning package would be developed to assist further training. This would be provided to all consortia.

Three main aims to be met by the local provision of services:

1. psychotherapeutic support for trans people at local level;
2. provision of local support for families of trans people, which is currently unavailable in most GICs; and
3. provision of an alternative way of meeting eligibility criterion 3 (Harry Benjamin standards of care)¹¹ for accessing hormones, by enabling three months psychotherapy.

MENTAL HEALTH AND SOCIAL SUPPORT FOR TRANS PEOPLE AND THEIR FAMILIES

1. Psychotherapeutic support for trans people themselves is currently not provided by some GICs, and even where it is, it cannot be accessed on a regular basis, partly because GICs don't have the human resources and, partly, because the travelling involved would be totally impractical.
2. Where family breakdown occurs, outcomes for trans people may be predicted to be less good.¹² An holistic view that has due regard for the trans person's situation in the family setting, can be very beneficial, by helping families to support their trans family member, and to process their own grief and anger.
3. Also, at the moment, in some GICs, the eligibility criterion for obtaining a prescription of hormones, is a prolonged period of real-life-experience. This involves a complete change of gender role in all circumstances: work, home, on the street, in leisure pursuits without benefit of hormones. This is not possible for all service users and unsafe for many. The alternative offered in the International Harry Benjamin standards of care,¹³ is a three month period of psychotherapy. For the reasons outlined above, this option is not offered to many trans people. Such a period of psychotherapy can only usefully be done at local level. The training programme proposed would enable independent counsellors to offer this service in reasonable travelling distance from service users' homes.

OVERCOMING DELAY

GPs, in “shared care” arrangements, currently provide hormone treatment: prescriptions and monitoring, following a diagnosis usually obtained at the GIC. This is typically preceded by an initial “differential diagnosis” by a local psychiatrist to establish that no “co-existing psychopathology exists”. This model presupposes that *all* trans people need to be declared free of psychiatric illness before a further assessment and diagnosis can take place. This presumption means that all trans people are subject to this element in the treatment pathway, regardless of need. This stereotyping creates a barrier to treatment and a delay, neither of which is appropriate in all cases.

The European Court of Justice v NHS (2006) defined the concept of “undue delay” as being delay based on an arbitrary timeframe, rather than a medical decision. The result, in this case, was that the PCT had to repay the costs of the private treatment undertaken by the patient.

Better training for GPs will enable them to make well-documented direct referrals either to GICs or to other gender specialists, in all cases where there are no psychiatric disorders. It also facilitates the development of local expertise in providing psychological support and oversight of the care pathway for trans people.

This ability would also be applicable when access to private care is sought. This may also be commissioned so long as comparable standards of treatment are provided; it is often less expensive than the GIC treatment. This approach is endorsed by the NHS Audit, Information and Advisory Unit’s report,¹⁴ and the British Medical Association¹⁵ and the new NHS approach to health service provision.

REFERENCES

¹ Equality Act, 2010 provides protection against discrimination in the provision of “goods and services” to those having the “protected characteristic” of “gender reassignment”. The Act replaces the Sex Discrimination Act (1999 regulations, and 2001 amendment of legislation).

² Human Rights Act, 1989, Article 8 Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right (includes those who are providing a public health service)

Article 14, engaged with Article 8, protects against discrimination and “provides compelling protection for trans people, respecting their autonomy and dignity”

“General application of rules, that may be applicable to individuals, but cannot otherwise be shown to have clinical justification, would be disproportionate.”

³ European Court of Justice versus the NHS (2006): the concept of “undue delay” means that delay may be regarded as “undue” if it is based on an arbitrary timeframe, rather than a medical decision.

⁴ Department of health Equality Impact Assessment of NHS White Paper.

⁵ Legal Opinion (not available) in regard to the Draft UK Guidance for treatment of Gender Dysphoria, www.rcpsych.ac.uk/pdf/Standards%20of%20Care%20Draft%20v8%203b%20final.pdf

⁶ Bockting, W O, Goldberg, J M (2006) Introduction: Transgender primary medical care. *International Journal of Transgenderism* 9(3/4):1.

⁷ Feldman, J, Goldberg, J, (2006) Introduction: Transgender primary medical care. *International Journal of Transgenderism* 9(3/4):1. This programme is supported by a comprehensive website at www.vch.ca/transhealth/

⁸ Dahl, M, Feldman, J L, Goldberg, J, Jaber, A (2006) Transgender primary medical care . *International Journal of Transgenderism* 9 (3/4):1. See also:

<http://transhealth.vch.ca/resources/library/tcpdocs/guidelines-primcare.pdf>

Recommended reading.

⁹ Department of Health Strategy (2010).

¹⁰ Lev, A I, (2004) *Transgender Emergence: Therapeutic guidelines for working with gender variant people and their families*. Ed. Terry Trepper, The Haworth Clinical Practice Press, New York, London, Oxford p 47–51.

¹¹ Harry Benjamin International Gender Dysphoria Associations standards of care, sixth version, 2001(now renamed World Professional Association of Transgender Health).

¹² Landén, M, Wålinder, J, Hambert, G, Lundström, B (1999) Factors predictive of regret in sex reassignment. *Acta Psychiatrica Scandinavica* 97(4):284–289.

¹³ Harry Benjamin International Gender Dysphoria Association’s The standards of care for the treatment of gender identity disorders—sixth version (2001) Symposium, Düsseldorf.

¹⁴ Schonfield, S (2008) *Audit, Information and Analysis Unit: Audit of patient satisfaction with transgender services*. The mean waiting time from specialist referral to first appointment at a GIC was 30 weeks and the median was 22 weeks. When looking only at those who attended a NHS GIC however the mean waiting time was 34 weeks and the median was 26 weeks. (N.B. waiting times vary from Clinic to Clinic and from year to year).

¹⁵ British Medical Association policy that states:

“patients who are entitled to NHS funded treatment may opt into or out of NHS care at any stage. Patients who have had private consultation for investigations and diagnosis may transfer to the NHS for any subsequent treatment. They should be placed directly on the waiting list at the same position as if their original consultation had been within the NHS.”

October 2010

Written evidence submitted by English Heritage (LOCO 31)

SUMMARY

- English Heritage (EH), as the statutory adviser on the historic environment to both national and local government, has a key interest in how localism is implemented, in particular with reference to the planning system.
- Whilst the full details of how localism will be encouraged in practice have not yet emerged, EH has always acknowledged that local communities play an important role in ensuring heritage and local distinctiveness is preserved and have structured our services to help.
- Protecting England’s unique heritage and tackling heritage at risk is dependent on local support, both from local government and from local people.
- For these reasons, English Heritage welcomes the localism initiative. This does not, however, obviate the need for a national approach to the recognition and protection of the Country’s heritage. Consistent and fair decisions relating to the historic environment must take into account all communities of interest, and not just the local.
- Alongside this national recognition and protection, we must ensure that communities can identify and protect what is locally significant. This complements, rather than competes with national designation.
- Places like Arnos Vale cemetery show that the historic environment can be a source of civic pride, and can provide a focus for local civic action. Where they have become neglected, the regeneration of local landmarks, with which communities have grown up, can act as a catalyst for the revitalisation of a whole community and increase social action.
- Changes in ownership can revitalise heritage assets and provide opportunities for local communities. English Heritage, with other representatives of the heritage sector, has prepared guidance on how to do this.
- There are over 400,000 people who regularly volunteer on heritage-related projects, equating to around £335 million of unpaid work (at the level of the minimum wage). This demonstrates the importance that people attach to their local historic environment.
- Encouraging local people to take responsibility for heritage-related projects increases local pride and sense of belonging, contributing to community cohesion and offering a purpose and a voice to groups and individuals. *Heritage Counts 2009* reported the result of research proving a direct link between heritage and how people identify with their local area.

1. *The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism*

Whilst there were benefits to the previous structure of regional bodies and policies (Government Offices, Regional Development Agencies and Regional Strategies), which supported an integrated, co-ordinated approach to decision making, there are also clear advantages to the more bottom-up approach which is likely to result from a policy of “localism” and the establishment of Local Enterprise Partnerships (LEPs). Communities and neighbourhoods, by being placed at the centre of decision making, will be better placed to support local heritage and distinctiveness.

Protecting heritage assets

There does remain a need for national consistency in deciding which heritage assets are and are not protected, to ensure those elements of the historic environment which are of national and international importance are identified and can receive proportionate protection. This is a role currently undertaken, within England, by English Heritage, in partnership with local and national government. EH has the expertise and national overview necessary for an objective justification for what parts of our built heritage or archaeology should be conserved for future generations.

However, the existence of a national designation regime does not preclude local input. The ability of local communities to protect our heritage through local listing and the designation of conservation areas is vital to the protection of locally valued heritage. *Planning Policy Statement 5: Planning for the Historic Environment* states that heritage assets which appear on the local lists will be a material consideration when assessing planning applications. The compilation of these local registers affords local communities a direct say in what is protected locally and how this helps to protect and shape the future character of their neighbourhood. Two

examples of where communities have taken an active role in developing local lists can be found in the work of Colchester Historic Buildings Forum and North Tyneside Council.

There is no conflict between these two levels of protecting our past, in fact they are complementary. Together they ensure that buildings, places, monuments and areas which we value as evidence of our past are not lost. They may be valued as buildings of national or international importance, or they can be local monuments that have a particular significance to a community. Both may justify protection.

EH's role as national adviser for the historic environment goes beyond that of managing the system of designation. We are well-placed to provide information and to promulgate best practice in the heritage sector (a role that may increase in importance with the abolition of regional bodies and pressures on local authority resources). For example, the West Midlands Farmsteads & Landscape Project has worked with all upper tier local authorities and partners across the West Midlands, to provide evidence on the character, condition and use of historic farmsteads—informing the policies and actions that guide local development.

Planning

There are some practical problems associated with devolving all plan making to a local level. It is important that there remains a layer of strategic oversight to ensure that developments in adjoining areas do not compromise the character of adjacent buildings and areas, or their value to other communities. Local Enterprise Partnerships clearly have a role to play in this regard, which must be taken into account as their role within the planning system is defined. There remains the possibility of tensions between the agenda of local people and the wider community of interest outside the local area. How these tensions are resolved will be key to ensuring that planning functions effectively.

There is a risk that as local authorities are forced to make difficult choices, such as making cuts to conservation services, they will not be as well placed to respond to greater community involvement. It is important that localism is not used as an excuse to make cuts. Establishing a system whereby communities are able to make a full contribution to local services, including planning, is likely to incur costs and will need to be adequately resourced.

Asset Transfer

As local authorities continue to explore ways in which they can cut costs, more are looking closely at disposing of high maintenance properties. In response English Heritage, along with partners in the heritage sector and the Asset Transfer Unit have recently published guidance on how to make transfers of heritage assets a success. Accompanying that guidance are a number of case studies which highlight the benefits of such transfers. For example:

- Hebden Bridge Town Hall is a good example of a neglected historic building being brought back into use by a range of local individuals and organisations. The building was transferred into community ownership by Calderdale Council last year, and planning and fundraising for its future community use is now well advanced. The intention is for the building to become a base for the delivery of public services, delivered by public and voluntary organisations; contain office accommodation for the local councils; and be used for meetings and functions.

We would urge authorities to look carefully at the option of transferring assets to community groups and not just seek to realise the highest price for any asset. Such transfers can, if properly undertaken, provide a community group with much needed stability (who then might also be able to become alternative suppliers of local services).

2. The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

The use of an integrated approach, such as that demonstrated by Total Place, focuses resources where they are most needed and can be deployed most efficiently.

An example of the contribution the historic environment can make to this agenda can be found in Worcester where a recent local authority-led project, part funded by English Heritage, has made positive difference to a local community, where funding for improvements to historic buildings has had wide ranging impacts. As part of an area partnership scheme the Foregate Street and Tything project had a three-year budget of £150,000 (50% Worcester City Council, 50% EH). Local small businesses were able to apply for small grants to make overdue repairs to the fabric of their premises in historic buildings in a prominent conservation area on a major route into the city. The scheme has resulted in the significant improvement, raising the profile of local historic buildings within a conservation area, and has attracted new customers for the refurbished shops leading to a resurgent local economy. In addition, shop-keepers have been able to convert unused first and/or second floor space into flats—which has attracted to new residents to an area that was slowly declining for lack of local population. These benefits all resulted from improving the condition of local heritage.

3. The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

The need for a national overview in heritage protection, providing a consistent approach, as well as benefitting from economies of scale, was made above. In addition, as local authorities, like all public bodies, are placed under tighter financial constraints, they are likely to begin to struggle to provide expert advice to local people. In such circumstances, the role of supra-regional expert bodies, such as English Heritage, will become more important. Such bodies are able to benefit from economies of scale develop best practice, and support local authorities as they seek to engage with communities.

4. The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

Place-based budgeting is designed to reduce duplication of effort and resources between different public bodies which operate within the same locality and to recognise that one funding stream can contribute to a number of different outcomes. We would urge Whitehall departments to follow this example. For example, as a result of Heritage Lottery Fund investment in the Sheffield Cultural Industries Quarter conservation area the proportion of respondents feeling safe or very safe rose from 73% to 98%. It will be important that such opportunities can be identified by the relevant government departments to that these type of initiatives can be replicated at a national level.

5. The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

It is important to establish that developing a localist, decentralised agenda is not, in itself, a way of cutting costs or increasing efficiency. Adequate support for improved community engagement, not only through improved delivery of information, but also through involving communities within the decision making process, may require significant investment. Using the historic environment as an example, if communities are to have a greater say in planning decisions—decisions on how neighbourhoods and areas will be developed or preserved—there will need to be adequate levels of staffing in the relevant local government departments. This does not mean that such departments should be protected from cuts, but there needs to be a realistic assessment of what the costs are of delivering the localism agenda. We are seeing a number of authorities exploring the option of shared services. Whilst this makes economic sense, it will potentially put decision makers further away from the local communities affected by their decisions. Any aspirations to increase community involvement must take account of this.

There is also the risk that localism will discourage the sharing of pilot projects from which best practice can be developed. This is of course an area where national bodies, such as English Heritage may have a more significant role—either supporting pilots ourselves or co-ordinating dissemination. Examples of this type of work include the West Midlands Farmsteads projects (see above).

6. What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

With the removal of centrally directed evaluation of the type undertaken by the Audit Commission, it is vital that local communities have sufficient information to make informed decisions regarding the performance of local public services. For our part English Heritage will continue to collect data on Heritage at Risk and make that data publicly available.

7. How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

No comment.

October 2010

Written evidence submitted by Gateshead Council (LOCO 32)

LOCALISM—A GATESHEAD APPROACH

1. The Council is supportive of a move towards greater localism. Many of the building blocks to respond to the localism agenda are already in place in Gateshead and the Council has developed an effective model of working which form a strong foundation for further devolution of functions and resources from Government.

2. The priority is delivering Vision 2030, Gateshead's long term and ambitious economic and community strategy. In order to achieve this, the Council has agreed three main aims in its approach to areas and neighbourhoods which are:

- To provide strong, visible and accountable leadership at all levels for neighbourhoods to the whole Borough.

- To engage communities and empower people.
- To deliver efficient, joined up, high quality services which meet the specific needs of each neighbourhood.

3. This involves:

- Strong and effective political leadership at all levels.
- Strong consensus based partnership working models and structures, supported by an effective scrutiny process.
- Well developed mechanisms to engage the voluntary and community sector in targeting services, working together to deliver clear commissioning priorities.
- A commitment to working with communities in neighbourhoods to develop a menu of engagement and support, ensuring effective local services.

4. The key messages in our response are:

- Leadership is important at all levels. In Gateshead, leadership and accountability is evident at borough wide, area and neighbourhood levels, through Cabinet members and ward councillor roles.
- Effective engagement with communities is important to deliver the priorities of Gateshead communities in Vision 2030. In order to achieve these priorities, the Council has devolved resources, responsibility and accountability to communities and organisations where appropriate (eg community asset transfer; volunteering).
- The freedom to develop multi-agency approaches at a local level can create more innovative and targeted services that better respond to local priorities.
- Place based commissioning and budgeting provide the opportunity to transform services at a local level, with the flexibility to respond to local needs.
- Local approaches provide the opportunity to develop more preventative and innovative responses to local need, designed with local communities, and these can generate additional efficiencies and savings through more effective targeting.
- An effective model of accountability for places is one that ensures accountability for outcomes and is supported by transparency of performance and effective scrutiny.
- The local authority working with its partners could be a convenor of this new model of localism.

INTRODUCTION

5. In Gateshead, we have sought to ensure greater engagement with local communities in the delivery of effective and efficient public services for which the Council and its partners are locally accountable. We see significant benefits in the development of a more localist approach, and have already put in place many of the building blocks to achieve this.

6. Gateshead's approach to working with local communities and partners from the public, private and voluntary sectors has been underpinned by recognition of the Council's role as place shaping through its democratic mandate. To ensure effective service delivery that meets aspirations and needs of the people of Gateshead, at all levels of working we seek to embed:

- Visionary and Strategic Leadership at all levels.
- Meaningful engagement with communities.
- A joined up approach to service delivery.

7. Gateshead worked with partners in South Tyneside and Sunderland to form one of the 13 Total Place pilots, which explored the benefits and opportunities for greater collaboration between public service providers, to make efficiencies and improve the experience of service users.

8. We have well developed relationships with partners through our LSP, which identify and ensure delivery of local priorities. Our LSP structures and Overview and Scrutiny arrangements provide a robust framework to ensure the accountability of local services. There is the potential to develop these further to ensure the effective delivery of the localism agenda.

9. Work has also taken place to develop area and neighbourhood working in Gateshead, to enable the creation of services and solutions that respond to the needs and expectations of residents in specific geographic areas. We are one of the few authorities to make a major commitment to area based working and coordination, through our system of Area Cabinet Portfolios and Area Forums, to better target resources based on more local needs assessments, recognising the need for effective leadership at an area level.

10. We have also developed and delivered a number of innovative approaches to local engagement and empowerment, including participatory budgeting; neighbourhood management; local asset mapping, community asset transfer and we will be exploring further opportunities through our BIG Local Trust proposals in Teams and Derwentwater.

11. This submission reflects our learning from these areas of work.

The extent to which decentralisation leads to more effective public service delivery and what the limits are, or should be, of localism

12. Summary of our approach and response:

- Strong and accountable leadership at all levels is vital to effective public service delivery, and decisions are best taken as close to communities as possible.
- Joined up and creative solutions are required for the complex factors facing some of our communities.

13. Gateshead Council considers that strong, visible leadership at a local level is key to local confidence and public trust. The Council aims to make Gateshead a better place and improve service delivery through visionary and inclusive leadership. The ability to achieve this at a local level is enhanced by decentralisation, as decisions are based upon the aspirations and needs of local communities, and local leaders are held accountable for the impact of decisions that affect their area.

14. Our past experience has shown that a number of the more entrenched problems experienced by individuals living in different communities cannot be addressed by individual services operating in isolation. Multi-agency approaches, developed at a local level can create creative solutions that better respond to local need. Our consideration of place based budgets (community budgets) through the Total Place pilot, identified the following reasons for decentralisation leading to more effective public services:

- Putting the user first—For us the starting point has been to find ways to improve outcomes for our service users and citizens, and to find efficiency gains through making the user journey better and more effective.
- Focus on prevention—We explored ways to move “up-stream” on the most difficult problems, focussing resources on prevention and looking at problems holistically, rather than intervening when problems become critical. We will also explore opportunities for transferring existing resources and service provision between agencies.
- Protecting valuable services to our communities—We are determined to protect the most effective frontline services through finding innovative and more effective ways of working.
- Delivering through Partnership—Based on clear business case and plans for leaner, efficient services.

15. The inclusion of all resources in a place-based approach to deciding how public money is spent will enable local areas to join up and take a holistic approach.

THE LIMITS OF LOCALISM

16. Centrally driven performance requirements, departmental budgets and sectoral cultures have created a hierarchy and silos that have, in the past, not been as responsive to the needs of local areas. There are significant benefits to having a less bureaucratic, centrally driven system, which will include a reduced performance management and monitoring regime and an increased role for localities (resources and responsibility). There will still remain a role for a reduced and streamlined central framework to ensure a consistent approach exists across localities of effective accountability and benchmarking.

17. Ensuring effective accountability is a challenge of localism that requires consideration to ensure appropriate structures are in place. The spatial tier at which accountability lies is an area of particular challenge, with the potential to create competing structures and mandates that can undermine the broader ambitions of localism. We feel that the most effective means of accountability will exist at local authority level, recognising the democratic mandate of elected Councillors in representing the communities they serve.

18. The establishment of democratically elected posts in areas such as Policing are likely to lead to difficulties in delivering the localisation agenda by creating confusion in the mind of the public as to who is responsible for community safety issues in their neighbourhood. This can risk undermining successful local partnership arrangements and single issue agendas. Developing democratic accountability structures across a broader spatial level can add to difficulties in delivering the localisation agenda with, for instance, in Northumbria the ratio being one person representing the views and concerns of 1.6m people.

The lessons from decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

19. Summary of our approach and response:

- Joining up service provision across partners at a Gateshead and an area level.

- Local flexibility to develop more preventative approaches to service delivery, and an increasing emphasis on the role of local agencies in changing behaviours.

20. In Gateshead, we are building upon the principles and lessons from Total Place to develop an approach to community budgeting. This is taking the form of a longer term financial strategy for the Gateshead Strategic Partnership which allows more flexibility in resource allocation and priority setting. This is supported by our approach to area coordination; bringing partners together to address specific local issues at an area level (Gateshead has identified five such areas).

21. This will enable us to realise the opportunities identified through the Total Place pilot to improve outcomes and make efficiency gains, and broaden these out to other areas as appropriate. Approaches will include:

- Improving integration.
- Reducing duplication.
- Taking a preventative approach.
- Sharing physical assets and infrastructure (including co-location of staff).
- Sharing back office functions (for example: recruitment, training, administration, communications, human resources).
- Single commissioning plan for all services in Gateshead.

22. Partners in Gateshead have begun to develop a collective understanding of the budget issues affecting all partners, to map spending proposals and commitments to enable a shared approach to budget setting, transforming services and achieving priorities. This work will inform Gateshead's consideration of Place Based Budgets.

23. It is recognised that some of our interventions will take longer for benefits to be fully realised, whilst the need to make efficiencies presents the need for a more immediate response. It will therefore be necessary to develop a staged approach, which identifies actions and impact in the short, medium and longer term.

24. The Council's Corporate Vitality and Scrutiny Committee has investigated how the Council and its partners can create a "thriving third sector". The Committee identified five Strategic Actions to increase the voluntary, community and social enterprise sector in Gateshead. One of these actions included the development of a commissioning framework to help develop the sector and its role in supporting communities and delivering services.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

25. Summary of our approach and response:

- The central role of local authorities as the accountable organisation for service outcomes and resource allocation.
- The need for more wholesale commissioning approaches from local government, and the development of a community budget and planning approach across all partners, led by the local authority.

26. Local Government has a key role in the decentralisation of local public service delivery. As a strategic leader of place, and the democratically accountable body, local authorities are best placed to co-ordinate an area wide approach with other partners.

27. As noted above, the progression of community budgeting will involve the Council leading the development of a local commissioning strategy. This will require Councils to work with partners to ensure robust research and intelligence functions to begin the commissioning process. An understanding of existing market activity within the area will also be necessary.

28. If the benefits of decentralisation are to be fully realised within an area, then it is essential that localism should extend to other local service providers, to remove existing barriers in relation to silo-ed approaches working and individual organisational cultures.

29. The voluntary and community sector (VCS) will be key to enabling a more decentralised and locally driven approach, building upon its ability to engage with communities and deliver services. This approach is being taken forward in Gateshead through our process for engaging the sector in the major decisions on choices and options for the Council's future model of service delivery.

30. Decentralisation will require renewed approaches to governance arrangements, ensuring accountability to local people. There is further discussion of this below with regards to Overview and Scrutiny and Partnership arrangements. This will also extend to publication and communication of performance data, which enables local people to make informed judgements about local decision making and the provision of local services.

31. Our LSP—the Gateshead Strategic Partnership—comprises a Steering Group and four themed partnerships to deliver Vision 2030. Cabinet Members with responsibility for the relevant theme portfolios chair the themed partnerships, though the vice chairs come from partner organisations to ensure an effective partnership approach is maintained. We believe that this provides the necessary clarity, consistency and accountability for our partnership work across the borough.

32. Our approach to area working also demonstrates effective accountability for the delivery of local services. We restructured our Cabinet Portfolios resulting in five Area Portfolios and five Themed Portfolios. Area Forums have been established in each of the five areas of the borough. Chaired by the Cabinet Member with responsibility for the relevant area portfolio, these enable public sector partners to re-design their services and pool resources in their area to meet local need. The work of the Area Forums is supported by a number of new area management structures and associated arrangements such as shadow youth forums.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

33. Summary of our approach and response:

- A constructive and positive partnership between central and local government is essential.
- A continued relaxation of project and service specific funding, monitoring and accountability requirements.
- A commitment to the recognition of the role of local authorities as the accountability hub for decentralised local public service delivery.

34. The Total Place pilot highlighted a number of actions on the part of Whitehall that will support effective decentralised public services. In the main, these related to the need for Whitehall to act in a more joined up way, which could be filtered to sectors and organisations at a local level, and the need for increased freedoms and flexibilities in the use of funding.

35. A well established relationship with Whitehall will be necessary so that colleagues at both central and local levels can share experiences of local issues and challenges, and develop mutually agreed approaches. This will enable national programmes to be brought together at a local level and practical solutions found to strip away costs and bureaucracy.

Actions that were identified through our Total Place pilot work were:

- empower local areas without being restrictive in terms of funding, reporting, data sharing;
- reduce short term funding and remove ring fenced funding to enable a longer term and more sustainable approach that can respond to changing local circumstances; and
- provide flexibility to break from national campaigns, recognising that some have less relevance at local levels than others, and it would be more effective if resources (egknife crime) could be allocated to locally defined priorities.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

36. Summary of our approach and response:

- Ensuring that changes in public service delivery are based on intelligence, involvement of local communities and assessments of local need.
- Freedom to innovate locally will also enable local partners to work together more innovatively in joining up services and delivery, and being held to account locally for performance and efficiency.

37. Locally relevant and tailored solutions will enable more effective targeting of service provision in a time of reduced budgets. This will help to ensure that available funding is used in the most effective way, and that the commissioning, and decommissioning of services can focus on the areas of greatest need.

38. Local governance arrangements will ensure that all relevant stakeholders are engaged to inform priority setting and decisions effecting service provision, and ensure those decisions are fully accountable to local people. In Gateshead, partners have identified a shared vision and priorities for the future in our Sustainable Community Strategy, Vision 2030. Through our existing partnership structures, we are beginning to develop a collective understanding of the budget issues affecting all partners, to map spending proposals and commitments to enable a shared approach to budget setting, transforming services and achieving priorities which will help realise the savings needed across all partner organisations.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

39. Summary of our approach and response:

- Accountability to citizens, backed by increasing transparency of data on performance is more effective than accountability to Whitehall.
- There should be more emphasis on the role of scrutiny in holding all partners to account but that this should be focused on the principles of consensus and shared accountability for outcomes.

40. Oversight of performance will differ between service areas. Closer working with Government can enable local areas and central government to build a better understanding of potential long term savings so that the right measures of performance can be jointly agreed.

41. A reduction in the inspection regime is welcomed, and Gateshead is supportive of an approach that diverts resources to the process of identifying need, planning and targeting resources effectively and being held accountable locally for performance management and effective delivery of local public services.

42. Reduced inspection and reporting requirements should be accompanied by greater freedom to innovate to address local needs and deliver local objectives. There is a need for a more “service led” improvement process, driven by a focus on outcomes.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

43. Summary of our approach and response:

- A strong emphasis on partners holding each other to account for delivery and outcomes.
- The role of scrutiny and the extent to which this role can be enhanced as a place based approach to outcomes for example scrutiny of the proposed Health and Wellbeing Board.
- An increasing emphasis on outcomes and place based accountability, with strong citizen involvement.

44. Ensuring effective accountability is a key challenge associated with decentralisation.

45. In Gateshead, partners currently hold one another to account for the delivery of the priorities within our Sustainable Community Strategy (Vision 2030) and our LSP structures. This is strengthened by the Council’s Overview and Scrutiny arrangements.

46. Current approaches to Overview and Scrutiny provide clear advantages in terms of accountability and decision making. There has been considerable effort to ensure that scrutiny committees are an integral part of the process of holding the Council to account, and as a key part of the policy development and service improvement process. Our approach also extends to our work with partners, providing a more holistic accountability for place. Partners and the Council jointly set the Scrutiny Committees’ work programmes and jointly agree to participate in scrutiny as required.

47. There is scope to extend scrutiny’s powers to cover the range of partners’ activities, including those public services determined at a national level. This will enhance the Council’s place shaping role, ensure greater democratic accountability and enable Overview and Scrutiny to drive improvement. We would also support this extending to scrutinise all public expenditure in local areas, where appropriate extending to private investment, for example transport utilities.

48. The Northumbria Police Authority model provides an independent, fair and transparent means of local accountability, which provide scope to be built upon. The mix of democratically elected Councillors and independent members allows the police authority to have a strategic overview and secure an effective and efficient police service with a mandate from local communities. We feel that the key to improved local accountability is to further enhance the relationship between the local authority and the police authority, which could be lost by the appointment of a PCC at a broader spatial level.

49. To further ensure effective local accountability, we involve local people in setting the Scrutiny Committees’ work programmes and informally co-op local community groups onto Committees where appropriate.

Written evidence submitted by Westminster City Council (LOCO 034)

1. EXECUTIVE SUMMARY

1.1 Westminster City Council welcomes the opportunity to contribute to the Communities and Local Government Select Committee inquiry into the terms of reference for Localism.

1.2 Central Government's definition of decentralisation is the devolution of powers to citizens and grass roots organisations. It identifies local government as a barrier to this process, when in fact our democratic accountability makes us central to any model of localism, and enablers of Big Society.

1.3 We recognise and stress the importance of citizens and grass roots organisations in decentralisation. For the purpose of this submission, however, we have focussed on the relationship between central and local government.

1.4 We welcome the Coalition Government's commitment to localism and are committed to working with them to implement a decentralised model of government. To do this, we seek four key commitments:

- A fundamental redress of the roles and responsibilities of central, regional and local government.
- Freedom from the burden of regulation from the centre, including performance management, statutory guidance and professional dictats.
- Full financial flexibility to manage budgets according to local needs, invest in preventative service and collect revenue.
- Freedom to generate income.

1.5 We submitted a paper "A New Settlement for Government" With Hammersmith & Fulham and Wandsworth, to the Chancellor of the Exchequer in July 2010. This is appended to this submission and provides further evidence to support our call for decentralisation.

2. The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

2.1 We believe that decentralisation leads to more effective public service delivery. Local authorities are closer to the communities they serve than central government and are better placed to understand their needs.

2.2 Local councils are democratically accountable so will shape services in response to those local needs; making them more effective, targeted and flexible.

2.3 The roles and responsibilities of central, regional and local government need to be reconsidered to achieve decentralisation. We believe that there are only two limits to localism:

- Spatial—where efficiency or effectiveness can be increased on a broader geographical level, because the services affect a broader area.
- National co-ordination of systems—where there would be high levels of duplication and inefficiency if local areas were each creating their own system for a nationally driven service.

3. The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

3.1 We supported the Total Place pilots and had previously carried out our own spend-mapping work. Our work highlighted the complexity of funding models in attempts to create an area budget.

3.2 The Total Place pilots showed the duplication that comes from multiple public bodies working to achieve the same goals in silos. We learned that localism requires local democratic control, with clear and strong local accountability; liberalisation from central government, including full financial flexibility and freedom to design and manage services locally; pooled budgets to support single service delivery models; and more intelligent funding mechanisms, which include models and incentives that reward success in preventative work.

3.3 It is clear that at the right geographical level, integrated services would result in better value for money.

3.4 However, there is currently a natural movement away from this. Police and PCTs are divided along different geographical lines and mergers are taking place across local authority boundaries which will mitigate place-based budgeting. This will pose problems for localism in the future.

4. The role of local government in a decentralised model of local public service delivery, and the extent to which localism can & should extend to other local agents

4.1 We recognise that decentralisation does not stop at local government level, and we are committed to giving more power to grass roots organisations through Big Society.

4.2 What must also be recognised, however, is that local authorities are central to making a decentralised model work, because they are the only locally elected, democratically accountable body. They are the enabler of Big Society and localism, not the barrier that central government suggests. The bureaucracy which surrounds local government is too often the result of the burden of regulation imposed by central government itself.

4.3 We see the local authority role as one of leadership and commissioning, not necessarily service delivery. The Westminster City Council approach is based on a shift to a smaller, more effective commissioning core; a commitment to using the best and most cost effective providers and a fundamental rethink of service delivery models.

4.4 Community groups, voluntary sector and private companies all have a role in providing public services. Their detailed knowledge of service areas and the local community are key to devolved localism.

4.5 Westminster City Council welcomes the enhanced role for local government in leading local strategic thinking on health and wellbeing as outlined in the NHS White Paper (Equity and excellence—liberating the NHS). This provides a key opportunity to further integrate health and social care services to produce efficiencies and a smoother service for patients/clients.

5. The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

5.1 Currently, there is a raft of centrally imposed legislation, targets, and funding restrictions that local service providers must conform to. Whitehall currently interferes in how local government meets the needs of our communities, to the extent that we are instructed which senior managers to employ (eg we are statutorily required to have a Monitoring Officer and Director of Children's Services), and duty bound by legislation to produce a range of strategies, which may not be best fit for the locality.

5.2 The Coalition Government has committed to reducing this over-regulation, but more still needs to be done.

5.3 Attitudes towards local decision making need to change. Government must recognise the legitimate democratic accountability of local government; accept that there will be diversity in the way services are delivered in different localities; and let local Members be accountable if they get it wrong. There must be greater trust in the decisions local people make at the ballot box.

5.4 To achieve truly decentralised public services, Whitehall departments must also stop considering issues in silos. Service users' problems are complex and do not fall neatly in line with departmental structures; they can cut across service areas.

5.5 Whitehall should not be deterred by the negative "postcode lottery" argument, and instead replace it with a positive story of localism.

5.6 The customer must be put at the centre of service delivery, but ring-fenced funding acts as an obstacle to this. One example of an integrated, intervention service that cuts across service silos is the Family Recovery Programme (Appendix 1, pg 13). For such services to continue, however, a new funding mechanism is required; not only to cut across funding streams, but to ensure localities feel the financial benefits of such successful projects.

6. The impact of decentralisation on achievement of savings in the cost of local public services and the effective targeting of cuts to those services

6.1 We refer you to our *New Settlement for Government* paper, attached at Appendix 1.

7. What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

7.1 Regulation of local authority activity is complex and has increased markedly since 2000. English local government suffers from probably the most onerous regulatory regime of any western country.

7.2 In total, there are over 2,500 separate pieces of data councils have to provide to government and quangos. In Westminster, we estimate that up to £1m is spent annually complying with government requests at a time of budget restraint where we can we want to refocus this resource on providing valuable local services.

7.3 We welcome the decision of the Coalition to cut local government inspection and abolish the Comprehensive Area Assessment, as well as plans to phase out grant ring fencing, increase transparency around local spend and performance and wind down quangos. We know, however, that there is much regulation by the "back door" beyond inspection events; for example, funding conditions, detailed regulatory regimes (especially in relation to children and adults services) and statutory reporting back to government departments.

7.4 While we accept the need for some regulation in essential services, a proportionate approach is required which supports local legitimacy and is linked to genuine risk.

7.5 CLG should operate in a gate-keeping role on behalf of all government departments and agencies to ensure that there is a live business need for current data from local authorities and duplicate requests are eliminated.

7.6 An audit of the regulation/data collection overhead between central and local government should be carried out. Where data collection is considered essential for central government, the local authority or third party should be paid for collection. Where data collection is mutually beneficial to Government and the local authority, innovative approaches for data collection should be considered, to reduce burdens where possible.

8. How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

8.1 Councillors are directly accountable to their local voters and taxpayers for outcomes, and for the expenditure of money raised locally; and directly accountable to Parliament for the proper use of nationally-raised taxpayers' money voted by Parliament.

8.2 Currently however, accountability is predominantly upwards, because the majority of local authority budgets come from central funding streams. There is a clear line of accountability to local residents, but it is unbalanced because while there is a strong focus on council tax, it only makes up a small amount of councils' budgets.

8.3 A shift is needed so that more of the money spent locally is raised locally. This could be raised not through increasing council tax, but through business rates, fees and charges. We would argue to keep some of the business rates we collect. Businesses in Westminster contribute £1.2 billion in business rates to the national economy, but the council receives only 12% of this to invest locally.

8.4 As previously discussed, local government should have the financial flexibility to generate income. Councils should be given the power to raise fees and charges. Currently nationally-set fees and charges, for example in planning and licensing, mean that local authorities are unable to recover their costs (see Appendix 1, pg 5).

8.5 Estimates put the number of quangos at around 1,200. The coalition government has made a useful start in getting rid of the most excessive. Local councils with their clear democratic mandate have a duty to hold to account (on behalf of local taxpayers) the remaining quangos, and act in a scrutiny function.

9. The Committee would be particularly interested to hear of examples, from the UK or overseas, of models of decentralised public service delivery from which lessons could be learnt for further decentralisation in England

9.1 Examples of decentralisation in Westminster have been used as case studies in the *New Settlement for Government* paper (Appendix 1). Integrated Offender Management and the Family Recovery Programme highlight the innovation and efficiency of local government. They show our commitment to localism, and we see this best implemented through integrated, preventative services which provide savings for the medium to long term.

9.2 Full financial flexibility and freedom from the burden of central micromanagement and regulation are key themes running through this submission. These examples of decentralised public service delivery can only continue to be successful with devolved budgetary arrangements and new funding mechanisms such as payment by results.

10. RECOMMENDATIONS FOR CHANGE

- The roles of national, regional and local government should be agreed through the Decentralisation and Localism Bill and clearly communicated with the electorate.
- Decentralisation of power to local authorities must come with full accountability for locally led services and complete financial flexibility to provide services best suited to the local community.
- Intelligent funding models should be introduced including incentives that reward success.
- Whitehall must free councils from the burden of regulation.
- An audit of the regulation/data collection between central and local government be carried out. Where data collection is considered essential for central government, the local authority or third party is paid for collection. Where data collection is mutually beneficial, innovative approaches for data collection should be considered to reduce burdens.
- CLG should operate a gate-keeping role on behalf of all government departments and agencies to ensure that there is a need for current data from local authorities and duplicate requests are eliminated.
- A proportionate approach should be taken to regulation which supports local legitimacy and is linked to genuine risk.

- Councils should be able to keep some of the business rates they collect as well as have the power to raise their fees and charges and generate income.
- Local councils should have the power to hold unelected quangos to account.

October 2010

Written evidence submitted by Communiqué (LOCO 035)

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

The most profound benefits of localism are:

- the ability of local councils to innovate and set local objectives in ways which work better for their local area and exploit local social, economic and geographic peculiarities.
- the ability of local people to engage more in local decisions, making them feel more empowered and less critical of authority as they understand why decisions were made; and
- the ability of both local people and councils to intervene to prevent negative local outcomes which could otherwise be produced by a more bureaucratic system.

The limits, or dangers, of localism are:

- the views of local people are not accurately represented and could be biased by vocal minorities. There is a significant risk that the actual views of local people will be drowned out by those who shout the loudest, are NIMBYs or misunderstand the implications of change to the detriment of the community;
- Council inertia provoked by a lack of direction from above and/or a breakdown in communication with the public;
- the best interests of local people are not served, either by misrepresentation—deliberate or otherwise—of local sentiment, or the unintended consequences of decisions made by citizens with an incomplete understanding of the consequences of certain decisions; and
- there is a real risk that instead of enabling consensus and co-operation amongst local communities, the opposite could happen and localism is used as a toll to stifle rather than stimulate development.

Most of these dangers can be mitigated through meaningful engagement between the public and local authorities as well as ensuring that informed debate takes place locally. These are both aspects of an effective consultation process.

It will not be enough to rely on an expanded role for Councillors in channelling public sentiment, as most elected members will at some point experience a conflict of interest in relation to their work on council committees. Expanded and direct public engagement will therefore be needed on the part of council departments.

When determining what the views of local people are, it is important to understand that respondents to consultations which simply involve basic contact methods such as a letter or advertisement are self-selecting and often over-represent those people who are angry about or opposed to a proposed course of action. Reaching the majority of reasonable local people, including those in hard-to-reach groups, and giving them opportunities to respond discreetly and independently will be essential if localism is to assist in delivering rather than hampering public services.

Furthermore, responses can be based upon an incomplete understanding of the wider context of proposals such as a policy context or a local need which had not been hitherto been perceived by the respondent. It is telling that the number of stated objectors tends to fall off dramatically when comprehensive information about the context of the decision to be made is provided to the general public.

The need for debate to be informed has been recognised since the earliest inception of democracy, and is no different today. In terms of public engagement, this means applying a process which first sets out the context of decisions to be made.

Next, it means using a variety of methods and techniques to engage with what is often a cynical, time-poor or socially disengaged audience often with little interest in the issue being considered. Equally, there will be those hard-to-reach groups who, for a variety of cultural, social or faith reasons, may wish to engage, but do not typically respond to such consultations. Local authorities' communications strategies should take into account the fact that it may be possible to build an ongoing relationship with the public, as consultations are promoted from marginal, rare activities to a higher-profile part of the policy development process. The costs of engagement may be expected to diminish as the quality, reach and depth of engagement increases, but only if the process is managed correctly.

Local authorities which fail to instigate effective and comprehensive community consultation and engagement risk being perceived by the public as failing to deliver localism.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

Without external objectives, there can be inertia of local government activity and a lack of public service delivery. Centrally-specified objectives can of course have an extremely wide scope, such as simply being a requirement to produce guidelines for how much housing or regeneration is desirable in each area. These targets can themselves be agreed with local people and much work may have already been done locally via the production of LDFs. The role of Whitehall should be to set the overriding categories which need to be addressed by local authorities. Local authorities may then add extra categories to reflect local priorities.

It is important that Whitehall creates a requirement for local authorities to raise these issues meaningfully with local communities, and may play some role in policing local authorities to ensure they adhere to what policies are agreed with the public.

Whitehall might further wish to require local authorities to explicitly announce localism to their local audiences, perhaps via advertisements, newsletters and other communications to households. Whitehall should also encourage local authorities to embrace new media consultation techniques that are becoming widely used. This would make Localism and the Big Society seem less like some distant policy initiative and more like something which can affect the everyday lives of citizens. At the same time, it will be necessary to encourage local ownership of localism as a means to delivering what's considered best for the community rather than the risk of it being used as a means for objection. Additionally, it might focus minds within local authorities as to how they intend to deliver this agenda in their area.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery?

Councils should be free to make their own policies, but then be held more strictly to those policies. In some cases, councils have found themselves fighting costly Judicial Reviews against those who disagree with their application of policies. In others, less than ideal decisions have been taken by councils operating under threat of Judicial Review. Finally, both businesses and the general public balk against this lack of policy certainty. It would be in the public interest to employ tighter and more binding policy at the local authority level, decided at the local authority level with an oversight function to provide a cheaper alternative to Judicial Review. This oversight could be provided regionally via LEPs or centrally and feature a limited appeal function.

October 2010

Written evidence submitted by RIBA (LOCO 36)

INTRODUCTION

The Royal Institute of British Architects champions better buildings, communities and the environment through architecture and our members. The 40,000-strong professional institute is committed to serving the public interest through good design, and represents 85% of registered architects in the UK as well as a significant number of international members.

SUMMARY

The RIBA is responding to this inquiry focusing on the question:

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

Effective public service delivery includes the provision of housing and planning services within a local framework of delivery. The RIBA supports a focus on local communities and the decision to put them at the heart of planning decisions. However, this must not impact adversely upon the quality of our built environment. New local policy initiatives must ensure supra-local planning is carried out where necessary. Planning decisions with cross boundary impacts need to be made at a suitable level. Local Enterprise Partnerships (LEPs) would provide an ideal setting for these decisions.

To ensure that infrastructure projects are successfully delivered in a locally-led system, the RIBA recommends that LEPs should have a role in assessing the need and opportunity for strategic planning and delivering major infrastructure, development or regeneration projects that impact across local boundaries. In some cases LEPs will also need to work with other LEPs and Local Authorities to deliver these projects. Examples of these sorts of projects include area regeneration; major retail or commercial developments; transport and energy infrastructure; large housing developments; and flooding prevention and management.

LOCAL OR LARGER THAN LOCAL?

It is essential to have structures and mechanisms in place which enable the delivery of the projects necessary to support new development and economic growth, and manage activities that cross Local Authority boundaries. The Regional Development Agencies currently play an important role in delivering strategic planning objectives, and we believe that alternative methods of delivering the built environment need to be established once the RDAs are abolished. Many Local Authorities do not currently have the skills or expertise to deliver strategic planning and economic development priorities.⁵¹

ROLE OF PLANNING FOR LEPs

If Local Authorities are to be real leaders in development, they will need to work with a range of partners, including neighbouring Local Authorities. They will need to take a strategic approach to planning policy to ensure there is an adequate delivery of housing, and of the infrastructure required to support development.

We believe that LEPs would seem to be the natural place for strategic planning decisions to reside. To ensure that planning projects are successfully delivered in a locally-led system, the RIBA recommends that LEPs should have a role in (1) assessing the need and opportunity for and (2) strategically planning and delivering the following:

- Transport.
- Energy infrastructure.
- Significant housing developments.
- Waste, refuse and recycling.
- Significant economic developments (eg superstores or major retail parks).
- Flood defences.

These are the minimum requirements for LEPs to be useful, and the most appropriate areas to take on critical functions that might otherwise be lost through the abolition of regional development agencies.

Given these minimum requirements, it would make sense for their remit to extend further and take up other elements previously governed at Local Authority level, in order to facilitate delivery of its economic strategy. In particular, Planning resource for large schemes should be pooled at LEP level. This will be more efficient and effective in dealing with larger planning applications. Better decisions about these applications will be made faster, and Local Authorities will be able to focus on smaller, local schemes. LEPs should also therefore have responsibility to:

- Create a joint Spatial Plan for the authorities involved in the LEP, covering the issues listed above.
- Pool some local authorities' planning resource to deal more efficiently with those economically and socially important schemes.
- Run Design Reviews⁵² which review those significant schemes (using national planning guidance, and local authority guidance specific to that location).
- Have a single design guide aligning local authority design criteria and policy, to relate to the types of development listed above.

DELIVERING BETTER QUALITY DEVELOPMENT

It is essential that LEPs and the planning system deliver a high quality built environment. Regional Design Review panels, currently funded by the RDAs, operate across most regions. They assess large schemes and have played an important role in maintaining the standard of significant new developments and ensuring that design considerations are taken into account pre-application. The abolition of the RDAs will mean that the future funding of these panels is uncertain.

We suggest that design review should continue to be conducted. This could be provided at a LEP level or, as it does already in many areas, at a Local Authority level.

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⁵¹ For example, a recent Training in Development Economics report sponsored by a number of bodies including the CLG, HCA, RTPI and RICS, concluded that planners and councillors need more training in the economics of the development process.

⁵² A panel of professionals including architects, landscape architects and others to assess design quality of proposed schemes to support the Local Authority, the applicant and the architects to get the best scheme for the area.

Written evidence submitted by the Theatres Trust (LOCO 37)

SUMMARY

- The Theatres Trust Act 1976 states that The Theatres Trust exists to promote the better protection of theatres.
- The Trust believes that there are real benefits to be gained from place-making and working in partnership, with local councils and businesses preparing their own plans for improving planning and enterprise.
- The Trust considers that theatres operated currently in the public sector would be strengthened by working in partnership with those in commercial or voluntary sector ownership.
- The Theatres Trust believes that by entrusting local authorities and individuals within an organisation to obtain accurate information and use their experience to provide appropriate analysis, the local authorities will be able to deliver more effective and first-rate public service delivery.
- It is important that reduced public sector budgets focus on creating the right environment where localism can thrive, and that local people have affordable access to facilities that enable them to contribute positively to their communities.
- In the case of subsidised theatres and the arts, most capital funding is delivered through Lottery funding nationally provided by the Arts Council, the Big Lottery Fund and the Heritage Lottery Fund, and is delivered through a regional framework. There are clear opportunities to create a common framework for the distribution of public funds into capital projects that reduce the levels of time spent on administration.
- The expertise of bodies such as The Theatres Trust, should be designed into new systems to harness the expertise on behalf of the community.
- Local freedom to allocate funding should be informed by nationally applicable policies and guidance on heritage, architecture, planning, and arts and culture, and theatres from consultees such as The Theatres Trust.

SUBMISSION

1. The Theatres Trust welcomes the opportunity to give evidence to The Communities and Local Government Committee inquiry into localism and the decentralisation of public services.

2. The Theatres Trust Act 1976 states that The Theatres Trust exists to promote the better protection of theatres. It currently delivers statutory planning advice on theatre buildings and theatre use through The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO), Articles 16& 17, Schedule 5, Para (w), requires the Trust to be consulted by local authorities on planning applications which include “*development involving any land on which there is a theatre.*” This applies to all theatre buildings, old and new, in current use, in other uses, or disused. It also includes ciné-variety buildings, structures that have been converted to theatre, circus buildings and performing art centres.

3. The Theatres Trust also encourages applicants and developers to contact it at pre-application stages to receive advice that will identify any planning, design and environmental issues early on that could impact upon viable theatre use, or the potential for such use, and also on the integral design and strategic location of new theatres. In addition, the Trust works with local community groups and theatres advising them on ways in which they could take forward capital plans to secure the future of theatres in their area and ways in which they could be protected.

4. The Trust regards theatre provision as essential in creating and maintaining employment, enterprise and business start-ups in a local area. Cultural industries, in particular theatre, attract leisure spend from audiences, visitors and their communities. They are also places where people volunteer and feel part of their local community. Theatres are an example to others looking to achieve the aspirations of the “Big Society” as many theatres actively engage with volunteers and rely on volunteers for their successful operation.

5. The vision for the coalition government’s “Big Society” is one which empowers local people and communities, encouraging participation, decision making, volunteering, community organising, and involvement in local fundraising activities. This already happens in many theatres.

6. The Trust believes that there are real benefits to be gained from place-making and working in partnership. This is localism in action, with local councils and businesses preparing their own plans for improving planning and enterprise. Local Enterprise Partnerships will need to help generate more private sector jobs, and theatres are well placed to offer new opportunities for cultural and creative entrepreneurs and local businesses.

7. Decentralisation provides the opportunity to empower local communities and public sector employees to act to improve deficient or inefficient areas immediately without approval from central government. The Trust considers that theatres operated currently in the public sector would be strengthened by working in partnership with those in commercial or voluntary sector ownership. A number of cultural and leisure services currently operated by local authorities are also looking to establish trusts which will provide new opportunities for local involvement, management and decision making. It is important to recognise, however, that most theatres

currently require public subsidy to provide equal access to local communities, particularly those who are excluded socially, economically or educationally. Decentralisation must be managed well to ensure that any actions continue to protect services to those most at risk of disengagement.

8. Another advantage of decentralisation is it allows managers of Local authority business areas to use their first hand local knowledge and experience to improve their areas. The Theatres Trust believes that by entrusting local authorities and individuals within an organisation to obtain accurate information and use their experience to provide appropriate analysis, the local authorities will be able to deliver more effective and first-rate public service delivery. For example new structures could be designed to release time from administration to focus on local delivery of arts and culture to local people.

9. However, there might be lack of uniformity and inconsistent procedures and decisions as each local authority will have the power to formulate its own policies, procedures and decisions without recourse or regulation. This is particularly the case in relation to planning and the historic environment. The Theatres Trust provides consistent expert advice and policies on theatres throughout the UK. It uses its knowledge and expertise with local authorities and operators to inform decision making that aims to enhance understanding and appreciation of theatre buildings and their use in local contexts. We would be happy to act as a voluntary partner or offer advice to local authorities planning new theatres.

10. It is the Trust's view that Total Place was an approach to "public value" that included both improvement and innovation as well as guarding the value and cost to the local individual by each public service. Total Place was also an attempt to bring all of the contributors to public value together in one place. We were however concerned that Total Place did not include cultural provision sufficiently in its planning or delivery and any future schemes should be designed to ensure culture, arts and the historic built environment are fully integrated.

11. Within the concept of localism there is the potential to save money, however consideration needs to be given to the level to which economies of scale start to be lost in the delivery of services when they are more locally provided. In light of the need to reduce public spending the Trust is witnessing, in contrast, that as local authorities are planning cuts they are looking to combine services across boundaries with other authorities in areas such as planning and culture, resulting in less focus on local delivery, not more.

12. Total Place considered what local individuals wanted from a local authority and focussed on the connections between different players. It totalled up all public sector spending in a single area in order to identify and eliminate wasteful overlaps. This is to be welcomed, but in an environment where public spending is being reduced if localism means more power in the hands of local people in relation to how decisions are made, there is a risk that this approach will affect the budgets available for arts and cultural infrastructure and buildings, in particular where projects are being delivered to support work with the more vulnerable members of our society. It has been demonstrated that arts activities help young people to become more responsible citizens and are less likely to engage in anti-social activities. It is important that reduced public sector budgets focus on creating the right environment where localism can thrive, and that local people have affordable access to facilities that enable them to contribute positively to their communities.

13. There has been a movement to try to make public services more citizen-focused, in particular, with Local Area Agreements (LAAs) for example, but in the Trust's opinion, there is still a great deal to do to tackle the wider cultural and structural issues.

14. In terms of impact, a major assumption of decentralisation is that by transferring responsibilities of managing funds and personnel from central government to local authorities, the delivery of services will improve. It is also assumed that by making the local authorities directly responsible for commercially delivered service provision, the local authority will be more active in mobilising local resources in order to finance their programmes. Consideration has to be given to the risks of increasing costs in areas where economies of scale are in place to keep costs down, particularly in light of reductions in the levels of private and public sector funding at the local level. In the case of subsidised theatres and the arts, most capital funding is delivered through Lottery funding nationally provided by the Arts Council, the Big Lottery Fund and the Heritage Lottery Fund, and is delivered through a regional framework. Local authorities have already chosen how they would allocate their funds to arts and culture according to local priorities and until recently worked with their regional development agency to secure investment for local cultural projects that were of regional economic significance. We anticipate Lottery funding increasing post 2012 and we welcome this. The Trust's concern is that the availability of regional funding is currently uncertain. However, and wherever it is managed, the overall cost of managing these funds should be reduced where at all possible and levels of administration and monitoring should be designed so that they are simple to manage and not an onerous burden on recipients. There are clear opportunities to create a common framework for the distribution of public funds into capital projects that reduce the levels of time spent on administration. The Theatres Trust would be happy to advise further.

15. Therefore, the main action of decentralisation should be to increase opportunities for local communities to question the accountability and use of funds and enable them to be able to easily and directly access resources that will support their own development. However, this needs to be balanced with provision of a framework and opportunities for local organisations and individuals to be able to work jointly with each other to ensure that duplication is avoided. This can be achieved through the devolution of process to the local authorities, giving them, for example, the ability to structure local government administration, and design and

organise logistics of infrastructure and service provision which mobilises the involvement of local people and community based organisations and businesses.

16. However, it is also at the local level where systems of environmental management and control become complex, and rigour is needed to achieve sustainable regeneration and development. The expertise of bodies such as The Theatres Trust, should be designed into new systems to harness that expertise on behalf of the community, for example, in the case of the Trust, when work is taking place to existing theatres and on planning for new theatres. Integrating advice from statutory consultees, such as The Theatres Trust will help to empower local people and local authorities to manage their resources efficiently and help them to manage building and operational costs more efficiently.

17. Adequate financing and clear delineation of administrative roles we believe is essential to decentralisation models. For example, local authorities that are likely to inherit new responsibilities may not be able to maintain the level of service previously provided. Local freedom to allocate funding should be informed by nationally applicable policies and guidance on heritage, architecture, planning, and arts and culture, and theatres from consultees such as The Theatres Trust. By using and extending the Trust's expertise, and by being able to share its knowledge and experience on theatres with local authorities further, the decentralisation of funds could be a catalyst for collaborative working in the theatre and arts sector, distributing funds more transparently, effectively and efficiently to get the best possible outcomes for theatre and local citizens.

October 2010

Written evidence submitted by the Plunkett Foundation (LOCO 38)

The response focuses on the Plunkett Foundation's knowledge and experience of helping small rural communities to establishing community-owned enterprises—community-owned shops and pubs being just two examples—to take control of the issues affecting them and how this relates to the committee's considerations.

The main points included in the submission are:

- A cornerstone of the Big Society proposals is for local communities to take control of the issues affecting them rather than rely on Government at various levels to do something to communities. There is no better example than a community working together to form a community-owned enterprise to help save their local shop or pub from closure.
- For this to happen, communities must have access to mechanisms such as national infrastructure organisations which allow communities to learn from each other, to avoid having to reinvent wheels and to overall make the process quicker and easier.
- If communities are helped to learn from each other, this will lead to a greater number of communities taking up the opportunity to take control and a dramatic reduction in the time required to establish such initiatives.

The submission is based on evidence of best practice generates from our daily contact with communities looking to save their local shop and local pub through community-ownership. If you would like any additional information to supplement this response, please do not hesitate to contact me.

1. SUMMARY

The summary of our submission is as follows:

- Community-owned enterprises are a great example of the Big Society and localism in action.
- There is a growing demand for communities to set up and run community-owned enterprises.
- Communities need to be able to connect up via national infrastructure organisations in order to learn from each other and avoid reinventing wheels.
- Do not make engaging in the Big Society and localism hard for communities by not supporting communities to connect up with others.

2. ABOUT THE PLUNKETT FOUNDATION

2.1 The Plunkett Foundation helps rural communities through community-ownership to take control of the issues affecting them. Plunkett supports co-operatives, mutuals and social enterprise models which enable communities to set up and run viable businesses that are community-owned, community led and address challenges that a community is facing.

2.2 Plunkett supports the network of community-owned village shops across the UK. There are now 244 community-owned village shops in the UK with a record 39 opening in 2009 alone. Community-ownership now saves 10% of village shops that would otherwise have closed. In 25 years, only 10 community-owned shops have ever closed out of 254 that have opened.

2.3 Plunkett also works to raise the awareness of and support for the potential for rural communities to set up and run wider forms of community-owned enterprises whether this comes in the form of co-operative pubs, community-owned broadband, community-owned energy and using faith buildings for community enterprise activity. The Plunkett Foundation has recently worked with a range of co-operative development organisations to develop a support package for communities looking to use co-operative approaches to save their local pub.

2.4 Plunkett helps rural and urban communities to establish community food enterprises as a way of helping them to take ownership of their food and where it comes from. Working with a range of partner organisations, Plunkett has supported over 700 such community food enterprises since 2008.

2.5 Founded in 1919, Plunkett is true to the vision that it was established to take forward. Plunkett helps communities to address their own challenges as they are best placed to identify and address such issues. We work with communities to set up community based co-operatives, mutuals and social enterprises as a way of providing a long lasting solution to the issues facing rural communities.

3. THE ROLE OF LOCAL AUTHORITIES IN EMPOWERING LOCAL COMMUNITIES

3.1 It is clear that local authorities play a key role in the delivery of localism as set out by the Coalition Government. As a national organisation which operates on a local level with small communities, the Plunkett Foundation is aware of the critical enabling role that local authorities must play to support communities to take action on a very local level.

3.2 This role, as a “gatekeeper”, when used at its best can help communities to pass quickly through complex and time consuming processes such as the planning process.

3.3 If decisions are made on a community level as to what is important to them, such as on a local level through community led planning or through a community consultation on an emerging issues such as the closure of the last pub or shop in the village, we strongly recommend that these community based decisions are supported by and not delayed or prevented by the local authority planning system.

Best Practice: Berrynarbor Community-Owned Village Shop and Post Office, Devon

3.4 The small community of Berrynarbor in Devon was faced with the prospect of losing their local shop and post office in 2004 as the postmaster and shopkeeper announced their retirement. The owner of the shop premises wanted to convert the premises which he felt was unviable into housing. The would have left the community with no shop or post office. What happened next was the development of a three way agreement between the community, the shop premises owner and the local council. The community would be given the opportunity to run the shop as a community-owned venture. If they failed, the business would be considered unviable and planning permission granted for housing. If successful, the community would be expected to have found arrangement for an alternative shop building within four years. The shop has been a great success winning a range of national awards and in 2009 unveiled their new premises. The community venture keeps going from strength to strength in many parts due to the enabling intervention of the local council.

4. THE CHALLENGE FOR LOCALISM IS SUPPORTING COMMUNITIES TO LEARN FROM EACH OTHER

Role of National Infrastructure Organisations

4.1 The Plunkett Foundation strongly believes there is a crucial role for national infrastructure organisations in enabling localism to become real for local communities looking to take control of issues affecting them. The need for this role has not been discussed or debated and if not addressed, will make it far more challenging for communities to take the initiative. While we welcome legislative changes such as the Community Right to Buy and the focus on removing barriers for business and civil society organisations, there is a need for the localism debate to include considering what mechanisms are best placed for communities to use to learn from each other.

Best Practice: Community Shops Network

4.2 As an example of best practice, the Plunkett Foundation established a Community Shops Network, an online portal (www.plunkett.uk.net) where communities looking to set up a community-owned village shop, and those who have already done so, can support each other, post questions and learn from each other. This network was established as a direct result of the requests that the Plunkett Foundation received from communities who wanted to learn from others that had already gone through the whole process to avoid them having to reinvent wheels. This principle, of communities being able to learn from each other, is one that the Plunkett Foundation has supported and the results are stark. When these mechanisms were not in place, only 10 community-owned shops were opening per year and each was taking between 18 months and two years on average to open. Since we have helped to connect up communities, community-owned shops are now opening at a rate of almost 40 per year and each takes on average between three and six months to open.

Best practice: Co-operative Pubs support

4.3 The rapid development of community-owned village shops in the UK is in stark contrast with the number of communities who have been able to form a co-operative to save and run their local pub. There are only four legally registered co-operative pubs in the UK despite the considerable interest from communities in this approach. What has prevented their development is that lack of an infrastructure to enable local communities to learn from each other and avoid reinventing wheels. The Plunkett Foundation worked with a range of co-operative and pub support organisations to develop a Community-Owned Pubs Support Programme to address this issue. The programme was announced as part of a 12 point plan to save pubs in March this year and was unfortunately cancelled in August. In response, the Plunkett Foundation has worked with a range of organisations to develop a package of support which builds on the skills and experience develop by the four existing co-operative pubs. This approach helps local communities through a challenging process by using infrastructure organisations to develop and share best practice between communities looking to address similar problems.

Best Practice: Study Visits and Networking Meetings

4.4 Communities need to be able to learn from each other. Other mechanisms Plunkett and others have used with great success are hosted study visits where a community goes to visit an existing community-owned enterprise. This enables communities to speak to a range of people who have been through what they are about to go through. This gives communities confidence that they can achieve what they are setting out to do whether this is setting up a community-owned village shop, a co-operative pub or a community food enterprise. In addition, there is a consistent demand for networking meetings on a local, country and even regional and national level where communities can connect up and learn from each other.

Do not make it hard for communities to engage with the Big Society agenda

4.5 By following a pure localism approach, you may miss out on the potential of communities to connect up, learn from each other and avoid reinventing wheels. The Plunkett Foundation, as a national infrastructure organisation, provides such opportunities and the benefit that it provides needs to be acknowledged for localism to become a driving force for rural communities across the UK.

October 2010

Written Evidence submitted by Freight on Rail (LOCO 039)

Freight on Rail would like to thank the Communities and Local Government Committee for the opportunity to comment on the inquiry into Localism.

Freight on Rail, a partnership of the rail freight industry, the transport trade unions, works with local and central Government to promote rail freight, the low carbon, energy-efficient safe alternative to long distance road freight which reduces road congestion. The sustained growth of rail's share of consumer traffic over the past seven years demonstrates the demand for this alternative mode for trunk haul.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

Summary

In answer to the second part of this question, as it stands, there are tensions between the *Localism agenda* and economic growth unless strategic planning structures are put in place as it is difficult to get planning permission, for a wide range of schemes to help regenerate the economy, if the schemes are opposed locally.

We believe some form of strategic sub-national transport planning, in addition to local and national spatial planning is needed if the Coalition Government is to meet its commitments to reduce carbon dioxide emissions and build a green economy.

Transport projects are rarely confined to local authority boundaries which means that without a larger than local spatial planning structure it will be difficult to plan key infrastructure projects which cross local authority boundaries This could result in projects, ranging from, medium-sized and small rail freight terminals and wind farms not being granted planning permission, because of local opposition, even though there are wider benefits to society of these schemes.

We welcome the review of planning taking place and believe that strategic planning needs to be addressed in the *Localism Bill*. This level of transport planning is needed where decisions taken locally have a wider than local impact to give confidence to investors, infrastructure providers, community initiatives, transport operators, developers and local enterprises.

A supportive spatial planning framework is needed if rail freight is to play its role in reducing freight's emissions; rail freight needs approval for a network of terminals, situated in the right places to meet market requirements.

Major infrastructure projects such as large Strategic Rail Freight Interchanges (SRFIs) will, in the longer term, be addressed through the Major Infrastructure Unit (MIU) which will replace the Independent Planning Commission. However, the threshold for schemes being considered by the MIU is 60 hectares and the majority of rail/road transfer stations are not of this scale. So we believe that the planning framework needs to recognise the importance of getting planning permission for medium-sized and small rail freight terminals without which freight cannot be shifted to rail and all the economic, social and environmental benefits to society cannot be realised.

Currently, with the abolition of the RSSs, there is a planning vacuum as there is neither national or sub national policy with only local plans, (which everybody recognises are crucial), in place. This planning review is an opportunity to institute guidelines in both the National Networks Policy Statements and the National Planning framework which tackle climate change and road congestion. The National Policy Statements should state that any new freight interchanges/depots should be sited where they are capable of being rail served. It should also ensure that evidence based research with quantified study and calculations based upon modelling is taken into account in any planning approval process.

The need for a planning function at the sub-national level

LEPs will be crucial for promoting all development in the regions which does not fall under the auspices of the MIU, so we believe there is a need for strategic analysis at the sub-national level.

The economic regeneration benefits of rail freight investment have previously been widely recognised by local authorities so it is critical that Local Enterprise Partnerships (LEPs) have a framework to support and fund transport schemes. RDAs were successful in bringing together private and public sector funding for schemes in their regions.

- Humber Ports upgrades is an example of partnership of public and private sector organizations where Northern Way, a consortium of different authorities worked with Network Rail & ABP. The Hull Docks Branch upgrade—increases trains from 12 to 22 per day. (£15.5 million) on the Hull docks branch and improvements in network resilience with the re-opening of the Brigg Line for freight services.

Local Enterprise Partnerships are well placed to develop additional transport schemes as long as they are set up taking into account certain criteria:-

- (a) LEPs need to cover a sufficiently large geographical area to be viable for developing transport projects.
- (b) Some form of sub-national strategic planning is needed for economic growth because strategic transport decisions, which affect several regions, cannot be dictated solely by local decisions if sustainable economic regeneration is to take place.
- (c) LEPs need to have access to funding for rail freight schemes which regenerate the local economy and relieve bottlenecks eg the Ipswich Chord supported by Suffolk County Council.
- (d) As well as local authorities and private business, LEPs should include environmental groups, community amenity groups and trade unions. They should be required to have a formal consultation with the rail freight industry to ensure that good rail freight schemes are identified and taken forward.
- (e) Need to safeguard key rail alignments for both passenger and freight services and sites for terminals and stations recognised by both Conservative and Liberal Democrat manifestos as priorities. Climate change has demonstrated the need for safeguarding disused, existing and potential rail lands.

September 2010

Written evidence submitted by the Women's Resource Centre (LOCO 40)

SUMMARY OF RECOMMENDATIONS

1. As central government devolves power to local communities the transfer of responsibility must be paired with accountability. In instances where power is decentralised it is vital that there is an effective regulatory body which oversees the actions of local authorities and holds them to account.

2. Local authorities should be regularly audited by a regulator to ensure their compliance with existing equalities legislation. Providing guidance and promoting best practice has been proven to be insufficient, a regulatory mechanism which monitors local authorities is essential.

3. Arguments in favour of decentralisation are founded on the assumption that local government has greatest understanding of local needs. Research however shows that many local authorities fail to comply with the Public Sector Duty to Involve. To ensure that local authorities meet the diverse needs of communities central government must make sure local authorities working inclusively and engage a diverse range of groups in local decision-making.

4. Decentralisation is not appropriate in all instances and can lead to inconsistency in local services, ineffective communication and duplication. Local provision is unacceptable on issues such as violence against women services where the consequences of these problems are life threatening.

5. We urge the Select Committee to acknowledge the benefits of cross locality working and promote its role in creating efficiency savings. Where decentralisation is deemed appropriate central government must make sure the aforementioned regulatory frameworks are in place.

6. Where appropriate voluntary and community organisations should be given the opportunity to decide if they wish to bid to provide public services. Where they do provide services they should receive adequate support from central government to assist them to do so.

LIMITATIONS OF LOCALISM

Case study: Violence against Women

7. Efforts to empower local communities should be linked with discussion of how local authorities can work together to tackle the issues affecting citizen's lives. Allowing local authorities to set their own policies on important topics can lead to inconsistency in local services, ineffective communication and duplication. Working across boroughs, however, can provide strong and cost effective public services across cities.

8. Violence against women services provide a clear illustration of where partnership working between authorities creates cost savings and ensures comprehensive service provision. Violence against women holds no boundaries. As women flee their homes and seek sanctuary in other areas, anonymity assists them and their families to rebuild their lives and escape abusive partners. Variability of local funding is insufficient on this topic as it subjects women to a postcode lottery for access to life saving services.

9. When women seek VAW support they should be able to choose where and how they access services, according to their specific and complex needs. Due to regional geography, home, work and school for survivors may all be in different boroughs and borough boundaries are not the same as the boundaries of social relationships. Unlike the often disjointed statutory services characteristic of the borough system; cross locality funding provides women with choice.

10. Cross locality funding provides boroughs with a much wider pool of expertise than they could ever hope to fund locally and enhances the quality of services provided to women from their area. It is not cost effective to have separate provision of the same service in each area and cross locality funding ensures efficiency as well as a coordinated and comprehensive support.

11. Cross locality funding can have a significant impact on delivering VAW strategies at national, regional and local level. It contributes to consistent service provision across the UK and helps to harmonise local and central government actions.

12. Cross locality funding offers an opportunity to holistically address the causes of VAW and can facilitate partnership working to increase effectiveness. For example, VAW organisations can work across sectors with drug and alcohol organisations to tackle the causes and consequences of both social problems.

13. The Women Together Against Abuse Partnership, a ground-breaking multi-agency response to domestic violence in London, would not have been possible without London Councils funding (a pan-regional fund for the capital) as these organisations are based in a number of different boroughs. VAW services are stronger when boroughs act together and synchronisation creates greater impact.

LIMITATIONS OF LOCALISM: THE IMPORTANCE OF EQUALITIES

14. As funding contracts in the economic downturn local councils cannot be relied upon to fund key women's services. Already in the infancy of public sector spending cuts some local authorities have cut Domestic Coordinator posts due to the need to create efficiency savings.

15. Funding violence against women's services is discretionary and as such local councils are not required to fund essential VAW services. Increased dependency on local funding will compromise the sustainability of women's services and subject organisations to short term funding cycles and further financial struggles. We are concerned that adequate funding will not be a priority for local boroughs; this view is supported by the fact that only two local authorities in London (the UK's largest city) have chosen domestic and/or sexual violence indicators for their Local Area Agreement targets.

16. There is an active risk that equalities will be marginalised in the recession as councils seek to focus on financial "priorities". There is a likelihood equalities may be misinterpreted as an issue that is "frivolous" at a time when councils are seeking financial survival. As opposed to being acknowledged as a vital way to effectively meet the diverse needs of communities.

17. Regional and government funding transcends the politics of local decision-making and secures funding for "less" popular groups such as LGBT people and women with no recourse to public funds. Local authorities do not have a strong record on commissioning specialist services and central government funding helps to provide funding where there is most need. As local authorities are placed under pressure to make their money

go further whilst reducing council tax, it is likely that funding for specialist services will be reduced in the economic downturn. Reliance on local funding would jeopardise diverse services, as the arguments around funding priorities can be dictated by local politics rather than actual need.

18. Arguments in favour of decentralisation are often founded on the assumption that local government has greatest understanding of local needs. However, research shows limited progress on equalities and a lack of sustained and meaningful engagement with voluntary community organisations (VCOs).

19. Voluntary organisations are embedded within communities and have a comprehensive understanding of the issues occurring at grass roots level. Organisations that are led “by and for” minority groups are operated by those who have greatest understanding of their communities’ needs.

20. Equality and diversity provide the key to effective service delivery and to effectively meet the diverse needs of communities local authorities must work with equalities voluntary and community organisations.

21. Women’s organisations have a unique reach in communities and work with some of the most marginalised and vulnerable women in society. However, “despite accounting for 7% of the voluntary and community sector (VCS), women’s organisations represent just 2% of VCS representatives on Local Strategic Partnerships”.⁵³

22. Women’s organisations provide a vital opportunity for politicians to connect with the needs of women and as the government seeks to empower communities by devolving powers to local areas, it is essential that women’s organisations expertise is harnessed and they are integrated into decision-making processes. With over 30,000 women’s organisations in the UK, their exclusion has hugely negative implications on issues of equality, effective service delivery and community empowerment.

23. The recent Women’s Resource Centre report “*Power and Prejudice: combating gender inequality through women’s organisation*” highlights the barriers to women’s organisations engagement in local-decision-making. The publication’s findings are essential reading for select committee members and show that many local authorities do not deem gender equality to be a priority and fail to meet their legal obligations under the Gender Equality Duty and Duty to Involve.

24. Misapplication of the Gender Equality Duty is common and there is a lack of understanding amongst local councils about the conditions needed to achieve women’s equality or the differing needs between women/girls and men/boys. Due to a myth of gender equality authorities often pursue gender neutral policies or misinterpret gender equality to mean treating men and women the same. These problems contribute to the under valuation of the importance of women-only services and increases authorities reluctance to engage with women’s voluntary and community organisations. This in turn limits local authorities’ capacity to ensure that the needs of the women within their communities are effectively met.

A MODEL FOR LOCALISM

25. As power is devolved to local authorities it is essential that a strong equalities framework is embedded at a local level. Local authorities’ legal obligations under equalities legislation must be nationally recognised. Issues such as VAW should be made a priority and authorities must link equalities to performance management and strategic planning processes.

26. The aforementioned actions are imperative as we are concerned that changes to the Equality Act will further contribute to the de-prioritisation of gender. Under the proposed Public Sector Duties local authorities will no longer be required to prepare Gender Equality Schemes.

27. Gender Equality Schemes are an important mechanism through which councils outline their equality objectives and demonstrate how they have taken into account how their policies and practices affect gender equality. Most importantly, they provide an action plan that sets out timelines and measurable targets to address gender inequality in their local area and provide a mechanism through which local councils can be held to account.

28. Arrangements for oversight of local authority performance are vital. To be effective an equalities framework must be reinforced by the introduction of a regulator that audits and oversees the actions of local government.

29. Providing guidance and promoting best practice has been proven to be insufficient in encouraging local authorities to promote equalities and engage with voluntary and community organisations.

30. Devolution of power to local communities should be contingent on local authorities working inclusively and engaging with a diverse range of equalities organisations. The decentralisation agenda centres on the premise of empowering communities but without active engagement with equalities VCOs there is limited likelihood that the voices of marginalised groups will be represented.

31. Local authorities must work in partnership with equalities organisations and integrate them into local-decision-making to ensure equalities strands are addressed. Their expertise will assist local authorities in meeting the diverse needs of communities.

⁵³ Urban Forum, Oxfam, Women’s Resource Centre, 2007, Where are the women in LSPs?
http://www.wrc.org.uk/includes/documents/cm_docs/2008/w/womenlsp.pdf

32. Where appropriate voluntary and community organisations should be given the opportunity to decide if they wish to bid to provide public services. Where they do provide services they should receive adequate support from central government to help them do so.

33. Where local government subcontracts to the voluntary sector it should promote consortia bids from equalities organisations from all equality strands as a way of ensuring the needs of whole communities are met.

October 2010

Written evidence submitted by Knowsley Borough Council (LOCO 41)

SUMMARY

(i) The approach to decentralisation adopted by the Government is welcome but needs further work to develop it. There is a need to have a fine grained view as to what subsidiarity means for particular services, organisations and spatial levels. Whitehall Departments need to be more consistent in their approach to decentralisation and localism, and CLG need to take the lead in ensuring that this happens.

1. The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

1.1 Decentralisation of services, as part of the wider localism agenda, is not a panacea for all ills or all services. Subsidiarity suggests that services should be controlled at the lowest possible level, not always at the lowest or highest levels. There are times when we are one nation, times when we are 150 Local Authority areas and times when we are individuals. However, it is important to get the right balance for the right services. This may necessarily need to be different between different Councils given the different population sizes that they serve.

1.2 The organising presumption should be that we organise at a low spatial level and then if this does not work, organise at higher levels until we find the most practical level to organise.

1.3 The evidence suggests that decentralised services are more flexible and responsive to local concerns. This needs to be balanced with the effective and efficient delivery of services, as organisations on a larger spatial footprint may be more efficient, but less responsive. If this is the case, and there are legitimate areas where this is the case (eg skills development at a functional economic area), it is essential service design and delivery meets the needs of the areas being served and there needs to be an opportunity for local voices to be included within the contract and performance management. For example recent successful work to address Not in Education Employment and Training issues in Knowsley focused on case conferencing at an area level as partners around the needs of key individuals. Partner services both area, Borough wide and City Region Services were then re-directed and designed to address these needs.

1.4 Services may be delivered at a very local level and meet demand issues, but they can also be directed from the centre: schools are an example of this. Localism and decentralisation must be followed through fully if they are to be effective.

1.5 The different spatial levels of decentralisation across Whitehall departments also precludes from a consistent approach. The proposed allocation of NHS budgets to GP consortia is different to the support offered directly to individuals under the Work Programme which is different again to the emergent proposals around business support to be covered at the level of the functional economic area. This is unhelpful at one level and counterproductive at another.

2. The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

2.1 Total Place has provided a lens to consider the local delivery of services and to examine how services are provided by different bodies. Traditionally, services are specified by a range of Whitehall departments and instructions issued to Local Government and other service deliverers, who then have to join them back up again. Total Place, if it is fully implemented, should allow local areas to determine their investment priorities based upon local priorities. This needs grant and funding regulations to be freed up to facilitate this virement between original funding streams.

2.2 Knowsley's six Area Partnership Boards determine their own priorities within the Boroughs strategic framework and then work as partnerships to bend service delivery to address these priorities eg increasing recycling in South Huyton. If this work is to be facilitated further partners need to be able to organise citizen and customer information and budgets in ways that relate to these areas, not necessarily to devolve budgets, but as a minimum to be able to better understand the needs of areas and the to evaluate the cost and benefit of interventions.

2.3 Total Place will only be effective if all partners involved participate in the process. Recent experience in Knowsley has shown that some partners are unable or unwilling to participate due to data sharing issues at an individual level or the differential level at which financial information is held.

3. The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

3.1 Local Government has a unique role to play in the decentralisation of service provision given that it is the only locally based organisation with a democratic mandate. This democratic legitimacy is often overlooked by national policy makers, who might think of local government as another local delivery agency. Local Government provides the focus for a local democratic voice to be offered on the quality and quantity of service delivery as part of both its representative role and its wider role on scrutiny of public services. Therefore Local Government is well placed to lead the overview of decentralised models of delivery in an area and enable other local agents to input other voices not engaged through the democratic process. This must include a restatement of the balance between the rights and responsibilities of the individual.

4. The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

4.1 Whitehall Departments need to understand the way in which local communities operate and are organised, and therefore the way in which they can interact with them. It would also be beneficial for them to appreciate the existing mechanisms for engagement rather than setting up structures that are at the least parallel and at the worst duplicative, inefficient and ineffective. Departments will need to be able to organise budget, and resident and customer information in a way that relates to “place” and in a way that can be shared with partners.

5. The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

5.1 There is again a balance that needs to be struck between efficiency and flexibility in service provision. A number of services are provided in a suboptimal manner, and their efficiency or effectiveness could be improved by having them provided on a more local level. The impending reductions in public expenditure need to be modeled through on a local level to determine the localized impact.

6. What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

6.1 The Minister for Decentralisation has stated that the oversight of Council performance will be performed by local residents, who are better informed about performance as a result of freeing up performance information. This runs the risk of performance being monitored by an informed minority, with vulnerable groups excluded from this process. There is a clear role for the Scrutiny function within Councils here to hold the Executive to account, as well as a role for partner organisations through Local Strategic Partnerships and the emergent Local Enterprise Partnerships.

7. How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

7.1 There is a clear role for Local Councils in this given their democratic accountability but this will require the Government to move past empty rhetoric to the genuine decentralisation of accountability. The indications from CLG in the early days of this administration are encouraging but it remains to be seen as how influential they are with colleague Departments in Whitehall.

The Committee would be particularly interested to hear of examples, from the UK or overseas, of models of decentralised public service delivery from which lessons could be learnt for further decentralisation in England.

October 2010

**Written evidence submitted by Torbay Council Overview and Scrutiny Board
(LOCO 42)**

1. EXECUTIVE SUMMARY

1.1 The main points of our submission are:

- The mayoral model of local governance promotes localism.
- Overview and scrutiny has a strong role to play under localism, especially in the mayoral model.
- Overview and scrutiny is vital to the success of ensuring value for money for local people.

2. INTRODUCTION

2.1 The Members of Torbay Council’s Overview and Scrutiny Board welcome the opportunity to provide its views to the Select Committee on localism. As a unitary authority with an elected mayor, the Board feels it is well placed to share how it holds local decision makers to account on behalf of local people and would hope to continue this role as the concepts of localism and the Big Society develop.

3. BACKGROUND

3.1 The first Mayor of Torbay was elected in October 2005 with a term of office of five and a half years. In 2008, Torbay Council became a Commissioning Authority with the traditional chief officers of the Council being replaced by Commissioners whose role is to look outward, focussing on outcomes not processes.

3.2 Commissioning Partnerships (sitting within the framework of the Local Strategic Partnership and the Community Plan) deal with the total place rather than just health and social care or the delivery of local area agreements.

3.3 Overview and scrutiny is critical to the success of the mayoral form of governance and the Commissioning Framework—holding decision makers to account and ensuring that the Bay Family is at the heart of everything we do.

3.4 This submission shows how overview and scrutiny at Torbay:

- has an impact on the delivery of public services;
- provides critical friend challenge;
- reflects the voice and concerns of the community;
- is owned by independent minded scrutineers; and
- and is therefore crucial to the success of localism.

3.5 The work of overview and scrutiny not only focuses on the economic factors of decision making but brings the efficiency and effectiveness of existing policies and services into the spotlight to ensure that the community as a whole receives value for money.

4. THE ECONOMIC FOCUS

4.1 In November 2008, the Overview and Scrutiny Board discussed the funding of the Concessionary Bus Fares Scheme. The principle of the Scheme was welcomed but it placed a huge financial burden on Torbay Council. The Board heard that the Government Office for the South West had recognised that Torbay was a special case. The Mayor and local MPs were requested to lobby the Government Minister for Transport to request additional funding for Torbay Council for Concessionary Fares.

4.2 The Chairman of the Board, together with the Leaders of each political group, wrote to Torbay's MPs setting out the Council's position. Adrian Sanders MP arranged a meeting with the Parliamentary Under Secretary of State for Transport. The Mayor, Overview and Scrutiny Co-ordinator, Leader of the Opposition Group and the Environment Commissioner met with the MP and the Minister in May 2009.

4.3 The meeting was constructive with the Minister acknowledging that concessionary fares were an issue for Torbay. He noted that 2011 was the earliest a national response could be made but recognised that action was required before that date. A consultation paper was issued with revised allocations to fund the cost of the scheme. Torbay Council received an additional £580,000 in grant for 2010–2011.

5. THE EFFECTIVENESS FOCUS

5.1 Issues around young people and alcohol misuse were raised through both the TellUs2 and General User Satisfaction Surveys and were a major issue of concern identified by the Director of Public Health. The Overview and Scrutiny Board established a Review Panel to review measures addressing alcohol misuse in young people and children within Torbay.

5.2 One of the aims of the review was understand the messages on alcohol that young people were receiving, including their attitudes towards alcohol use. Scrutineers met with young people being supported by the Youth Offending Team, using police diversionary schemes and the Youth Enquiry Service and those in touch with detached youth workers. The panel utilised the Connect Caravan and the "Your Bay, Your Say" Local Democracy Week event.

5.3 The panel learnt that:

- Young people admit they tend not to listen if they feel they are being lectured.
- Hard hitting videos or talks which provide credible information ... are remembered and have an effect.
- Getting hold of alcohol is relatively easy.
- There are not enough social and leisure activities and what there is can be hard to access.

5.4 Reducing the use of alcohol is now one of the seven priorities in the Torbay Children and Young People's Plan and scrutiny members will be continuing to monitor the implementation of their recommendations to ensure that services for young people remain effective from the point of view of the people at whom they are aimed.

6. THE EFFICIENCY FOCUS

6.1 The need for wider transparency and accountability is a given. Torbay's Commissioning Partnerships bring together a range of agencies working for the benefit of the community as a whole. The majority of those partner organisations have non-executive members with responsibility for holding decision makers to account and for bringing forward the views of the community.

6.2 The Children's Trust is currently one of Torbay's Commissioning Partnerships. In order to make the accountability thread as efficient as possible, a pilot Children's Trust Commissioning Board was created. The Forum is made up of non-executives from the partner agencies of the Trust including scrutiny councillors, non-executive directors of health trusts, the police authority, school governors, the Third Sector and young people. The Forum reviews matters being considered by the Trust and provides challenge on key issues and performance levels.

6.3 By working together, the non-executives on the Forum can bring a range of skills and perspectives on how the outcomes which the Trust set out to achieve are being implemented and the difference that this is making to the Bay Family. Issues of concern can be escalated to the relevant partner agency and/or to the Overview and Scrutiny Board which can use established techniques such as in-depth reviews or select committee style hearings to require partner agencies to provide information about ongoing or recurring issues.

October 2010

Written evidence submitted by Cosgarne Hall Ltd

INTRODUCTION

Cosgarne Hall Ltd. is a Registered Charity dedicated to the alleviation of homelessness among vulnerable and socially excluded people. Although the majority of our funding comes from our Local Authority, many of the benefits that our service provides accrue to National services and budgets and the service that we provide is non-statutory.

We are the principal provider of alcohol-tolerant (a.k.a. "wet house") Supported Accommodation for Offenders and Substance Misusers in the South-West of England. We regularly receive referrals for clients returning to Cornwall from all over the country. All our clients are homeless on arrival, many with long histories of homelessness. More than two thirds of our clients have spent time in prison and three quarters have histories of serious drug or alcohol addiction.

In addition to my role as CEO of Cosgarne Hall Ltd., I represent Supporting People Service Providers in Cornwall at Regional level on the South West Regional Providers' Forum. I represent the South West Regional Providers' Forum on the South West Homeless and Vulnerable People Board, which advises the Government Office South West on all aspects of homelessness among vulnerable people in the region. I also represent the SWRPF on the South West Prison Pathways Accommodation Group, which advises the Regional Director of Offender Management on all aspects of accommodation for Offenders leaving prison.

We are therefore in the privileged position of combining a detailed knowledge of the housing related support sector on the ground with an understanding of, and engagement with, national agencies and national policy.

SUMMARY

The areas of localism that are of direct concern to us professionally are:

1. *The impact of Localism on decisions about the provision of locally funded services which achieve savings in the cost of nationally funded services:* as a direct result of Localism, Local decisions may perforce ignore National benefit. There is a serious and immediate risk of a move away from "joined-up government" and a return to a "silo mentality", costing far more than it saves. By way of example, decommissioning our service would, according to DCLG figures, cost six times as much as it costs to run it.
2. *Effective accountability for expenditure on the delivery of Local services when the funds for those services have been raised Nationally rather than Locally:* unaccountable local decision makers may use un-ringfenced money for a different purpose than that for which it has been raised, thus defeating the will of Parliament. An un-ringfenced, un-named Supporting People grant, for example, will come like manna from heaven to many Local Authorities: "We need to plug some holes in our budgets if we're going to avoid cutting staff. Here is an enormous pot of money with no strings attached. The SP Programme is a Central Government policy, not one of ours—they get the benefits, not us. Let's cut the SP services, problem solved". Oh, and "Parliament neutered!"
3. *The impact of localism on service commissioning decisions that affect vulnerable groups who have little local support or political appeal:* in the search for popularity and the votes they need to keep them in power, local decision makers may find themselves under pressure to give in to vociferous minorities and so the strong will win at the expense of the weak.

4. *The potential for cuts in front-line services over administration:* giving the administrators carte blanche to decide where the axe must fall, is a bit like asking turkeys to vote for an early Christmas.
5. *Short term expediency resulting in increased costs in the future:* without appropriate direction and control from Central Government, local decision makers will find themselves under pressure to cut the investment necessary to achieve significant future gains, in order to make smaller but more immediate savings.

Those are our chief concerns. I expand on each of these to a greater or lesser extent below.

CONCERNS

1. *The impact of localism on decisions about the provision of locally funded services which achieve savings in the cost of nationally funded services*

Particularly at a time when all Local Authority (LA) budgets are under severe pressure, LAs will be forced to favour the provision of services which achieve benefits locally over those which result in national benefits. For example, when deciding whether to spend funds within their control on services which reduce re-offending, LAs will be likely to take into account financial benefits accruing to them, but to ignore those accruing elsewhere, eg to the Prison Service.

Not only will this mean that such decisions will be taken from “within the silo”, but they could have a destabilising effect on national budgetary considerations, because anticipated savings in national budgets would not materialise.

2. *Effective and appropriate accountability for expenditure on the delivery of local services when the funds for those services have been raised nationally rather than locally*

Using the same example, if Parliament votes funds to LAs to commission services which reduce re-offending in pursuit of a policy of reducing the prison population, Parliament has a right to expect that LAs will spend that money on that purpose. Unless LAs are accountable to the Exchequer for the manner in which they spend the funds provided by it, they will be free to spend that money on other services, which may have more local benefits, contrary to the will of Parliament.

This is particularly relevant when the funds are provided for the commissioning of services for which LAs have no statutory duty at a time when all publicly funded services face the possibility of being cut in order to reduce Local Authority spending in line with Central government requirements: there will be a temptation for LAs to reduce spending on non-statutory services in order to use the money thereby saved to pay for those services for which they do have a statutory responsibility.

For example, funding for Supporting People (SP) services is now part of the Area Based Grant (ABG). Indeed, it is not only a part of it, but the largest component of the Area Based Grant represents 34.5% of the grant nationally and in some areas over 50%, so it is a large and tempting target, capable of filling “black holes”, or preventing cuts, in several other budgets.

SP services are not, however, services for which LAs have a statutory responsibility. We have already seen examples of swingeing cuts in SP services, the most notable of which was in the Isle of Wight earlier this year, when Councillors cut £2.7 million from the SP budget in order to balance the Social Care budget. The council said the decision was not about cuts, but about a transition to a different type of care. The reality was that it was a transfer of resources from non-statutory, preventive services into statutory, reactive ones, because of careless stewardship of the Council’s Social Care budget over a number of years. Vulnerable and socially excluded people were robbed of the services on which they relied in order to make good the deficit.

3. *The impact of localism on service commissioning decisions that affect vulnerable groups who have little local support or political appeal*

A significant number of services are provided locally with funds that have been identified nationally by a Government which has indicated its responsibility at the helm of a civilised society to take care of vulnerable people who are unable to look after themselves. How can that Government fulfil that responsibility, if it has no control over how the money it raises for that purpose, is spent?

Because Councillors rely on the votes of their electorate for their jobs, they may be tempted to give in to local pressure groups who want them to cut services for people who are widely regarded as having been the architects of their own downfall. This option will be particularly tempting at a time when this can be seen not only as a means of appeasing vociferous minorities, but also of avoiding other cuts which might be more widely resisted—“killing two birds with one stone”.

Services like ours, which are mainly about providing support and accommodation for chronic alcoholics and drug addicts, are seen by many as helping people who do not deserve help—“they’ve made their beds, they can lie in them”. The fact that his view also seems to be held by some people in the upper echelons of Central Government who come from a similarly privileged background as my own, does little to help.

It is also widely believed that, if such services did not exist, the clients would go somewhere else, so the local community would be better off. The reality, of course, is quite the opposite: without services like ours, the problems caused by our clients would be many times worse, because they would be living on the streets, making no effort to address their addictions, indulging in crime to fund their habits and causing disorder by the anti-social behaviour which results from those habits, as any sensible person knows.

However, at election time, the candidate who announced that his policy was to close hostels for alcoholics and drug addicts, to get rid of their inmates and cut the Council Tax, might stand a good chance of dislodging a responsible Councillor from his seat in a marginal ward.

Not only has this the potential to result in poor decisions on humanitarian grounds, but also on financial ones: services like ours have been shown in independent research commissioned by the Department of Communities and Local Government to save far more than we cost (Capgemini: “Research into the Financial Benefits of the Supporting People programme, June 2009”—see appendices 1 & 2 below).

4. *The potential for cuts in front-line services over administration*

The very people who are making the decisions are those who have most to lose by cutting administration in favour of maintaining front-line services.

By way of example, in June this year, announcing various cuts including £30 million in the SP administration grant, Communities Secretary Eric Pickles said:

“The detailed spending decisions outlined today show a clear determination to make the necessary savings whilst minimising the impact on essential frontline services. We have focused attention on reducing the centre and it is here that the reductions are the hardest.”

And

“Councils have been given the flexibility they need to determine where they make savings.”

Councils did, indeed use that flexibility: many immediately “top-sliced” their services budgets in order to continue to pay the salaries of those who administer them—they cut the front line in order to maintain the centre.

In part, they had no choice: you cannot administer a service without anyone to oversee it and the cut in the SP admin budget amounted to an effective abolition rather than a cut. But even had it been a manageable cut, it is hardly human nature to make oneself redundant if one can avoid it, unless one is being compelled to do so: if you say to someone “you can join the ranks of the unemployed, or cut some services, it’s entirely up to you”, what do you expect?

5. *Short term expediency resulting in increased costs in the future*

Without adequate measures in place to prevent LAs from doing so, they will be under pressure to cut preventive services, which require short-term investment for long term gain but produce good returns, in order to finance reactive ones, which show immediate gain but represent poor value for money.

Supporting People services, which we and many other organisations like ours provide, are primarily preventive. Although we help people with their immediate problems, we do so in a manner which either:

1. achieves lasting long-term benefits by avoiding recurrence, which may initially seem more expensive than necessary, but is in the long term cheaper. This is probably best summarised by the well-known maxim “give a man a fish and you feed him for a day; teach him to fish and you feed him for life”, or “invest to save”; and
2. prevents those problems from requiring much greater expenditure by early intervention, tackling them before they become critical. For example, preventing someone from becoming homeless can be far less resource-consuming than addressing the problem when they have become homeless.

SP services are not *expenditure*, they are *investment*. Let me explain why.

1. *It would actually cost more, not less, to reduce spending on SP services*

Independent research commissioned by the Department of Communities and Local Government concluded that a national investment of £1.6 billion prevented £5.0 billion of public money being spent on other services, producing a net benefit of £3.4 billion. In other words, every £1 spent on SP services actually produces a saving of more than £2 on the cost of other services, over and above the cost of providing SP services. In commercial terms, a return of 300%—the sort of return that would make any Dragon drool. And because the research was approached through estimating the financial impact of withdrawing SP services, the reverse is true: it is clear that the withdrawal of SP services would impose additional costs elsewhere three times the size of any apparent savings.

A detailed breakdown of the figures reproduced from the research is attached as Appendix 1.

This is compelling enough in itself. However, because the scope of the research was limited to immediate or near-immediate costs to which a financial value can be attributed, the authors (Capgemini) pointed out that there are two categories of benefits from SP services that are not included in the figures calculated:

- 1.1 Immediate or near-immediate unquantified benefits to the users whose ability to live independently and avoid or recover from crisis is improved by SP services.
- 1.2 Long-term reductions in both the need for support and social exclusion. These are particularly significant, albeit unquantified, benefits: they are valuable in themselves to the clients concerned, and may also, in the long term, reduce the size of the client groups and the cost of providing support to them.

As the costs associated with these two categories were outside the scope of the research, but potentially enormous, the overall financial benefit of SP services (and, therefore, the costs incurred if they are withdrawn) could be significantly understated.

2. The true cost of decommissioning our service would be more than six times the cost of continuing to provide it

What does the research mean in specific instances? Taking our service as an example, based on the Capgemini figures for the client groups representing the primary support needs of our particular clients, the value of the net benefit achieved by our service is just under £4.50, over and above the cost of service provision, for every £1 spent providing it. The full calculations are included at Appendix 2.

So, on the basis of the Capgemini/DCLG figures, the cost of decommissioning our service would be four and a half times the cost of continuing to provide it.

What the research also does not take into account, however, is that, in many cases, an SP contract can form the nucleus on which a provider can build services that go beyond the scope of the contract itself, but without which it cannot operate at all.

By way of example, our service has an SP contract to support 35 people with chaotic lifestyles, the vast majority of whom are people with drug and alcohol problems that have brought with them a history of offending, homelessness and rough sleeping. We do, however, actually support 48 people, although the extra 13 are funded from other resources. Such are the financial dynamics of the service, however, that if we were to lose our SP contract, the entire service would have to close, so in fact the true cost of decommissioning our service would be more than six times the cost of continuing to provide it.

3. The implications of cuts in preventive services go far beyond merely the additional cost which would be imposed elsewhere if they were withdrawn

For services like ours which provide accommodation as well as support, service closure means more than just the loss of the support: it means the loss of the accommodation, too, so our clients would become homeless. While support can be replaced when times get better and financial constraints are eased, once you lose the accommodation from the stock available for letting to vulnerable people, replacing it becomes very difficult: investment in real estate is a long term activity.

Many other services operate on similar bases, ie the actual benefit arising is higher than a direct multiplier of the cost per place funded by SP services and other parts of the service are dependent on the existence of the SP service.

4. The benefits of preventive services go beyond what can be measured in financial terms

The first three of my four arguments are financial ones: particularly in the current climate, any publicly funded service must justify its existence in hard financial terms. In a civilised society, however, we must not lose sight of those benefits that preventive services like the SP programme provide, but which are not necessarily calculable in strict financial terms.

Primarily, SP services provide benefits to their Clients. There are, however other, indirect beneficiaries, who will lose out if SP services are withdrawn.

For Clients, benefits vary from one client group to another, but may include:

- Increased stability and in particular greater housing stability, allowing people to deal with the issues in their lives, eg drug or alcohol addiction.
- Improved mental and physical health.
- Improved quality of life.
- Acquisition of life skills such as cooking, shopping and management of finances.
- A return to independent living.
- A realistic prospect of returning to employment.
- Greater choice in options of where and how to live.

- Increased ease of access to appropriate services.
- Social inclusion (or reduced risk of social exclusion).
- Increased participation in the community and decreased isolation.
- Keeping families together.
- Improved educational outcomes, in the long term, for children.
- Reduced risk of death—many homeless people, drug addicts or alcoholics would die if SP services were withdrawn.

It is not, however, only the Clients who benefit from the existence of SP services. The Local Community benefits, too, from:

- Reduced anti-social behaviour.
- Reduced crime and/or fear of crime.
- Streets free of vagrants.
- Reduced burden on the Police, leaving them free to deal with other issues.
- Reduced burden on the NHS, Ambulance Services and Carers, which means more resources available for everyone else.
- Greater participation in the community by SP clients: they become givers, not just takers.

What are Supporting People services?

As not all readers may be familiar with the Supporting People programme, it may be worth clarifying what SP services are, with a few examples. In practical terms, Supporting People services support a wide range of vulnerable people across society:

- Older people who need support for to remain in their own homes, or specialised accommodation.
- Young people who are homeless or at risk of homelessness.
- Women fleeing domestic violence, by providing refuges and support for survivors of domestic violence and abuse.
- Offenders leaving prison who need support and accommodation to prevent re-offending and returning to prison.
- Rough Sleepers and others with a history of homelessness, by taking homeless people, including offenders, drug users and alcoholics, and their anti-social behaviour, off the streets into Supported Accommodation where their issues can be addressed.
- People with mental ill health who need support to help them recover.
- People with learning disabilities who need support to maintain independent lives.
- A wide variety of people who need floating support services which prevent tenancy breakdown and loss of accommodation.

CONCLUSIONS

There is nothing wrong with local democracy. But Local Authorities, like everyone else, should be accountable for their decisions, especially where those decisions involve spending money that they have been given for a particular purpose. While it is right that everyone to whom responsibility is delegated, should have the flexibility to empower them to discharge that responsibility, so also should there be clear parameters within which they must exercise that power. They also need that accountability and limitation, to afford them the protection from unreasonable pressure to make unwise or short-sighted decisions.

Unrestricted localism will deprive Parliament of its ability to achieve national policies. The Government has promised to take care of the poor, vulnerable and elderly, by defending the front-line services that they need, something which any Government in a civilised society has a duty to do. But they no longer have the power to do so: even if the DCLG provides the necessary funds to run particular services, the decision on how to use those funds has been passed on to Local Authorities, who can use the money however they choose and will find themselves under pressure to use some funds for purposes other than those intended by DCLG.

RECOMMENDATIONS

DCLG decides how much money to give each LA by assessing what it needs in order to provide the services which the DCLG charges it with providing. Having done that, it is entirely logical that DCLG should then give clear guidance as to what amounts are provided for what purposes and then hold the LAs to account for doing so. Indeed, it has a responsibility so to do. In order to achieve this, I suggest:

1. DCLG should continue clearly to stipulate the amount of money provided within the Area Based Grant for specific types of services such as Supporting People services, for specific client groups, in order to achieve national policies.

2. The Chief Executive of each Local Authority should be charged with personal responsibility for ensuring that the money concerned is spent on services of the designated type.
3. It would be the Chief Executive's responsibility to decide how best to use that money to commission those services, having regard to the nature of local needs and the opinions of locally elected representatives, ie Councillors and others with expert knowledge, including Service Providers.
4. Chief Executives would then be directly responsible to:
 - 4.1 DCLG for demonstrating that the money has been spent in accordance with the DCLG's directions; and
 - 4.2 Local Councillors for ensuring that it is spent in a manner commensurate with local needs.

I trust that these recommendations will find favour with the Committee.

APPENDIX 1

NATIONAL STATISTICS FROM CAPGEMINI/DCLG REPORT "RESEARCH INTO THE FINANCIAL BENEFITS OF THE SUPPORTING PEOPLE PROGRAMME, JUNE 2009"

<i>Client Group</i>	<i>Cost (m.)</i>	<i>Benefit (m.)</i>	<i>Net Benefit (m.)</i>	<i>Net Benefit per £1.00 cost</i>	<i>%age of average</i>
People with alcohol problems	£20.7	£112.7	£92.0	£4.44	210%
Women at risk of domestic violence	£68.8	£255.7	£186.9	£2.72	128%
People with drug problems	£30.1	£187.9	£157.8	£5.24	248%
Homeless families with support needs—settled accommodation	£32.5	£32.0	-£0.5	-£0.02	-1%
Homeless families with support needs—temporary accommodation	£17.5	£46.0	£28.5	£1.63	77%
Single homeless with support needs—settled accommodation	£130.1	£160.8	£30.7	£0.24	11%
Single homeless with support needs—temporary accommodation	£106.7	£203.6	£96.9	£0.91	43%
People with learning disabilities	£369.4	£1,080.7	£711.3	£1.93	91%
People with mental health problems	£254.4	£814.1	£559.7	£2.20	104%
Offenders or people at risk of offending, and mentally disordered offenders	£55.4	£95.7	£40.3	£0.73	34%
Older people in sheltered accommodation	£198.2	£845.1	£646.9	£3.26	154%
Older people in very sheltered accommodation	£32.4	£155.8	£123.4	£3.81	180%
Older people receiving floating support and other older people	£97.3	£725.3	£628.0	£6.45	305%
People with a physical or sensory disability	£28.4	£101.7	£73.3	£2.58	122%
Teenage parents	£24.9	£6.6	-£18.3	-£0.73	-35%
Young people at risk—settled accommodation	£94.9	£121.5	£26.6	£0.28	13%
Young people at risk—temporary accommodation	£38.1	£64.7	£26.6	£0.70	33%
Young people leaving care	£12.7	£12.0	-£0.7	-£0.06	-3%
Total all client groups	£1,612.5	£5,021.9	£3,409.4	£2.11	100%

APPENDIX 2

<i>Client Group</i>	<i>Net contribution to other budgets for every £1.00 spent on SP services (from Cappgemini Statistics)</i>	<i>Cosgarne clients primary support needs (see Client Analysis)</i>	<i>Cosgarne SP price</i>	<i>Cosgarne net contribution to other budgets for SP funded spaces (35)</i>	<i>Net contribution to other budgets for every £1.00 spent on SP services</i>	<i>Cosgarne net contribution to other budgets for all spaces (48)</i>	<i>True net contribution to other budgets for every £1.00 spent on SP services</i>
Total all client groups			£269,081.66				
People with alcohol problems	£4.44	65.8%	£176,930.41	£786,357.38		£1,078,432.97	
People with drug problems	£5.24	24.7%	£66,348.90	£347,835.78		£467,093.76	
People with mental health problems	£2.20	4.1%	£11,058.15	£24,328.80		£32,670.10	
People with learning disabilities	£1.93	4.1%	£11,058.15	£21,293.08		£28,593.56	
Women at risk of domestic violence	£2.72	1.4%	£3,686.05	£10,013.41		£13,446.58	
Total				£1,189,828.45	£4.42	£1,620,236.98	£6.02

Notes:

1. The above is based on an analysis of all clients in our service between 1/4/2009 and 31/3/2010 by their primary support needs
2. It is difficult to assign clients to one group: being real people, they do not conveniently fit into one pigeon-hole or another. Most of ours fall into several client groups, so we have taken the principal support need in each case—the one which, as far as we can tell, has given rise to the others and differentiates them from other clients (in our case, this means mainly drug or alcohol misuse).
3. All clients are single and were homeless, or about to become so, on arrival, but homelessness is invariably the consequence of behaviour resulting from the client's primary support need, so this category has been ignored as a primary support need in itself.
4. The majority of our clients have histories of Offending related to their primary support needs and again this is usually effect rather than cause, so this category has been ignored as a primary support need, but recorded separately: 68.5% of these clients had been in prison on one or more occasions. It is an established fact that homelessness is a major contributory factor in re-offending, so the savings to the prison service as a result of our clients being accommodated, is a very significant one (albeit not directly relevant to Local Authority budgetary considerations).

October 2010

Written evidence submitted by Oxfordshire County Council (LOCO 46)

INTRODUCTION

Oxfordshire County Council is the upper tier local authority for Oxfordshire. It is responsible for delivering around 80% of the key public services in the county and it employs over 20,000 people to deliver them. Each year the council manages almost £1 billion of public money in the provision of these services on behalf of Oxfordshire's 640,000 people. The services we provide include schools, social services, the fire service, roads, libraries and the museums service, trading standards, land use, transport planning and waste management.

Overall, Oxfordshire County Council supports the principle of decentralising and devolving power to a local level as a fundamental shift in the balance of power towards local people and the elected members they democratically select to represent them. This decentralisation allows a more flexible, local approach to delivering services, moving away from the "one size fits all" model. It also allows local government to meet expectations at local level, for example in the face of cuts to budgets and therefore to services.

1. *The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism*

1.1 Oxfordshire County Council strongly believes that, as a local authority, it can make a real difference to people's lives through the services that we deliver, through the work we do in partnership and through the support that we offer for voluntary, community and faith groups across the county.

1.2 In the current financial climate we are facing significant cuts to our budget. These cuts are expected to be around £200 million by 2014–15. This means we will need to make difficult decisions about which services we can deliver with the resources we have and which services we may need to cut back or cease to deliver altogether. The Council will be held accountable by local people for those decisions through the local electoral process. We are also involving local people in the process to decide where cuts may affect services by holding public consultation online and at public meetings.

1.3 Using our local knowledge and influence, we are better placed than central government departments to make decisions about service delivery at a local level. We will work with our partners and with local people and communities to find innovative and effective solutions for alternative provision where cuts to county council services have been made.

1.4 We reject the idea that services should be delivered to a prescriptive national “one size fits all” template in which “postcode lotteries” are inherently bad. We feel that by making decisions about service provision locally we can provide better tailored, better value, more accessible services for people and communities, better reflecting the services that those people and communities need.

1.5 We feel that limits to localism should be set by local government itself, not by central government departments. For this reason, Whitehall needs to allow local government to make decisions and, sometimes, to make mistakes. Only in cases of severe mismanagement and a failure of local democracy or peer-led review systems should central government intervene.

2. *The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting*

2.1 Compared with many other areas, Oxfordshire already has a strong basis in partnership working, much of which fits very well into the Total Place approach. Examples of work streams where we have used a “Total Place” type approach include:

2.2 *Budgets for social care:* we are a national leader in the field of pooled budgets with the NHS for social care, with over £200 million worth of care services, home support, day services and mental health services commissioned from a joint budget with the Primary Care Trust (PCT). This has enabled us to deliver a single, targeted service to users. We are currently implementing a major programme of transforming adult social care which will give personalised budgets to service users across the county to allow them to make choices about their own care needs.

2.3 *County-wide work on Breaking the Cycle of Deprivation and reducing the number of young people not in education, employment or training (NEET):* this approach joins up county council, district council, PCT and police work streams to ensure that we have a coordinated approach to early interventions aimed at breaking different “cycles of deprivation”. We are targeting areas where deprivation and the problems associated with this are most significant and deep rooted, including south-east Oxford and areas of Banbury.

2.4 *Locality working:* the Council's Closer to Communities strategy is an ongoing programme for the council to work more closely at a local level, across services and with elected members. We want to get closer to the communities we serve; understand the key challenges they face and make sure our services are working together as effectively as possible. Six of the fourteen areas across the county have been identified as priority areas that face significant development and/or deprivation issues (these are Abingdon, Banbury, Bicester, Carterton, Didcot and Oxford). Our priority for this year is to focus on these areas and appoint lead members and officers for each area to ensure effective council engagement and agree local priorities. We are also continuing our active engagement with community-led planning groups such as parish plans and we plan to build on this with Big Society.

2.5 *Waste management:* we have agreed a joint strategy with district partners to set clear and challenging performance targets that provide financial incentives to encourage waste reduction rather than just recycling. The joint arrangements mean that cost sharing, efficiencies and improved performance in waste reduction are achieved through good governance and partnership working, without needing to merge services fully. This means that local areas may have different methods of waste and recycling collection that meet local needs and reflect local geographies.

2.6 We are now seeking to build on the work already carried out to push further the decentralisation and devolution of power to local level. In particular, we are looking to make significant savings at local level by using place based budgeting to address skills and worklessness across the county. Our proposal involves working with a wide range of public and private sector partners to make significant financial savings by reducing duplication and management costs while increasing the economic activity levels of 16–18 year olds

across the county, getting them off benefits and into full-time education, employment and/or work-based training such as apprenticeships.

3. The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

3.1 Local Government has a key role to play in advising and enabling local people to act for themselves, taking on responsibility for improving and sustaining their neighbourhoods in line with the principles of the Big Society. We believe that by having powers devolved down to us from central government, we also have a responsibility to devolve powers where appropriate *further* down to other tiers of local government and to local people and communities. This places on us the onus to work in partnership where we can to reduce duplication, save costs and find the most appropriate methods of service delivery. These are things that we already do successfully and we will continue to build on this success.

3.2 We are committed to building capacity and offering support to the voluntary sector and to communities to help them identify their own priorities and needs, for example through the community led planning process. Communities' expectations for some services can be difficult to meet, for example on traffic, transport or library provision. We work with communities to provide local funding contributions for local priorities they identify (eg for road safety) or used flexible funding such as that available for school travel plans for improvements (eg for local footpaths that can be used to walk to school). We anticipate that this local funding from town / parish councils will become ever more important as our transport and other capital funds are reduced and/or no longer ring-fenced. Local fundraising for projects such as improved play and youth facilities is already taking place, at times with advice from the county council or voluntary, community and faith sector organisations we support and we are committed to maintaining this approach as we support volunteering and the Big Society.

3.3 However we appreciate that further decentralisation (below the level of upper-tier local government) is not always appropriate or advantageous. In some cases, services procured centrally can make significant savings in terms of economies of scale, while piecemeal delivery could end up costing more. For example, our Fire and Rescue Service is using collective bargaining power to procure its equipment. Linking up with eight other services in the South East saved £18,000 per year in procuring new uniforms.

3.4 Some services need to be universal regardless of location—safeguarding children and vulnerable people, for example.

3.5 We are currently engaging in a piece of wide ranging public consultation linked to the budget cuts we need to make and to the Big Society. The Big Debate is offering local people the opportunity to engage with the council on-line and at a series of public meetings to offer their views and suggestions about where cuts could be made to services and to red tape. This is a further example of our commitment to involve local people and communities as far as possible in decisions that affect them and their local area.

4. The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

4.1 Oxfordshire County Council is committed to the idea of localised, decentralised service delivery. To do this effectively, we need the same level of commitment from central government, ie Whitehall needs to allow this decentralisation to happen by “loosening the reins”.

4.2 Local government and other public services have been held accountable centrally, and were hampered by large amounts of regulation and inspection, including the Comprehensive Area Assessment and the National Indicator Set. If replacement of these onerous regimes is to be considered, for example with sector-led assessment, there needs to be the freedom for local areas to set local priorities. Reluctance from central government to allow local areas to set local priorities and targets needs to end to allow local government and local public services to be held accountable first and foremost by the local electorate.

5. The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

5.1 Due to central government's moves to reduce the national deficit and the consequent reduction of public spending, we expect cuts in central government funding (which makes up around 65% of our income) to lead to around £200 million in cuts to our budget over the next five years to 2014–15. Excluding schools, we expect that the cuts we will need to make will be around 40% of our budget. Inevitably, cuts of this magnitude will have significant impacts on the level of services we can provide directly as well as the support we can give to agencies able to support local communities to take on services and/or facilities.

5.2 However, this financial situation also presents an opportunity to us as an upper tier authority, to the five lower tier authorities in the county, to other public sector providers and to local community, voluntary and faith sector groups to work more closely together to deliver services efficiently and effectively. We are already a national leader in our joint work with the Primary Care Trust and are keen to join up further where we can to make savings. We are also using commissioning in innovative ways.

5.3 For example, our new highways contract with Atkins is transforming the way the council's Highways and Transport Service works. There is a shared management structure, including Atkins managers managing OCC staff and vice versa which has reduced management costs by a third. The new contract is resulting in a more streamlined, quick and cost-effective way of working on our roads—for example, we are now fixing more potholes at 20% lower cost each time than used to be the case.

5.4 We have also made significant savings with our Shared Services which has combined back-office support for our services and has saved £2.4 million a year, representing around 25% savings. We are now making progress towards stage two, increasing the number of back-office functions that are within Shared Services and making further savings.

5.5 We need central government to remove as many legal and administrative barriers to joint working as possible to allow a joined up approach across the public sector and to allow local authorities to develop and share innovative solutions.

5.6 We also need to look outside county boundaries to seek savings by working with neighbouring areas which share the same characteristics (and therefore potentially similar service needs) as we do in Oxfordshire—some of the District councils in the county are already doing this, with West Oxfordshire District working with its Gloucestershire neighbour Cotswold District Council and Cherwell seeking to work with South Northamptonshire.

6. What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

6.1 Over recent years, the local government performance framework has placed far too much emphasis on compliance with inspection frameworks and too little on the achievement of local priorities. Inspection activity has been highly resource-intensive and has diverted energy and resources away from frontline service delivery. Moreover, partnership working at the local level has been hampered by the accountability of public bodies operating locally to a range of different (and at times conflicting) national frameworks.

6.2 We would prefer any future performance management framework to be transparent, simple and resource efficient, removing as many burdens on local government as possible and encouraging success to be judged on progress against local priorities rather than on national indicators.

6.3 Of course, the abolition of Comprehensive Area Assessment and the commitment to make further cuts in local government inspection indicate that the new government is prepared to shift responsibility away from nationally imposed regimes and towards the local government sector itself. Oxfordshire County Council welcomes these post-election changes and believes that sector led improvement approaches such as peer support and challenge and mentoring schemes could be more effective ways to secure improvement, providing possible risks relating to vulnerable groups (eg adult social care, children's safeguarding) are taken into account.

6.4 Development of performance measures could be judged on an area-by-area basis rather than a one-size-fits-all approach. This would act to ensure that "postcode lotteries" are seen as a positive thing where service delivery and performance is targeted according to local need.

6.5 We welcome moves to ensure that local government is transparent and accountable to the public. Local government already makes a great deal of information available to the council tax payer, in addition to its obligations under the Freedom of Information Act, however, so we maintain concern that proposals to require upper-tier councils to publish all items of spending over £500 could be onerous in terms of administrative burden.

7. How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

7.1 We believe that local authorities, elected democratically by local people, are in a strong position to lead partnerships in local areas. As a county council in a multi-tier area we are already engaging strongly with other public sector partners such as District Councils, the Police and the NHS, local councils, as well as with the private sector and with the voluntary, community and faith sector and will continue to build on these partnerships to achieve best value for local people.

7.2 We believe that as far as possible, money that is spent locally should be held under democratic control locally. The case for placed based budgeting and decision making under the democratic leadership of elected local authorities working in partnership with other public sector bodies at local level is incredibly strong and is the only way to deliver better services in a more effective and efficient way while meeting the needs of local people.

7.3 We believe that achieving full accountability at local level will only be possible if Whitehall devolves its control to local level. Central government needs to allow local authorities to try ideas and to learn lessons from mistakes and successes.

7.4 These fine and theoretical statements lead to a practical question about political accountability. What will any minister do when a journalist calls him about a spending decision made at a local government level

and which the journalist brands as evidence of a postcode lottery? If the minister reaches for a telephone to instruct the local council to conform to a national template, localism is lost. Central government and parliament need to find a way for local council leaders to be held publicly to account for their decisions about spending devolved funding.

October 2010

Written evidence submitted by the Planning Officers Society (LOCO 47)

The Planning Officers Society (POS) represents the most senior professionals and managers of planning functions in the English Local Authorities. We are rightly styled as “the credible voice of public sector planning”.

We set out to:

- enable public sector planners to work together with Government and partners;
- be a strong and united voice for public sector planners supporting and shaping planning policy and practice in local communities;
- be a preferred point of contact for public sector planners where they can access learning, support and networking opportunities;
- find common ground with other disciplines, organisations and the media to improve the planning process, policy and implementation; and
- broaden our membership and create a strong cohort of young planners, representative of the ethnic and gender diversity of the UK.

The Society’s aim is to make planning more effective in delivering sustainable development to support the well-being of our communities.

The Society would like to respond to the Committee’s consideration of:

- The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents.

SUMMARY

In response to the Government’s Localism initiative POS is in the process of preparing a portfolio of responses to influence the Government’s thinking; DCLG officials have already informed us that the time is right to do so and have welcomed our initiative. The POS portfolio comprises:

- the future of planning—an overarching paper that relates the planning process to the localism agenda and signposts the separate papers that have been/are being prepared;
- decentralised strategic guidance—showing how authorities might go about setting their own housing targets; develop appropriate and relevant plans which achieve and can demonstrate coherence with the plans and strategies of adjacent authorities; and highlight other implications of the Government’s statements on its intentions for the plan-making system;
- shared services—drawing upon the experiences of authorities that have already progressed along this route to create guidance that will leave managers better equipped to successfully share planning services;
- local infrastructure tariff—POS has been particularly concerned that LPAs should have sound and sensible guidance on implementing new national procedures, learning the lessons from the difficulties encountered in the introduction of the LDF processes;
- community engagement—existing good practice and prospects for such activity in pursuit of localism;
- neighbourhood planning—existing good practice and prospects for such activity in pursuit of localism;
- sustainable development—what constitutes “sustainable development” in the context of it having a statutory definition and there to be a presumption in favour of it when making decisions in a local context; what incentives for “sustainable development” might comprise, and what the implications are of “rewards”;
- pre-application discussions—POS welcomes a compulsory pre-application consultation for proposals above a certain threshold, as authorities should be undertaking this style of approach in any event. POS has drafted a fresh good practice advice note;
- planning appeals—third party appeals and of local member involvement in appeal decisions both have pros and cons; and
- planning for schools—POS applauds any changes that would give rise to more well located and properly funded and managed schools; however, we do not subscribe to the Government’s proposals in so far as they affect the good planning of neighbourhoods.

1. In response to the Government's localism initiative POS in the process of preparing a portfolio of responses to influence the Government's thinking; DCLG officials have already informed us that the time is right to do so and have welcomed our initiative. Our portfolio approach comprises:

2. **The Future of Planning**—an overarching paper on what the future planning system should comprise is in preparation. POS has, however, already issued its own manifesto “3 Steps to Better Planning”.⁵⁴ It is intended that a more efficient and effective planning system will:

- feature small changes to the system that can deliver big impacts for the better;
- ensure that the right decisions are made by the right people at the right level—including allowing local communities to have a direct influence over their futures; and
- develop and retain skills and expertise within the public sector to deliver sustainable communities and support long term economic growth.

The overarching paper will demonstrate the interrelationship of the component parts of the Society's portfolio, cross referenced to the Government's specific proposals.⁵⁵

3. **Decentralised Strategic Guidance**—The LGA and POS have identified the need for early advice to assist planning authorities to make effective progress with their LDFs in the new situation following the cancellation of RSSs. DCLG officials have signalled clearly that Ministers do not expect to issue guidance to authorities on how to go about this beyond that contained in the letter from the Chief Planner of 7 July, on the basis that they can be trusted to sort it out for themselves.

4. The LGA and POS have therefore concluded that the sector needs to take a lead in providing such advice as is likely to be helpful to authorities, and have asked POS Enterprises to prepare an advice note on this matter; a draft has been prepared that addresses:

- what is needed in the short term to set out an authority's intentions and provide some foundation for how it will deal with planning applications and appeals which raise strategic issues in the short term;
- how authorities can establish their own sub-regional context, and how each authority should work with its sub-regional neighbours to prepare and publish a “local strategy statement”;
- how authorities might deal with the situation where the abolition of the RSS has created gaps in the policy framework for their area, and how these might be plugged in both the short and longer term;
- the issues which will arise where an authority decides that it wishes to revise the key targets for planning in its area; particularly how authorities might set their own targets for new housing provision;
- how authorities in different situations might progress their plan making, depending on the position they have reached and whether they are minded to make changes to strategy and/or targets; and
- the situation which has arisen in terms of five-year housing supply and the basis upon which it will be calculated pending the adoption of core strategies.

5. **Shared Services**—Following discussion with the LGA and the District Councils Network, POS is preparing an advice note for managers of the planning service who are contemplating sharing planning services, together with a summary for chief executives and councillors. It draws on the experiences of authorities that have already progressed along this route and lessons from the planning collaboration projects in Surrey and Hampshire so that managers can be better equipped to successfully share planning services. The issues specific to planning focus on:

- relationships to shared service boards of authorities;
- ICT/GIS use;
- the interface with councillors and implications for new governance arrangements;
- best practice on community engagement;
- the change to core strategies which stress vision and objectives with less site specific policy; and
- experience of economies of scale for joint enforcement teams and specialist expertise.

6. **Local Infrastructure Tariff**—POS has been very active in the development of the Community Infrastructure Levy, working with Government to improve its proposals and with Local Planning Authorities up and down the country to help them in advance of implementation. POS has been particularly concerned that LPAs should have sound and sensible guidance on implementing new national procedures, learning the lessons from the difficulties encountered in the introduction of the LDF processes.

7. At the request of the LGA POS is preparing a submission to DCLG on the provision of local tariffs. Our view is that the outline of the proposals for a “Local Tariff” system as outlined in *Open Source Planning* are a positive step towards a workable system based on local priorities. We have identified nine key principles of a new system, including:

⁵⁴ see http://www.planningofficers.org.uk/POS-Library/POS-Publications/Three-Steps-to-Better-Planning_17.htm

⁵⁵ See Draft Diagram on page 7

- The removal of the direct link between the proposed development and its impact as the basis for assessing infrastructure contributions.
- The scaling back of S106 obligations to deal only with the remediation of site specific, local impacts.
- A national framework with local discretion.
- Tariffs should be capable of application to all forms of development, with only de minimus exceptions.
- “Local Tariffs” should be based on a robust appraisal of the infrastructure requirements necessary to support the level of growth anticipated within the area and likely availability of funding from all sources.
- Setting “Local Tariffs”, collection and spending should be determined at the local level by the Local Planning Authority.
- There should be flexibility to relax tariff requirements where essential to enable desirable and sustainable development to proceed.
- Provision should be included for payment in kind where this would be more efficient, less costly or otherwise benefit the delivery of recognised infrastructure requirements.
- There should be a straightforward provision for the avoidance of “double counting”.

8. With our in depth knowledge of what is happening locally, POS is in a strong position to assist government in devising a straightforward system which would accord with Coalition objectives and provide for local implementation. We would welcome the opportunity to work with CLG to achieve these objectives.

9. **Community Engagement**—a paper is in preparation on existing good practice and prospects for such activity in pursuit of localism.

10. **Neighbourhood Planning**—likewise, a paper is in preparation on existing good practice and prospects for such activity in pursuit of localism. A response to the *Community Right to Build* consultation has already been submitted⁵⁶ which highlights that the proposal to sit Community Right to Build (CRtB) outside the mainstream planning system puts the CRtB body at considerable risk from poorly considered planning constraints, unforeseen planning impacts, flawed procedure, and human rights, and possible legal challenges flowing from these. We consider that a joint working arrangement with the LPA would transfer risk to a body with the necessary experience and know how, whilst recognising the independence of the CRtB body, and giving DPD status to its proposals. In combination with simple changes to rural planning policy at national level, we believe that CRtB development could be delivered quickly. In short, it is the current planning policy not the process which is proving one of the greater barriers to overcome.

11. The Society has suggested a “Community Right to Plan”, (CRtP) by which the community could call upon the LPA to closely support their work, bear the professional risks associated with it, and procure any additional specialist work required from consultants. This would need to be a strong partnership, more than would necessarily emerge from a simple “duty to co-operate”. It would have the advantage of generating, in most cases, some ownership on the part of the LPA, which would make it more likely they will give the proposal accreditation once the plans are complete.

12. **Sustainable Development**—a paper is in preparation as to what constitutes “sustainable development” in the context of it going to have a statutory definition and there to be a presumption in favour of it. Furthermore, a paper is in preparation as to what incentives for “sustainable development” might comprise, and what the implications are of “rewards” to councils that give planning consent and support the construction of new home.

13. **Pre-Application Discussions**—in response to the suggestion that councils will need to make it easier for residents to influence development proposals POS welcomes a compulsory pre-application consultation for proposals above a certain threshold, as authorities should be undertaking this style of approach in any event. POS has issued a reminder that it already provides good practice advice on pre-application discussions;⁵⁷ however, a fresh good practice advice note has been drafted.

14. This POS advice note highlights that however detailed the Local Plan proposal for sustainable development of major sites, there will still be issues benefiting from discussion with local communities prior to the submission of a planning application. Therefore, it would be helpful if the duty to cooperate between local planning authorities and other public service bodies were extended explicitly to developers of major proposals. The duty for public service bodies to engage in pre application discussions would ensure that those bodies currently unwilling to adopt a collaborative approach refocused their resources on this need. Council’s Statements of Community Involvement can then ensure that local communities are fully involved in pre application discussions. This duty to engage should include master-planning or development briefs, particularly where there is no local plan framework to ensure community engagement in sustainable development.

⁵⁶ See http://www.planningofficers.org.uk/POS-Library/POS-Responses/Community-Right-to-Build_11.htm

⁵⁷ This includes advice on *Pre-Application Discussions*, *Councillor involvement in pre application discussions* and *Probity in Planning* (including advice on members and pre-application discussions); see http://www.planningofficers.org.uk/POS-Library/POS-Good-Practices/Pre-Application-Discussions_10.htm

15. **Planning Appeals**—preliminary consideration is being given to possible amendments to the appeals process; including the pros and cons of both third party appeals and of local member involvement in appeal decisions. The Society doubts the efficacy of third party appeals and is strongly opposed to the concept of Local Member Review Bodies.⁵⁸

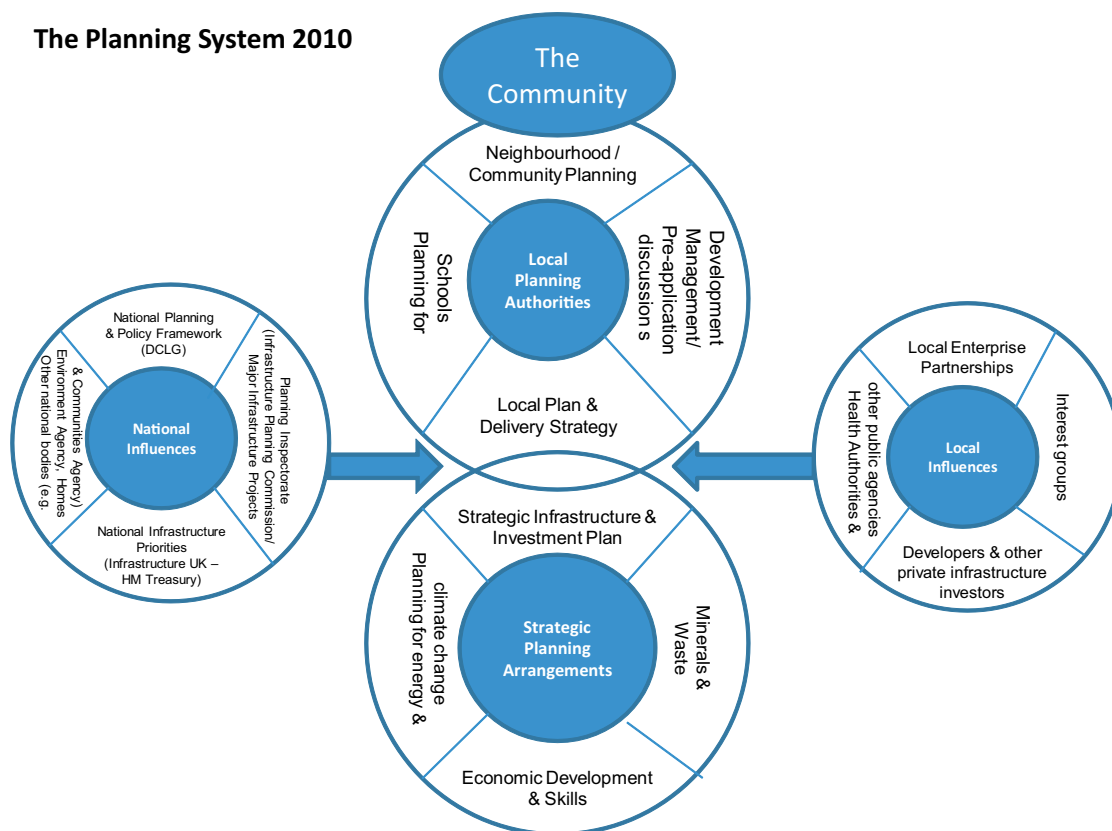
16. **Planning for Schools**—POS applauds any changes that would give rise to more well located and properly funded and managed schools; however, we do not subscribe to the Government’s proposals in so far as they affect the good planning of neighbourhoods. Schools are an essential element of the social infrastructure that makes neighbourhoods sustainable, but they need to be sited in places that optimise their accessibility, and fully contribute to meeting local education needs, in accord with local education and infrastructure plans. POS has issued a response to the Government⁵⁹ and is of the view that the planning system plays a valuable role in ensuring schools are appropriately located and meet community needs without undue disturbance to the local neighbourhood.

17. Accordingly, we believe that identifying new schools as part of the neighbourhood planning process and strengthening the policy presumption in favour of school proposals is the most equitable approach to meeting the Coalition Government’s aspirations. Proposals that do not pay proper consideration to local traffic and environmental constraints will be unlikely to gain the support of either the local authorities or people living in the neighbourhood, and experience shows that schools proposals generate more objections at planning application stage than almost any other kind of development. We suggest it is best to keep schools firmly within the established mainstream planning regime where the key impacts can be properly dealt with, and we would support the community being empowered to create a planning brief as a first step. POS also consider that a policy presumption in favour of school development would give helpful direction to the planning process, without prejudicing the right of those parts of the community opposed to a particular proposal to be heard.

The Planning Officers Society would be willing to provide to the Inquiry further explanation and amplification including the specific papers referred to in this submission.

October 2010

The Planning System 2010



⁵⁸ See the Society response of August 2007 to “Improving the Appeal Process in the Planning System” at http://www.planningofficers.org.uk/POS-Library/POS-Responses/Improving-the-Appeal-Process-in-the-Planning-System_25.htm

⁵⁹ See http://www.planningofficers.org.uk/POS-Library/POS-Responses/Response-to-the-Coalition-Government’s-emerging-policy-on-Planning-for-Schools_24.htm

Written evidence submitted by County Councils Network (LOCO 51)

INTRODUCTION

1. The County Councils Network is a cross-party special interest group of the Local Government Association which speaks, develops policy and shares best practice for the County family of local authorities, whether unitary or upper tier. CCN's 38 member councils, with over 2,500 Councillors, serve 24 million people over 45 thousand square miles or 87% of England.

2. CCN welcomes the opportunity to contribute to this inquiry. CCN recently engaged its members in a major policy debate which culminated in the publication in March this year of the *CCN Manifesto*. This document sets out the CCN's vision of a future in which local government, working with central government, can deliver better outcomes for local communities. This vision is one in which the local democratic process and high levels of community engagement are at the heart of the shaping and delivery of all services in each local area, with power pushed down from Whitehall to democratically accountable local authorities, and through them onward to communities and individuals within the areas they serve. This will include a crucial role for local Councillors as leaders of and advocates for their local communities, as well as representatives of that community across the whole council.

3. This submission reflects the views set out in the Manifesto, as well as taking into account the implications of recent announcements made by the new coalition government and further comments made by member authorities. This response was considered and approved by the CCN's governing Council at its meeting in September.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

4. CCN believes that local authorities must be able to make a real difference to the people, communities and places that they serve. This means being able to take sometimes difficult decisions about resources and services to meet the needs of local communities and to be accountable for those decisions to local people through the electoral process. It also means that the criteria determining "effectiveness" may vary from place-to-place, depending on such factors as local circumstances and local democratic decision-making.

5. Local government has proved that it can deliver performance improvement and efficiencies, and that it can deliver innovative and flexible local solutions to key issues. CCN member authorities are some of the most efficient, effective and innovative authorities in the country, combining a stronger awareness of local need and local circumstances with the ability to engage in strategic oversight and partnership formation and development.

6. We recognise that citizens are entitled to expect good basic services to meet needs wherever they live—but we emphatically do not believe that all services must be delivered to a national template. Services can legitimately vary between local authorities and between different communities within them. If this results from democratically taken decisions, and/or different local circumstances, this is not a "postcode lottery" but a legitimate exercise of political choice to meet differing needs. Rather than being an argument for more centralisation, the "postcode lottery" objection is more often an argument for more services which are delivered locally being controlled locally, and accountable to local people.

The lessons for decentralisation from Total Place, and the potential to build on the work done under the initiative, particularly through place based budgeting

7. The Total Place initiative has provided an opportunity to identify the totality of public service provision in an area and the potential for synergies and innovation to improve outcomes for local communities. The experience of "Counting Cumbria" estimated that total public expenditure in Cumbria in 2006–07 was £7.1 billion of which £1.9 billion was controlled by or directed through local bodies and £5.2 billion by central government, including £2.3 billion from non-departmental public bodies. Almost half of the 13 pilot initiatives involve CCN member authorities, and many further member authorities have undertaken similar initiatives outside of the formal pilot process. The Local Place publication enclosed with this submission includes a series of articles looking at their experiences; we would also point the Committee towards further examples such as the "Total Staffordshire" pilot.

8. CCN supports ongoing work to deliver the objectives of Total Place and the principle of identifying the totality of public sector activity and resources that are applied in an area, using this data to ensure that those resources are orchestrated and applied most efficiently and effectively to achieve outcomes that are most important to that area. In particular, we wholeheartedly support the Local Government Group's local budgeting initiative. This is not a short-term panacea, but will need a radical change by government to a more joined up and holistic approach in order to deliver real service improvements and efficiencies. It will require engagement not only from those departments that have a history of close working with local government, but all those spending significant amounts of money in communities across the country.

9. To be successful, future working based on the Total Place model should seek to avoid win-lose outcomes. Currently expenditure on one service area can lead to greater savings for another service in the locality, but there are no rewards to recognise and encourage such behaviour. CCN believes that where local authority

activity or interventions lead to a direct reduction in costs elsewhere in the public sector then there should be equitable sharing of the costs and the rewards.

10. CCN believes that a greater proportion of the resource that is spent locally should be under local democratic control and direction. CCN believes that in some instances there are good arguments, both in terms of cost effectiveness and enhancing democratic accountability, for local authorities taking direct responsibility from Quangos or other non-departmental public agencies.

11. CCN also considers that the commissioning role of local authorities could be extended to encompass commissioning for health and social care including public health to ensure both democratic accountability and to enable efficiency and effectiveness gains to be made.

12. CCN is of the view that devolution must also extend to increasing local democratic involvement and influence over key local services including health and police. This increase in democratic accountability should be achieved through extending the involvement of local elected Councillors and not through establishing duplicate democratic structures.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

13. Local councils are the only organisations providing public services locally that have a direct electoral mandate. It is this democratic mandate that provides the legitimacy for local government to “hold the ring” of accountability for public services in the locality. Local government is the only partner that can legitimately unite the range of public services in the area, together with other partners in the private and voluntary sector, and lead them in working together to achieve agreed outcomes for local people. Local Government also has a key role in advising and enabling local people to act for themselves, taking on responsibility for improving and sustaining their neighbourhoods in line with the principles of the “Big Society” initiative.

14. As leaders of place local authorities should have a role in determining the priorities of public services locally that are not currently under direct democratic control. The duty to cooperate should be strengthened to reflect the accountabilities of partners at the local level, and all local public services should work within compatible frameworks. In addition we consider that there is a case for all public bodies to have a power to work in partnership with other similar bodies, providing that one member of the partnership has the legal powers to undertake the venture.

15. The principle of devolution should also apply to local authorities, which must be prepared to devolve further to other tiers of local government and to local communities. Localism is not just about devolving money to local institutions, but to people in their communities; giving them more information and say about the local decisions that affect them. Local government and individual local Councillors have a key role in stimulating and galvanising engagement by people in social entrepreneurship in their communities. CCN member authorities have a strong and innovative track record in implementing a range of methods of devolution and community empowerment. This includes participatory budgeting, neighbourhood working, councillor budgets, public participation in scrutiny, and partnership working with parish and town councils.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

16. CCN believes that the full-hearted commitment of all relevant Whitehall departments is necessary if effective decentralised public service delivery is to be achieved. In recent years, partnership working has been hampered by the fact that, for many local bodies, the primary accountability has been upwards to the central department rather than outwards to the community. The Police and the NHS have been hamstrung by accountability frameworks imposed respectively by the Home Office and Department of Health, while the prevalence of children, schools and families indicators in the National Indicator Set reflects the central department’s reluctance to allow local areas to determine appropriate local priorities. Rationalisation of procurement rules between different Whitehall departments is also an important factor in enabling local councils to join up and devolve local service commissioning and delivery.

17. CCN considers that Whitehall departments must loosen the reins over the bodies delivering services locally, enabling them to become accountable first and foremost to the local community, through the democratically elected local authority. Local government is the only partner that can legitimately unite the range of public services in an area—working with other partners in the private and third sector, and leading the delivery of agreed locally-relevant outcomes for local people.

18. Whitehall departments also need to give local government the space to experiment and innovate, and to allow councils opportunities to pilot ideas and initiatives within their local area. In doing so, they should accept that lessons can be learnt from such initiatives even if they are not entirely successful.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

19. Local government is already the most efficient part of the public sector. To achieve further efficiencies at a local level, central government needs to remove legal and administrative barriers that hinder a more joined up approach, and to allow local authorities to develop innovative solutions which may then be adopted by others. Central prescription is unlikely to lead to optimal solutions for local communities. Whilst there are efficiencies to be made as a result of improved joint working and shared services between counties and districts in two tier areas, the greatest potential lies in the relationships with other upper tier authorities and with wider public services organisations, including health.

20. Central government should not take advantage of local government's good record in achieving efficiencies and good financial management to load further disproportionate efficiency requirements on to the sector, and to protect other public services from the need to make efficiencies at the expense of the services provided by local government.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

21. CCN has argued strongly for a new approach to improvement and performance management. Over recent years, the local government performance framework has placed far too much emphasis on compliance with inspection frameworks and too little on the achievement of local priorities. Inspection activity has been highly resource-intensive, and has diverted energy and resources away from frontline service delivery. Moreover, partnership working at the local level has been hampered by the accountability of public bodies operating locally to a range of different (and at times conflicting) national frameworks.

22. CCN believes that any future performance management framework needs to be transparent, simple, streamlined and resource efficient (for all parties) and to encourage the pursuit of excellence and innovation to meet the needs of citizens and service users rather than simple compliance with the framework. It should have local priorities at its centre and encourage councils and partnerships to take responsibility for their own improvement.

23. Developments following the election have largely accorded with this vision. The abolition of Comprehensive Area Assessment and the commitment to make further cuts in local government inspection indicate that the new government is prepared to shift responsibility away from nationally imposed regimes and towards the local government sector itself. CCN welcomes this emphasis and believes that self-improvement approaches such as peer support and challenge and mentoring schemes are often the most effective ways to secure improvement. We will be responding positively to the LG Group's current consultation on Sector Self Regulation and Improvement, calling for a new transparent and sector-owned performance framework that drives improvement whilst minimising the burden on councils.

24. Within such a framework, we accept that there is a role for risk-based, well targeted and above all proportionate inspection, in relation to services for vulnerable groups. The framework should recognise, however, that for all but the most high-risk services, inspection should be used only as a matter of last resort, when other improvement methods, such as peer support and challenge, have not been successful. We would stress the need for all inspectorates and bodies with a role in the improvement of local services to sign up fully to these principles.

25. We would also caution that the abolition of CAA in itself will not be sufficient to ensure a significant reduction in the inspection and performance management overhead. There still remain a wide range of performance frameworks and inspection regimes linked to functional specialisms. CCN is keen to ensure that these frameworks are also reduced to a minimum, rationalised and aligned to support joined up delivery between public services at local level. In the past the Audit Commission has performed a "gatekeeper" role (with mixed success); in the Commission's absence, it will be important to find new, more effective ways of co-ordinating continuing inspection activity.

26. The new government has also indicated that it wishes to place greater emphasis on the transparency of public bodies. This includes the proposed requirement that councils publish all items of spending over £500, as well as contract and tender documents in full. CCN supports in principle moves towards greater public transparency. We are keen to find ways to minimise the administrative burden arising from such initiatives, and we would argue that all government departments should be subject to the same requirements as councils.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

27. CCN believes that the accountability derived from the electoral process means that local authorities are uniquely placed to lead partnerships locally. There will be a particularly strong role for counties in multi-tier areas in fostering joined-up work between different public services within their area, and delivering outcome-focused strategic commissioning.

28. CCN believes that a greater proportion of the resource that is spent locally should be under local democratic control and direction and that there are good arguments for local authorities taking direct responsibility from Quangos or other agencies both in terms of cost effectiveness and enhancing democratic accountability.

29. We believe that the case for place based budgeting and decision making, under the democratic leadership of elected local authorities working in partnership with other public sector bodies, is overwhelming and is the only way to deliver better services in a more effective and efficient way whilst meeting the needs of local people.

October 2010

Written evidence submitted by the Woodland Trust (LOCO 52)

The Woodland Trust welcomes the opportunity to respond to this consultation. The Trust is the UK's leading woodland conservation charity. We have three aims: to enable the creation of more native woods and places rich in trees; to protect native woods, trees and their wildlife for the future; to inspire everyone to enjoy and value woods and trees. We own over 1,000 sites and have 300,000 members and supporters.

SUMMARY

- Devolving power to local communities has the potential to release a significant amount of voluntary effort and enthusiasm for improvement of their local environment including creation of new habitat and the Government's National Tree Planting Campaign could be an important mechanism for facilitating this.
- In the context of localism, it is important that mechanisms exist for co-operation and planning across local authority boundaries. This is particularly important where protection and enhancement of the natural environment is concerned in order to ensure development of functional ecological networks through a landscape scale approach.
- It is important that Government puts in place appropriate mechanisms or incentives for local authorities to ensure that important and often irreplaceable habitats continue to enjoy strong protection in an era of radically decentralised decision making.
- Recognising the importance of a healthy natural environment as a contributor to a strong sustainable economy, it is important that the new Local Enterprise Partnerships are given environmental objectives and have representatives from the environmental sector involved in their decision making processes.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

1. The coalition agreement contains several key commitments in relation to localism in relation to service delivery, including: "*We will promote the radical devolution of power and greater financial autonomy to local government and community groups...*" (1)

2. The Woodland Trust believes that the natural environment, and in particular woodland, has the capacity to deliver a wide range of ecosystem services to local communities. In the case of woodland these benefits include reduction of urban temperatures, improvement of water quality, alleviation of certain types of flooding, provision of habitats for wildlife, aiding productive agriculture, mitigating and adapting to the effects of climate change and the enhancement of health and well being etc.

3. In devolving decision making not just down to principal local authorities but also down further to local communities, the Woodland Trust is concerned that emphasis on localism does not lose the wider policy and delivery perspective available at a sub national level. For instance we believe that creating new native woods and planting trees is not a luxury. Instead tree planting is an essential action in developing green infrastructure that can deliver the wide range of benefits referred to in the previous paragraph. This is supported by Government policy—the National Tree Planting Campaign and the Low Carbon Transition Plan (2).

4. Delivery of this much needed woodland creation is increasingly planned at a landscape scale that often transcends local district or neighbourhood boundaries, following instead boundaries set by the natural landscape, geology and river corridors.

5. The current "Strategy for England's Trees Woods and Forests" states (page 24) (3):

"Many of the ecosystem services we seek from trees, woods and forests in the future will require us to look outwards from individual woodland sites and think about the impact they will have on surrounding land uses and resources (and the effect of these on the woodland too). This is called, for want of a better term, the 'landscape-scale' approach...."

6. The recently published Lawton Review (Making Space for Nature: A Review of England's Wildlife Sites) states that:

“Local authorities should ensure that ecological networks, including areas for restoration, are identified and protected through local planning. Government should support local authorities in this role by clarifying that their biodiversity duty includes planning coherent and resilient ecological networks.” (4)

7. It is therefore important that woodland creation policy and delivery continues to be planned at a landscape scale, and it will be necessary for Government to consider how this can be done in the context of the radically decentralised service delivery which is implied in the localism agenda.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

8. The “Total Place” concept and place based budgeting can make an effective contribution to the localism agenda by giving local people the power to decide how increasingly scarce public funds should be spent in their area.

9. The coalition agreement says that “.....we will give neighbourhoods far more ability to determine the shape of the place in which their inhabitants live, based on the principles set out in the Conservative party publication Open Source Planning.”

10. Recent statements from ministers make it clear that the Government intends that the planning system in future will develop upwards from the parish or neighbourhood level and that every citizen will be given an opportunity to contribute to this process.

11. There is evidence that, when they are given a say in local decision making, local people in many areas support measures to improve their local environment and tree planting and woodland creation are seen as important mechanisms of achieving this.

12. Research carried out by the Woodland Trust and outlined in our report “Space for People” (5) shows that people value having trees and woodland close where they live, because of the wide range of benefits which these habitats provide for local communities. The Woodland Trust has developed a Woodland Access Standard which potentially provides people with a tool for measuring how much access they have to woodland in their community and where new woodland creation is most needed.

13. The Woodland Trust has a considerable amount of experience of working with local communities on small and medium scale woodland creation projects.

14. From 1996 to 2001, the Woodland Trust worked with local communities across England, Wales and Northern Ireland to create 250 small woods close to local communities to celebrate the new Millennium. Local people were involved in all aspects of the project: from fundraising, through planning the design of the wood, the actual planting of trees and ongoing aftercare of the site. More recently between 2004 and 2010, the Woodland Trust planted over eight million trees as part of our Tree for All project and involved over two million children in various aspects of the work. The Woodland Trust’s current “More Trees More Good Campaign” is developing these initiatives further and introducing new ones such as “My View”, an online tool for members of the public to visualise how their street or locality would look with more trees and lobby their local elected representatives. (6)

15. The Woodland Trust is very keen to support Defra and other departments and agencies of Government in delivery of the National Tree Planting Campaign, which is a key commitment of the new Government in its coalition agreement and has the potential to be an effective tool in regeneration of neighbourhoods, particularly in urban areas. We believe that this campaign has key linkages with the Big Society agenda in that it could be a means of mobilising local people and civil society groups across the country to take action to improve their local communities. The act of tree planting is seen by many people, including children, as an inspirational event and one which shows commitment to the future of their local community.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

16. Two commitments in relation to local government in the coalition agreement are:

“We will give local authorities a general power of competence.”

“We will.....give communities the right to take over local state run services.”

17. The Government has yet to set out in detail how the general power of competence will be delivered in practice but ministers have already begun to reduce significantly the number of targets and guidance documents which central government issues to local authorities.

18. From a local authority perspective, tree planting and woodland creation have the potential to deliver on a vast range of diverse agendas, such as social inclusion, economic regeneration, enhancement of health and well being, tackling climate change, water management and reversing loss of biodiversity.

19. There are many positive examples across the country of local authorities working with local communities and civil society groups on projects to improve the local environment and many of them involve woodland creation and tree planting. For example the Lawton Review quotes as a case study Stoke-on-Trent Council

working with the Woodland Trust to reconnect people to nature by enhancing urban ecological networks. One immediate outcome is that the city council is planting 6,000 trees on mown public open space with the Woodland Trust in the next three years.

20. The Woodland Trust has also worked with Essex County Council to facilitate creation of new woodland on private land all over the county under our More Woods (7) project, for the improvement of the local environment.

21. There should be potential, in furtherance of the localism agenda, for delegation to town, parish and neighbourhood councils of some of the responsibilities currently exercised at principal council level in respect of management of the natural environment, including trees and woodland. Many parish councils already manage small local parks, playing fields and open spaces and there is potential under localism for them to play a greater role in managing existing environmental assets and in creating new ones.

22. The wording of the extract from the Coalition Agreement quoted above (para 16), seems to infer that not only will local councils be encouraged to take over and run local environmental assets but even right down to the estate or street level, people could be encouraged to take on management or possibly even ownership of these assets.

23. There is already evidence that some local authorities are responding to the need to the challenging financial times by seeking to raise capital by selling areas of public open space. Transfer to some form of community management or ownership may be a better option and allow the local authority to set criteria for continued use of the areas as open space for the benefit of local people and for ongoing management and maintenance of the sites to an agreed standard.

24. We have concerns about how areas of particular conservation importance and in particularly irreplaceable habitats such as ancient woodland can continue to be protected in a much more decentralised system.

25. The Lawton Review speaks of the need for such protection to be built into new governance structures:

“Planning policy and practice should:

continue to provide the strongest protection to internationally important sites and strong protection from inappropriate development to SSSIs; and

provide greater protection to other priority habitats and features that form part of ecological networks, particularly Local Wildlife Sites, ancient woodland and other priority BAP habitats.”

26. Currently ancient woodland is given some protection in planning policy in the form of PPS9 but around 85% of ancient woodland does not enjoy the protection of a statutory designation such as SSSI.

27. The future of Government planning policy or guidance is yet to be decided and it has been suggested that it may take the form of a looser less prescriptive framework. At the same time, the often strong planning policy on biodiversity and nature conservation in regional policy is no longer operating, following revocation of the Regional Spatial Strategies. We are concerned that loss of strong regional policy on protection of ancient woodland, for example, could lead to even more of this irreplaceable habitat being lost.

28. The Government has announced in its Coalition Agreement that it intends to create a new designation giving equivalent protection to that of SSSIs for “green spaces of importance to local people”. We very much welcome this commitment and would like to see all areas of ancient woodland given this protection. However, there is no guarantee that all communities will see all important habitats such as ancient woodland as being of importance to them.

29. Therefore we believe it is important that the Government encourages or incentivises local authorities to ensure that ancient woodland and other important habitats in their areas are given strong protection, either through strong planning policy or guidance or other mechanisms.

30. Another key aspect of the Government’s Localism agenda is the setting up of Local Enterprise Partnerships to help local authorities and local businesses to work together across local government boundaries to stimulate economic growth and prosperity in their localities. We believe that, if LEPs are to be a key delivery tool for localism, it is important that they have at least some environmental objectives and representation on their boards.

31. If the LEPs are destined to enact decisions that affect social and environmental aspirations, then we believe they should incorporate expertise from these sectors. Without this type of inclusive partnership there is a risk of marginalising the environmental agenda at a time when there is widespread recognition that the environment and prosperity are not in competition but intertwined and the Coalition government rightly aspires to be the “greenest government ever”. In the foreword to the consultation on the Natural Environment White Paper (8), the Defra Secretary Caroline Spelman, rightly points out that “our natural environment has a broader national value. It underpins our economic prosperity, our food security, our health, our ability to adapt to a changing climate and to reduce the greenhouse gases which cause this change”. A healthy natural environment is crucial to our continued economic prosperity and should not be considered an optional luxury. It should therefore be a key element of the LEP’s remit.

32. The bid for the Leeds City Region LEP (9) contains a section on the objectives of the city region's green infrastructure strategy and we believe this is a linkage which should be seen as good practice, recognising as it does the importance which greenspace and the natural environment can play in ensuring a healthy sustainable economy.

33. We do not believe it would be appropriate for LEPs to be given formal planning powers, as they are not as democratically accountable as local authorities and hence such a move could risk undermining one of the key tenets of localism, which is to bring decision making on planning closer to the people who are affected by such decisions.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

34. We have referred earlier to the need for Whitehall Departments and in particular Defra to ensure that Government planning policy or guidance gives adequate protection to irreplaceable habitats within the context of a radical decentralisation of power within the Localism agenda.

35. In recent years many public bodies at the regional and sub-regional level (for example RDA's, leaders boards, government offices etc) have developed extensive libraries of evidence on environmental and other key issues and it is important that this work is not lost as a resource for future policy development. The key challenges here are to find a way of effective long term storage of this data and also how to make it accessible to local authorities and others in a usable form. This may require some investment initially to adapt and disaggregate the data so that is of relevance for use by sub-regional and local bodies.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

36. We have mentioned previously the wide range of ecosystem services which the natural environment and trees/woodland in particular can provide for local communities. Often employing the natural environment to provide a service can be cheaper than alternatives involving mechanical systems or hard engineering.

37. Flood alleviation is a particularly good example of this and there are many good examples around the country of where sustainable drainage systems involving greenspace have proved much more effective and often cheaper than alternative systems. Local authorities have responsibilities under the Flood and Water Management Act (2010) for preparing plans to prevent and alleviate flooding and tree planting/woodland creation can potentially play a role in this.

38. Localism gives local authorities an opportunity to find solutions which best suit their needs and which are cost effective but there is a challenge in that the most effective measures will often involve co-operation between local authorities and other public bodies (for example water companies) over quite large areas.

39. The Woodland Trust has recently published a report ("Woodland Actions for Biodiversity and Their Role in Water Management") on how trees planting and woodland creation can be cost effectively used to bring about both alleviation of certain types of flooding and significant improvements in water quality. (10).

40. Within local authorities, decentralisation of landscape management to parish councils and/or community groups may produce cost savings. Sometimes groups of local people may be willing to manage an area of greenspace on a voluntary basis and they will also have an opportunity to experiment with more varied less intensive management regimes. There is evidence, for example in the National Urban Forestry Unit's report "Trees or Turf: Best Value in local authority landscape management" (11) that moving from intensively mown grass management to less intensive regimes usually results in no increase in costs and can actually deliver cost savings.

October 2010

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**Written evidence submitted by the Metropolitan Police Authority
(LOCO 53)**

INTRODUCTION TO THE METROPOLITAN POLICE AUTHORITY

The Metropolitan Police Authority (MPA) was established in 2000 to provide oversight, transparency and accountability for policing in London by holding the commissioner rigorously to account for the delivery of an effective and efficient police service for all London’s communities. Met Forward sets out the Authority’s strategic mission, which is intended to guide the Metropolitan Police Service in tackling the issues that matter most to Londoners: fighting crime and reducing criminality; increasing confidence in policing; and giving us better value for money. The MPA is a functional body of the Greater London Authority (GLA) and the Mayor appoints the chair.

EXECUTIVE SUMMARY

In this response, we have defined localism as:

1. The principle by which power is devolved to individuals, communities and local bodies that operate at either local authority or pan-London level, through opportunities to directly influence decision-making and/or by providing local bodies delivering public services with significant discretion in determining the services they provide.

2. From the policing perspective it is important to understand the landscape and context within which these services are provided. The MPS covers an area of 620 square miles and a population of 7.2 million. The Service employs more than 32,500 officers together with about 14,200 police staff, 230 traffic wardens and 4,300 Police Community Support Officers (PCSOs), as well as almost 4000 volunteer police officers in the Metropolitan Special Constabulary.

3. The MPS is a London wide organisation with a range of specialist and national functions, such as diplomatic protection, counter-terrorism, serious and organised crime and marine and air support. In addition to these London wide responsibilities, the MPS delivers local policing services through the territorial policing structure, which is comprised of 32 operational command units, which are co-terminous with the boundaries of the 32 London boroughs. We know, however, that crime does not respect those boundaries and cross-border issues are a key concern for the MPA and the MPS. In the London context then, “local” must therefore be understood at two different levels; “local” as in the London borough and “local” as in London wide. This necessitates an oversight body with the capacity to provide strategic direction and oversight across the entire police district to ensure the effective delivery of policing services that are responsive to the needs of those who visit, live and work in London. In addition, there is a role for such a body to bring together other criminal justice partners to meet all the challenges of policing and community safety in a complex and diverse city. The Authority has addressed these issues in its response to the Home Office consultation document “*Policing in the 21st Century: Reconnecting Police and the People*”, which explores these issues in greater depth (see Appendix 1).

The main points of our submission are that:

- the move towards increased decentralisation is welcome. The MPA has for some time been proactively involved in supporting local decision-making and problem solving to tackle local policing concerns, but there must be recognition that for London, local cannot simply mean local authority level;
- a London wide oversight body for policing is required to ensure the MPS is delivering effective policing services to London and to also deliver more effective partnership working with the wider criminal justice system;
- localism provides a great deal of flexibility to ensure service provision is tailored to the needs of different communities, but this requires effective engagement, equality impact assessment and accountability mechanisms to be in place to ensure decisions meet the needs of the many, not the few, and are proportionate and non-discriminatory;

- effective partnership working requires effective and robust governance and decision-making processes and this will become even more important with increased decentralisation, which is to be accompanied by reduced inspection and performance regimes. Leadership, accountability and responsibility will need to be defined and communicated to stakeholders and to local people;
- this is not only a new way of working for those of us at the local level, it will also require a different approach from central government departments, which may not currently be appropriately structured to deal with the process of decentralisation; and
- there are significant risks arising from the pressure to make immediate financial savings. The impending spending cuts will affect many of the partnership arrangements currently established locally and may encourage organisations to retreat from partnership working to look after their own interests. This may generate a negative impact on community confidence as well as fear of crime and our concern is that in the community safety context, the police service may come under increasing pressure to resolve this tension whilst still being obliged to deliver its own services within its own resource constraints.

RESPONSE TO THE SPECIFIC QUESTIONS

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

4. Decentralisation has great potential to make public services more effective. Where more discretion and power is given to local people and bodies, they are able to make decisions which target the needs of local people more effectively. Decentralisation also allows local people to have much more influence over the decisions made in their name, which could bring some significant benefits for civil society as well as more engagement in local politics.

5. A fundamental element of decentralisation must be a mature approach to engagement and accountability. The concept relies on the assumption that all have equal access to the process and are motivated by the need to be representative; we know from our experience that this is not always the case. Such local accountability needs to be credible, having the powers and resources necessary to secure local influence, and legitimate, involving local people, led by people who are selected, or elected, by local people or groups.

6. Local authorities are well placed to provide this accountability through their oversight and scrutiny role (usually in partnership with other non-executive bodies in the locality, such as the police authority). Overview and scrutiny can also contribute to policy and service development. Recent changes, however, mean that it is now possible for local authorities to revert to the old committee structure, which could in our view, lead to reduced public accountability and engagement.

7. In London there is a need to also provide engagement and accountability at a more strategic level, which can only be achieved through bodies such as the MPA and the GLA. In London there are 32 boroughs within the MPS district all of whom have separate local accountability frameworks. However, the MPS must balance the need to police all of London against the need to provide policing services at the borough level. This requires effective pan-London oversight, which is currently provided through the MPA. The Authority has a strong track record in this area, delivering borough level engagement and accountability through the link member role and public CPEG meetings, and pan-London scrutiny and oversight through our committee structure and through targeted scrutiny work focussing on specific aspects of policing, such as gun crime, rape and civil liberties.

8. The limitations of localism include aspects of public policy making that require strategic direction and control, such as defence and foreign policy. There may also be circumstances where national or regional considerations will override local ones. This is particularly relevant in the policing context, where crime and community safety issues may cross borough boundaries and in the case of the MPS where its specialist and national functions will sometimes take precedence over local matters. For example, being responsible for the capital city, the MPS has significant public order responsibilities and such events (eg the Olympics), may at times require resources to be abstracted from borough policing to ensure an appropriate police presence.

9. The key principle is to balance competing interests within an understandable, and equitable, framework. Decentralisation can and will lead to significant variances in the nature of service delivery in different parts of the country. It may therefore be appropriate for Government to identify a core set of national minimum standards leaving others to the discretion of local people.

10. Local people and relevant stakeholders will need to be clear how the localism agenda fits in with the Government's plans for the Big Society. The localism agenda is dependent on local communities being informed and responding to actual rather than perceived issues. Local policing has been consistently hampered by the problems this distinction causes. For example, perceptions and the fear of crime do not necessarily reflect the levels or types of actual crime at a local level. So again, without robust, inclusive and transparent decision-making decentralisation may fail to deliver.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

11. The evidence from Total Place pilots and initiatives has been very encouraging. There are a number of initiatives that the MPA/MPS have also supported such as the crime and offender management strand of the Total Place pilot in Lewisham, and the Diamond Initiative, which was piloted in 6 London boroughs and aimed to tackle reoffending through a multi-agency partnership approach. These initiatives have provided clear evidence that single pot commissioning, ie place based budgeting not only saves money, but can also radically enhance service delivery.

12. The Authority has long supported the co-location of services within its estate, such as the Safer Sutton Partnership (based at Sutton Police Station), which has brought together the police community safety unit and the local authority safer communities team under single line management. This has brought the benefits of increased dialogue, better information sharing and improved performance management and delivery, which resulted in approximately £300k of savings in the first two years.

13. The Authority is developing this approach at the strategic level through the establishment of the London Crime Reduction Board, chaired by the Mayor of London and including the Chair of the MPA and representatives of London Councils. The Board will provide the political and strategic leadership for a senior officer multi-agency commissioning group comprised of the MPA, the MPS, London Councils, the GLA, London Probation and the Chief Executive London Committee.

14. It is clear that with the right freedoms there are opportunities to achieve considerable savings. However, given the pan-London responsibilities of the MPS, the Authority will still require the reassurance of ring-fenced budgets if it is to ensure the MPS delivers all its commitments across London;

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

15. The fundamental principle of localism is for local delivery to be undertaken at a local level to meet the needs of local residents and this will require the identification and engagement of all the stakeholders and partners. The issue for policing is that whilst it must work in partnership with other agencies it is required to deliver some core services and must remain impartial and independent. Policing and policing oversight requires independence and impartiality if it is to provide community confidence and reassurance.

16. The practical application of decentralisation will therefore require police authorities to ensure increased negotiation, liaison and mutual understanding of needs and priorities. Leadership will be more complex because of the shared responsibility for service delivery in an area. In this environment effective governance, openness, transparency and accountability will need to be carefully planned, designed and delivered because it will require joint working between a variety of local partners, including the local community. Keeping the community engaged, confident and informed throughout this process will require considerable effort and commitment and the MPA and MPS have considerable experience in this area.

17. The Authority's engagement structure consist of 32 community-led borough Community and Police Engagement Groups (CPEGs), which sit above and bring together the MPS' Safer Neighbourhood Panels (SNPs) that work with the MPS' ward-based policing teams to develop and hold the local team to account for ward priorities. Borough commanders and community safety partners are then accountable to the wider community through the public meetings of the CPEGs. These structures have enabled the Authority and the MPS to maintain an ongoing dialogue with communities, which supports the development of a more confident and informed community that is able to challenge and hold service providers to account. In addition, the MPA conducts an annual policing plan consultation exercise, which also supports the identification of public priorities and concerns for consideration through the strategic planning process.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

18. At the present time there appears to be little clarity regarding how central government will support the decentralisation process across all departments and the process will take considerable time to become embedded. Inspections and standards of practice have provided frameworks and protocols for local partnership performance and delivery and the removal of these processes will avoid an over prescriptive regime, but it may leave some local partners facing disproportionate expectations from local communities with regards to local delivery. For example, effective policing and the delivery of community safety requires partnership working amongst a range of stakeholders, including local authorities, probation and the health service. One of the key issues for the MPA is that should any one partner fail to provide an appropriate and responsive service for whatever reason, the police service should neither be held accountable for that nor be expected to fill the gap. It is therefore essential that central government departments develop a shared view of localism and of the desired outcomes so that all service providers are working towards the same goals. This could include priorities being developed on a cross-Government basis and/or the development of joint delivery units.

19. We have made the point about the need for effective engagement and accountability structures elsewhere in this response, but it is worth reiterating. Whilst efforts are being made to ensure the localism agenda provides greater local accountability, there must be some recognition of the need in London for strategic level oversight and engagement that brings together those local borough accountability mechanisms into one pan-London structure and our response to the Home Office consultation (see Appendix 1) expands on how we think this could work under the new Police and Crime Commissioner.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

20. As mentioned above the potential of the Total Place approach to help deliver significant savings is clear. However, policing is obliged to deliver public reassurance, which requires taking a value-based approach to service delivery rather than focusing on cutting costs. A decentralised approach also requires all government departments and local agencies to share the same priorities, which is not necessarily the case at present. In the current period of spending reviews and cost cutting requirements the potential for individual bodies to retreat into organisational silos to find ways to make savings within their own budgets has increased considerably and this could lead to significant tension between different agencies.

21. Decentralisation will lead to the abolition of a number of strategic bodies, including the MPA. The rationale may be clear in the context of decentralising power and achieving savings, but in some cases there may be a valid argument for preserving such arrangements. Apart from the governance and accountability issues raised elsewhere in this response, the Authority has actively contributed to the development of responsive services, such as the Havens (rape crisis centres) and the Dangerous Dogs Unit, and to the delivery of significant savings within policing that could not have been delivered without pan-London oversight.

22. Effective decentralisation will help to deliver savings in the long term (as we have discussed). However, meaningful decentralisation will (like devolution) require time as it is a process, not an event. It has to be recognised that this time delay may impact on the availability of tangible evidence of benefits received, particularly to the public purse. The issue of sustainable benefits also needs to be taken into consideration and this will require careful planning, so that short term savings plans do not so significantly reduce capacity in local areas to the point that agencies are unable to manage and deliver on the additional responsibilities that decentralisation will bring.

23. For decentralisation to occur the process requires the pre-establishment of local awareness and local commitment by the community so that they are able to engage and participate in local decision-making effectively. This can be a time consuming and sometimes costly process. However, if accountability is approached intelligently, it can provide a powerful method for identifying savings and efficiencies in local services, based on independent research and the views of local people. The scrutiny process, for example, can provide an excellent opportunity for local agencies to engage in discussions with local people about plans for efficiency savings.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

24. There is logic to the principles set out and agreed between the Local Government Group and CLG around local self-regulation. Sector-owned improvement activity must be the means for enhancing performance. This is a continuous process that tends to be focused on peer review and it provides an effective way to share and promote good practice and positive working. It is predominantly a controlled exercise that is officer-led and does not normally directly involve local people. We would argue that this would be the weakness in this approach, which the Authority has addressed through its open committee structure and scrutiny and accountability processes, which enable continued public engagement and continuous learning and dissemination of good practice.

25. Government proposals, which may result in many authorities dispensing with their scrutiny functions in favour of a return to the committee system of governance, may not, in our view, support the decentralisation process. Even if structures and processes change the values of transparency, accountability and scrutiny must be paramount. The removal of the formal scrutiny function in some local authorities will lead to a significant mismatch between executive and backbench power. Strong, independent local accountability, led by elected members, is central to transparent decision-making and will only become more important as partnership working increases and central government inspection and oversight decreases.

26. The decentralisation of inspection and accountability may have some unintended consequences. The proposed structural changes in policing and health, for example, may fragment accountability, governance and improvement in local areas when it should be further joined up. One way to counter this effect would be through the provision of a sector or region based outcome-focussed management information regime. This would ensure that a minimum set of consistent, accessible and comparable datasets were collated at a certain level for the benefit of all the relevant stakeholders.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

27. As an organisation with responsibility for a budget of £3.7 billion, we fully recognise the importance and value of financial transparency in ensuring public accountability for expenditure. The Government has also recognised this by requiring local authorities to publish items of expenditure over £500. We note, however, that not all local partners would be under the same obligations and would hope that this disparity would be considered within the Localism Bill. It should also be noted that such information will be open to different interpretations at the local level and that its success in delivering greater public accountability is based on the assumption that local people have the necessary skills, the time and the inclination to consider detailed expenditure figures. Furthermore, the provision of expenditure data will not in itself enable the kind of analysis that might provide confirmation that service delivery does not prejudice or disproportionately impact on particular communities and it may be less than useful without commensurate action to ensure that local people are aware of the processes through which to seek redress. Central inspection or accountability performance measures may help address this gap by assessing the quality of expenditure processes. Decentralising or relying on local measures will not provide this accountability process.

28. There is a need to be aware that in some respects the MPS is quite different to other service providers since it is obliged to provide policing services across the capital (ie across borough boundaries) and beyond, as well as delivering local neighbourhood policing services. In this context, local accountability may not always be possible or appropriate in some cases, such as counter terrorism and national security. While we appreciate the need for a culture of openness in the public sector as a crucial element of decentralisation, we believe it would be inappropriate for the police service to be directly accountable on some important matters. The Authority, therefore, provides this accountability and transparency through its oversight and scrutiny functions, some of which, such as the Counter-Terrorism and Protective Services Sub-Committee, is quite rightly conducted behind closed doors. As such, the new requirements to publish expenditure in excess of £500 does not fully take into account the fact that policing is already much more accountable than many of its partner service providers.

29. A further issue for consideration is that the nature of policing is such that it can require large amounts of expenditure in the short term to address long term issues. Considerable effort will therefore be needed to ensure such information is appropriately contextualised at the local level to ensure this is fully appreciated by local communities. In addition, the complexity of policing is such that it receives funding from central government and through the local precept and is expected to deliver services which uphold the law, support rehabilitation and also prevent offending. Many of these activities will only impact directly on small numbers within the local community, and yet, the MPS may be held accountable to all residents who may have different expectations of local service provision.

October 2010

Written evidence submitted by the Public and Commercial Services Union (LOCO 54)

INTRODUCTION

1. The Public and Commercial Services Union (PCS) represents over 300,000 members working in government departments, agencies and on privatised government contracts. PCS is the largest trade union in the Government Office Network (hereafter referred to as GO network) representing 1,000 members who work across departments delivering services locally.

2. PCS welcomes the select committee's timely enquiry, and is happy to supplement this brief written submission with oral evidence or further written evidence.

3. PCS believes greater localism cannot be effectively delivered without an effective regional tier and that proposed cuts in the GO network will in fact lead to greater centralisation.

4. The GO Network co-ordinates the work of thirteen government departments and provides a vital role in delivering government services and policy locally. It provides an important channel for local authorities to influence and question Whitehall and also ensure that government departments' aspirations for delivery are realistic, reflect local circumstances and do not duplicate or conflict with other departmental activity.

5. PCS believes that the GO Network is well placed to support, indeed have a vital role in, delivering the government's commitment to localism across the country and as such the function it performs would need to be retained if the new policies are to be successfully implemented and delivered.

6. A stakeholder survey conducted earlier this year⁶⁰ revealed that 77% of respondents were satisfied with the GO Network, results putting them in the top quartile for all public sector organisations in terms of stakeholder perceptions.

7. The government has announced its intention to close the GO Network having already made the decision to cut the Government Office for London.

⁶⁰ Ipsos Mori, March 2010

8. The Government has not given a clear indication of cost savings that would be achieved by closing the GO Network. PCS believes that in the long run closing it may be more expensive, as local knowledge is lost and effective intra-departmental working no longer happens.

CONTINUING NEED FOR GO NETWORK IN DELIVERING LOCAL AGENDAS

9. The Office for Civil Society has written to staff in GO Network and asked them to assist in delivery of the Big Society using local knowledge to identify partners. GO Network staff have a substantial role in assessing how services are planned and delivered, in managing the governance of those services and in monitoring the means by which local people are engaged. There is little accountability in the proposed new regime.

10. The Department for Business, Innovation and Skills has asked staff in the GO Network to assist in the development of Local Enterprise Partnerships, again based on their local knowledge. The closure of GO Network and Regional Development Agencies will lead to a lack of local intelligence and coordination. For example both bodies have played significant roles in the coordination of government responses to significant industrial changes and redundancies.

INCREASED CENTRALISATION

11. The alternative to this local knowledge is, as the Financial Times has commented (16 August 2010), that increased localism will lead to a creeping centralisation.

12. PCS has already seen evidence showing that cutting the regional tier of government will lead to increased centralisation. All Departments are now considering as part of their CSR 2011 bids to the Treasury what functions should remain. Home Office has decided that resilience and anti-terrorism work should continue and Ministry of Justice has decided that they should continue to support local crime reduction partnerships. Should these functions be retained without an intermediate tier, they will be transferred to central London .

13. The recent announced closure of the Audit Commission means that there is now no body working with Local Authorities to consider outcomes against grants from government departments. It is inevitable that as ministers are accountable to parliament for their departmental spending that they will have to set up their own audit trails, thereby increasing centralisation and bureaucracy.

FUTURE ROLE OF GO NETWORK

14. There is a role for GO Network in integrating departmental policies for delivery and influence at a local level in important roles from child protection to tackling climate change. PCS believes GO Network has a significant part to play in enhancing the relationship between Whitehall departments and local authorities, the voluntary and community sectors, local business, faith groups and other stakeholders.

15. PCS is anxious that if the GO Network is closed this vital work will not continue, as government departments are already under considerable pressure to deliver more with less resources as the government's spending cuts start to bite.

16. *Safeguarding children*—Children & learners teams were established in GO Network in 2006 following the Victoria Climbié inquiry. They are uniquely placed to coordinate work between agencies and authorities on a range of policy areas and establish key priorities for improving the lives of children and young people at a local level. The teams provide both support and challenge to local authorities on this work and are able to share best and innovative practice to drive standards forward.

17. *Responding to extraordinary events*—GO Network provided a link between government and local authorities during the floods that affected England in 2007 and 2009. In 2001 they provided a significant resource in the government response to the foot and mouth outbreak. During 2010 GO Network was involved in managing the Papal visit.

18. *The Big Society and localism agenda*—The Office for Civil Society has approached GO Network to find out how *localism* can work in practice drawing on previous work. Closure of GO Network would result in a significant loss of local knowledge and relationships, which would undermine the potential success of this policy.

19. *Local Enterprise Partnerships (LEPs)/Regional Development Agencies (RDAs)*—GO Network has already been tasked to assess the capability of potential partnerships to replace RDAs. The LEPs will need some coordination and that role could be fulfilled by GOs. The closure of RDAs will require GO Network to have a broader overview in conjunction with other bodies like the Homes & Communities Agency. PCS firmly believes that it would be premature to close GO Network ahead of knowing the consequences of the RDAs closure eg how European funding programmes will be managed in the future.

20. *GO national planning, transport and rights of way teams*—These are based in specific GOs and deal with these areas of work on a national basis. They have a great deal of expertise, there is no suggestion that their work will end and any decision we would argue would have to factor in the continuance of their functions.

21. *2012 Olympics*—GOs have a role in ensuring that the Olympics provide long-term benefits throughout the UK in terms of economic development and regeneration, skills and employment, education, tourism, culture and health and wellbeing.

22. *Climate change*—The government believes that tackling climate change is an issue that still needs to be pursued, which GO Network is currently doing on a multi-agency basis.

23. *Community safety*—GO Network plays an important role in tackling the causes of crime linking crime reduction initiatives with other activity such as social inclusion, regeneration of deprived communities, competitiveness and sustainable development. The initiatives to cut the prison population would be helped by such coordination.

24. *Food strategy*—GO Network continues to work on delivering this and supporting sustainable food production including its integration with other departmental priorities.

25. *Welfare*—GO Network has managed the current European Social Fund programme since 2008 and as this work will need to continue it is not obvious how this would be done without it. It has been leading on the highly successful *Later Life* agenda looking at how better services can be provided for the elderly. It is also engaged in cross-cutting activity around worklessness and child poverty.

26. *Homes, jobs and infrastructure*—These are still needed but many authorities have paused or cancelled their plans for growth. Government will need to maintain strong relationships with local authorities in order to understand and manage the risks that localism poses to the economic recovery.

27. *Transport*—Transport funding reductions and the end of Regional Transport and Spatial strategies will mean a reduction in this work for GO Network. But this will also put more focus on joining up housing, planning and transport at a local level, and GO Network is better placed to support this than Whitehall, because the policy areas are separated at that level.

28. *Equality and Human Rights Commission*—Small experienced teams are based in GO Network, working with regional and local partners in communities to ensure community cohesion and citizen level engagement. They fulfil a robust, credible regulatory equalities function as the new government progresses its localism agenda, reducing the burden on local government at a time when resources may be stretched.

29. *City regions*—this is a way of bringing joined up thinking to areas, so that services and planning are provided in the places people live and work. City regions go beyond local authority boundaries. They join more than one city together in terms of strategic planning—for example, on economic development, physical planning or strategic housing—and governance arrangements, such as through executive boards. This structure would be lost without the GO network.

30. *Ministerial work*—GO Network enables and facilitates numerous Ministerial visits by suggesting events and providing briefing and accompanying officers, etc. It has also arranged Cabinet meetings outside of London, most recently in Bradford. GO Network ensures that Ministers are able to engage with MPs and their constituents on specific local issues, either by using local knowledge to provide briefing to parliamentary questions or Ministerial correspondence, or by organising visits for Ministers to particular places so that they can engage directly with voters on issues of concern. It is doubtful if departments could manage this from London as effectively without the depth of knowledge that GOs have.

CONCLUSION

31. PCS believes that the GO Network should have a critical role to play in supporting the new localism agenda because:

- It provides a cost effective and efficient service across government.
- It is vital in co-ordinating services in response to extraordinary events.
- Its staff have built up significant knowledge and relationships with local authorities and partner organisations.

The key functions described above will still need to be delivered and there would be increased costs associated with recreating them. Without them, the inter-departmental efficiencies essential for decentralisation will not be realised.

Written evidence submitted by County Durham Partnership (LOCO 55)

LOCALISM INQUIRY

Within County Durham there is a clear recognition that localism, where decisions are made as close as possible to the communities affected and where local people can work together to decide how their needs should be met, can not only work but can improve satisfaction and enhance quality of life. Localism certainly provides a vehicle for ensuring that individual public services can respond to the specific needs of local areas and local people. In County Durham we also recognise that one size does not fit all and since becoming a unitary authority in 2009 we have developed strong, coherent and efficient structures through which resources can effectively be deployed at a local level. This has taken place through robust two way mechanisms in order to ensure true community involvement and engagement.

However, achieving strong and effective localism requires robust and coherent foundations and supporting structures. We believe that we have developed these in County Durham through the following:

- Strong and effective political leadership and democratic engagement and accountability at all levels.
- A strong but flexible partnership framework that ensures a whole County approach, ensures that issues of importance to local people influence the strategic decisions regarding the County as a whole and involves 14 Area Action Partnerships that are able to commit resources to meet local needs and priorities.
- A long term plan for the County which clearly sets out the outcomes that local communities and all partners want to achieve.
- Strong and effectively engaged Local Councils and voluntary and community sector, with established arrangements for devolving services and local activities.
- Mechanism to engage and involve those communities who are often overlooked.
- Dedicated staff who are willing to go the extra mile to make this work.

We believe that our inclusive model provides the strong foundation for further innovative service devolution and decentralisation from central government.

In County Durham we also recognise there is a need to achieve a balance between those issues that are purely place focused and those that are less so. For example delivering improvements in alcohol related services can be effectively dealt with on a larger scale.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

There is no doubt that decentralisation can lead to more effective public services when implemented appropriately. Also, communities will take ownership of services if they have been involved in their development. An example is around the changes to the way health services are delivered and managed, this offers a positive opportunity for engagement across all sectors and with local communities.

There are some key issues that must be addressed for this to be successful:

- *Support*—Successful localism does not just happen. It needs support in order to build capacity and to help those taking on public services to understand the issues and pitfall involved. The voluntary and community sector, particularly, need resources to be able to turn the concept of localism into a reality.
- *Resources*—For Localism to work government must handover appropriate resources with the levers it is offering. Without this localism will be seen as a cynical attempt by Government to cut budgets and blame localities for reduced services.
- *Capacity*—Often capacity needs to be built before service delivery can be devolved. It is also essential that those organisations or groups taking on local service delivery are mindful of what they do and how they do it and have sufficient resources to consider and implement the necessary safeguards.
- *Clarity*—Bureaucratic arrangements are not necessary but simple and clear guidelines, entitlements and arrangements are needed to ensure that those taking on services are clear about what they can and can't do and those receiving services know what they can expect.
- *Quality*—Maintaining the quality of services whilst seeking a localism or a more decentralised way of working will be critical. Particularly when services are to be delivered by commercial or third sector delivery partners and when these arrangements and partnerships are in their infancy.

- *Equalities*—It is vital that we do not run the risk of further exacerbating patterns of inequalities by shifting towards more unequal forms of public service delivery. We are aware that some groups working with the most vulnerable people within our communities are concerned that, if changes are not implemented in an informed and considered way, there may be a cost in terms of equality and social inclusion. We must ensure that decisions that are made locally do not disproportionately or unfairly impact on disadvantaged groups. Localism must not be allowed to lead to a reduced focus on outcomes for those groups that rely on public services most heavily.
- *Structure*—mechanism such as Durham’s Area Action Partnerships are needed to facilitate a clear and business-like approach.

Area Action Partnerships provide an effective model for engaging and empowering communities that since their establishment in May 2009 have proven that a large unitary council can enthuse thousands of local people to become involved in improving their communities. As a result, the number of people who feel they can influence the decisions of local agencies has seen a dramatic increase in the County.

The first step in achieving this change was to ensure the boundaries of the AAPs aligned to local communities. This took an immense amount of work but resulted in a wide range of population sizes (from 8,000 to 93,000) that reflected the rural/urban mix of the County. Having created this sense of ownership, the Council has taken a clear line that each partnership should have three core attributes (attributes that came out of the consultation prior to their establishment), namely:

- They need to be balanced and not dominated by a single partner.
- They should lead to demonstrable action.
- They should have open and transparent decision making.

By sticking to these values, the partnerships have made some significant achievements. The numbers signing up to be involved in their work has grown from 1,500 to 3,200. Over 500 community lead projects have been developed across the County that have levered in over £8 million of additional resources and critically, members of the public take the time to attend the partnerships and get involved in their work.

By building on the opportunity of change through local government reorganisation, AAPs have successfully transformed the image of the Council to one where thousands of local people take the time to become involved in local decisions. The balanced model is one we feel could contribute to an increased role for localism.

In addition it is important that the government understands the different roles that local communities or local people wish to play. In many cases people want to be engaged and involved in the shaping and delivery of services but do not want responsibility for overall delivery and all that this encompasses.

Localism and decentralisation are opportunities to use resources more effectively and efficiently but they are not major cost saving initiatives. Particularly in the early stages of development, greater resources are often needed to prevent waste, duplication and poor standards of delivery. For example, asset transfer may present a significant opportunity for localism and growth of local enterprise, however, assets cannot be transferred without significant transition costs needed to cover improvements to the asset, to ensure that it will not be a drain on resources once transferred and capacity building to ensure that it does not become a burden that cannot be sustained.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

We need to understand the scale and the definition of “place”—is this the local authority area or local area. Are the lessons to be used to inform community led planning and participatory budgeting or to inform devolution from central to local government.

County Durham was one of the Total Place pilots and therefore the Council has a good understanding of this initiative and how it can identify where improvements can be made. However, a Total Place approach will need a strong role to be played by government in removing or addressing national barriers. There is also a tension between Total Place and locality budgeting which both start from very different perspectives. Rewards and savings can however fall disproportionately, for example, one partner may need to invest for others to make savings. All agencies, nationally and locally, need to recognise that this can sometimes offer challenges.

Echoing comments made by the Local Government Association around rolling out place-based budgets, where all funding for services delivered by the public sector in an area is pooled and controlled by councils, we believe this would help to achieve efficiency savings, while ensuring that local priorities were addressed. A key benefit of area-based budgets would be a reduction in bureaucracy as well as improving the accountability at a local level.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

This proposal raises a number of concerns which would need to be considered. There is no reason why some services should not be devolved to other local agents such as the Voluntary and Community Sector or Town and Parish Councils which could include aspects of service delivery of specified services as well as community engagement. Durham County Council has already established clear mechanisms to facilitate this. However, these mechanisms have taken time to develop and implement and are continuously evolving.

This proposal also presents the risk of increasing the cost of services if economies of scale are lost. All public sector agencies will see the impact of Localism and will need to ensure that economic issues are taken into account when looking at alternative ways of delivery as well as devolving services.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

In the past the pursuit of localism has been hampered by an apparent reluctance on the part of Whitehall departments to genuinely devolve decision making.

Effective localism will only be achieved if Whitehall trusts the public sector and local communities to deliver effective services that are most appropriate for their area. A barrier to this could be if guidelines and regulations which potentially undermine this are continued by Central Government. On occasion messages coming to localities from the centre can be blurred eg the frequency of bin collections and this could have an adverse effect on delivery.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

Decentralisation and less bureaucracy can be a means to achieve efficiencies and cost savings but initially this may not be the case and to achieve positive change there needs to be investment in local structures. Resources to invest in up front development work will inevitably be limited in the future. Implementation of mechanisms and building the capacity to successfully achieve change needs careful management otherwise it could prove to be extremely expensive and inefficient. There are many issues that need to be taken into account including capacity, loss of economies of scale, health and safety, impact on low paid employment and inequalities.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

There needs to be appropriate systems of performance management to show direction of improvements made by Local Authorities but also recognition that Central Government Departments can help Local Authorities in this role. Local people need to be given the power to hold local services to account, whether that's for money allocated or agreed outcomes. In Durham the Area Action Partnerships, previously highlighted, offer a mechanism to hold the Local Authority and its partners to account.

Equality and quality are the two biggest issues. Openness and transparency, alongside local performance monitoring, which includes considering equality impact of change, will be essential.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

All local authorities should have effective performance management arrangements in place which ensure that local performance is achieving the desired outcomes and is meaningful locally.

Government should provide a national steer on specific minimum standards that people should expect and implement a clear system of redress to allow local people to challenge local service delivery.

October 2010

Written evidence submitted by the Sustainable Development Commission (SDC) (LOCO 56)

SUMMARY

1. The SDC has long advocated a localist approach that actively promotes effective, participative systems of governance that engages people's creativity, energy and diversity. Good governance was one of the five principles of sustainable development agreed by the then four UK Governments in 2005, and is a prerequisite to enable communities to consider the future needs of citizens whilst managing our assets sustainably.

2. Good public services play a key role in enabling sustainable communities, and should not be seen in opposition to localism. They should contribute to enhancing fairness and social cohesion, and to improving and protecting our natural environment. By taking a sustainable development approach they can contribute to

Government's goals to be the "greenest government ever"¹ as well as helping reduce the deficit through creating efficiency savings and better outcomes.

3. Decentralisation and localism can lead to more effective and sustainable service delivery, by reflecting local distinctiveness and the diverse needs of local people. But it will only do so if it is conscious policy; it will not happen by accident. Shifting power away from the centre and out to councils and communities can only work if it is accompanied by appropriate guidance and support, including resources where needed, on the strategic direction that should be taken.

4. There is potential to build on the lessons learnt from Total Place. The concept of place based budgets has scope to deliver better, more cost effective and sustainable services through taking a more integrated and joined-up approach. But this will only happen if environmental services are included.

5. Sustainable public services require joint working between local government and local partners. This could be achieved through the Local Strategic Partnerships if they are to be continued or Local Enterprise Partnerships (LEPs) if their membership is widened to include public service providers and community groups and their remit extended to cover sustainable development impacts.

6. Arrangements for the oversight of local area performance are necessary to ensure effective, fair and responsible public service delivery. A clear framework stimulates improvement, enables comparisons and therefore reduces the risk of too much variation in the level of service, and encourages the sharing of best practice.

7. There must also be mechanisms put in place to evaluate whether the desired outcomes are achieved. Local authorities should be accountable both locally and nationally for their economic, environmental and social performance.

RECOMMENDATIONS TO WHITEHALL DEPARTMENTS

8. CLG to encourage local authorities to continue to set out their long term vision in a Sustainable Community Strategy (SCS), and LEPs to set out their long term vision covering economic, environmental and social priorities.

9. Local authorities to be given a statutory duty "to contribute to sustainable development" in everything they do.

10. CLG to ensure that sustainable development is made explicit, and its principles clearly defined, within the new National Planning Framework.

11. Government to issue advice to local authorities on incorporating environmental services into place based budgeting, and to give examples of how and where efficiency savings can be made through taking a sustainable development approach.

12. If LSPs do not continue then the required membership for LEPs to be widened to include public service providers and partners who represent environmental and social perspectives.

13. Government to produce a national statement of sustainable development principles that outlines what the Government expects from local authorities and LEPs.

14. CLG to specify the economic, environmental and social data that local authorities must publish (whether this is the National Indicator Set or something similar).

15. CLG to mandate the use of a sustainability self assessment tool for local authorities as part of their performance assessment and direction setting (potentially the Local Sustainable Development Lens if the National Indicator Set is still in use).

16. National assessments of local area performance on sustainable development to be carried out by CLG with Parliamentary scrutiny by the CLG Committee and/or the Environmental Audit Committee.

THE SUSTAINABLE DEVELOPMENT COMMISSION

17. The Sustainable Development Commission (SDC) is the Government's independent adviser on sustainable development, reporting to the Prime Minister, the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister of Northern Ireland. Through advocacy, advice and appraisal, the Commission helps put sustainable development at the heart of Government policy.

18. The Government is currently exploring how sustainable development can be further embedded in Government policy decision-making and operations, which is also being investigated by the Environmental Audit Committee. The SDC's response to this inquiry does not address all the questions in detail but focuses on the tensions between sustainable development and the Government's approach to localism.

Extent to which decentralisation leads to more effective and efficient service delivery

Sustainable service delivery

19. Effective service delivery meets the needs and aspirations of communities. It is also sustainable; if it contributes to enhancing fairness and social cohesion, enhances and protects our natural environment and considers the future needs of citizens whilst managing our assets sustainably. It will then contribute to Government's goals to be the "greenest government ever"² and to "ensure that taxpayers' money is spent responsibly"³ to help reduce the deficit through creating efficiency savings and better outcomes. A sustainable development approach:

- Tackles "upstream" causes and prevents needs arising, reducing pressure and spend on public services
- Creates efficiency savings through taking a more joined up approach and avoiding duplication
- Builds resilience by making communities less dependent on volatile and unsustainable resources
- Requires long-term consequences to be factored into current decisions
- Promotes effective, participative systems of governance
- Links approaches across local, regional, national and international boundaries.

20. Some examples of sustainable service delivery working in practice and demonstrating multiple benefits and cost savings are shown below.

Health

The Green Gyms programme run by BTCV helps people take exercise outdoors whilst participating in activities that improve the environment. Ninety percent of participants with poor mental or physical health show an improvement within seven months. For example, Bexhill and Rother PCT are working with BTCV at the Rother Green Gym. Up to thirty people attend each session with a measurable sense of accomplishment and a high retention rate. One participant said, "I used to get depressed about the future, but now that is not the case. I have been on medication for 18 years, but since doing this I have halved the amount I take. My life is a lot better."⁴

Transport

A review by the National Institute for Clinical Evidence (NICE) found that traffic calming interventions may be useful in enabling children to benefit from physical activity through play outdoors.⁵ Portsmouth introduced a 20mph limit on almost all residential roads in 2008. The new speed limit was designed to protect pedestrians and cyclists in residential roads. Initial findings indicate that already the limit on traffic speeds is having a positive impact on safety with casualties falling by 15% and total accidents by 13%.⁶ Other positive impacts include increased physical activity and subsequent improvements in health and well-being.

Energy Efficiency

Kirklees Council's environment department has developed a number of projects largely aimed at improving the energy efficiency of the existing building stock. A key project has been the Kirklees Council Warm Zone.

It is the largest local authority home insulation scheme in the UK and offers free loft and cavity wall insulation to every suitable household in Kirklees, irrespective of household income. It aims to improve the thermal comfort and energy efficiency of every suitable home in Kirklees in order to tackle fuel poverty and reduce district carbon emissions.

Kirklees Council views this programme of works as the most effective regeneration initiative possible for the area. This is because of both the savings on energy bills and the creation of local employment. Kirklees Warm Zone has estimated that for every £1 invested through the scheme £5 is returned into the local economy. This gives a total economic impact of over £80 million from a combination of direct funding, job creation, household fuel savings and increased benefits uptake. The works are estimated to have directly created over 100 jobs per year for three years, and a further 29 indirectly.⁷

Benefits of decentralisation

21. Decentralisation and localism can lead to more effective and sustainable service delivery. Reflecting local distinctiveness and the needs of local people is essential for the success of a service. Through a deeper understanding of local problems, a localist approach can help tackle the root causes of a problem rather than just the symptom, which not only makes people's lives better but saves tax payers money as well.

22. The SDC has long advocated a localist approach that actively promotes effective, participative systems of governance that engages people's creativity, energy and diversity. Such an approach is more likely to create the opportunity for local people to "co-produce" services with providers,⁸ to work together to build a stronger, more cohesive community and to make more sustainable choices in their day-to-day lives. An example of this working in practice is shown below.

Housing refurbishment

Sanford Walk is a self contained housing co-operative of 14 shared houses and six self contained flats set up in the 1970s. When refurbishment works were required in 2002 they decided that they should take the opportunity to invest their maintenance fund in a programme of works focused on improving sustainability and reducing their energy consumption.

The group commissioned advice from the Centre for Sustainable Energy as well as architects and engineers, successfully applied for a grant from the EST's Innovation Programme and appointed a project management team. Consultation with residents was central to the project. Residents were surveyed at the start of the project to determine their priorities and ongoing communication was achieved through regular meetings and information provision.

Sanford has reduced its carbon emissions by 60% between 2003 and 2008. The group also consider that overall awareness of energy and environmental issues have increased, yielding behavioural changes inside and out of the home.⁹

Risks of Decentralisation

23. Decentralisation can lead to more effective and sustainable service delivery if it is accompanied by appropriate guidance and support, including resources where needed, on the strategic direction that should be taken to ensure we meet national goals, such as fairness. Without such guidance and support there is a danger that public money will be wasted, as each area invests in separate but duplicated strands of research and development and less well resourced communities will suffer due to their area's inability to draw on essential knowledge. An example of where central guidance and support is essential for community groups to thrive is shown below.

Government's role in supporting neighbourhood renewal

The SDC's recent report, *The Future is Local*, provides new evidence and expert analysis to show that local-level partnerships between community groups, local authorities and private parties provide the most efficient and cost-effective way to improve local infrastructure and the wider sustainability of places. Retrofitting housing for energy and water efficiency at the same time as improving play areas and local services, for example, will be delivered most efficiently at the neighbourhood scale.

Testaments from community groups and from expert contributors highlight that in order to function to the best of their ability these local partnerships require structured, accessible support from an independent source. This may include financial and legal advice, technical knowledge or facilitation in setting up the partnerships themselves, without which many would-be initiatives have failed. We recommend that Government review the myriad sources of support currently available, identify duplication and gaps, and reconfigure these structures to be more effective. By providing this recognisable source of information and mentoring, the Government can provide the conditions for the partnerships to thrive independently.

24. It is not yet clear exactly what the new decentralised system will look like or how it will work in practice, but it is important that successful elements and lessons learnt are carried forward to ensure the focus on sustainable development is not lost. The previous arrangements allowed for sustainable development to run through a range of structures and processes, with vision for the future outlined in the Sustainable Community Strategies (SCS), delivered by the Local Strategic Partnership (LSP), measured by the Local Area Agreement (LAA) and local accountability made public via the Comprehensive Area Assessment (CAA). Additionally at the regional level, the Regional Development Agencies (RDAs) had a duty to "consider sustainable development" in all their activities and the Regional Strategy (RS) placed sustainable development at the heart of strategic planning. With the abolishment of the CAA, the RDAs and RSs, and the uncertainty facing LSPs and LAAs, it is not clear how the Government will mandate and facilitate sustainable development at the sub-national level despite its commitment to "mainstream sustainability, strengthen the government's performance in this area and put processes in place to join up activity across government much more effectively".¹⁰

25. Local authorities face additional challenges in that they are expected to play a key role in developing the Big Society. The SDC has recently completed an extensive piece of research, which established some key principles relevant to community projects. The report, *The Future is Local*, concludes that community groups and local government need a coordinated programme of support from central government to develop community projects and greater community involvement.¹¹ Without this support it is difficult to see how aspirations for community empowerment can be realised in an effective manner. Appendix I sets out the report's full recommendations to government.

Thinking bigger than local

26. Some of the biggest challenges facing us are international and intergenerational in nature, for instance climate change and natural resource depletion. These critical issues can be difficult to address at the local level, especially when a community has more immediate priorities such as unemployment, poverty and health problems. The strategic sustainable development approach can be overlooked and the opportunity to achieve better outcomes in the short and long term is therefore lost. For example, encouraging growth in jobs in renewable energy, public transport infrastructure, ecosystem maintenance and retrofitting the existing building

stock will result in reducing carbon emissions and unemployment, improve health and wellbeing, contribute to the country's economic recovery and lessen our impact on the natural environment. Some direction from central government is needed to ensure this approach is taken more systematically across the country and not just in pockets. This could be achieved by transferring the statutory duty to contribute to sustainable development from the RDAs to local authorities.

Focus on economic priorities

27. Government has asked local authorities to develop proposals for Local Enterprise Partnerships (LEPs), which are to set out local economic priorities. The SDC is concerned that the LEPs will focus solely on local economic priorities without addressing wider sustainability impacts, and therefore it is possible that short-term economic growth will take precedence over sustainable development in many areas. Economic renewal must not be addressed in a vacuum, rather it should be based in a long term vision that improves everyone's quality of life and manages our assets sustainably. In order to do this effectively the LEPs need to set out a long term vision that reflects the SCSs from their area and show how they are contributing to sustainable development.

Variations by area

28. There is a risk that some areas will have better services, will be much more attractive places to live, and will contribute more to national targets to reduce carbon emissions and improve the natural environment. This does not chime with the Coalition Government's key objectives of "fairness", as not all local areas will be delivering the same level of service, and "responsibility" because not all public services will be contributing to sustainable development. Whilst the SDC acknowledges that local areas should determine their own requirements there does need to be some form of managed process in moving from a centralist top-down approach to the localism approach to ensure effective engagement across the breadth of communities to prevent unintentional differences emerging. Additionally, without some form of performance assessment system highlighting when areas are falling behind or exceeding the national average or similar benchmark, the effectiveness of these different approaches may not be considered.

More responsibility and fewer resources

29. The Local Government Association has predicted that frontline council services will face a funding shortfall of up to £20 billion a year by 2015 if budget cuts in the Government's spending review are imposed.¹² The shift of power away from Westminster to councils and communities means that they will have greater responsibility for delivering frontline services at the same time as having their budgets cut. Councils might then be forced to focus limited resources on immediate priorities, resulting in greater financial expenditure over the longer-term and more sustainable and efficient plans being abandoned. This can be addressed if they are required by Government to contribute to sustainable development and to continue to work towards the vision set out in their SCSs.

Potential conflict with the planning reform

30. The Government's objectives for the Planning System include returning decision-making powers on housing and planning to local councils, radical reform to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live, and publishing a simple and consolidated national planning framework covering all forms of development and setting out national economic, environmental and social priorities. Within this reformed planning system a presumption in favour of sustainable development will be created, although at this stage it is not clear how this is being defined or how it will be monitored. Whilst the localism aspirations for the Planning System are welcome there are some issues that need to be addressed at a strategic level to ensure resilience and intergenerational fairness, and to help deal with cross-boundary issues. For example, it is not clear how the new approach will work for factors such as climate change adaptation and international biodiversity legislation where a localist approach may run counter to the needs of the country.

31. In order to meet the reform's aspirations, the local planning system will need to consider the economic, environmental and social dimensions on its area to reflect the aspirations of their communities. Therefore, there is a risk of conflict between the planning reforms sustainable, more holistic integrated approach with the potentially narrow, economic focused approach of the LEPs.

32. The variety of spatial scales being proposed for LEPs also makes it difficult to see how potential conflicts will be managed across administrative boundaries. Problems may arise if, for example, there is a proposal for a cross-boundary development, such as a trunk road, that an LEP or multiple LEPs are in favour of because it will create more jobs, but that goes against the objectives of a local plan because it will damage an environmental asset or increase social inequity. These types of issues used to be addressed at the regional level, which meant that sustainable development had to be the basis for the decision making process. We understand that CLG will not be issuing guidance to local planners to resolve these types of conflicts, so how will these issues be resolved and how will the Government ensure that sustainable development is considered?

33. Recommendations:

- Local authorities to be given a statutory duty “to contribute to sustainable development” in everything they do.
- CLG to encourage local authorities to continue to set out their long term vision in a Sustainable Community Strategy.
- LEPs to also set out their long term vision for the local area that covers economic, environmental and social priorities.
- CLG to ensure that sustainable development is explicit within the new National Planning Framework.

THE LESSONS FOR DECENTRALISATION FROM TOTAL PLACE

34. The concept of place based budgets has huge potential for delivering better, more cost effective and sustainable services through taking a more integrated and joined-up approach. Unfortunately the Total Place pilots did not include environmental services, such as improving the natural environment, increasing energy efficiency and adapting to climate change, as they were areas of relatively low spend. Yet environmental services deliver multiple outcomes for communities and can show long term cost benefits.

35. For example, one of the themes in the Total Place pilot in Lewisham was on health and social care. It focused on greater joint working between the Council and NHS Lewisham, in particular, establishing joint budget and organisational arrangements. This has resulted in more efficient service delivery and better assessment of need.¹³ However, an opportunity was missed to look at the types of services being commissioned and to take a much more joined up approach to public health delivery. The environmental determinants of health are rarely considered, yet they play a key role in preventing ill health and disease. For instance, improving access to green space, mitigating climate change, promoting active travel and reducing traffic, and improving domestic energy efficiency and other household conditions can all improve health and wellbeing. Whilst there may be cost increases in the short term this will result in long-term cost savings to the NHS. An example of an innovative approach is shown below.

Health, transport and planning

Bristol City Council and NHS Bristol have placed a public health expert in the council transport department. Their role is to help planners and transport engineers understand how they influence public health challenges such as obesity, mental health and cardiovascular disease, and how they can create environments which encourage people to walk or cycle instead of driving cars. The post also contributes health evidence to transport consultations and bids and helps facilitate programmes for Bristol’s Department of Public Health to reduce injuries and fatalities on the roads.¹⁴

36. There are various tools that can support local partnerships to work well together through experimenting with combining budgets and delivering solutions to cross-cutting issues. An example of such a tool is shown below:

Learning tool

The Planit-Sustainability learning simulation has been developed in the Northwest region. It is an interactive game, whereby local service providers work as a group to change an unsustainable virtual community into a more sustainable one. It helps key decision-makers to better understand how their decisions and those made by other organisations can either hinder or help sustainable development and how working together on cross cutting issues can make a real difference to the economy, environment and society. Each player in the group has a budget which they have to allocate on a yearly basis in the most sustainable way possible. At the end of the session the team review the sustainability of their imaginary community.

According to the Northwest RDA, “Delegates were astounded when this sophisticated computer simulation demonstrated the real difference they could make within their communities through joint decision-making. The delegates then pledged to work together to improve their local communities for the future.”¹⁵

37. Recommendation:

- Government, in consultation with local authority associations, to issue advice to local authorities on incorporating environmental services into place based budgeting and to give examples of how and where efficiency savings can be made through taking a sustainable development approach.

THE ROLE OF LOCAL GOVERNMENT AND OTHER LOCAL AGENTS

38. The role of local government in a decentralised model of local public service delivery should be to:

- Provide the strategic direction ie what needs to be done to create a sustainable community.
- Identify the community’s needs.
- Facilitate the process for local people and partners to decide how to meet the community’s needs.

- Coordinate and enable public service delivery.
- Publish data on economic, environmental and social performance to enable local people to hold them to account.

39. A sustainable development approach to delivering public services requires joint working between local government, local partners and other stakeholders. A local partnership, such as an LSP, is likely to be the best means of encouraging greater joint working between service providers. However, it is not yet clear whether LSPs will continue to be required by the new Government. If they are abandoned then the LEP may fill this gap for economic regeneration but it is not clear what other arrangements will be put in place for the myriad of other services to be planned and delivered at local level.

40. Building partnerships around a particular issue can help provide focus, but the focus and recommended membership for LEPs is currently too narrow to deliver the wide range of sustainable public services and may put economic priorities in conflict with wider sustainability ones. There is also potential for conflict between the LEP's objectives and SCSs, if they are to be continued. These issues may put the long-term viability of LEPs in jeopardy and may not serve the community's needs.

41. Recommendation:

- If LSPs do not continue then the required membership for LEPs to be widened to include public service providers and partners who represent environmental and social perspectives.¹⁶

OVERSIGHT OF AND ACCOUNTABILITY FOR LOCAL PUBLIC SERVICE DELIVERY

42. The abolishment of the Audit Commission and the CAA will leave a huge gap in the oversight of and accountability for local public service delivery. The SDC worked with the Audit Commission over several years to embed the assessment of sustainable development in the CAA. After the first round of assessments the SDC carried out a review of the extent to which sustainable development principles were evident in CAA judgements. The review concluded that, although there were a number of areas for improvement, on the whole the SDC was impressed by the quality of the judgements. With an absence of area-wide assessment the SDC would like to know how the Government intends to monitor and assess economic, environmental and social performance, or what it will require in terms of reporting standards for local authorities and LEPs.

OVERSIGHT TO STIMULATE IMPROVEMENT

43. Oversight of local area performance is necessary to ensure effective, fair and responsible public service delivery. As mentioned above, there is a risk that local areas will fail to address international and intergenerational issues in the absence of strategic guidance from central government and a performance assessment system. The CAA considered sustainability in all of its judgements thereby providing a driver for sustainable development in local areas and stimulating improvement.

44. Oversight of performance also enables comparisons between different local areas and the sharing of best practice. It pushes areas of underperformance to improve and reduces the risk of variations by area in terms of service delivery and accessibility.

ACCOUNTABILITY

Local accountability

45. CLG intends to increase the accountability of local authorities to local people through greater data transparency. So far the data specified by CLG that must be made public does not include area-wide sustainability criteria. Local people will need data regarding economic, environmental and social performance in order to make judgements about the overall sustainability of their area and value for money being achieved with public funds. But local people will need more than just raw data; they will need help in the analysis and interpretation of this data, preferably from an independent body. If no support is provided to the general public in analysing this data, there is a great risk that local authorities will not be held to account or that only certain issues will be reviewed. For example, people may focus on council spend rather than on local habitat loss which is harder to give an economic value but is critical to the sustainability of an area.

46. The data required to assess the sustainability of an area could be met by the National Indicator Set (NIS), but it is not yet known whether it will continued be or not. The SDC developed proposals for a Local Sustainable Development Lens: a voluntary basket of local indicators from the NIS that can be used to guide and track progress towards sustainable development at the local level.¹⁷ The lens could be used by local authorities to self-evaluate and benchmark themselves against each other.

National accountability

47. National, international and intergenerational issues will need to be assessed at the national level. Every local area should be contributing their fair share to meeting the bigger challenges, such as climate change, poverty, health inequalities, unemployment and natural resource depletion. But progress made against these challenges should not be assessed or considered as singular issues; they need to be assessed using a sustainable

development lens to check their connectivity with other issues and whether multiple benefits have been delivered.

48. National assessments of local area performance on sustainable development should be carried out by CLG with Parliamentary scrutiny by the CLG Committee and/or the Environmental Audit Committee and then made available to local communities. Such an assessment would ideally be made against a national statement of sustainable development principles that outlines what the Government expects from local authorities.

49. Recommendations:

- Government to produce a national statement of sustainable development principles that outlines what the Government expects from local authorities and LEPs.
- CLG to specify the economic, environmental and social data that local authorities must publish (whether this is the National Indicator Set or something similar).
- CLG to mandate the use of a sustainability self assessment tool for local authorities (potentially the Local Sustainable Development Lens if the National Indicator Set is still in use).
- National assessments of local area performance on sustainable development to be carried out by CLG with Parliamentary scrutiny by the CLG Committee and/or the Environmental Audit Committee.

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¹⁶ Membership could include: local authority executive councillors and officers; health; police; higher/further education; voluntary sector umbrella groups; Jobcentre Plus; the LSC; the fire service; the Chamber of Commerce; individual businesses; housing associations; faith organisations; transport authority or operators; sport and leisure agencies; the community network; residents' groups; and black and minority ethnic groups.

¹⁷ See <http://www.sd-commission.org.uk/pages/local-sustainable-development-lens.html> for more information.

Written evidence submitted by Streatley Parish Council (LOCO 57)

EXECUTIVE SUMMARY

- As a small Parish Council we are closer than many other consultee organisations to some local issues and in that context we hope to be able to offer some useful perspectives.
- If local agencies and specialist agencies are enabled to, by the removal of some aspects of national prescription, they are well placed to make decisions which best serve the public interest and the needs of local communities.
- We firmly believe that local authorities are well placed to make decisions which best serve the local public interest and the needs of local communities.
- We believe that Government should consider the case for new powers to enable local bodies to respond imaginatively to local need. And we would suggest that some thought be given to the increased powers for parish council spending as a part of that process. We offer a concrete example in support of this view.
- With regard to the conduct of the public bodies, we would support the use of codes and guidelines rather than resorting to further and costly legislation.

INTRODUCTION

1. Streatley Parish Council covers the village of Streatley and the hamlet of Sharpenhoe together with a small part of the Bushmead area on the edge of Luton and falls within Central Bedfordshire unitary council. As a small organisation, it is not appropriate for us to address all the issues raised in the localism inquiry and therefore we have not attempted to do so. On the other hand, we are in some regards closer to the more local issues which fall within our remit and therefore we hope to be able to offer some useful perspectives.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

2. If substantial reductions in public services are necessary, we feel it is best to make many of those difficult decisions at local level where they can have regard to local needs and circumstances. We would welcome a shift away from the national prescription and targets, in favour of different service offers and standards in different communities, as appropriate to those communities. To take a local example, clearly with some services, the community in a built up area such as Luton will have differing needs and priorities compared with those of a very rural community such as Streatley Parish.

3. Difficult spending decisions will still be necessary of course. However, if local agencies and specialist agencies are enabled to, they are well placed to make decisions which best serve the public interest and the needs of local communities.

4. The removal of some of the more prescriptive central controls would, for example, allow local authorities to work in partnership with health and other local service providers to support joined up local public services.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

No comment.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

12. Local authorities are democratically accountable for the decisions they make on behalf of local areas and therefore we feel that they should have a key role in the delivery of the aims of localism. If localism is to be extended to other agents then we would suggest that they should be encouraged to work with local authorities rather than in isolation.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

13. We believe that Government should consider the case for new powers to enable local bodies to respond imaginatively to local need. And we would suggest that some thought be given to the increased powers for parish council spending as a part of that process.

14. As a parish council, we have tried to attain the outcomes which sustained and strong public demand has indicated. For example, we have—and continue to have—a considerable concerns around the need for traffic calming as our villages are used by some as a “rat run” and we are plagued by heavy and speeding traffic. The unitary council has not seen this as a priority and has declined our requests even when we have offered to contribute the funding. Less prescriptive spending powers could therefore enable us to address these concerns.

15. The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services.

16. Streatley Parish Council supports the argument that decentralisation of power to local authorities could help achieve savings in the cost of local public services in ways which to minimise the impact on those services most needed in the specific circumstances of each local authority.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

17. We believe that local accountability is the key to effective local decision making and governance. The key focus should be on equipping local residents with the tools—especially clear and useful information—they need to contribute towards local decision making.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

18. Where central Government wants to stipulate the conduct of the public bodies, we would recommend the use of codes and guidelines rather than legislation.

October 2010

Written evidence submitted by the NHS Confederation (LOCO 058)

The NHS Confederation is the independent membership body for the full range of organisations that make up the modern NHS. We have over 95 per cent of NHS organisations in our membership including ambulance trusts, acute and foundation trusts, mental health trusts and primary care trusts plus a growing number of independent healthcare organisations that deliver services on behalf of the NHS. We are pleased to have the opportunity to submit evidence to this inquiry.

The NHS Confederation and the Association of Directors of Adult Social Services (ADASS) have developed a joint programme of work looking at the issues around the commissioning and provision of integrated health and social care services. We also have a programme of work on public health. The Government’s plans for localism and decentralisation of public services include a desire to see the breaking down of barriers between local NHS organisations and local authorities, particularly with regard to social care and public health. Our submission focuses on the lessons that could be learned from Total Place which would be helpful in the introduction of place based budgets and community initiatives, the policies needed to support integrated service delivery at the local level, the role of central government and local accountability for health, social care and public health services.

1. SUMMARY

- Closer working between local authorities and the NHS will be crucial as the public purse comes under increasing pressure and efficiency savings continue to affect local services.
- The acid test will be whether different, more integrated local models can deliver public services that are high quality, cost effective and tailored to personal need. To make this a reality means looking at new models.
- Primary Care Trusts’ experience of the first wave of Total Place pilots has been generally positive. The core message of taking a public services-wide approach across a particular geographical area and seeking to ground this in evidence-based assessments of local needs and resources is one already filtering into the thinking and behaviour of the NHS, social care and other public services.
- Lessons from the first wave of Total Place pilots include:
 - Greater benefits could potentially be demonstrated if the next wave included healthcare providers, particularly hospitals and community trusts.
 - The flexible approach the government took during the pilot—in allowing places to adapt the methodology in many different ways—was helpful.
 - It would be helpful to test the methodology in areas where relationships between the NHS and local authorities have been more troubled.
- The increased focus on place-based budgeting (for example, Total Place) in the recent “Equity and Excellence—Liberating the NHS” white paper could support integration and closer joint working between local government and the NHS.

- We feel the government should focus on playing an enabling role ie develop a framework of policy for use with local interpretation.
- Clarity about the relative roles of both the NHS and local government in meeting social care and public health needs would support more extensive joint working at local levels.
- The regulatory framework should support local leadership through:
 - greater use of outcomes frameworks rather than targets,
 - the avoidance of competing, overlapping performance regimes, and
 - reducing bureaucracy to enable easier pooling of resources in localities.
- The recent “Equity and Excellence—Liberating the NHS” white paper included proposals for Health and Wellbeing Boards to take on the existing scrutiny powers of local authorities in relation to health services, but their precise role and accountability mechanisms need further clarification.
- The white paper also promises that local HealthWatch will provide a strong and independent consumer voice for local patients and the public. It will be important to maintain its independence despite being commissioned, funded and held to account for performance by the local authority. We believe the Government should consider using Citizens Advice Bureaux to deliver complaints advocacy.

2. THE NEED FOR INTEGRATION AT LOCAL LEVELS

2.1 Health, public health and social care should not be seen in isolation from one another. Public health and social care services are crucial in helping people stay well and live as independently as possible for as long as possible. Unmet need for social care or public health services will often lead to increased demand for NHS services. Closer working between local authorities and the NHS will be crucial as the public purse comes under increasing pressure and efficiency savings continue to affect local services.

2.2 The Government’s plans for localism and decentralisation of public services include a desire to see the breaking down of barriers between health and social care and closer working between local authorities and the NHS to address public health challenges. The NHS Confederation welcomes proposals in the recent “Equity and Excellence—Liberating the NHS” white paper to strengthen the role of local government in public health, including mental health, given the impact this can have across departments and sectors including education, transport, leisure, housing and economic development. We support giving local authorities the responsibility to facilitate joint working on health and well-being, with statutory powers to underpin this, because this would encourage them to fulfil their public health functions.

2.3 In the current financial situation, the acid test will be whether different, more integrated local models can deliver public services that are high quality, cost effective and tailored to personal need. To make this a reality means looking at new models which have the potential to work in new environments and reflect the new landscape of the independent NHS Board, devolution of budgets to GP commissioning groups and greater community control of public health budgets. We hope to contribute to continuing debates to develop such new models.

3. ACTIONS TO ACHIEVE INTEGRATED, DECENTRALISED SERVICE DELIVERY

3.1 A recent survey by the Department of Health⁶¹ asked PCT Chief Executives and directors of adult social care to what extent integration was already in place and what had helped and hindered its development. The main factors that promoted integrated working are locally determined—local leadership, vision, strategy and commitment. Conversely, with the exception of changing leadership, the top factors that respondents felt hindered integrated working are nationally determined—performance regimes, funding pressures and financial complexity.

3.2 Our recent discussion paper on health and social care integration⁶² highlights that integration of services should be based on:

- outcome measures rather than targets for effective organisational integration;
- developing understanding cultures within council, health and social care services to facilitate supportive environments for change. Children’s trusts are considered to work effectively because they provide an opportunity to develop a different cultural environment;
- integration based on place not organisation—the Health and Wellbeing Boards proposed in the recent “Equity and Excellence—Liberating the NHS” white paper should adopt a place mentality (ie take into account local neighbourhood environments, and the needs of specific local communities, rather than assuming a “one size fits all” approach will work across a whole population) to reframe service redesign focused on the user;

⁶¹ National survey of PCT Chief Executives and directors of adult social care carried out by Richard Gleave for the Department of Health. Presented as “Snapshot of integrated working” to ADASS Spring Seminar, March 2010. The survey yielded 97 responses from 150 localities across England.

⁶² Primary Care Trust Network in association with ADASS (2010). *Where next for health and social care integration?* NHS Confederation Discussion Paper

- delegation of functions to each partner is preferable to transferring responsibilities to partners. This can avoid power struggles that often result from formal arrangements; and
- clinical and professional engagement—public health, health and social care front line professionals should be involved in and accountable for the overall priorities of a locality.

3.3 The increased focus on place-based budgeting in the recent “Equity and Excellence—Liberating the NHS” white paper could support integration and closer joint working between local government and the NHS. To aid successful integrated, decentralised delivery of public health, social care and local healthcare services, the following points should be considered as the policy is developed further:

- GP consortia will require engagement from public health professionals to support informed commissioning decisions based on the analysis of local population needs.
- Clarification is required about how commissioning for some public health services by the GP consortia and the Health and Wellbeing Board will be organised, particularly as consortia boundaries may not be co-terminous with local authority areas.
- Local authorities and GP consortia will carry out joint local area assessments of need, and we believe they should be asked to work together to develop and deliver a joined-up health, public health and social care strategy in response.

4. LESSONS FROM TOTAL PLACE

4.1 A recent research project conducted interviews with chief executives of Total Place leads from 14 Primary Care Trusts (PCTs), covering 11 out of the 13 first wave pilot sites.⁶³ These discussions highlighted some lessons from the pilots:

- Some PCTs felt that the methodology provided a framework for a more systematic approach to joint working—service area by service area, local need by local need.
- The process so far has excluded healthcare providers, to its detriment. Hospital and community trusts, in particular, were identified by many as priorities for the next stage of the work.
- Having been complimentary about the flexible approach the government took during the pilot—in allowing places to adapt the methodology in many different ways—we believe NHS leaders would be supportive of the multi-track solutions (single and innovative policy offers) proposed in the Treasury’s evaluation report.⁶⁴
- Leaders were keen to stress that they were not yet able to demonstrate any concrete improvements in outcomes or realisation of savings on which to call Total Place a success. This is likely to be because of the very short timescale for the pilots. Some PCTs had only been working on Total Place for seven months before they began composing their final reports.
- Most felt that their joint working was very good prior to becoming a pilot, so as yet the methodology is untested in localities with more troubled relationships. We feel it would be valuable to test the methodology in areas where the track record of joint working is less good.

4.2 The content of the programme is as much cultural as it is methodological. The core message of taking a public services-wide approach and seeking to ground this in evidence-based assessments of local needs and resources is one already filtering into the thinking and behaviour of the NHS, social care and other public services. As such, we are wary of attempts to define Total Place as producing fundamental shifts in the relationship between central government and local areas.

5. THE ROLE OF CENTRAL GOVERNMENT

5.1 There are some things which only central government can do, for example coordinating efforts to tackle pandemics. However in the vast majority of local services we feel the government should focus on playing an enabling role rather than a delivery one—to develop a framework of policy for use with local interpretation.

5.2 Competing government policies with differently nuanced performance regimes can confuse and add complexity which might otherwise be avoided. Following the recent “Equity and Excellence—Liberating the NHS” white paper, we would like to see overlapping outcomes frameworks for health, public health and social care—rather than three separate ones—which are developed against a co-ordinated timetable to ensure that the content is consistent and professionals from different sectors are working together to achieve shared outcomes.

5.3 National initiatives to push local partners to work together may be ineffective. Placing duties on local leaders to collaborate may send a strong message, but based on both responses to a recent Department of Health survey of PCT Chief Executives and directors of adult social care⁶⁵ and the findings of our work on

⁶³ Primary Care Trust Network in association with ADASS (2010). *Where next for health and social care integration?* NHS Confederation Discussion Paper, p6. Interviews were conducted specifically for this paper. Questions included how involved their organisations had been, what the Total Place methodology had added to their existing work, and what should be done with the programme once the pilot phase was over.

⁶⁴ HM Treasury and CLG (2010), *Total Place: a whole area approach to public service*

⁶⁵ National survey of PCT Chief Executives and directors of adult social care carried out by Richard Gleave for the Department of Health. Presented as “Snapshot of integrated working” to ADASS Spring Seminar, March 2010. The survey yielded 97 responses from 150 localities across England.

the impact of senior joint appointments across PCTs and local authorities⁶⁶ it seems unlikely to produce the more informal conditions that local leaders feel are most important.

5.4 As the form and functions of the new Public Health Service (PHS) are developed, central government should develop a policy framework which offers greater clarity in key areas, in particular:

- the different roles for the PHS, local authorities and the NHS, to ensure that commissioners and service providers are incentivised to play their part and take responsibility for public health improvement; and
- a clear definition of what public health functions are. This would enable localities to clarify the roles and responsibilities of different parts of the system to improve the health of local populations.

5.5 Similarly, we would like to see the commission on social care look at the need for clarification of the relative roles of both the NHS and local government in meeting social care needs, as this would better support joint working.

6. LOCAL ACCOUNTABILITY ARRANGEMENTS FOR HEALTH, SOCIAL CARE AND PUBLIC HEALTH

6.1 The recent “Equity and Excellence—Liberating the NHS” white paper included proposals which would significantly affect local democratic accountability for local health service delivery.

6.2 The white paper makes clear that Health and Wellbeing Boards will take on the existing scrutiny powers of local authorities in relation to health services, but it is not clear whether any additional powers will be available to strengthen local democratic accountability and what accountability GP consortia will have to local Health and Wellbeing Boards.

- We believe the Government should clarify what role and authority Health and Wellbeing Boards will have to scrutinise local health services, how their role will relate to the existing local strategic partnerships, safeguarding machinery and other systems, and what roles elected members and local authority officials are expected to play on these boards.
- We believe local authorities should work closely with local GP consortia and providers to develop and deliver a capacity building programme to ensure that elected members and local authority officials who will sit on or support Health and Wellbeing Boards have the right expertise to scrutinise health and mental health services.
- As the Health and Wellbeing Boards will sit in the upper tier of local government, we believe there should be mechanisms in place for them to be able to hold the lower tier of local authorities to account to implement public health functions within their localities.

6.3 The white paper also promises that local HealthWatch will provide a strong and independent consumer voice for local patients and the public in relation to the NHS.

- Locally, mechanisms are needed to ensure that HealthWatch can still provide independent scrutiny of the social care decisions of the local authority, despite being commissioned, funded and held to account for their performance by the local authority.
- Local HealthWatch must be representative of the local community and users of services and build effectively on the existing local structures for community and patient involvement.
- Even with additional funding, local HealthWatch is unlikely to have sufficient public profile or the resources or capability to deliver effective complaints advocacy, particularly in complex complaints or in helping people with complex needs, and HealthWatch England is similarly likely to be too remote from the local issues to adequately fulfil this role. We believe the Government should consider using Citizens Advice Bureaux to deliver this.

October 2010

Written evidence submitted by the British Property Federation (LOCO 59)

INTRODUCTION

1. This submission by the British Property Federation has been prepared in response to the CLG Select Committee’s request for evidence on localism.

2. The British Property Federation (BPF) is the voice of property in the UK, representing companies owning, managing and investing in property. This includes a broad range of businesses—commercial property owners, financial institutions and pension funds, corporate landlords, local private landlords—as well as all those professions that support the industry.

What is localism?

3. It is important to be clear what localism means. For us, localism is not simply about devolving powers to the lowest possible level but rather ensuring that powers are exercised at the most appropriate level. Given the

⁶⁶ Roland J (2010). *Putting our heads together: what makes senior joint posts work?* NHS Confederation

centralization that has taken place over recent years, we recognize that this is likely to involve a shift of control from both central Government and the (former) regions to local authorities and the communities that comprise them.

At what level should power be exercised?

Local Authorities

4. Localism presents a major opportunity to reinvigorate local government. For many years, local authorities have been sidelined in key areas of decision-making. They need to be put back in the driving seat and trusted to act in a prudent and responsible way. This means that they should be at the core of the localism agenda.

5. We would stress the following points:

- We strongly support giving local authorities a general power of competence. But if such a power is to be meaningful it must involve a real transfer of financial responsibility to local authorities. The Government's commitment to introduce TIF is a good indication of its intention to move in this direction as are its plans to allow local authorities to retain council tax and rate revenue arising from new development. As we indicate below, however, we believe that there is scope for much greater devolution of financial powers to local authorities.
- Central Government has got to accept that the price of greater local autonomy is an increased risk that from time to time local authorities will make mistakes. That is, however, the point of localism. If local authorities make bad choices they should face the consequences at the ballot box.
- There is a need to consider what powers are most appropriately exercised at a "larger than local authority level" as well as at a neighbourhood/community level. We discuss these issues further below.

The larger than local authority level

6. There will always be some issues (such as economic strategy and the delivery of strategic infrastructure) that will require some form of strategic planning or other co-operation between neighbouring local authorities.

7. The Government seems to envisage that the requisite degree of co-operation will be delivered through:

- *Imposing a duty on local authorities to co-operate with their neighbours.* Such a duty will be a helpful starting point but will need further elaboration to avoid confusion and to ensure that each local authority plays their part. If the duty is to take effect as it should, enabling authorities to work together effectively to produce cross boundary agreements and facilitating collaborative working, a clear definition of its scope and meaning will be needed in the forthcoming legislation. The emphasis should be on regular planned engagement rather than sporadic communication to ensure that the most effective collaborative systems and methods of working can be put in place.
- *Cross-border structures:* Whilst we agree that imposing a duty on local authorities to co-operate with each other is a good starting point, it would need to be coupled with some clear structure within which that co-operation can take place. Whilst local authorities should be free to set up whatever structures they think would work best in areas such as strategic planning, we believe that there should be some requirement on them to demonstrate that they have put workable procedures in place. Local Enterprise Partnerships (LEPs) could be appropriate vehicles for this but there are too many uncertainties surrounding their role at present to be able to judge whether they will be up to the task.

8. We believe that the need to absorb cuts and work more efficiently will increasingly push local authorities to work more closely with their neighbours. The localism agenda should help expedite this process. Such closer working may take place through LEPs and we have set out our thoughts on their role in evidence to the Business, Innovation and Skills Select Committee. However, it may take other forms:

- Greater skills sharing between authorities is desirable as it will become less and less feasible for local authorities, particularly smaller ones, to possess in-house the full array of specialist skills that they may from time to time require. This is particularly the case in regeneration and planning. It could be that each authority within a LEP agrees to host a particular area of expertise (eg land assembly/compulsory purchase) and make it available to all authorities within the LEP.
- Full scale mergers of departments between neighbouring authorities might also become more common. We note that Westminster and Hammersmith and Fulham are looking to merge educational services, whilst Cambridgeshire and Northamptonshire are looking to merge back-office services.

Neighbourhoods

9. Local neighbourhoods that make up local authorities should have greater opportunities to help shape the decisions that affect them. However, the creation of formal neighbourhood plans in which all of those living

and working in the area participate might be a step too far. In urban areas, where there are complex and overlapping neighbourhoods, communities and social networks, defining a specific community or neighbourhood would be problematic. A local authority might have more than a hundred merging and overlapping neighbourhoods and would find it difficult to facilitate the creation of formal plans for each one. There would be questions, too, about the status of such plans and their relationship with any overarching local plan.

10. However, much greater involvement by neighbourhoods and communities could be achieved by:
- (a) ensuring that neighbourhoods and community interests, and particularly “the silent majority”, feed more effectively into the construction of local plans.
 - (b) More active support for representative neighbourhood groups, providing them, for instance, with toolkits that enable them to assess the quality of their neighbourhoods and develop schemes for improving them. Some models for doing this already exist. The active involvement of local people in this way fits very much with our understanding of the “Big Society”. However, whilst a good deal can be achieved by voluntary action, we recognise that local authorities would need to adjust their budgets to provide a pool of money able to support neighbourhood initiatives.

Total Place

11. We have long been concerned that large amounts of capital spending have been poured into neighbourhoods in an incoherent and uncoordinated way with little understanding of what additional benefits could be leveraged off each individual investment and no proper evaluation of its impact. The Building Schools for the Future funding programme typified the problem, being wholly divorced from the way in which the health and housing needs of local communities were being met. The Total Place/Total Capital approach that seeks to achieve a more joined up approach to all funding destined for a particular area, creating shared facilities where feasible, was introduced by the previous Government but the progress made to date has been very limited. There is still a silo mentality in many publicly funded bodies. It is therefore imperative, that the Government fully embraces the Total Place agenda and translates what has so far been mainly rhetoric into reality. It may be that the severity of the forthcoming cuts will provide the impetus that is needed to persuade local authorities and other public bodies to go down this route with genuine conviction.

12. A crucial underpinning of the Total Place agenda is place-based budgeting and we are pleased that the Government is enthusiastic about this approach. Place-based budgeting enables all of the public money spent in a local area, whether by councils, the NHS, central government departments or others, to be pooled to focus on the needs of local people. Designing services around places in this way can reduce duplication and maximise the collective contribution of those services. It can produce savings in many ways, for instance through administrative savings in regional and national government, shared services between neighbourhoods and asset rationalisation.

The role of central government in delivering localism

Learning to let go

13. As we have said above, if localism is to work Government has got to learn to “let go”. Above all Government has to accept that the devolution of responsibility involves a risk that local authorities will not exercise their powers wisely or prudently. The sanction is that local authorities will have to live with the consequences of their actions and account for their actions to their electorates.

Proper national frameworks

14. Localism will not obviate the need for some degree of national guidance in various areas. However, the degree of central guidance needed could be much reduced. Planning is a good example. There is scope for a greater degree of local discretion and the thousands of pages of planning guidance are ripe for pruning. At the same time there is a need for a national approach to the delivery of nationally significant infrastructure (such as energy, airports, ports, etc). Equally, a national planning framework could be expected to encompass such priorities as:

- The weight to be attached to community needs and consensus;
- The need to secure sustainable economic growth;
- The need to address local housing needs;
- The sequential preference for brownfield land and regeneration;
- The importance of carbon and sustainability;
- The need to plan for and provide infrastructure;
- The benefits of joint working with business, communities and other stakeholders.

Incentivising authorities to act responsibly

15. Whilst localism involves allowing local authorities to make their own decisions, they are likely to need some “encouragement” to persuade them to pursue policies that support broader Government objectives.

16. A consequence of localism in some places, for instance, could be an increase in nimbyism—a reluctance to accept new development despite a clear local need for new housing or employment generating commercial development. The Government is aware of this and has announced proposals to incentivise local authorities to take a more positive approach to development proposals via the New Homes Bonus and the Business Increase Bonus, both of which we strongly support. It is difficult to judge how effective these incentives are until they are up and running. This approach could be more effective than some think, particularly as those local authorities who sit on their hands will not only lose out on the bonus but be further penalised by a fall in their overall grant income.

17. We believe the Government could be even bolder and move towards a more substantial relocalisation of rating revenue. Breaking the link between local authorities and rating income has been deeply damaging, giving local authorities no financial reward for fostering beneficial development. A gradual move towards greater relocalisation of rate income would provide a much stronger motivation for local authorities to back new development that generates economic activity and creates new jobs. It would show, perhaps more than anything else, just how seriously the Government is taking its localism agenda.

Proper auditing

18. Clearly there will be a continuing need for rigorous auditing of local authorities to ensure that public money is spent responsibly. With the abolition of the Audit commission new arrangements will need to be put in place to ensure this happens.

October 2010

Written evidence submitted by the Law Society (LOCO 060)

The Law Society is the representative body of over 100,000 solicitors in England and Wales. The Society negotiates on behalf of the profession and lobbies regulators, governments and others. This consultation response has been prepared by members of the Law Society’s Planning & Environmental Law Committee. The Committee comprises 20 practitioners expert in these areas of law from a cross section of the profession, both public and private sectors, and from across the UK nations.

Localism is clearly going to affect many areas of life. These comments by the Law Society’s Planning and Environmental Law Committee concentrate on its effect on planning decisions. Most regulatory environmental decisions are taken by the Environment Agency or by local authorities and we assume there are no plans to change that.

In planning, decisions have to be taken about use of land. There is a balance to be made and the public interest has to be taken into account. Inevitably, the more local one gets, the fewer people take the decision and they are more likely to be affected, positively or adversely.

It would be unrealistic to ignore the dislike most people feel about change, especially change to the local scene. New supermarkets, housing, commercial development, wind farms, quarries and waste facilities generate huge opposition. In deciding whether to increase the localisation of decision making on such matters, the likelihood that objectivity and detachment would be lost should be carefully considered. In the vernacular, “nimbyism” would be given a huge boost. Increased refusals of planning applications are likely to increase the numbers of appeals to the Secretary of State. That would be counter-productive to localism as the decision would be taken by the Secretary of State or his planning inspectors, ie central government. So we would urge care in any further move to localise planning decisions.

For ease of reference, at present in England local planning authorities at district level take all planning decisions except in two tier-areas for mineral and waste planning (decided by Counties) and nationwide for nationally significant infrastructure projects (which are decided by the Infrastructure Planning Commission and under current plans when that is abolished by the Secretary of State). The position is the same in Wales except that there are no county planning authorities.

October 2010

Written evidence submitted by Cornwall Council (LOCO 061)

SUMMARY

Cornwall Council welcomes the opportunity to provide evidence to the Select Committee on Localism. In summary the key points we would raise are:

- Cornwall Council is prepared for swift and decisive action now.
- Cornwall Council wants to transform itself and become a regional authority playing a more active role in all elements of public service.
- As a regional authority it would act as a commissioner and not a direct service provider.
- Cornwall Council is ready to innovate and take on radical new powers such as control of the A30 and A38 in Cornwall, and control of local housing.
- Cornwall Council sees a much greater role for both Town and Parish Councils and the Voluntary and Community sectors in terms of both engagement and service delivery.
- Cornwall Council considers that Town and Parish Councils need greater recognition from Whitehall. More support is required at a national and local level to build their capacity.
- Public sector needs to manage its resources in particular finance, people, property and ICT collectively.
- Cornwall already has a number of vanguard projects that can demonstrate that it has the appetite and ability to transform places and public services eg launch of super-fast broadband, Active Partnering, *Newquay Safe*.

BACKGROUND

The Coalition Government is clear on the principles guiding its legislative programme:

- reform and change today for social mobility and prosperity tomorrow;
- devolution and decentralisation;
- a shift in power and responsibility from the state to the individual; and
- above all, a determination to tackle the public spending deficit.

Cornwall Council recognizes that despite all the current challenges it faces, there are lots of opportunities too. The public sector is undergoing radical and exciting reform. We feel that the opportunities put forward by the Government's Big Society and Localism agendas could mean real changes in the balance of power in Cornwall and in the way services are delivered. As well as lobbying for more powers for Cornwall in turn we want to devolve more control and responsibility to local communities.

Additionally Cornwall is a natural community with a proud and strong identity, with natural administrative boundaries for many statutory agencies. It also has the advantage of being fully parished and has a vibrant third sector.

It is within this context that we provided evidence to the select Committee and the questions raised.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism;

Cornwall Council as a new Unitary Council covering a County with a strong identity is in a unique position to act swiftly and decisively in response to the opportunities being made available by the Government in terms of decentralisation and localism.

The Council is radically transforming itself, and working closely with public sector partners to act as a regional authority for Cornwall. The Council and public sector partners recognise that Town and Parish Councils along with voluntary and community sector groups and the values they represent, are the building blocks of the Big Society

The Council is already taking early and decisive action by setting an emergency budget (October 2010) to protect the long term future of services and of local jobs. It is committed to becoming a leaner Council delivering services through arms length companies, local councils (Town and Parish Councils), social enterprise, communities, businesses, partnerships and the voluntary sector rather than doing everything in-house.

We consider that this is exactly in line with the policy direction and Big Society vision of the Coalition Government. Our direction is not changing; the pace, however, is accelerating.

It is particularly important in this time of radical change and public sector recession that Cornwall Council shows strong leadership to tackle immediate problems and grasp the opportunities that undoubtedly exist. Over the next five years we will rebalance our local economy which is currently far too dependent on the public sector.

Effective devolution from central government to local government and from local government to the communities it serves can lead to significantly more effective policy development, decision making and service delivery.

We think it is right and proper that within the spirit of Localism, that Cornwall has a greater control over its own destiny. We are keen to draw more powers down to Cornwall from the national and regional level. We want to control decisions about planning, housing and transport. We know Cornwall and we know the present and future pressures and demands we face through changing demographics and patterns of inequality. We want to make the big decisions ourselves so we welcome decentralisation. We would add:

- The principle of empowerment (of organisations and individuals) and subsidiarity are critical to successful decentralisation and allow decisions to be made at appropriate levels via appropriate local mechanisms.
- Service standards can be agreed locally within an overall policy context and delivery can be shaped to meet the local context and need. This principle applies at all scales—whether considering a Local Enterprise Partnership for Cornwall and the Isle of Scilly or the management of a local park (<http://www.cornwall.gov.uk/default.aspx?page=24697>).
- We recognise that in relation to the delivery of services different communities/client groups exist. We have identified 3 different types.
 - Communities of place eg a market town.
 - Community of identity eg travellers.
 - Communities of need eg older people.

And that different these communities require different service delivery models and therefore different decentralisation and devolution models

- Principle of co-production can maximise the use of the skills and resources available. It allows local people to take ownership of local issues and moves away from a culture of dependency on the state and on others.
- Concepts such as Participatory Budgeting where citizens and/or local organisations play an active role in the decision making process are a form of local devolution and a concept that is just as important in a time of famine as a time of plenty. It is a concept that has been widely used in countries such as Brazil, and is a process in which Cornwall has been recognised as an exemplar of best practice for participatory budgeting in rural communities.
- Local government can use its skills, experience and knowledge to build local capacity and confidence to encourage and support devolution. Cornwall Council, working closely with the Cornwall Association of Local Councils has already put in place an “active partnering” scheme with local Councils. At the first level local Councils have a more active role in monitoring service delivery whilst the highest level the local Council has full responsibility for the delivery of local services. The Council is also encouraging smaller local Councils to work together (<http://www.cornwall.gov.uk/default.aspx?page=24697>). Should a local community want a higher standard for a devolved service, it has the ability to raise its own income locally to cover this.
- We fully recognise the vital role that the voluntary and community sector play and their role within the local economy. The Council is committed to helping transform the voluntary and community sector, to build its capacity and to increase its ability to compete within a commissioning landscape. We are developing a Commissioning Board and will encourage collaboration so as not to lose the local skills and knowledge that voluntary and community sector and SMEs can offer.
- In respect of council housing, decentralisation of the national housing subsidy system and putting it under local authority control would be very beneficial. This would create a new financially responsible system that is transparent to tenants, hands control of an essential local asset back to local communities and removes the need for a bureaucratic inflexible system of national controls. It will allow long term asset management, better repair and maintenance planning and open up greater opportunities to deal with local needs housing.
- Developing a mixed, and community oriented, market for service delivery also builds in greater capacity to deal with peaks and troughs but also increases local resilience.
- We are committed to moving forward in a balanced and integrated way where “bottom-up” needs and desires are considered as part of strategic decision making. We are encouraging all Town and Parish Councils to develop an appropriate and realistic local Parish/Community Plan that articulates local needs and local aspirations
- In relation to school academies the Council has a neutral viewpoint but will work to support all schools whatever their status
- Some service such as planning have already devolved some decision making powers to local Councils.

Clearly the details of decentralisation will need to be carefully thought through to ensure appropriate accountability mechanisms are in place, that risk is managed and the chance of service failure is minimised. Cornwall Council and the communities it serves are not perturbed by this and there is a real appetite for the challenge ahead. We believe that with the Unitary Council now fully functional that we have a once in a lifetime opportunity to grasp the mettle and give Cornwall a much greater say in its destiny and deliver public services that the community really value.

We do not consider that the government should try to set the limits of localism. True localism is dependent on local communities and the organisations that serve it having the appetite, skills, confidence and capacity to take the opportunities being made available. This will change with time and local context. Therefore it would be difficult to place limits on it.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

Cornwall has limited experience of formal “Total Place” working. However because of its peripherality, common administrative public sector boundaries and innovative spirit has been working within the principles of Total Place for a considerable time.

The Government is looking for local leadership and Cornwall Council is stepping up to the mark and to build on this existing strong base of partnership working. As well as taking on more powers ourselves we will devolve more powers and responsibilities and ask town and parish councils and community groups to take over some assets and activities. This is true double devolution. We will also work with our public sector partners to encourage them to seek more autonomy and to be able to take a greater role in determining Cornwall’s destiny. To us this is making Big Society real.

But we aim to go beyond Big Society. We want to create **Big Cornwall**. In our leadership role, we will encourage public sector agencies to work together to deliver efficiencies over and beyond those required by Government. In this way we can create our own place-based budget and our own Cornish investment programme. This is **Big Cornwall**.

For Cornwall this means that service providers will avoid overlap and duplication leading to an improvement in efficiency, better local services tailored to local need resulting in better value for money.

Specifically the Council will:

- Accommodate the 30% reduction in Government funding within the Council itself through further efficiencies and unitary savings.
- Exceed the 30% Government savings target by working innovatively with public sector agencies to share facilities and integrate services. The excess savings will create a public sector “profit” for Cornwall.
- Use that profit to re-invest in Cornwall. This money together with any associated match funding can finance a capital programme. Our dream is to have a £1 billion investment programme for Cornwall funded by the public sector without any of the red tape of European funding.
- Deliver double devolution. In line with Government policy we will draw down more regional powers to Cornwall. For example, we want control of the A30 and A38 so that we decide locally on growth and development along these arterial routes.
- We will also devolve more power and responsibility to communities so that, for example, our larger towns control more of their own destiny and deliver more of their own services.
- Cornwall Council will fundamentally change. To deliver these radical reforms we can no longer operate like a large district council—we need to see the Council as a fully fledged regional authority in its own right. Using robust data and intelligence about Cornwall and its people, we will determine the services needed and establish commercial arrangements with businesses, social enterprise, the voluntary sector and communities to deliver services on our behalf. We will devolve services rather than centralise them based on robust data and intelligence and informed by our service users.
- Across the public sector in Cornwall we have a vast property portfolio and we are committed to rationalising and making optimum use of this portfolio. By sharing office facilities and through efficiencies in the front and back office, across the public sector we can deliver significant savings for Cornwall. Where appropriate we will look to realise asset potential to add maximum value. This will be done in a mature, realistic and non-sentimentalist way. It will include sales on the open market but will also include releasing land for affordable housing and for asset transfer of community assets to Town and Parish Councils or local community groups. Each case will be assessed against an individual business case.

We have real experience of making this work. *Newquay Safe* a multi-agency project that includes public sector partners including the Town Council, private sector partners and local communities was set up following the tragic events of 2009 linked to under-age drinking and anti-social behaviour (<http://www.cornwall.gov.uk/>)

default.aspx?page=20130). It has been recognised nationally as an exemplar. It embeds principles of collocation, coproduction, shared intelligence and joined-up enforcement. We also recognise that there is a role for Cornwall Council to commit time and effort to facilitate the joining up at a local level.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

Within a decentralised model Cornwall Council would look to become a regional authority and look to commission services rather than deliver services. This should and would lead to a leaner authority but would also provide a mechanism for clearer accountability at a local level.

At the same time, to make this work it is important that any decentralised models covers as many possible public services as is practical. Previous work by Sir David Varney has demonstrated that when faced with life changing situations (known as “life events”), such as a family birth an individual family may be in contact with over 30 separate local and national agencies. It makes paramount sense for these agencies wherever possible to share information and fit within the same decentralisation framework. Not only would this be more effective and less burden but would increase efficiencies and release savings.

At present many parts of the public sector work to differing public accountancy models and the pooling/transfer of funds between different agency is difficult, as is year end closure and the treatment of debt and year end over/underspend. Move towards more complimentary short and long term accountancy models would help.

The opportunities for the public sector are huge and local government has a clear leadership role in bringing the parties together and delivering effective programmes of change. By setting up an arms length council-owned company to deliver shared services we would have the commercial freedom to deliver these services on behalf of partner agencies within and outside our borders

A fluid and flexible model of service delivery alongside and integrated with partners can accommodate many other agencies so that citizens benefit from truly joined up services brought together in a sensible way to make things far more convenient.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

To facilitate effect devolution and decentralisation the following will be needed;

- Whitehall will need to be joined up, particularly in relation to the services provided by local government, police and health and
- Whitehall needs to fully recognise Town and Parish Councils and give it an appropriate recognition at Ministerial level. The voluntary and community sector are recognised through the Office for Civil Society, yet Town and Parish Councils have no similar recognition. To some they have become the “Forgotten Sector”. At present capacity building of the third sector is partly financed by the government—a similar package should be introduced via NALC (National Association of Local Councils) to be distributed through the existing framework of County Associations.
- Encourage simple methods to provide local democratic accountability for the delivery of all public services. Current concepts being floated, such as elected Police Commissioners and Health Watch, on the face of it complicate rather than simplify local democratic accountability and could become a burden as opposed to adding value and accountability. We strongly feel that improved local accountability can be achieved by building on existing democratic processes rather than by creating new ones.
- Minimise national target setting/and inspection within overall national framework of service standards to avoid a potential “post code lottery” in the delivery of key services.
- Encourage joined-up “Local” Strategic organisational business planning within similar time-frames and longer term budget envelopes. At present each public sector partner needs to produce its own annual business plan and has its own budget setting process.
- Encourage the open sharing of key data between public sector agencies, but at the same time make the rules on the selling of public data more accountable.
- Promote the co-terminosity of public service delivery administrative areas. Not only will this make day to day service delivery easier but will reduce public confusion and therefore increase local satisfaction.
- More complimentary public sector accountancy models. Ideally these should be based on a five year package of committed government funding. Not only does this provide the opportunity to plan ahead, but gives massive opportunities to deliver large procurement savings. It also moves away from the ‘funny money’ grant culture of the last ten years but gives all players in the market, particularly those in the voluntary and community sector to build for the future and invest in their staff.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

Public services will only deliver their (individual) savings if they work together and share resources/challenges. Cornwall Council is already looking to

- Deliver a 30% reduction in procurement costs and double the local supply chain. This means using more local suppliers and encouraging the growth of local enterprises to deliver the services and products we need. We want more of our business going to local companies so more of our spend remains in Cornwall.
- Achieve the lowest waste collection costs and the best recycling rates in the UK.
- Be carbon neutral and self sufficient in energy. Deliver £20 million of annual revenue through selling green energy to other organisations.
- Have top class neighbourhood services. This will include environment, highways, waste, police and community services and will strive for high levels of customer satisfaction. Through efficiencies, reduce costs by £10 million a year. This will build on the *Neighbourhood Pathfinder* in Newquay which is jointly sponsored by the Home Office and CLG.
- Integrate health and social care and create new organisations focused on health and wellbeing, becoming 30% more efficient.
- Integrate benefits services across agencies with a 30% productivity gain as well as providing a more customer oriented system.
- De-trunk the A30 and A38 and in the process generate 20,000 jobs and £20 million of annual extra revenue for the council. This would come from increasing the council tax base and the economic activity generated by development along the main roads.
- Re-profile and re-think the capital investment programme to focus on big economic projects that provide financial benefits through savings or income. This could deliver 50,000 jobs and £200 million annual revenue.
- Property—move to a three-hub model and from 78 to 18 offices. This would deliver a £10 million annual saving, generate £50 million in capital receipts and at the same time reduce our carbon footprint.
- Recent announcements about the introduction of super-fast broadband will increase opportunities for remote working reducing the need to travel whilst at the same time adding value to and boosting the local economy.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

Cornwall Council considers that its performance should be judged by the people of Cornwall and by demonstrating accountability between public sector partners at a strategic countywide level through and appropriate democratic process as a regional authority.

Sensible key performance indicators should be reported nationally to enable meaningful comparison between different parts of the country. The concept of a simple “power of competency” is welcomed.

Cornwall Council has already delivered increase local accountability through Community Networks and is working closely with Police and Health to expand this platform to provide increased local accountability for many of the local services they provide.

Cornwall Council and local partners strongly advocate for a minimalistic approach with a significantly reduced burden of inspection.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

Cornwall Council feels that there should be a minimalistic overall national framework of service standards to avoid a potential “post code lottery” in the delivery of key services but this must not be too onerous and pose a greater burden than external inspection. We also feel that there should be a fair and transparent allocation of resources from Parliament that take full account of the difficulties of providing services to rural and dispersed communities.

As Cornwall Council is responsible for the expenditure of funds voted for by parliament it is keen to explore options whereby local MPs have a more active role in the operation of the Council and in the operation of other public sector partners. This is of course dependent on their being common electoral boundaries at appropriate geographies. The introduction of a parliamentary constituency that covers Cornwall and parts of Devon/Plymouth would make this difficult and impractical.

Written evidence submitted by Compact Voice (LOCO 062)

SUMMARY

1. The Compact is a vital tool in delivering better partnerships working at local level.
2. The principles of localism are closely aligned with the principles of the Compact: to deliver local activities based on local need, identified through local engagement.
3. The Compact has a vital role in delivering the principles of the Big Society.
4. Localism can only work with appropriate support, which includes sharing best practice using non-local mechanisms.
5. Some voluntary and community sector organisations are being significantly affected by spending cuts.
6. Leading by example at national level will encourage the legitimacy of the Compact, and the principles of good partnership which will benefit local service delivery.

ABOUT COMPACT VOICE

The Compact is the agreement between the voluntary and public sectors to ensure better partnership working and outcomes for communities. In England, every local area is covered by a local variant of the National Compact, and all government departments and local authorities are signed up to this agreement.

Compact Voice represents the voluntary sector on the Compact. We offer practical guidance, training and resources, and provide strategic leadership on the relationship between Government and the voluntary sector.

Draft text of a new Compact is currently being negotiated between Compact Voice and government. Information on this can be found at www.compactvoice.org.uk/renewal.

More information about the Compact, and the work of Compact Voice can be found on our website at www.compactvoice.org.uk

SCOPE OF THIS RESPONSE

This response to the Committee's inquiry into localism and public service delivery addresses some of the key points raised by the localism agenda, in particular describing its relationship to the principles and implementation of the Compact at both local and national level. The Compact has many applications, and its use is described in more detail at Compact Voice's website. However, this submission focuses on addressing some key points on public services in particular, and should not be interpreted as an exhaustive account of the Compact, or the relationship between the Compact and the localism agenda.

This response only focuses on addressing the following areas:

- The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism.
- The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery.
- The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents.
- What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery.

Since its introduction in 1998, the Compact has been at the heart of partnership working in local communities. By establishing national principles which are outcome driven (to work better together through mutual understanding and respect) but which aren't overly prescriptive, tied to legislation, or aligned to specific policy initiatives, the Compact has been able to weather political storms, changes in administration, and changes in the policy landscape at both local and national level.

More importantly, by establishing a set of agreed principles at national level, and enabling local interpretation, adaptation and implementation, the Compact can arguably be seen as an illustration of the decentralisation agenda advocated so strongly by this government.

In fact, one of the Compact's strengths has been in its adaptability; those who use and support the Compact may be doing so in reference to principles established in a range of different documents, codes of practice, local partnership agreements, specific clauses, or mutually agreed ways of working. There is no one-size-fits all approach, and different areas have interpreted the Compact way of working in different ways.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

Every area is covered by a locally agreed Compact, with different signatories championing its work from across the public and voluntary and community sector. These have been designed and developed through local collaboration, and a compelling argument against launching one single Compact which applies to all has been

that the process of adapting it to local need has significantly strengthened local partnership working, and encouraged better mutual understanding.

The lessons learnt over the course of its history have enabled those who use, understand, and scrutinise the Compact to become intimate with both the challenges and opportunities the localism agenda can bring. We hope that some of this understanding will help inform the Committee's inquiry into localism, and the wider relationship between local government and the voluntary and community sector.

The impact an increased localism agenda has on the design and delivery of public services has a significant relationship with aspects of why the Compact works and has endured for as long as it has; put simply, when local partners come together to identify local needs and priorities, establish ways of tackling and addressing those needs and priorities, and implement them through local groups, bodies, and organisations, communities benefit.

The value of proper engagement with affected groups and stakeholders can significantly increase the effectiveness of public services, and the principle of full and meaningful consultation has remained a vital component of the Compact throughout its history.

When public services don't reflect local need, or aren't designed to address local priorities, their effectiveness is diminished. Engagement with local voluntary and community sector organisations can enrich the insight—and reach—of local understanding and delivery.

The role of Compact Voice has been to share and facilitate local understanding and practice; challenging and tackling what has not worked, promoting what has, and developing resources which provide guidance, expertise, and are based on the broadest possible recognition of the national picture.

We have done so in response to those needs identified by our networks of those involved with the Compact across the country, and through the legitimacy given to us by our board and membership. Our approach is not to impose a single way of working, but to work alongside the spirit of local determination, design and need.

The success of local Compacts varies greatly across England—which is a natural consequence of encouraging and facilitating local development—and we have discovered that where areas are able to learn from the direct experiences of those striving towards similar outcomes across the country, they are able to improve their own practice.

But the success of the localism agenda is not guaranteed, and there will be those areas that see far more challenge than opportunity. In those instances, supporting shared information, exchange of ideas, and providing national support can be fundamental to continued success. The danger of the localism agenda is that it has the potential to prevent such engagement.

Indeed, what is considered commonplace in one area may be considered innovative in another, and without some mechanism to share and encourage best practice, learning and understanding, duplication of effort and repetition of bad practice can often occur.

In summary, there is a danger in assuming that central government's withdrawal from local involvement will create a vacuum which will be rapidly filled by empowered citizens, communities and groups, resulting in better services and communities. Many areas will still seek the support and guidance of central or national bodies, and where that is not forthcoming, may struggle to implement this new relationship.

The action which will be necessary on the part of whitehall departments to achieve effective decentralised public service delivery

At recent meetings, Compact Voice has been told by local authority representatives that they would actually benefit from more guidance, yet are reluctant to request it. The intention behind this greater autonomy may be to necessitate local determination, even where those required to deliver it are reluctant. Yet in instances where the transition does not happen smoothly, communities have the potential to suffer.

Recently, Compact Voice has been in contact with representatives from the Department for Communities and Local Government, hoping to work with them to support local authorities making difficult spending decisions. Our interaction with local groups from both the statutory and voluntary and community sector has indicated that guidance on the continued support and use of the Compact has been lacking from their operational understanding, and they have approached us in the hope that we can provide clarity.

Yet CLG have been reluctant to offer guidance to local authorities themselves, even when staff there have privately indicated that they expect local Compacts to be followed and supported when spending decisions are being made.

The Compact Advocacy Programme at NCVO, an independent body who investigates and mediates on behalf of the voluntary and community sector on reported breaches of Compact principles, have indicated that they have received 173 new cases this calendar year (up to 30 September), compared to 102 cases for the whole of the 2009. The majority of these cases have been about funding issues—where decisions have been made without proper consultation, notice or engagement.

Lacking the direct support from CLG, Compact Voice approached local decision makers to remind them of their commitments under the Compact. Shortly afterwards, Francis Maude, Minister in the Cabinet Office, also wrote to key decision makers at local and national level, reminding them of their obligations to follow Compact principles.

In September, the Prime Minister again indicated his support for the sector by stating:

“We should say to every single council in the country: ‘When it comes to looking at and trimming your budgets, don’t do the easy thing, which is to cut money to the voluntary bodies and organisations working in our communities. Look at your core costs. Look at how you can do more for less. Look at the value for money you get from working with the voluntary sector.’” (<http://www.thirdsector.co.uk/news/archive/1029070/Cameron-urges-councils-not-cut-money-voluntary-organisations/>)

Despite these reminders, local decision making has only followed the spirit described by national policy in some instances. The impact that disproportionate cuts to the voluntary and community sector will have on local services and communities has the potential to be severe.

For the localism agenda to be delivered effectively, local groups and organisations need to work in partnership together, to feel that they are supported in both the decisions that they are making and that are being made. For many local organisations, particularly those in the voluntary and community sector, there is a legitimate concern that they are under significant threat because of local spending decisions, despite national rhetoric which emphasises their importance. The distance between these two opposing scenarios needs to be reconciled.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

The gap described earlier—in which national policies place high value on the voluntary and community sector, but spending decisions are significantly affecting the long term viability of many local groups and organisations—has led to a fundamental contradiction between the principles of the Big Society and the impact spending cuts have had on those central to its delivery.

This is exacerbated by lack of clarity about the new policy landscape; Compact Voice has been asked when the Big Society policy will be launched by an attendee of one meeting, and in another asked how local voluntary and community sector groups are supposed to work within their communities and in partnership with local government when those partnerships are being undermined by resourcing being taken away or reduced, often with little or no notice.

In many instances, it is the pace and scale of these changes which has led to tension, with many local organisations and groups struggling to make sense of the new policy landscape they find themselves in, while at the same time struggling to ensure they will survive reductions in spending, while simultaneously trying to ensure that they are able to deliver meaningful, innovative, and successful programmes and collaborations to meet the demands of the emerging Big Society agenda.

In particular, an unprecedented amount of new consultations have been launched since the election in May, affecting many aspects of public service delivery, and which may have a specific impact on local service provision. Brief scrutiny of the consultations launched indicates that up to 30 September, around 147 formal consultations have been published. The Compact establishes that good practice is to enable twelve weeks for consultations (although it does recognise that this is not always appropriate or possible)—less than half of them have been launched with the full recommended consultation period. Expecting local groups and organisations to meaningfully input into this array of potential policies is unrealistic, and little support seems to have been provided to enable local groups and organisations to make sense of this rapidly changing environment.

Those organisations who are less resourced—but who may have a vital role to play within their community in delivering services—are most likely to be affected. With a more open marketplace—yet with less resources—opportunities for grants and contracts are likely to be fewer. Those organisations that are adequately resourced to be able to address the situations described above will be more likely able to weather the difficult months ahead. Those who aren’t are unlikely to find their place within the Big Society, and the vital role they have played will be lost. Communities will suffer.

The assumption is seemingly that a more open marketplace will encourage working on a level playing field, yet one of the fundamental roles the Compact has played since its introduction in 1998 has been to enable smaller organisations to be treated equally, fairly, and with recognition of the value that they bring. The emphasis has been on a shared responsibility to achieve this; both local and central government have been expected to recognise the value that the sector brings, and the voluntary and community sector have been expected to demonstrate their value when applying for or using public money.

Yet in the age of austerity, this fundamental rebalancing of the relationship between the sector and the state has potentially been lost, with the perceived expectation from some that value comes from cost rather than impact, that the voluntary and community sector is a soft target, that the market will ultimately decide who survives without recognising what might be lost, particularly when considering grants.

Faced against large consortia, private providers, and well-resourced organisations who can afford to deliver without requiring additional investment to cover the cost of overheads, smaller groups who have seen their hard-earned legitimacy diminished as a result of spending cuts will struggle to survive. The work that they do may not be replicated by those who have replaced them; their reach may be lost, and the gap created by big government withdrawing to encourage the Big Society may only lead to the same situation which created the need for a Compact in the first place; that the playing field is not level, and more needs to be done to ensure that the work of the charity sector is viewed with the legitimacy it deserves.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

Service provision can often be a mixture of local and national, statutory and voluntary, all seeking to ensure that they come together in order to cohesively meet the needs of their respective constituents, collaborating and sharing where necessary, and aligning to local and national scrutiny where required.

While for some groups and organisations, the bureaucracy encountered was disproportionate to the scale of delivery (contradicting Compact principles which have called for the opposite), mechanisms which scrutinised local activity (such as National Indicators) at least provided some with the opportunity to assess, share, intervene and support.

Compact Voice has recently launched a number of good practice case studies on its website, which have been well-received by the sector. In some instances, these case studies have provided key ways to better manage spending cuts, which have in turn been replicated by other areas for the benefit of service provision and the community. We share such best practice where possible, seeking not to impose but to guide and support, facilitating dialogue and interaction which often does not occur naturally without external intervention.

Yet as stated above, the picture is not consistent across the country, and we are aware of as many examples of bad practice as good. Those areas who perform well validate and legitimise the continued use of Compact principles, particularly in challenging times. Those areas where relationships have been fractured as a result of bad practice, or unpopular spending decisions, may struggle to meet the needs of the communities in which they operate, and then the role of organisations such as Compact Voice—and arguably central government—to intervene and support through difficult times should not be underestimated.

Compact Voice is currently seeking the views of the voluntary and community sector on a new draft Compact document; one which is designed to be more useable, to enable better partnership working, and one which is intended to offer greater recognition of the role of the voluntary and community sector, and how they will work towards delivering the principles of the Big Society. Key to the establishment and use of a new Compact is ensuring greater accountability—something which both Compact Voice and the sector has called for, and which is supported by government.

Many have asked us during this process what the relationship between local and national Compacts will be. We have replied that the spirit of the Compact should bind all relationships, and encourage all partnerships to recognise the good practice it describes. In response, we have frequently been told that such relationships need strong leadership at both local and national level, from both sectors. Central government needs to lead by demonstrable example, we are told—an example which has been sorely lacking in recent months.

For localism to work, there must be recognition of the value of partnerships between bodies and organisations at local and national level. Local groups and bodies should not feel abandoned and unsupported by an increased emphasis on localism, and recognising that support may be required and is appropriate will help progress the transition from central government expectation to local autonomy.

The Compact has a central role to play in ensuring local groups are supported, that the best possible local services are delivered, and that the Big Society is achieved.

October 2010

Written evidence submitted by the British Humanist Association (LOCO 063)

1. SUMMARY

1.1 We understand that the localism agenda will lead to public services that are currently provided by the state being run by voluntary organisations. We are concerned that this will mean that public services will be run by religious organisations.

1.2 This is a concern because such organisations have exemptions in equality law which may put service users and employees at risk of discrimination on grounds of religion or belief.

1.3 Further concerns about this aspect of the localism agenda are that services may become “balkanised” on the grounds of religion or belief which will be both uneconomical and divisive. Organisations may also use their status as service providers to proselytise.

1.4 It is the duty of local and central government to protect the rights of service users and employees not to be discriminated against on the grounds of religion or belief.

1.5 We therefore propose legislative change to decrease the risks caused by the localism agenda in this regard.

2. ABOUT THE BRITISH HUMANIST ASSOCIATION

2.1 The British Humanist Association (BHA) is the national charity representing the interests of the large and growing population of ethically concerned non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It is committed to human rights and democracy, and has a long history of active engagement in work for an open and inclusive society.

2.2 The BHA's policies are informed by its members, who include eminent authorities in many fields, and by other specialists and experts who share humanist values and concerns. The BHA itself is deeply committed to human rights and advocates an open and inclusive society in which individual freedom of belief and speech are supported by a policy of disinterested impartiality on the part of the government and official bodies towards the many groups within society so long as they conform to the minimum conventions of the society.

3. INTRODUCTION

3.1 We welcome the opportunity to submit evidence to the Communities and Local Government Committee Inquiry into Localism. The BHA has extensive experience in this area and has been working on related issues for a number of years.

3.2 The relevant legislation, the Decentralisation and Localism Bill as announced in the Queen's Speech, is not yet published and no White Paper is planned. However, the government have announced their plans in part via the Queen's Speech, the document entitled *The Coalition: our programme for government* and the *Department for Communities and Local Government Structural Reform Plan*.

3.3 One of our largest areas of concern regarding localism is that of public service reform—and specifically the contracting out of public services to religious organisations.

3.4 We expect to have further comments once the Bill has been published and will submit further observations in due course.

3.5 We are available to submit further evidence, both written and oral, to the Committee on this or related subjects.

4. BACKGROUND TO OUR POSITION

4.1 Our firm position is that state-funded, inclusive public services should be secular. We advocate for the shared institutions of society—its laws, governance and public services—to maintain a careful neutrality on disputed matters such as religion and belief. Religion may motivate people to public service, but public services should not be delivered in the name of religion.

4.2 The BHA has serious concerns that allowing religious organisations to run publically funded statutory services could leave service users and employees at risk of discrimination on the grounds of religion or belief. The government has given clear indications that the localism agenda will include contracting services to community organisations.

4.3 For example, the Decentralisation and Localism Bill announced in the Queen's Speech will “give communities the right to bid to take over local state-run services.”⁶⁷ The exact nature of such services is not clear, but it is likely that they will include general public services such as healthcare, prisons, welfare to work, probation and justice services, adult education and housing. For example, the health section of the coalition's programme for government states “we are committed to the continuous improvement of the quality of services to patients, and to achieving this through much greater involvement of independent and voluntary providers.”⁶⁸

4.4 It is highly likely that some of those providers will be religious organisations.⁶⁹ The government has also given an indication that they will specifically support religious groups to be part of the “Big Society” “unhindered by the barriers many of them currently negotiate.”⁷⁰

4.5 We are also aware that religious organisations may seek to discriminate, even when running a service under contract to a public authority.⁷¹ In 2006, in a memorandum to the Joint Committee on Human Rights, the Salvation Army stated, “Whilst it is appropriate for the state to be religiously neutral, this is impossible for an organisation such as The Salvation Army, which delivers its services as a direct outworking of the Christian faith.”

⁶⁷ Localism Bill- Queen's speech, May 2010.

⁶⁸ *The Coalition: Our Programme for Government*, May 2010.

⁶⁹ As defined by the Equality Act 2010.

⁷⁰ Greg Clark, Minister for Decentralisation, speaking at a discussion hosted by the Archbishop of Canterbury, July 2010.

⁷¹ As defined by the Human Rights Act 1998.

4.6 This shows the clear distinction between a secular service run by the state and a service run by a religious organisation. It is our position that the current state of equality legislation in the UK causes the religious ideology of some organisations to be incompatible with the provision of secular public services on behalf of the state.

5. OUR POSITION

5.1 It is therefore our strong position:

- that all public services should be open and accessible to all citizens and be provided on a non-discriminatory basis;
- that organisations in receipt of public funding to provide public services should be bound in their provision of those services by the same legal obligations to avoid discrimination in dealing with their clients as are public providers of the same services;
- that those organisations should be bound in their provision of those services by the same legal obligations to avoid discrimination in their employment practices as apply to public providers of the same services;
- that those organisations should be bound, as public authorities, in their provision of those services by the Human Rights Act 1998;
- that such organisations should be required to respect the privacy and autonomy of their clients.

6. OUR SPECIFIC CONCERNS

6.1 We consider that discrimination against employees by religious organisations contracted to run public services is a real threat. Current law⁷² allows such organisations to put Occupational Requirements on posts even when that post and the service it is delivering is part of a public service contract which aims to meet the needs of all sections of society.

6.2 This will become increasingly problematic as services are passed from state to local control. If, for example, a local religious organisation wins a contract to take over a service that is currently being run by the local authority, public sector workers who have been transferred with the contract may find their working conditions or chances of promotion severely affected by their religion or belief. Discrimination which would be unlawful for the local authority to undertake would be legal for the new service deliverer. This is unacceptable.

6.3 Similarly, we are concerned that there is a real possibility that discrimination against service users because of their religion or belief will no longer be prevented because services are being run by organisations which have exemptions⁷³ in law. It is quite possible that local state funded services could become effectively inaccessible to people because of their religion or belief because the service is being run by a religious organisation which is restricting services lawfully by using an exemption.

6.4 During the discussions on the Equality Act it was recognised that similar exemptions on grounds of sexual orientation should be unlawful if the service was being run under contract to a public authority as this would be incompatible with the rights of service users not to be discriminated against. As far as we are concerned, this same argument must extend to religion or belief.

6.5 The move to contracting public services to organisations other than those recognised as public authorities may also result in reduced rights for service users more generally. Case law has shown that the definition of “public authority” under the Human Rights Act 1998 can mean that services contracted to other organisations may not be covered by the Act.⁷⁴ This leads to service users having no recourse to law if their human rights are abused by organisations running services on behalf of the state.

6.6 Where the service is being run by a religious organisation, a service user being discriminated against because of their religion or belief may have no recourse to either the Equality Act or the Human Rights Act. This lack of legal protection is unacceptable.

6.7 As well as the risk of discrimination, the localism agenda may lead to an uneconomic duplication of services. When talking about the use of exemptions in public services, The Equality and Human Rights Commission (EHRC) non-statutory guidance on the Act states that targeted services are, “only allowed if the public body makes arrangements so that people not of that religion or belief can receive the same services by another route.”⁷⁵ This suggests that the localisation of services may result in “parallel services” ie a number of similar services run by different organisations for different religion or belief groups rather than one secular service accessible to all.

6.8 Such a situation would go against one of the stated aims of the localism agenda; that of saving public funds through efficient use of voluntary and community sector providers. For example, the *Total Place* initiative

⁷² Equality Act 2010 Schedule 9, Part 1 Paragraph 3.

⁷³ Equality Act 2010 Schedule 23, Paragraph 2.

⁷⁴ please see the 2007 Joint Committee on Human Rights on *The Meaning of Public Authority under the Human Rights Act* available from <http://tinyurl.com/2asueg>

⁷⁵ EHRC non-statutory guidance on the Equality Act, *Your rights to equality from voluntary and community sector organisations (including charities and religion or belief organisations)*,pg22.

aims to “identify and avoid overlap and duplication between organisations—delivering a step change in both service improvement and efficiency.”⁷⁶ This would not be achieved by contracting different organisations to supply services for different sections of the community.

6.9 This would also lead to increased competition within the voluntary and community sector with divisive effects on the community which have implications for social cohesion and equality. Shared local communities who are fully empowered to make decisions about their lives cannot become a reality if they are split along religious lines via service delivery.

6.10 Finally, we believe there to be a real risk that service users and employees may find themselves at risk of proselytisation. Religious activities—staff inviting clients to take part in religious worship or praying for clients while providing services—are at best an unwelcome intrusion for many people, at worst enough to deter them from taking up the service at all. Many religious organisations who may become service providers on behalf of the state have the duty to proselytise written into their mission statement.

6.11 For example, the mission of the Salvation Army is “to proclaim his gospel, to persuade people of all ages to become his disciples and to engage in a programme of practical concern for the needs of humanity.”⁷⁷ Such an agenda is not compatible with state provision of public services, particularly where service users and employees do not have recourse to legal action if they feel that they have suffered discrimination.

6.12 Further, this problem has been recognised by religious groups themselves as being unacceptable with *Faithworks* (an umbrella group for religious organisations) feeling the need to write a charter asking organisations to sign up to certain principles including, “Never imposing our Christian faith or belief on others.”⁷⁸ The BHA believes that organisations who wish to proselytise should not be given the opportunity to do so via public services as this would amount to a misuse of public funds and seriously question the legitimacy and accountability of public services.

7. ROLE OF LOCAL GOVERNMENT AND CENTRAL GOVERNMENT IN LOCALISM

7.1 From the perspective of the concerns listed above, the role of both local and central government in public service provision when provision has been contracted to third party organisations is one of regulator.

7.2 Both local authorities and central government have responsibilities as public authorities to protect citizens from discrimination and to uphold citizen rights, as outlined in the Human Rights Act 1998 and the Equality Act 2010. From April 2011, they will have additional duties to demonstrate that they are taking action on specific equality issues under the Public Sector Equality Duty.

7.3 Localism must not be allowed to become the mechanism by which public authorities “contract out” these responsibilities, thus diluting the protection of citizens’ rights. The responsibility to regulate public service providers, increase equality of access to services and educate providers about equalities issues must therefore rest with the public authorities. This will help to maintain both equal and good quality services.

8. EXAMPLES—UK AND OVERSEAS

8.1 The inquiry specifically asked for examples of localisation from the UK or overseas. The UK is yet to see large scale contracting with religious organisations to the extent that other countries have making examples from the UK difficult to find. However, both the USA and Australia have undertaken national programmes which include “faith-based” welfare provision. It is useful to look at the situation in both countries.

8.2 Many of Australia’s public and welfare services are provided through religious, particularly Christian, organisations. For example, the Catholic Church is the biggest operator in health and education.⁷⁹ The employment service has been outsourced to the not-for-profit sector and the Salvation Army runs Employment Plus, the country’s biggest employment service, offering welfare-to-work services for the unemployed.

8.3 Other Christian organisations, such as Mission Australia, also have a very large involvement in welfare and employment services. Like religious organisations in the UK, they are allowed to discriminate in their employment practices. For example, all Mission Australia employees must read, and agree with, their Christian values statement and demonstrate that they are able to work in an organisation with an overriding Christian ethos.

8.4 Because of these legislative exemptions, religious organisations can and do discriminate on grounds of religion or belief in their employment practices when running publically funded services. This leads to reduced employment opportunities for many people on the grounds of their religion or belief.

8.5 In the US, Under the Civil Rights Act 1964, religious organisations have a special exemption, allowing them to discriminate in their hiring on the grounds of religion, so that they may “maintain their religious liberty

⁷⁶ Total Place website, <http://www.localleadership.gov.uk/totalplace/>

⁷⁷ *What does The Salvation Army do?*, Salvation Army Website—www.salvationarmy.org.uk

⁷⁸ *The Faithworks Charter*, <http://www.faithworks.info/Standard.asp?id=7432>

⁷⁹ Ferguson, A., (2005) “*Not-for-profit organisations are a big part of the economy, yet they are virtually unaccountable*” *Business Review Weekly*, 27 (11).

and identity". Further, religious organisations providing public services are allowed to prescribe the lifestyle of their employees outside of the work environment, such as abstaining from alcohol.⁸⁰

8.6 Although it is illegal for religious organisations in receipt of Federal funds to discriminate against service users on religious grounds, or make participation in a religious activity a condition of receiving a public service, it is not clear that these stipulations are closely monitored in all areas.

8.7 The policy outcome is that many public or "social" services in the US are becoming more openly religious. Religious organisations providing such services do not have to remove religious symbols, art and icons, or forgo religious ceremonies such as collective praying before meals. Therefore, it is left to the service user to have to refuse to take part in religious activities, which is a very troubling (and presumably difficult to monitor) situation, especially for more vulnerable individuals.

8.8 In the UK, there are no provisions in contracts or legislation to prevent money from the state being "creamed off" and used for religious purposes. If there are problems of accountability in the US where there is clear legislation against such activity, it does not bode well for the UK.

8.9 Moreover, it is not just a theoretical worry that public services might be provided in religious settings or in ways that encourage participation in religious activities. At a Department for Work and Pensions event on 7 June 2007 for faith-based organisations, the officials were clear that once welfare-to-work and other services had been contracted out, they did not know how the money was spent. Nor could the officials say how many religious organisations had contracts or subcontracts, or how many services were actually provided in churches or other places of worship.

9. RECOMMENDATIONS

9.1 To mitigate the risks identified by the localism agenda, the BHA recommends the following:

- We recommend that the Equality Act be amended to prevent the use of Occupational Requirements on grounds of religion or belief if the purpose of the employment is to deliver services under contract to a public authority.
- We recommend that the Equality Act be amended to prevent religious organisations from discriminating on the grounds of religion or belief in service provision when under contract to a public authority.
- We recommend that the Human Rights Act be amended to make it clear that those contracted to run services on behalf of a public authority are recognised as a public authority for the purposes of the Act.
- We recommend that mechanisms are put in place to allow and support Local Authorities to monitor the satisfaction of service users with service delivery in order to make Local Authorities accountable.
- In the absence of legislative change, we recommend that all contracts with third party organisations contain a stipulation that they must not use exemptions in equality law when under contract to a Local Authority.
- We recommend that all contracts with third party organisations contain a stipulation that they must not use public money to further any religion or belief by proselytising to service users or employees.

October 2010

Written evidence submitted by the Chartered Institute of Housing (LOCO 064)

1. INTRODUCTION

1.1 CIH welcomes the opportunity to respond to the Select Committee's Inquiry. CIH is the professional body for people involved in housing and communities, with a diverse and growing membership of over 22,000 people both in the public and private sectors. CIH exists to maximise the contribution that housing professionals make to the wellbeing of communities. We have a clear interest in the impact that moves to localism could or will have on the provision and management of housing; the nature of communities; and the local services used by those communities.

2. GENERAL COMMENTS

2.1 CIH cautiously welcomes the move towards greater decentralisation and localism which is at the heart of the coalition government's agenda for change and its proposed legislative programme. The government has set out great ambitions around decentralisation and localism. Initial steps relevant to the housing sector have already been taken, and we expect to see more delivered through the Decentralisation and Localism Bill which will be published soon.ⁱ The government has established its commitment to reducing public spending and developing trust in democratic accountability. Government is committed to providing public services which are

⁸⁰ Cnaan, R. (1999) *The Newer Deal. Social Work and Religion in Partnership*. New York: Columbia University Press.

more transparent, more effective, and cheaper; simultaneously enhancing local accountability to local people for services delivered locally.ⁱⁱ

2.2 The shift to localism is a significant change for government, local people, councillors and the whole housing sector. The new government's commitment to localism offers some significant opportunities but it also poses real challenges around provision and management of housing and related services. The housing sector is keen to make the most of localism but also wants to be upfront about tackling any risks.

2.3 As the shift to localism is a significant departure from the current way in which governance is carried out and the way in which housing and planning is delivered, the transition is one which is likely to take time to develop and one which needs to be resourced properly so that local authorities, elected leaders and local people have the skills and capacity to ensure its success.

2.4 There is a need to ensure that those in society who are less articulate and marginalised are able to fully contribute and participate in the localist approach should they wish to and also that the housing needs and aspirations of the most vulnerable groups in communities are safeguarded.

2.5 There will not be a one-size fits all approach to decentralisation and localism as the needs and aspirations of local people will be different in different localities.

2.6 There is significant appetite for greater involvement in local decision making:

- 78% of people in England said it was important to feel able to influence local decisions.
- 27% of people in England said that they would like to be more involved in decisions affecting the local area.ⁱⁱⁱ
- In 2008–09, 47% of all people in England said they had carried out at least one form of civic engagement activity
- One in five people engaged in civic activism is a member of a tenants' group or committee: possibly as many as three-quarters of a million people.^{iv}
- 65% of people questioned in a recent Ipsos MORI poll favour smaller developments of up to 25 homes in their local area if it would mean more affordable housing.^v

2.7 Government believes that greater participation will result in better decisions. People voicing local priorities, having a say in decisions which affect their lives and neighbourhoods, the ability to influence change and a sense of control and power (participative democracy). A key measure of people's satisfaction is the amount of involvement they feel they have in a particular decision even when they are not pleased with the outcome.^{vi} It is argued that it can lead to better citizens serving as an educative function which strengthens local democratic leadership and capabilities which re-invigorates trust in the democratic process.

3. SPECIFIC ISSUES

3.1 This section will now address the specific issues that the Select Committee has raised for consideration.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

3.2 There is the assumption that decentralisation and localism which allows for greater participation at the local level will lead to better decisions and therefore, more effective public services.

3.3 CIH believes that decentralisation and localism have the potential to result in more effective public service delivery: quality services in which local needs and priorities are addressed, which can involve innovative solutions to complex issues resulting in improved outcomes, value for money and efficiency gains alongside increased customer satisfaction.

3.4 Existing localist approaches which have been adopted regarding the delivery of public services within local government and within the housing sector illustrate the potential benefits which can come from a localist approach. These include:

3.4.1 *Local government: Local Strategic Partnerships:* Local authorities have a central role with funding powers to transform neighbourhoods and communities. Local Strategic Partnerships (LSPs) provide the structure for joint-working to implementing housing and regeneration and neighbourhood renewal initiatives. Local Strategic Partnerships are overall bodies created to bring together the three sectors (public, private, voluntary) to set a "strategic vision" for the local authority area, lead the drive to improve public services. In the *Long-term evaluation of local area agreements and local strategic partnerships—Report on the 2008 survey of all English local strategic partnerships*, respondents reported progress in joint funding of projects, services better meeting needs in priority areas, leveraging in additional resources and efficiency gains through joint working. Respondents also reported that barriers to aligning mainstream programmes were central government constraints around targets and priorities.

3.4.2 *Local government: Total Place:* The Total Place initiative, introduced by the last administration, looked to identify and avoid overlap and duplication between organisations to deliver both service improvement and efficiency at the local level. Total Place evolved from the Treasury's Operational Efficiency Programme (OEP)

which aimed at achieving greater efficiency in a number of cross-cutting areas.^{vii} Total Place looks at how a “whole area” approach to public services can lead to better services at less cost.^{viii} There are 13 pilots operating nationally. The final evaluation report *Total Place: a whole area approach to public services* found that there were significant benefits from the pilots, including improved outcomes, citizens placed at the heart of service design, greater value for money and the elimination of waste and duplication.

3.4.2b *The Durham Total Place* pilot focused on “housing in relation to regeneration”. The pilot was delivered in partnership with local, regional and national stakeholders, including local communities and residents. Housing in relation to regeneration was selected because of the correlation between the housing profile of the county and its economic performance. The final report identified the following benefits to local citizens in relation to the implementation of Total Place:

- Home energy efficiency—single one stop shop for advice and support; funding goes further due to lower overheads.
- Home adaptations—simplified system that treats citizens as consumers, with quicker handling of cases, more equitable treatment.
- Jobs and employment—better access to advice and training opportunities for social housing tenants.
- Improved standards of housing for those on benefits renting in the private sector.
- Consistent standards of services and support across social housing providers.
- Integrated place-based regeneration plans developed in partnership with local communities, with flexibility to meet local priorities.^{ix}

Other advantages for the local authority, residents and other partners included:

- Stronger collaboration with the local authority and other providers including developers and housing providers through the Housing and Regeneration Partnership.
- A opportunity for private developers to influence the local authority’s spatial priorities for development.
- More flexible use of funding.

3.5 Whilst such approaches (representative democratic models) clearly demonstrate the multiple benefits of decentralisation, these approaches, however, offer limited opportunities to increase the participation and power of communities and public service users to engage in local governance and in housing and planning decisions. Key to the government’s agenda is its vision of the Big Society, one in which people have control over the decisions that affect them (participative democracy). The government’s central objectives around the Big Society and housing and planning include “open source” planning, increased tenant power, community management of resources and the opportunity for communities to set up local housing trusts.

3.6 We believe that the social housing sector has much experience to share with local authorities and many public sector services due to the active role it has undertaken to develop tenant and resident involvement which is now fairly well advanced and reasonably resourced. There is a spectrum of activities which provide involvement opportunities for tenants and residents and certainly mainstream providers integrate involvement into their daily business and deliver increasingly good results. Examples of tenant and resident involvement in the sector include:

3.6.1 *Housing: Arms length management organisations*: Arms length management organisations (ALMOs) already provide the basis for extensive tenant involvement in governance. ALMOs have one-third (or more) tenant board members and additionally involve tenants at all levels in other areas. Derby Homes ALMO, for example, has about 30 tenants involved in governance who have had training to assist them in their role. Tenant involvement has helped many ALMOs deliver efficiency savings: by having tenants involved they can make changes that might otherwise be resisted. Derby Homes has achieved £100,000s in savings e.g. in cleaning contracts and other aspects of service delivery, by working with tenants to change contracts/specifications, etc.

3.6.2 *Housing: Community Gateway organisations*: Community Gateway was pioneered in Preston and now several stock transfers have taken place on a gateway basis. This means tenants have a bigger role in governance than in a normal housing association; and also that they can elect to run estates themselves as part of the Gateway approach. There is investment in developing residents’ capacity to help them take bigger roles in governance.

3.6.3 *Housing: Resident led self regulation and enhanced tenant scrutiny*: CIH has developed the concept of resident led self-regulation which offers a model for housing organisations to let tenants at a local level influence decision making in their communities. Resident-led self-regulation is a form of organisational self-regulation, in which an *organisation* develops formal frameworks and mechanisms for controlling its own behaviour. Component parts of housing associations’ existing self-regulation frameworks include the business planning cycle, internal audit, setting and monitoring key performance indicators, options appraisals, and oversight and scrutiny by the board. Self-regulation frameworks are already at the heart of housing associations’ operations. Moving to *resident-led* self-regulation is simply about making residents central to these frameworks. Meaningful resident-led self-regulation would be where residents have a formal, strong role to assess and influence performance and behaviour and take an empowered role in their communities.^x

3.6.3b *Tenant scrutiny at Stockport Homes*: Stockport Homes' tenant scrutiny structure gives tenants power in the way the business is run. Tenants' views are fed into improvement plans developed by a customer scrutiny panel. The plans are then presented to the executive team and the board, which must respond to these suggestions and recommendations.

3.6.3c *Empowering residents at Aldwyck Housing Association*: Aldwyck's customer scrutiny panel is a tenant body which pro-actively challenges service delivery in the organisation. The scrutiny panel's work has led to real benefits including the replacement of contractors based on tenant-led assessment of performance, and increased resident empowerment opportunities.

3.6.4 *Local Tenant Panels*: Government has suggested that Local Tenants Panels could form a mechanism by which greater accountability for the delivery of local services is achieved. Welwyn and Hatfield Local Tenants Panel is a structure formed in 1994, consisting of 24 tenant members and three leaseholders. The Panel monitors the performance of the housing service and discuss housing and other local issues. The Tenants' Panel aims to develop partnerships between the Community Housing Trust, tenants, leaseholders and the council, to raise standards and improve services. It monitors the work of the Trust, the council, and their contractors; and to protect tenants' rights and ensure that local services meet the needs of all the community.

3.7 *The limitations and challenges of localism*

3.7.1 Whilst there are significant benefits including effective service delivery to adopting a localist approach, there are also clear risks, limitations and challenges which must be highlighted particularly around the Big Society agenda and participative democratic approaches.

3.7.2 Firstly there is a potential tension between the place-based (Total Place) approach and the Big Society agenda. The place-based model is fundamentally strategic and collaborative in its approach to public service delivery, thereby facilitating increased efficiencies, the elimination of duplication, a comprehensive approach to complex problems as well as improved outcomes for communities.

3.7.3 Devolving decision making down to the spatial level of neighbourhoods could potentially make it difficult to adopt a strategic approach to the planning and delivery of public services including the planning and delivery for the housing needs and aspirations of a locality. There is the risk that this would result in more costly and less effective services and the housing needs and aspirations of communities not being met.

3.7.4 CIH's submission to CLG Select Committee Inquiry into the Abolition of Regional Spatial Strategies, provides a detailed response on the key issues raised by the abolition of Regional Spatial Strategies including for levels of housing development.

3.7.5 There is risk that more challenging issues could be sidelined and resisted by local communities, for example, the development of housing in a local area and support services to marginalised groups including gypsies and travellers and people who misuse drugs and alcohol. Clearly, there is a need for strong local leadership to safeguard the needs and aspirations of such groups. How local leadership is organised may vary depending on the local area but could include a mayoral figure, elected councillors at ward level or leaders chosen from the community.

3.7.6 For tenants and communities to be able to participate in local decision-making and, if they choose, delivery of local services, they need a certain level of capacity and social capital. This capacity is known to be lacking in many areas, meaning that some communities could be excluded from the "Big Society" approach. This might be especially the case for the less articulate members of a community. The success of Big Society requires all communities to participate, and therefore some financial support for communities is required to build skills and enable involvement.

3.7.7 CIH believes that the government should recognise the need to resource skills development for younger citizens of school age. Many children and young people are marginalised in terms of their ability to meaningfully participate in their communities. A Joseph Rowntree Foundation Report in 2002 which looked at meaningful engagement initiatives with local authorities found that young people had a real enthusiasm for getting involved in decision making. Points of engagement included concerns about crime, personal safety, education, facilities for young people, the environment and housing.^{xi} CIH has actively supported pioneering work in youth empowerment capacity building for the housing sector undertaken by the National Youth Agency (NYA). Their "Hear by Right" scheme uses measurable standards to map the current level of young people's participation across a wide range of service providers and then strategically develops an action plan to further this.^{xii}

3.7.8 CIH consultation has highlighted concerns of tenants and residents, both working and not working, who are in receipt of social security benefits that they could jeopardise their entitlement to benefits (Incapacity Benefit/ESA and JSA) by participating in voluntary activities. For people who are not in work, current eligibility rules for JSA state that a recipient must be available to start work at short notice and defines "voluntary work" as employment with charity or not-for-profit organisation. This could exclude some types of community activity.^{xiii} CIH recommends a more flexible approach to benefits and volunteering; so people who are receiving benefits can still make a meaningful contribution to their community without concerns that their benefits might be stopped.

3.7.9 CIH believes that government in the forthcoming Comprehensive Spending Review should make funding available for building skills and capacity at the local level. CIH, in its submission to the Comprehensive Spending Review *Responsible choices for a fairer future*^{xiv} recommended that government made available £2.5 million per year at national level to specifically support local empowerment and capacity building in the social housing sector.

3.8 Examples of developing local skills from the housing sector

3.8.1 In its *Tackling Worklessness* toolkit^{xv} CIH shows how housing, employment, economic activity and skills community skills capacity building are interlinked. Many social housing residents currently commit large amounts of time to community activity including running community assets and participating in governance and regeneration activities. CIH supports initiatives such as “Off the streets and into Work” (OSW) which provides resources and information to support homeless people and social landlords to engage with volunteering.^{xvi} In addition, CIH has devised the Active Learning for Residents project which recognises the skills and achievements of tenants, residents and staff involved in participation and empowerment activities. The project allows participants to achieve nationally recognised qualifications at Level 2 in Community Action, at Level 3 in Tenant Participation and Neighbourhood Renewal; and at Level 4 in Governance. Initial evaluations of the project show that in addition to improving the skills, knowledge and capacity of participating tenants and residents, it has also raised aspirations and has led to service improvements in some organisations.^{xvii}

3.8.2 Furthermore, it is very likely that this support will need to be extended to local officials and civil servants so they have the capacity to understand and respond to the Big Society agenda in order to fully support their citizens and local communities. This support may be critical given that the localist approach potentially presents a very different way of working and thinking which could result in either resistance or inability to respond by officials and elected leaders.

The lessons from decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

3.9 *Place based budgeting*: Local government has achieved efficiencies of £3 billion between 2004 and 2007 and is on course to make further savings of £5.5 billion in the current spending review period to 2011. Local pilot work undertaken for the Local Government Association has shown the potential for savings through sharing services assets. LGA estimates that in Leicestershire, there could be annual savings of between £3.75 million and £5.25 million from rationalising the number of public service access points of which there are 450 face-to-face service points, 65 telephone centres and 75 separate websites. In Kent, the public asset base is valued at £5 billion. LGA estimates asset disposals could generate net capital receipts of £200 to £280 million over five years, with savings of £40 million on the annual running costs of £300 million.^{xviii} LGA is proposing replacing accountability through multiple departmental funding streams, top-down targets and regulation through multiple public bodies, with outward-facing accountability to local people through devolved governance made up of democratically elected local councillors. LGA argues that Total Place pilots (2.3) demonstrate that devolved governance of public services, results in better value for money.

3.9.1 Other lessons to be learned from Total Place are referred to in the earlier part of this submission, under 3.4.2 Local Government: Total Place and 3.4.2b The Durham Total Place pilot.

3.9.2 Whilst there are significant benefits to adopting a whole area approach to public service delivery, it also potentially presents some challenges. The Total Place evaluation report stresses that the role of leadership is critical to the success of Total Place which will require that all public leaders take a broader view of the leadership task and new key skills including customer insight and excellent partnering skills. Local authorities can be expected to fulfil this role in many local areas. However, as we have already stated in 3.2.2 of this submission it should be recognised that there will be variability of confidence, skills and capacity across local authorities. Similarly, local partners need to be prepared and confident to take new approaches. Operating in times of financial difficulties can drive organisations to retrench and compete, rather than taking new approaches and collaborating.

3.9.3 If local authorities are to be encouraged to adopt a whole area approach then they must be supported by government. The evaluation report suggests that this could be achieved through locality-based leadership development programmes. CIH believes that this is an appropriate way forward. We have concerns that government actions do not always support local authorities to move towards a whole area approach. Some ministers have spoken critically of local authority activities which help to build understanding of the local population and thus help local partners to target resources accordingly. It will not be possible to integrate funding and budgets without local insight.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

3.10 Currently, local authorities and elected councillors have the leadership role and strategic responsibility for their local area working with their partners and engaging their communities for the social, economic and environmental well-being of their local area.

3.10.1 Local authorities are also responsible for the strategic housing function working with their partners to meet the housing needs and aspirations of their local area, contributing to economic growth and prosperity as well as to other social and environmental objectives. Strategic housing is at its most effective when local leadership is strong, consistent, and focused on the needs of the whole community. Significant investment has been made in the strategic housing function within local authorities in recent years, but more is needed to consolidate and sustain improvement in the skills and growth in capacity for the function to continue to take place.

3.10.2 In the localist and Big Society agenda, local authorities are likely to continue to be responsible for providing strategic leadership. Existing structures such as LSPs and newly developing ones such as Local Enterprise Partnerships will enable local authorities to fulfil this role.

3.10.3 The Decentralisation and Localism Bill will further enhance local authorities' leadership role as local authorities will be given a new general power of competence. The House of Commons Briefing note^{xix} on the general power of competence states that the implications of this new statutory presumption are (intentionally vast) and no action except for raising taxes will be beyond local government, unless that action is preventable by law.

3.10.4 Whilst local authorities will continue to exercise a leadership role in their local area, CIH believes that the shift towards a more participative democratic approach, will mean that they are likely to be working much more closely with their citizens and communities rather than working on behalf of them. The precise way in which this is achieved in each locality will be different depending on the needs, skills and experiences of each local area and which will continue to evolve over time. However, it is certainly likely to require a new flexibility from local authorities, a change in culture and developing new skills so that local authorities can enable ongoing dialogue and negotiation between themselves and their citizens and between citizens. Effectiveness in strategic housing can be enhanced where engagement with the community runs through all processes and is not restricted to formal consultation periods.

3.10.5 CIH believes that the localist approach should extend to other local agents in terms of localised participative decision making and accountability. As the Total Place pilots showed, the collaboration between partners has resulted in considerable benefits and outcomes. The complex and interrelated issues in an area require all agents to work together and to engage with local communities when setting priorities. For example, promoting community safety might require local authorities to work in conjunction with the police, housing providers, probation services, etc to identify and address local priorities through coordination of activity and resources.

3.10.6 Some explanations of the localist approach suggest that local authorities can be expected to play a lead commissioning and enabling role. Whilst this is appropriate, CIH believes that the role of local authorities should not be limited to this and that they should continue to be key agents and providers in the delivery of valuable, efficient and quality public services where this is desired and appropriate.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

3.11 As already stated in this response a critical role for government is to provide the resources and financial support to develop the skills and capacity of local authorities, elected leaders and citizens in local areas to step up to a leadership and provision role. In many places this capacity is not present, and so creating a framework where decisions and services can be made and run locally will not be enough to enable local control to take place.

3.11.1 CIH in our submission to the Comprehensive Spending Review, *Responsible choices for a fairer future*, commented that the costs of participation and development of skills for active social tenants are, and should be, borne by the landlord. However, there is a clear need for additional funding through the area-based grant given to local authorities to support (a) training and capacity building for tenants/communities, (b) networks of active tenant/community members to share learning and provide mutual support and (c) members of the community to influence strategic decisions on housing supply and investment. The value of a government funded programme is that it makes resources available to tenants without them having to rely directly on their landlord.

3.11.2 A key role for Whitehall departments is to diffuse innovation and learning across boundaries so that local authorities, elected leaders, their partners and local people recognise and understand what good effective public services might look like and how they might be achieved. This will be a valuable resource in the absence of government issuing any guidance, performance indicators or detailed frameworks. The government has given an indication of its intention to do this for example, in a briefing note to Members of Parliament on local authorities: the general power of competence states, "A Conservative Government will disseminate case studies of the use of the power to all councils to illustrate its scope and publicise its potential impact, so that—at all levels of local government, and among people at large—there is an awareness of the new found freedom of action for local communities. CIH believes this should apply across all public sector services including housing and planning.

3.11.3 Whilst centrally imposed targets and performance indicators will be removed, CIH believes that there should be some mechanism by which outcomes in local areas and at national level can be measured to allow local people and government to be able to assess the impact of localism and whether local priorities and national objectives are being met. The simplest way in which this might be achieved is by local areas setting local targets against identified priorities and reporting on them. However, whilst this might allow assessment at a local level, this would not enable comparison across local areas.

3.11.4 Whilst government has made it clear that it is no longer going to issue guidance and prescriptive frameworks or procedures as to how local areas conducts its business, CIH believes that government still needs to articulate a vision for the country and be responsible for setting out a national strategic overview of national priorities and national frameworks to help achieve the vision where necessary

3.11.5 CIH believes that there needs to be some consideration by government as to how a situation might be dealt with in a local authority area in which local actions and decisions significantly jeopardise achieving national and local objectives. For example, if local communities and local people are still resistant to the development of new housing in their area despite the New Homes Bonus, how might this situation be resolved? CIH would welcome further clarity by government regarding this.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

3.12 Current partnership working facilitated through the operation of Local Strategic Partnerships have acted as a mechanism to assist local authorities and their partners to focus on meeting objectives and targets. In the localist approach, there will be few centrally driven targets and objectives but CIH believes it is important that there is some arrangement in place to enable synoptic and comparative assessment of local authority performance. This will be particularly important in areas of thematic risk such as health and safety and equality and diversity. In addition, this will enable local authorities and local people to identify priorities at a local level; and for local authorities, local people and government to judge performance locally. The removal of the CAA reporting website, which provided information to the public in a clear and comparable format, is unfortunate in this regard.

3.12.1 There are some areas which need additional national oversight even where decision making is devolved, because they are so important for the country's economic and social wellbeing. For example, CIH believes that to ensure that investment decisions are transparent and focused on priority areas the number of rural, supported and family sized homes that are funded should be reported at both local authority and national level.

3.12.2 In the localist approach there needs to be robust accountability in place that allows local people to hold public services to account over and above local elections. It is worth noting that in many areas structures for local people to hold local leaders to account beyond council elections are still poorly developed. Often, the only recourse is the ability for an individual or a group to lobby an elected member around a perceived problem. Although the right to petition adds some formality to articulation of local opinion, additional mechanisms are needed which give real power. Local people should know their rights to be informed and to challenge, and local people should have formal processes to follow that mean local leaders must account for themselves publicly and be responsive to queries and concerns. The mechanisms for this will be different in each local area depending on the arrangements that are agreed. It is critical that whatever accountability arrangements are agreed these are clearly set out so that it is understood who is to be held accountable. For example, would and should an identified leader be held accountable for every major public governance and community issue in their area or would accountability rest at a lower level?

3.12.3 Given that the Big Society approach may potentially result in the voluntary provision of public service delivery, there also needs to be accountability in place around the quality of voluntary delivered services. A potential issue around this is how accountability might look like given that the nature of the service delivery is voluntary: it seems unlikely that local people and communities delivering such services could or should be subject to the same stringent accountability as non-voluntary delivered public services.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

3.13 Robust regulatory and audit architecture has historically acted as a guarantee of accountability for expenditure on the delivery of local services. In social housing, the Housing Corporation (Tenant Services Authority) and the Audit Commission has exerted strong regulatory impact on the sector; with a focus on financial viability and the delivery of services to local people which provide value for money. The Audit Commission has acted to ensure value for money in public service delivery across 11,000 local authorities to the value of £200 billion. Effective regulation has also brought significant financial benefits to the housing association sector: registered providers have borrowed £40 billion at interest rates that are often 1 to 1.5% cheaper than those for non-regulated housing developers. In addition, a secure approach to regulation could level £20 to £25 billion of lending into the social housing sector over the next five years.^{xx} For this reason, it is important that in the absence of historic regulatory architecture effective and appropriate accountability can be achieved for expenditure on the delivery of local services.

3.13.1 The government has introduced measures requiring local authorities to publicly publish all expenditure over £500, with the aim of enabling audit by local people. CIH believes that this mechanism should not be relied on to ensure accountability and regulation of local authorities. The publication of such data only provides a “snapshot” of a given situation and can be easily open to misunderstanding and interpretation. Without the availability of additional information and insight, the practice of “armchair audit” risks being very subjective and divorced from strategic approaches to long term vision and decision making, and thus detrimental to local communities rather than beneficial. Furthermore, there is real potential for inconsistency in this approach as it will be difficult to compare one public body with another and across local authorities. CIH believes that the publication of data could form an element of the need for a comprehensive and robust regulatory architecture and accountability mechanisms but it should not be the main element.

4. CONCLUSION

4.1 In terms of achieving a more local approach, CIH believes the role of tenants and residents should be recognised, resourced, promoted and skilled. This should be a core element of government’s commitment to localism and increased local accountability. Developing the skills and capacity of local communities is integral to CIH’s vision for strong communities. Individual and community empowerment provides opportunities for people to influence and shape decision making processes. Individual and community empowerment can foster a more genuine sense of “community”, social cohesion and collective responsibility. For service providers, it can lead to better knowledge and awareness of the needs of local communities and the impact of current service provision. It can also lead to the development of more informed and responsive services for the future.^{xxi}

4.2 Whilst there can be significant benefits to adopting a localist approach, CIH believes that the move to localism also presents some real risks which we have articulated in this paper. Of particular concern are the variability of leadership, capacity and skills at local authority level, and the need for cultural change to make localism happen. CIH has some real concerns that the potential lack of cultural change and strategic leadership could result in the failure of public service provision, in particular housing supply and services to support residents. .

The Chartered Institute of Housing (CIH) is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 22,000 people—both in the public and private sectors—living and working in over 20 countries on five continents across the world. We exist to maximise the contribution that housing professionals make to the wellbeing of communities.

CIH provides a wide range of services available to members, non-members, organisations, the housing sector and other sectors involved in the creation of communities. Many of our services are only available to CIH Members, including discounts. Our products and services include:

- Training.
- Conference and events.
- Publications.
- Enquiries and advice service.
- Distance learning.

REFERENCES

ⁱ The main proposals of the Bill include:

- Abolish Regional Spatial Strategies. Return decision-making powers on housing and planning to local councils.
- Abolish the Infrastructure Planning Commission and replace it with an efficient and democratically accountable system that provides a fast-track process for major infrastructure projects.
- New powers to help save local facilities and services threatened with closure, and give communities the right to bid to take over local state-run services. Abolish the Standards Board regime.
- Give councils a general power of competence.
- Require public bodies to publish online the job titles of every member of staff and the salaries and expenses of senior officials.
- Give residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases.
- Greater financial autonomy to local government and community groups.
- Create Local Enterprise Partnerships (to replace Regional Development Agencies)—joint local authority-business bodies brought forward by local authorities to promote local economic development.
- Form plans to deliver a genuine and lasting Olympic legacy.

- Outright abolition of Home Improvement Packs.
 - Create new trusts that would make it simpler for communities to provide homes for local people.
 - Review the Housing Revenue Account.
- ii LGA (2010) *Place Based Budgeting*, London, LGA.
- iii CLG (2009) *2008–09 Citizenship Survey Empowered Communities Topic Report*, London, CLG.
- iv Based on analysis of *Citizenship Survey* data (April to December 2007) cited in CLG (2008) *Communities in Control: real people, real power*, London, CLG.
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- xx TSA (2010) www.tenatservicesauthority.org/server/show/nav.14451
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Written evidence submitted by the Mineral Products Association (LOCO 065)

SUMMARY

- An adequate and steady supply of mineral products (aggregates, asphalt, cement, concrete, mortar, industrial and agricultural lime, silica sand and recycled and secondary aggregates) is essential for the construction and manufacturing industries, to the UK economy, and our everyday lives.
- Of the 2 billion tonnes of all materials we use every year in the UK, mineral products (at 280 million tonnes or 14%) are the biggest material flow.
- Every year the UK mineral products industry supplies over £5 billion worth of materials, directly and indirectly employs over 60,000 people and underpins the vast £110 billion construction sector.
- Land-won indigenous non energy minerals, particularly aggregates and other non aggregate minerals are therefore an essential component of supply.
- On average, MPA members deliver one million tonnes of mineral products every working day, more than oil, gas and coal combined.
- The major non energy mineral products flows are aggregates both primary and secondary.
- These kinds of flows have to be managed for this vital supply to national infrastructure to be maintained. It will not happen purely on the basis of local decision making, some form of national requirement to supply both local and more distant markets from local sources is vital to avoid unsustainable and unsteady supply.
- The opportunities for community input that are already incorporated into the planning process are comprehensive. The introduction of third party rights of appeal would add another layer of uncertainty and a significant barrier to economic recovery.

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- There is a danger that decentralisation and localism may result in result in councils (Mineral Planning Authorities—county and unitary councils) failing to provide for and permit new minerals developments due to the increased power of local communities to object to mineral development.
 - The current plan-led system is unfit for purpose and is failing to deliver plans in a timely manner. Anything which could add to the time taken for plans to be adopted will create inertia which will act as a drag on the economy and its recovery.
 - Minerals are not evenly distributed and can only be worked where they naturally occur, which may be distant from the end market and use, and a wider strategic perspective to supply and planning for future provision is therefore essential.
 - For aggregates (crushed rock, sand and gravel) a managed supply system at national (England and Wales) level has operated for over 30 years, and should continue to operate, with appropriate modifications, under a more localist regime.
 - There is a need for continued Government action and oversight of local authority (and mineral planning authority) performance to ensure a secure and steady supply of aggregates and other non aggregate minerals. This could include:
 - Inclusion of clear statements, including in the proposed National Planning Framework on need ensure a secure and steady and adequate supply of aggregates and other non aggregate minerals from a range of sources.
 - Continued [financial and policy] support for Aggregates Working Parties (AWPs) to undertake their joint technical, monitoring and advisory role, with coordination at national level.
 - Ensuring, including through the Planning Inspectorate, that Mineral Planning Authorities continue to make adequate provision and permit developments, and for aggregates they reflect technical advice from AWPs in development plan documents.
 - Rigorous maintenance of minimum landbanks as set out in existing minerals policy and guidance.
 - Local ring-fencing of an increased proportion of the Aggregates Levy Sustainability Fund to ensure benefits accrue to the communities closest to mineral workings.

BACKGROUND AND DETAILED COMMENTS

The Mineral Products Association submitted written evidence to the Committee's inquiry into the abolition of Regional Spatial Strategies (letter and enclosure of 15 September 2010). The comments we made in that submission are relevant to the Localism Inquiry, in that they concern the minerals, predominantly aggregates, supply system in the future, including the working of the planning system.

Value of Minerals to the economy

The economy depends on an adequate and steady supply of mineral products. Minerals products (described in our summary) are essential to construction and manufacturing industries, to our economy and our everyday lives. Of the 2 billion tonnes of materials we use every year in the UK, mineral products (at 280 million tonnes) are the biggest material flow.

Every year the mineral products industry supplies over £5 billion worth of materials, directly and indirectly employs over 60,000 people and underpins the vast £110 billion construction sector. Every £1 invested in construction generates £2.84 in total economic activity—construction relies on mineral products.

Distribution of primary materials

Minerals are not evenly distributed, and as primary raw materials can only be extracted from where they occur.

Some nationally significant minerals with specialist uses are very restricted, and travel to distant markets. Primary aggregates (crushed rock, sand and gravel) vary in their distribution throughout the UK, with sand and gravel being widely spread, and crushed rock more unevenly spread (figures 1 and 2).

Inter-regional flows of crushed rock are significantly larger than for sand and gravel, because of the overall larger demand for crushed rock, particularly for roadstone, and because regions such as the South East, London, the East of England and parts of the North West have only minor, or inferior quality, crushed rock resources. In addition, the consistency and extent of some hard rock deposits permits their working on a very large scale, enabling much wider geographical areas to be served economically by rail. The transfer of crushed rock between regions is more complex and uneven than for sand and gravel. It reflects the combined pattern of the extent of crushed rock resources and markets/population (demand). London and the South East also have substantial landings of marine dredged sand and gravel.

Figures 3 and 4 illustrate major movements of materials within in England, and major imports from outside of England and from marine sources.



Figure 1 Distribution of sand and gravel resources in England

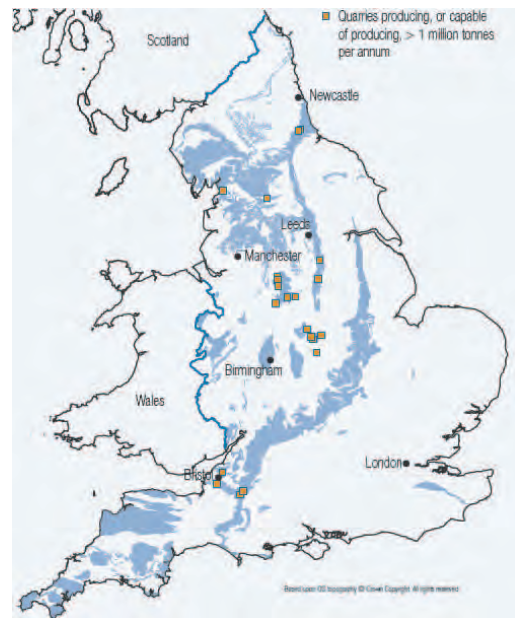


Figure 2 Distribution of rock resources in England

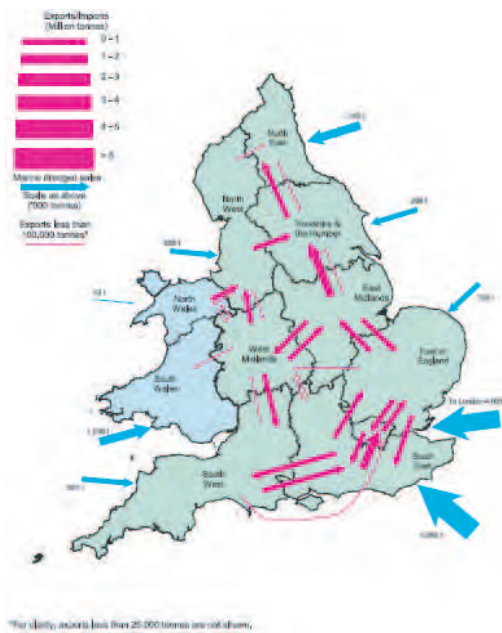


Figure 3 Inter-regional movements of sand and gravel

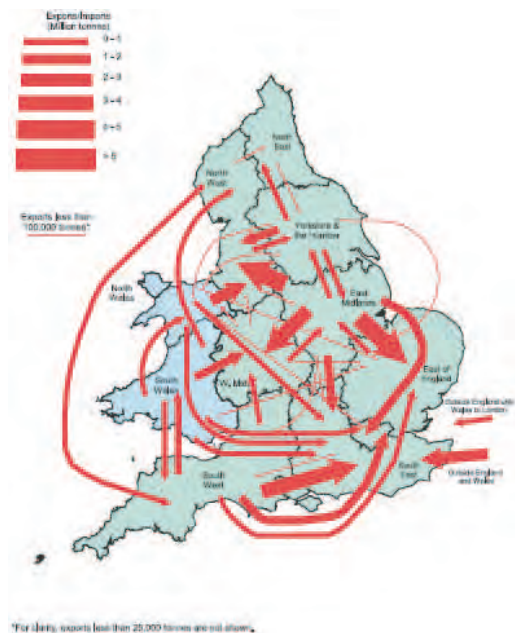


Figure 4 Inter-regional movements of crushed rock

Managed Aggregate Supply System

Local supply of some materials cannot fully meet the pattern and scale of demand and a system of long distance supply has developed.

The managed aggregates supply system (MASS)⁸¹ has operated for more than 30 years, evolving in the post war years due to concerns about increasing demand for construction aggregates, imbalances in supply and

⁸¹ For further information see Gunn *et al* (2008) Managing Aggregates Supply in England—a review of the current system and future options and Hicks L (2008) Aggregates Supply in England—Issues for Planning http://www.bgs.ac.uk/downloads/search.cfm?SECTION_ID=0&MIME_TYPE=0&SEARCH_TXT=aggregates+supply+in+england&dlBtn=go

demand at national level, the need to assess resources and forecast demand, and the social and environmental impacts of mineral working.

In the period of intense rebuilding of Britain, following the Second World War, concern grew about the ability of the aggregates industry to maintain an adequate supply of minerals for construction, particularly in the South East of England.

As a result, the Government appointed an advisory committee under Sir Ralph Verney in 1972 and he published his recommendations in a report in 1976 which led to the MASS as we know it today.

The system that Verney established effectively addressed the imbalances in supply that existed post-war and led to a structure in which the geological location of aggregates deposits were overlaid on other factors and allowed for a planning regime that ensured a steady and adequate supply of minerals.

The system allows the Government to identify those parts of England where the geology shows that aggregates are present and, using data from production and sales volumes to forecast future demand, to apportion tonnages of future supply to those areas that can support them. This provision is then sub-apportioned to Mineral Planning Authorities (counties or unitary councils) following the advice of Aggregate Working Parties of council officers and industry representatives. Minerals development plan documents then set out policies to provide for their supply including identifying area and sites. Monitoring enables a landbank of permitted reserves to be maintained. The plan-led system helps to provide certainty to investors that helps maintain supply.

What MASS does not do is to force Mineral Planning Authorities to produce the proposed tonnages, but rather to make provision for doing so: aggregates will only ever be produced in sufficient quantities to support demand, which varies from year to year.

Mineral Supply and Localism

For aggregates, MASS evolved in England and Wales to address the need to ensure an adequate and steady supply, addressing the regional imbalances between supply and demand. Maintaining the managed system under localism will be as, if not more important.

The MASS has been shown to perform relatively well over the years, evidenced by a high rate of success for planning applications. It is also relatively cheap and cost effective. If the fundamentals were changed, it is likely there would be less certainty for investors, higher planning costs and lower likelihood of planning permission being granted.

However, slow progress in delivering Mineral Development Plan Documents is a major concern, with only 15 new-style Core Strategies adopted in England to date. The necessary degree of certainty for investors and communities intended by the plan-led system is still lacking. The principle is right but the operation of the system is not fit for purpose.

With greater responsibilities on local councils (including Mineral Planning Authorities) for setting planning policy (with less guidance from government), and increasing the ability of local residents to influence and object to developments and decisions in their locality, there is a real danger that development such as minerals extraction, often seen as a bad neighbour, will be resisted even more than currently, by residents and local politicians influenced by their constituents. This may be the case particularly where extraction in one location serves distant markets.

The coalition Government's current proposals to introduce third party rights of appeal combines the developer's twin nightmares of increased uncertainty and cost for no material gain. The current plan led process takes full account of the views of local communities which are tested again once a planning application is submitted. Third party rights of appeal will add another layer of uncertainty into the planning process. Combined with slow progress on adopting development plans and revocation of RSS, this will result in growing inertia in the planning system. The prospect of another step in what is already a demanding and expensive process may well deter developers from submitting applications in the first place just at the time the economy needs the private sector to help bring on new development to support the recovery.

There is a risk that the long-term planning and provision for minerals in development plans would also be undermined. MPAs may re-visit and challenge the aggregates apportionments in existing or emerging development plans. Already a number of MPAs have signalled this course of action following revocation of Regional Spatial Strategies.

This would result in local and potential nationally falls in production capacity, with impacts on construction and infrastructure, delivery of local development strategies, increased costs to consumers (including taxpayers), and increased distances minerals would be transported, mainly by road with the associated environmental and amenity impacts.

Similarly there is also a need for national policy to recognise the importance of non-aggregate (including industrial and specialist) minerals such as silica sand, and the need for continued provision to be made through the planning system, including from areas of high environmental quality and constraint.

There needs to be continued strategic planning for minerals supply. We are encouraged by the advice from the Department of Communities and Local Government Chief Planner (letter to Chief Planning Officers, 6 July 2010) that in the absence of RSS technical advice from the RAWPs should be used as the basis for planning for aggregates in the future. How this operates without RSS policy providing the statutory regional framework now requires further consideration and explanation so that all Minerals Planning Authorities help in delivery and do not seek to opt out.

Local incentivisation to communities to accommodate minerals development will also be essential, and more local targeting of funds raised through the Aggregates Levy Sustainability Fund would help in achieving this.

CONCLUSIONS

The two points in the Committee's Terms of Reference where we focus our comments are:

The action which will be necessary on the part of Government departments to achieve effective decentralised public service delivery;

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery.

Minerals can only be worked where they occur. The economy depends on an adequate and steady supply of mineral products, particularly aggregates and other non aggregate minerals to ensure national requirements for a range of materials are met. Consequently there needs to be strategic planning for provision.

The MASS has been shown to perform reasonably well over the last 30 years, evidenced by a high rate of success for planning applications. It is also relatively cheap and cost effective. If the fundamentals were changed, it is likely there would be less certainty for investors, higher planning costs and lower likelihood of planning permission being granted.

The principle of the plan-led system is right but its operation is unfit for purpose. Slow progress in delivering Mineral Development Plan Documents is a major concern, with only 15 new-style Core Strategies adopted in England to date. The necessary degree of certainty for investors and communities intended by the plan-led system is therefore lacking.

Areas where continued action by Whitehall and oversight of local authority performance will be essential, although inevitably lighter touch than in the recent past, may therefore include:

- Inclusion of clear national policy statements, including in the proposed National Planning Framework, on the need ensure a secure and steady supply of minerals from a range of sources.
- Continued [financial and policy] support for Aggregates Working Parties to undertake their technical, monitoring and advisory role, with coordination at national level.
- Ensuring, including through the Planning Inspectorate, that Mineral Planning Authorities continue to make adequate provision and permit developments, and for aggregates they reflect technical advice from AWP's in development plan documents.
- Rigorous maintenance of minimum landbanks as set out in existing minerals policy and guidance.
- Local ring-fencing of an increased proportion of the Aggregates Levy Sustainability Fund to ensure benefits accrue to the communities closest to mineral workings.

October 2010

Written evidence submitted by SHP (LOCO 067)

I am writing to you concerning your consultation on localism. SHP has contributed to the response from Sitra, but I want to make a few brief comments which are specific to SHP's clients and address the following areas:

- The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism; and
- The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services.

In summary we believe that:

- The current approach to localism in the context of significant reductions in public expenditure could lead to a decimation of housing related support services.
- Fairness will not be at the heart of decision-making and those most in need will not be protected.
- Funding for statutory services will be given priority at the expense of housing related support.

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- In order to ensure this doesn't happen, the government should give consideration to re-introducing the ring fence for housing related support funding.

BACKGROUND ON SHP

SHP is a London based charity. We provide housing related support to people who are homeless or at risk of homelessness.

We operate in 15 London boroughs and offer a range of high support hostels and community based support services to about 2,000 from the following groups:

- Offenders including prolific offenders and MAPPA clients.
- Substance misusers and people coming out of treatment.
- Care leavers and other young people at risk.
- People with mental ill-health.
- Rough sleepers and other homeless people.
- People who are at immediate risk of being evicted from their home.

Our services are commissioned and funded by local authorities from central government funding known until recently as Supporting People. This grant was ring fenced until last year and, since the ring fence came off, is paid as part of the Area Based Grant.

Since Supporting People was introduced in 2003, services for the groups outlined above have increased significantly. This is partly because funding increased, but also because the funding could be deployed in a more flexible, needs led manner than under the previous funding regime. Service commissioning was transferred to the local authority, but in partnership with Probation and Health. There was therefore a much better understanding of need, and the ability to respond to the unmet needs of those who had previously been excluded from other services or who had never been offered a service before. The funding from central government and the requirement to spend that money on housing related support meant for the first time that local authorities were incentivised to offer a range of services to very vulnerable people, for whom they had no statutory responsibility.

Housing related support services have identified that investment in preventative services relieves spending on more costly statutory services and prevents the need for more expensive intensive services. The Cap Gemini research demonstrated that a national investment of £1.6 billion prevented £3.44 billion of the public money being spent on expensive statutory services. SHP can also demonstrate positive (cost saving) outcomes from our services including reductions in offending, homelessness, harm from substance misuse and admissions to acute psychiatric services.

Decentralisation of the SP programme and the localism agenda presents real risks to housing related support, especially at a time of cuts in public expenditure. One obvious risk is that short-termism will dominate, and invest to save will be seen as an expensive luxury.

Our biggest concern has sadly becoming a realisation—local authorities see housing related support services as a soft target for cuts because there is no statutory duty to provide them. In some of the boroughs where we work officers have been told to model cuts of 40% to the SP budget regardless of whether or not the spending review requires that level of cuts. Bigger cuts in SP will reduce the level of cuts to other budgets—effectively returning to the days of the deserving and undeserving poor, with services for the undeserving being sacrificed to safeguard those of the deserving.

Our clients, who experience multiple disadvantage are not in a position to hold the local authority to account and do not have the advantage of seeking legal recourse for reductions in the services they receive as those services have no statutory footing.

The government has said that “difficult decisions will have to be taken in the months and years ahead, but we will ensure that fairness is at the heart of those decisions so that all those most in need are protected”. Recipients of our services are amongst the most vulnerable sections of the community. In order to ensure that fairness is at the heart of decision-making the government must give consideration to how that can be achieved if the decision-making is being left entirely up to cash-strapped local authorities.

We support Sitra's view that consideration should be given to reinstating the ring fence for the funding for housing related support, with grant conditions that require the spend to be on these services. We can't really see how else the government can deliver on its promise of fairness and protection for those most in need.

Written evidence submitted by Essex County Council (LOCO 068)

EXECUTIVE SUMMARY

- *For localism to work, Whitehall will need to let go and local areas need to be empowered.* Whilst a degree of accountability to the centre will remain, Place Based Budgeting and other localism approaches mean a change for national government and indeed for local government as decisions are moved to the lowest practicable level. Whitehall departments will need to radically review the way budgets are allocated to localities. In much the same way that County Councils will devolve budgets to local forums, so must central government.
- *We support strengthening the relationship between services and the citizen.* Democratic accountability will be at the forefront of this change in emphasis and the ability for the citizen to influence decisions, to deliver the services themselves and to take ownership of those services they need and rely on. The citizen will also have more of a vested interest in those who represent them and to that end a welcome consequence will be a massive re-invigoration of interest in local matters, local democracy and local accountability. It will be the citizen who will best give an oversight of local authority performance at the ballot box.
- *Place-based budgeting provides the opportunity to get ‘more for less’ out of public sector resources and services.* By drawing public funds into a single locality-focused budget, services would be targeted more effectively on local needs. By targeting specific local needs, rather than delivering centrally prescribed programmes, local partners will also have greater opportunity to improve outcomes and reduce spending.
- *A locality-focused budget could provide powerful incentives to investment in preventative interventions, reducing the medium to long-term cost to the public services.* With all service providers accountable to the same local commissioning board, ‘split incentives’ would be removed entirely from the local public sector. Historic problems associated with fragmented responsibilities and ambiguity over different agencies’ roles would also be removed if partners were brought together around a single budget, with a strong focus on outcomes. This model would ensure that interventions are linked and sensitive to local circumstances, helping contain costs and deliver improved outcomes.

INTRODUCTION

1. Essex County Council welcomes the opportunity to contribute evidence to the Communities and Local Government Committee’s inquiry into localism. The difficult economic times we face focus our efforts to bring about the most cost effective service delivery to our residents which will mean a radical and challenging change in attitude from the public sector, the voluntary and third sector and indeed the private sector. October’s Comprehensive Spending Review will likely offer a once in a generation opportunity to overhaul the way we go about delivering services. The time is ripe for responsibilities to be delegated to the most practicable hyper-local level.

2. For many years Essex County Council (ECC) has been a committed proponent of localism and has been at the forefront of devolving power, budgets and responsibilities to local communities. ECC has constantly strove to ensure that our residents have the ability to control matters that relate to them directly at a level that is most relevant.

3. Last year the public sector spent £10 billion in Essex and it is likely that this figure will shrink significantly in future years. Central decision making on how to spend this dwindling budget will be forced to become a thing of the past. We welcome government announcements that roll back the influence of Whitehall and leave it to local communities and neighbourhoods to best decide what services they feel are important to them and who will carry them out. We would argue with the Public Services Trust that, given imminent reduction in budgets, there should be a move toward “more for less”—move responsibility even if this is over less funding.

4. Essex is a large county with a population of 1.3 million. With twelve district and borough councils and over 284 parish and town councils, nearly fifty of which have been accredited with Quality Council status, Essex is well placed to continue down a place based budgeting route. A degree of democratic accountability has to be maintained when considering the devolution of public resources and this needs to be extended to include the commissioning of health and social care, police and fire service budgets at the most local level.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

5. It is a truism that the man in Whitehall doesn’t know best. Our own Total Place style pilots in Tendring district demonstrated the value of engaging those citizens who use the services the public sector provides. A locality-focused budget offers an opportunity to move from a supply-side to demand-side approach which views citizens as active agents, not passive recipients of services. An improved citizen experience is the natural concomitant of services that residents are better able to shape.

6. For example, by tailoring and linking decisions on benefits, social housing, health and social services and transport development, local commissioners may be able to address longstanding regeneration issues, persistent long-term unemployment, health inequalities and other ingrained societal challenges. Historic problems associated with fragmented responsibilities and ambiguity over different agencies' roles would also be removed if partners were brought together around a single budget, with a strong focus on outcomes. This model would ensure that interventions are linked and sensitive to local circumstances, helping contain costs and deliver improved outcomes.

7. As far as limits are concerned, subsidiarity means at the lowest practicable level. Some services, personal care being the prime one, can easily be administered by the individual. Decisions on planning, schools, roads, defence are all, by contrast, less suitable to be devolved to that level.

8. October's CSR is widely expected to herald in an age of public sector austerity measures as the chancellor announces plans to tackle the national deficit. It is perhaps poignant that throughout the sixty years since the war, decisions on public sector spending have progressively been increasingly taken at the centre. Devolution to the Scottish Government and the Welsh Assembly aside, in England, there has been little progress towards locality budgeting and the top down approach has become the expected norm.

9. The brief foray into regionalism did little to bring decision making on budgets to a local level and instead introduced a layer of unaccountable, unrepresentative bureaucracy. Since the present government came to power, however, and the abolition of those bodies announced, it is clear that a shift is occurring and that through the Big Society agenda, local government has a unique opportunity to come to the fore.

10. Diktat from the centre, in the form of ring-fenced funding to suit national priorities along with guidance and directives have also become the expected norm. We are facing exciting, if not a little anxious, times as the directives and informatives from government departments dry up. In this hiatus, there is a chance both for local authorities and David Cameron's Big Society to step up to the mark to take the initiative locally. This is where councils can and should show leadership in the transition from a nationally driven policy framework to more local solutions.

11. There can be little doubt that local people know what is best for their localities. ECC has a proven track record in devolving decision making powers downwards. The Community Initiatives Fund, or CIF, is one such example. By returning capital receipts to local communities in grant form has allowed a raft of community led projects to come to fruition. By keeping bureaucracy to a minimum, community involvement to a maximum and a broad and objective view of how money is spent, hundreds of communities across Essex have benefitted in one way or another from CIF—from projects costing £500 to capital investments of £50,000.

12. Geographies and communities vary greatly across the country. Participation in local democracy, willingness and ability to volunteer time as well as the cohesion of neighbourhoods is not uniform. However, there is always evidence that where local interests are challenged or effected by outside influences (or often in the case of antisocial behaviour and crime, from within), when enabled, local communities can and do rise to the challenge of addressing these issues and finding solutions. The lesson to all in government, at whatever level, is to allow this spirit to be freed, not contained, and to nurture it, not stifle it in rigid structure, bureaucracy and regulation.

13. ECC has also had a very positive intervention with parish and town councils. By providing advice, funding for IT equipment and other support measures, fifty parishes have been accredited with Quality Council status. These councils are key to delivering localism. They have the expertise and wherewithal to commission services; they can manage budgets competently and have democratic accountability at the most hyper-local level. As a county council, we can support the procurement and commissioning process for services, add value to the community led planning regime and ensure that no neighbourhood is left behind when it comes to be being represented and having resources allocated to it.

14. The Conservative Party's Paper on Open Source Planning⁸² raises some interesting questions around the level at which planning decisions need to be taken. There is no reason why planning decisions (and indeed subsequent planning benefits) should not be made and benefited from at the most local of community levels, whether that be parish or town council or neighbourhood level. Devolution does work. Government needs to recognise the realities of this and lean upon departments who may be reluctant or nervous about handing down control or resources. This means matching the locality rhetoric with reality and this will mean devolving funds to those organisations or communities that are best able to shape the solutions; and realising the need for a common integrated approach built around the citizen.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through Place Based Budgeting

15. That the public sector does not act as one is already a cause of frustration for many. In an age of retrenchment, though, this territorialism is increasingly untenable. A locality-focused approach would help tackle the departmental mindset that militates against a "single public sector" approach.

⁸² Open Source Planning Green Paper No.14 , 2009

16. A single budget would promote the incentives public sector agencies have to enlist the help of local partners and, by emphasising the holistic nature of interventions, would help prompt partners to volunteer their help. Locality-focused budgets would help combat the reluctance to invest resources in a programme whose successful conclusion would not benefit the funding organisation's own budget or performance metrics. Outcomes would be more important than organisations.

17. Arguments for the benefits of place-based budgeting are already well rehearsed. Simply put, a locality-focused budget should deliver:

- Reductions in service costs at the level of both central and local government;
- More effective use of public funds;
- Greater emphasis on preventative services; and
- Enhanced customer experience.

18. Total place demonstrated the challenge faced by authorities and the scope to improve services and reduce costs by devolving services. Whilst Essex was not an official pilot area for Total Place, the Essex Partnership undertook two "Total Place" style pilot projects. Geographically and sectorally diverse, the pilots highlighted a number of issues—conflicting incentives; confused accountability and a focus on the convenience of the state of the citizen.

19. Place Based Budgeting would also help reduce duplication and fragmentation within local services. Essex's own Total Place style research has shown the panoply of provision faced by citizens. Clearly no public agency sets out to be deliberately obstructive. Yet, on a single street in a seaside town in Essex there are four different public agencies with which young people might need to interact, and with whom they might share basic personal details. Bringing partners together around a single budget would help reduce these 'multiple contacts' (and remember that each contact incurs a cost), enhance data-sharing between public agencies, and deliver substantial improvements in the customer experience.

At the very local level the neighbourhood based budgeting concept would not be expected to deliver substantial savings but rather work to promote hyper-local decision-making allowing local communities more control over how anticipated funding reductions affect their area. The fundamental value of a hyper-local, geographically-focused budgeting is in the promotion of local democracy: communities will have a more direct role in influencing the decisions that affect their lives.

20. With this in mind, Place Based Budgeting would appear best when it is:

- Based on a defined area containing distinct localities which have resonance with local people;
- Supported by robust hyper-local governance structures;
- Committed to neighbourhood-based decision making;
- Backed by willing partners with a track record for innovation; and
- Delivered within acceptable levels of risk.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

21. As a locally democratically accountable body, we would expect local government to play a key role in providing accountability to the public for the public money spent locally.

22. The devolution of control and budgets will require a change in attitude from a range of public service organisations—including Whitehall departments.

23. ECC firmly believes that localism is applicable to far more than local authority services. Indeed, it would be valid to argue that, under the subsidiarity principle, public spending of all kinds should be devolved as far from the centre as possible.

24. There is clear scope for greater local control of all local and national public services. Indeed to suppose that localism can work without significant areas of spend in health and welfare benefits is open to debate: particularly given the entrenched health and welfare issues facing the UK today.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

25. For localism to work, Whitehall will need to let go. Whilst a degree of accountability to the centre will remain, Place Based Budgeting and other localism approaches mean a change for national government. Whitehall departments will need to radically review the way budgets are allocated to localities. In much the same way that County Councils will devolve budgets to local forums, so must central government. This will, of course, be counter-intuitive to some and will require some brave decisions by ministers. Whilst there will be exceptions to the general rule that there are no sacred cows when it comes to retaining funding at a Whitehall level, these exceptions should be few and far between.⁸³

⁸³ Defence spending or the Rural Payments Agency is unlikely to be ever fully devolved for instance

26. The question of devolving performance management functions and responsibilities is also likely to cause a cultural shift in Whitehall. Localities will be presented with a finite pot to spend in each financial year. It is for them to best manage that and to be judged locally on how it is managed.

27. Medium to long term financial consistency is essential. A common criticism of central government is that announcements have been made of money committed to specific schemes and initiatives that either do not materialise or are much diluted when they reach the local level. With new place based budgeting, ministers and their departments will have to accept that the days of nationally launched initiatives are numbered.

28. The contract that must remain is the year on year consistency of funding wherever possible. Some organisations (ie schools) are well practised in keeping a level of reserve to meet contingency shortfalls in funding. Others, particularly in the voluntary sector are not so and locality forums will need to be assured by central government that the locality budget is going to be consistent, year on year, in the medium to long term.

The impact of decentralisation on the achievements of savings in the cost of local public services and the effective targeting of cuts to those services

29. By drawing public funds into a single locality-focused budget, services would be targeted more effectively on local needs. Commissioners could bring their knowledge of local communities to bear in a way that national programmes—whether delivered through ring-fenced grants or locally active quangos—have failed to do. By targeting specific local needs, rather than delivering centrally prescribed programmes, local partners will also have greater opportunity to improve outcomes and reduce spending.

30. Under a locality-focused place-based budgeting model, local commissioners will be better placed to link decisions and take a ‘whole public service’ approach to intractable social problems.

31. A locality-focused budget could provide powerful incentives to investment in preventative interventions, reducing the medium to long-term cost to the public services. With all service providers accountable to the same local commissioning board, ‘split incentives’ would be removed entirely from the local public sector. Short-term costs in a policy area controlled by one department would no longer be a barrier to the long-term benefits that might be enjoyed in another. The financial and social benefits of prevention would accrue to the ‘whole system’ rather than to disparate service providers. The taxpayer already thinks in terms of a single public sector—it is time for the public sector to catch up.

32. As commissioners look to vary the local service mix in response to changing circumstances, services can be decommissioned safely without unintended costs and consequences being passed from one part of the public sector to another. A locality-focused budget would allow cuts in spending to be viewed in terms of their wider impacts and costs rather than their impact on a single organisation’s budget or balance sheet.

33. Yet to view locality-focused budgeting as solely a means by which to bring together the public sector with a view to improve processes is to miss the point. Whilst process and service improvements do make a difference to those who use a service, helping to minimise the structures that exist for the convenience of the public sector not the taxpayer, the potential to devolve funding means there is a further opportunity—namely to see citizens play a greater role in deciding and designing the services they value.

34. Total Place pilots suggest a range of savings—from back office and support functions through to redesigning delivery functions. Whilst these have yet to be realised, moves to a single coherent approach to local public services appear to offer scope for intelligent savings.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

35. The taxpayer, or the citizen, is at the heart of the localism agenda. As already mentioned, the structures that commission or deliver services will be moulded and determined by the citizen. Democratic accountability will be at the forefront of this change in emphasis and the ability for the citizen to influence decisions, to deliver the services themselves and to take ownership of those services they need and rely on.

36. The citizen will also have more of a vested interest in those who represent them and to that end a welcome consequence will be a massive re-energisation of interest in local matters, local democracy and local accountability. It will be the citizen who will best give an oversight of local authority performance at the ballot box.

37. Internal executive scrutiny of councils will continue to operate and an element peer review between councils will also ensure a consistency of standards.

38. Checks and balances can be introduced locally to ensure that citizens are getting the services they need and that the vulnerable do not fall through the net. Councils and other service providers, at whatever level will be required to operate within the law and statutory obligations are in place to deal with this.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services for that voted by Parliament rather than raised locally

39. As already stated, in order for localism and Place Based Budgeting to be successful, Whitehall, and to a certain extent, Parliament is going to have to let go and trust citizens to commission and provide the services they need in their localities. This will include a virtual cessation of initiatives and funding commitments from the centre.

40. Where it is absolutely necessary for funding to be used for a specific purpose identified by Parliament, it will be for central government to agree a compact with local commissioners on how best to administer the allocation of funding. In this way, a double check for spending public money is established whereby if Parliament require money to be spent on a specific initiative, local commissioners will be best placed to determine whether their locality actually needs that funding for that particular purpose.

41. In the event of emergency (human or livestock pandemic for instance), a more pragmatic approach will need to be adopted but the negotiation still needs to take place between commissioners and Whitehall as to how best to spend that money locally.

CONCLUSIONS

42. Localism is reliant on responsibility and decision making for funding being situated as close to the point of delivery as possible. It does not only relate to what local government is responsible for currently but includes most, if not all, of public sector spend in a given area.

43. Structures will change and in some cases, bureaucracies will disappear. Local accountability and peer review will do away with the need for central audit and regulatory control.

44. Localism is based on and around the wellbeing and satisfaction of the citizen. It is not there for the convenience of the state or as a way of passing the buck. In order for it to work it requires Whitehall to release its grip on budgets, local government and commissioners need to mould themselves into a framework that best suits that locality and individual citizens need to take a more active and discerning interest in their interaction with the services they need.

October 2010

Written evidence submitted by North Dorset District Council (LOCO 69)

THE SUBMITTER OF EVIDENCE

North Dorset is a rural area with a population of 64,000 dispersed over a large geographical area including four market towns and many villages. There is an acute shortage of affordable housing, poor access to services, below average incomes, poor transport links and an economy based on agriculture and micro businesses. North Dorset District Council has one of the lowest district council tax rates in the country at £105 per annum for a Band D property. The Council's make up is 17 Conservative, 13 Liberal Democrat and three Independent Members. Localism has been delivered over the last four years by cross party co-operation.

The localism approach is based on the core principle that people who live locally know best what is needed to build sustainability. Community partnerships and partners are given the money, trust and autonomy to commission projects and influence policy. They are engaged as partners in the process. The Community Partnership Executive for North Dorset is a "partnership of partnerships", an executive group led by the community. It coordinates community partnership activity across the district with the input of the Association of Town and Parish Councils and the third sector partner, Dorset Community Action.

Localism is transforming the face of North Dorset. Our community partnerships and parish councils representing their market towns and surrounding areas come together to decide what services are important and take responsibility for safeguarding those services whilst improving the quality of the service and reducing the cost to the tax payer. This has been independently evaluated as the best and most coherent community planning model looking at local community, district and county level, helping the area to buck the trend of rural decline and maintain a resilient economy.

EXECUTIVE SUMMARY

- The District Council and Partnerships have a four year experience of decentralising services and enabling neighbourhoods to determine their own future. Over 12 incorporated companies or social enterprises have been set up, designed and run by local volunteers to deliver services and projects, using a variety of governance models suited to each venture.
- It has gone beyond place based budgeting to grant aiding capital to community organisations to commission and build major facilities themselves. Over 190 projects have been delivered successfully.

- District and Parish Councils have found new ways of working together with services delegated as close to the frontline as possible. Begun as a cost cutting exercise, it soon became clear that this way of working delivers high quality services and high calibre social involvement and interaction. It has proved to be far more than simply achieving efficiency savings.
- The Council seeks to build capacity in the community through the partnerships and they in turn build capacity in the Council, for example, they have attracted resources and commissioned town design statements of sufficient quality to adopt a supplementary planning document to shape the future of towns and villages.

LESSONS LEARNED

- It takes time and commitment to set up, to win hearts and minds and to build two-way trust.
- It takes investment in the third sector to provide community development, expertise, to build project management skills and to train volunteers in business planning skills and governance.
- It takes commitment and hard work from local councillors and a willingness to spend time listening, providing information and planning together.
- It is useful to have the local knowledge and local connections of a district council and if one does not exist, that local connection must be built.
- People will volunteer if investment is made in the service to be transferred, ie, they are not interested in run down buildings and neglected services.
- It will need continual nurturing to make links with new volunteers and sustain those already working hard in the community.
- Large community theatres and facilities can be self sustaining without subsidy if the volunteers and community are involved from the outset in establishing the vision.
- Even small projects such as new play areas, if given to the community to drive, can bring new people into the democratic process, for example, people in a local housing estate have now stood for election at the Town Council.

RECOMMENDATIONS FOR ACTION

- North Dorset Scrutiny Committees have done effective inquiries into access to health services but find it difficult to influence decision making in acute services and the PCT, although the resulting contacts with GP surgeries and dentists have been beneficial to a wider contribution to the neighbourhood. The local Scrutiny role could be established.
- Current VAT regulations on capital expenditure and charity legislation create barriers for community based trusts and usefully could be reviewed, eg introducing the planned secondary legislation to enable charitable incorporated organisations.
- “Competing” initiatives from Government Departments confuse what happens in neighbourhoods: eg Police PACT panels were set up in a prescribed way which cut across other community forums.
- JobCentre Plus operates at too great a distance from benefits authorities and the advice voluntary sector such as the CAB. Its services could be decentralised to benefits authorities and regulated by DWP.
- A great deal of time and resource is given by local authorities and the voluntary sector to advising people about what Benefits are available and where/how to access them. The high volume of different Benefits and different criteria are confusing and create a barrier. They are also inequitable: ... two people living side by side may qualify for a different level of Housing Benefit because of the date they became eligible, even if their outgoings and situation is exactly the same. If less resource was given to managing the complexity, more resource could be given locally to return to work initiatives.

FACTUAL INFORMATION

1. North Dorset is a rural area with a population of 64,000 dispersed over a large geographical area including five market towns and many Villages. There is an acute shortage of affordable housing, poor access to services, low average incomes, poor transport links and an economy based on agriculture and many very small and some highly skilled small businesses. North Dorset District Council has one of the lowest District Council, Council Tax rates in the Country and smaller than many Town Councils at £105 per annum.

2. What sets North Dorset’s approach to Localism apart from others is the degree to which it influences long term sustainability. The Council gives genuine power to the community to shape its own sustainable future. The partnerships deliver award winning, ambitious schemes involving people in the continuing prosperity and appearance of their towns, attracting about £15 million in the last five years. The partnership model has proved its capacity to deliver and has been commended by the Local Government Chronicle/Health Service Journal: winning “Best Community Partnership, 2010”.

3. It is at the cutting edge of community improvements. Our partnerships have been proud to showcase their achievements as exemplars of good practice to other Councils.

4. The core principle is the belief that people who live and work in the area know best what is needed to build a sustainable future. By giving power to local residents and putting them in the driving seat, the Council has ample proof that this approach can succeed.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

5. North Dorset believes that our community partnerships are our eyes and ears and are best placed to ensure that the public sector really takes on board what matters most to our communities. The Community Partnership Executive for North Dorset (CPEND) is the partnership of partnership made up of four community partnerships, representatives from the County Council, Town and Parish, the Dorset Strategic Partnership and Dorset Community Action.

6. There are four community partnerships which cover all parts of North Dorset district centred on the four largest towns of Shaftesbury, Blandford Forum, Gillingham and Sturminster Newton. The objectives of the partnerships are:

- To involve as many local people and community or voluntary groups as possible in the towns and the surrounding villages to plan the future of their market town areas.
- To commission developments to regenerate the towns.
- To deliver social, economic or environmental projects, involving volunteers, that enhance and care for the towns and villages and their local communities' well-being.
- To create opportunity to take community ideas up into strategic levels.

7. Dorset Community Action (DCA) supports the four community partnerships and, with dedicated funding and support from the District Council, employs a small team of community resource workers that are based in each of the market towns, working directly with the community partnerships to define priorities, strategies and action plans, achieve the partnerships' work programmes, identify and secure funding opportunities and implement projects.

8. The involvement of DCA is a key element, which enables the District Council to support the partnerships both with officer time and specialist knowledge but also financially (through an annual grant), whilst at the same time DCA providing independent advice and support to the partnerships, a step removed from the local authority.

9. Working in partnership, the community, local Town and Parish Councils and the District Council have secured over £3 million per annum of savings whilst safeguarding those services that are critically important to the community. We believe that our approach provides one blueprint for Localism and shows how Councils can successfully work differently to improve the quality of local services, engender greater community responsibility and become more efficient.

10. The District Council's Tough Choices Programme was an instrumental part of achieving Localism in North Dorset, which involved all North Dorset community partnerships and local councils. Tough Choices also enabled the District Council to respond to the financial pressures of having its Council Tax increases "capped" in 2006.

11. Tough Choices built on the Vision for North Dorset⁸⁴ With the aim of safeguarding services that were decided by the local community to be important, improving the quality of service and improving cost effectiveness. The Programme focused on three areas: Local Delivery, Focused Resources and Business Transformation.⁸⁵ The District Council achieved a 25% reduction on its net revenue budget between 2006–09.

12. The services that were included within Local Delivery included leisure centres, public conveniences, funding for the Citizens Advice Centre, Countryside management service, sports development, arts grants, tourism promotion, maintenance of public open space, car parks, markets and street cleansing. Local Town and Parish Councils and the community partnerships were consulted and asked which of these services were important to their communities and, if important, would they be prepared to work with the District Council to safeguard their future provision.

13. The relationship of the unelected people that constitute the community partnerships and the elected District, Town and Parish Councillors is critically important. The elected Councillor role is critical for community leadership, which we believe is best provided at district level. Of course all these people are to a lesser or greater degree, volunteers. North Dorset now has a significant number of volunteers, a strength that has been deliberately encouraged and expanded through:

⁸⁴ North Dorset District Council Vision: where thriving, balanced and environmentally responsible communities in our market towns and surrounding villages build economic prosperity while safeguarding our unique and diverse surroundings.

⁸⁵ Local Delivery: supporting local communities to take ownership of discretionary service provision, Focused Resources: prioritising our services, focusing resources on our highest priorities and reducing what we do. Business Transformation: making best use of the Council's investment in ICT through increasing efficiency.

- putting volunteers and local Councillors at the centre of decision making;
- taking responsibility for services; and
- providing resources: revenue and capital funding, transferring assets, training, technical and professional advice and skills development.

14. Relationship management has at times proved critically important to gain an understanding of each partner's role and contribution, ensuring that existing roles and responsibilities are protected and not considered as being undermined. That requires involvement from the District Council and support from DCA including mediation and brokering agreement between organisations and individuals.

15. Community partnerships work side by side with locally elected Councillors.

16. In addition, co-ordination across public service including County, Districts, Police, Fire, health services, housing associations and the business community is achieved through officer and Member liaison.

17. The approach in North Dorset is different because it:

- is in lieu of a district wide LSP;
- works across local authority boundaries (into Wiltshire, for example);
- influences policy and strategy and informs Council service business plans;
- engages in decision making on which services considered important locally and should be retained through new working arrangements;
- has experience and track record in engagement in the delivery of substantial programmes and projects;
- goes beyond participatory budgeting towards trust and managed risk. Substantial budgets are passed to partnerships to deliver large schemes with technical support and financial risk management from the Council;
- has CPEND representatives on various steering and working groups in the council;
- included the vision for each community partnership and the priorities identified through CPEND in the Draft Core Strategy of the Local Development Framework (LDF);
- provided training to support partnerships and professional resource through the Community Development Workers (COW) and administration team, who are employed independently by the Third Sector on behalf of the partnerships, funded by the Council and partners eg training on legal implications of the roles and responsibilities of directors in partnerships, trusts and charities, and on project development and management principles; and
- proper engagement, devolution and trust. The partnerships have a tremendous track record—we believe they will deliver and give them the tools to do the job.

18. The North Dorset approach has enabled the District Council to improve whilst at the same time achieving its financial challenges and improving the quality of service.

19. However, the story does not end there; we:

- have achieved the Best Community Partnership in Britain 2010 celebrating the work of the community;
- have a huge army of volunteers without whom, this journey would not have been possible;
- have completed a review of the community planning model in early 2010 to further strengthen the arrangements, delivery and measurement of outcomes;
- are well placed for the future through our long track record of local community engagement and commitment to take advantage of the new Localism and Big Society agenda;
- have given community partnerships and partners the tools and trust to be autonomous; and
- have Members that demonstrate long term commitment.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

20. Local delegated services including street cleansing, tourist information centres, public conveniences, maintenance of open spaces, town markets and leisure/community centres are now operated at a lower cost to the taxpayer. This is achieved not least through lower overhead costs, use of volunteers and business rates relief. Equally important, the customer service standards have improved through the extra care and attention provided by local councils and community charitable trusts taking responsibility for the success of the local services as businesses, which are dependent for survival on customer demand.

21. Locally managed services have proved to be more responsive services to local demands and better placed to reduce bureaucracy and processing/communication of work requests; immediately tailor the service to respond to priorities. By doing so, again efficiencies are achieved to the taxpayer and customer service is improved.

22. Working across organisations (eg local councils) and with the voluntary/community sector takes time; to win hearts and minds can take two to three years, as we found with the Local Delivery programme.

23. It is essential that local decisions (eg of Town/Parish Councils and community partnerships) need to be respected and decisions cannot be imposed, although the consequence of local decisions need to be clearly explained and understood. For example, the decision of a local community to agree that there is little importance of a leisure/community centre, is likely to lead to that service being lost to the community. Such a closure has been made with full local agreement.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

24. There appear to be significant opportunities arising from the interventions to reduce later demand for services. For example the Dorset “Total Place” study highlights early intervention through fitness/leisure activities may reduce demands on acute health services. Our experience demonstrates the difficulties in achieving this; it is unlikely that health services will be able to support fitness/leisure services, because of annual budget pressures, to provide funding of preventative measures (eg investment in leisure activities) in the short term with the expectation of longer term health benefits and their commensurate cost reductions.

25. We agree that Total Place aims to improve services that are locally important and needed to the benefit of local people holistically. Local councils should work with other public agencies (eg Jobcentre Plus), the voluntary and business sectors (eg Federation of Small Businesses) to maintain people in work; re-organising the benefits framework; promoting voluntary work; managing debt; avoiding homelessness; promoting start-up businesses; and developing jobs growth.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

26. Government Grant supports part of the costs of statutory services only and locally raised income supports local decisions and services and contributes to the statutory services cost.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

27. Accountability and performance should be locally decided and the locality responsible for the success or failure. Local PIs agreed and monitored by locally elected representatives (working with the community and voluntary sector) with audited accounts.

What were the Outcomes and how were they measured?

28. Practical outcomes now form a remarkably long and diverse list, from major regeneration projects to smaller ones such as a fishing platform for wheelchair users, from big community events to regular activities. Over the last five years the partnerships have been instrumental in attracting and delivering about £15 million worth of projects in the area. Projects are “delivered in partnership”, and outcomes include:

- “The Exchange”, a £2.6 million redevelopment of a major site in the centre of Sturminster Newton with a large and impressive community facility, health centre, supermarket and community offices. Run by volunteers, the centre has broken even in its first year of operation. It has taken on a full time manager and is attracting national performing arts to the area. It has transformed the town, generating more visits to the town and increased social activity. The Sturminster Cheese festival attracted 13,000 visitors this year and huge sales of local products. The town has also won “Cittaslow” status, the first town in the South West. The SturQuest Partnership has recently been a regional winner for partnership and strategic working in the National Market Town awards.
- Newly refurbished public toilets have been transferred by the District to the Town Councils together with Town Orderlies and the District pays the Towns for keeping the town clean. We now have a multi skilled response to cutting grass, clearing litter, sweeping the streets, cleaning the toilets, removing graffiti, and the rapid removal of fly tipping.. The overall look of the towns has improved hugely. The Town Councils now offer cleaning services to some of the parishes.
- In Gillingham the community partnership has taken over an old leisure centre building and is commissioning its own refurbishment to create a new leisure centre, community hub and community centre. The District has helped to train and develop expertise to do the business and project planning and has granted the partnership £4 million capital funding. The partnership has business plans to run the facility without District Council revenue funding.

- The “Exchange” community complex and the new Gillingham facilities both incorporate renewable energy sources.
- A community communication: Unity.Com magazine delivered free to over 3,000 homes—not subsidised.
- In Shaftesbury and Blandford Forum the community are successfully running Tourist Information Centres in each town and have won business funding to help to support them. A small community pool is being run by volunteers in Shaftesbury following an asset transfer and assistance.
- The District Council was the only authority awarded “Liveability” funding to use it to create a community “challenge fund” and skills development, to help build capacity in partnerships to deliver sustainable projects based on their own ideas. Over 190 projects have been delivered to improve the access to open space, all community generated and community run.
- 15 play areas have been developed by the community and are now looked after by the community, parish and town councils.
- A high level of volunteering in North Dorset shown in the Place Survey (top quartile). New people are coming forward to Town Councils and to community partnerships.
- Increased democratic capacity/engagement from hard to reach groups, eg families were engaged in the provision of a long needed large play area in their recreation ground, therefore felt empowered, became less cynical and sceptical about having their voices heard and have subsequently joined a Town Council.
- Increased democratic engagement Local Delivery -number of important services and facilities retained in the area.
- 48 Parish Plans have been produced and four community action plans.
- Town and village design guidelines written by the community, and facilitated by the District, are now adopted as planning policy documents; the District wrote a toolkit to share good practice and assisted in the process.
- The district was top in two of the five categories in the Ecosgen study of economic resilience in the South West and was in the top five overall.
- CPEND and the AONB Partnership have been awarded £2.85 million Local Action for Rural Communities funding for community led projects deriving economic benefit from the environment to improve the quality of life. This programme is being managed by the community.
- CPEND is working with the Senior Management Team and Cabinet of Council as part of Team North Dorset. Members see community partnerships as part of the solution for the future and a voice for the community.
- The Dorset Strategic Partnership (the County and District LSP) and the Community Strategy for Dorset are influenced by and informed by evidence and ideas from the Community Partnerships and the County provides a small contribution to the financial resources and the DSP provides small grant funding of £38,000 to CPEND for local community projects.
- North Dorset is selected, alongside Newcastle, as one of two national pilots to undertake a “green map”—a Climate and Action Community Map, funded by the Green Alliance.

SUPPLEMENTARY MATERIAL

Community Partnership Awards: Community Partnership Executive North Dorset—Building Strong and Inclusive Sustainable Communities, date 2010.

October 2010

Written evidence submitted by Bristol City Council (LOCO 073)

SUMMARY

- Abolish the *ultra vires* principle and leave councils free to act locally;
- Need greater recognition from Central Government of role and importance of Local Government;
- Need for further clarification on respective roles and responsibilities, (ie how local authorities balance commitment to localism with issues that require a wider perspective);
- Councils should be able to raise much more of their own income—need for combination of local income sources, greater direct management of European structural funding etc;
- Localism agenda has the potential to enable the more effective use of scarce resources in the future;
- Need for clarity on how citizens, communities and voluntary groups will be accountable for services they deliver;

- Voluntarism and co-production offer great opportunities for empowerment, but still need to create greater demand to be involved in local civic action.

RESPONSE

First of all, we welcome this opportunity to make a contribution to the debate on the Government's plans for localism and decentralisation of public services. Outlined below are a number of thoughts and questions we would like the Select Committee to consider during the course of its inquiry.

POWERS AND ROLE OF LOCAL AUTHORITIES

1. Article 4 "Scope of local self-government" of the European Charter for Local Self Government states that "Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority". Local authorities in England, operating under the principle of ultra vires, have traditionally enjoyed far less freedom and flexibility. The concept of ultra vires has historically led to a focus on the legality of any potential Council activity/initiative and has thus tended to restrain local authorities from either taking risks or being particularly innovative.

2. Before the Government seeks to set out new roles for local authorities it should therefore first abolish the ultra vires principle and leave councils free to act locally, aside from actions expressly forbidden by statute. In this respect, Coalition government proposals to grant local authorities a "general power of competence" is a welcome move, though there is also something to be said for the NLGN's recommendation that the government should, in addition, prioritise a systematic review of existing legislation and regulations that would otherwise limit the scope of local councils and revoke any such regulations/legislation as required.

3. The Chairman of the LGA, Sir Simon Milton, has gone somewhat further and argued that "councils will only be free when we can guarantee the rights of local councils, and the democratic mandate of councillors, in a constitutional convention". A number of other commentators⁸⁶ have similarly called for a parliamentary resolution to entrench the role of local government. Such a resolution could draw on concepts (and sometimes the wording) from both the European Charter of Local Self-Government and the Central-Local Concordat of 2007. Critically, it would need to go further than did the Concordat with respect to funding issues, drawing on the Charter's recognition for "diversified and buoyant" sources of local government finance (see below).

4. The move towards decentralisation may also require some further clarification on respective roles and responsibilities, in particular, in relation to how local authorities will balance (and resolve) their commitment to localism with issues that undoubtedly require a wider perspective. Communities will still need some level of strategic thinking beyond the local level to deliver many of the things they want, such as hospitals, transport links, waste management and flood protection. Some of the most pressing issues facing the nation—the housing crisis, economic recovery, climate change and biodiversity loss—cannot be dealt with solely at a local level.

5. Economic recovery is clearly one of the central goals of the Coalition government. There is a case to be made for recognition of the central role of cities as the engines of future economic growth. Yet the abolition of regional agencies/Government Offices has meant that a number of existing interfaces between local and central government have been or will be removed. The Core Cities group is an established network that could fill this gap, providing an interface with the most important places for economic growth.

6. It could be argued that until local government is responsible for funding itself, "localism" risks being little more than an aspiration, rather than the radical, transformative project it potentially could be. When central government funds 75% of local government, councils are held accountable by Whitehall just as much as they are by voters. Real innovations in local government are unlikely to occur until councils are able to raise much more of their own income.

FINANCIAL LIMITATIONS

7. English local authorities currently have quite a wide service remit, yet a relatively limited and inflexible financial base, particularly in relation to their European and Commonwealth counterparts. The LGA, among others, have argued that it is not desirable for local government to rely on income from a single tax. Many European countries have more than one local source of income. There should therefore be a combination of local income sources, which could include:

- A reformed and more equitable property tax;
- The progressive re-localisation of business rates (similar to German model). We welcome recent announcements to introduce Tax Increment Finance;
- The transfer of a proportion of national income tax to fund local government directly, either initially as an assigned revenue, developing into a local income tax or moving straight to a local income tax;
- A reduction in grant to local authorities consistent with this shift of national income;

⁸⁶ See for example Roger Gough, *With a Little Help From Our Friends: International Lessons for English Local Government*, Localis/LGA (2009)

- A basket of smaller taxes and charges, for example:
 - localised vehicle excise duty;
 - local sales taxes (not a general sales tax, which would fall foul of the EU VAT regime);
 - localised stamp duty on property transfers;
 - land value taxes;
 - tourist (bed) taxes;
 - more charging for services, using and extending the powers in the 2003 Local Government Act;
 - charges for utilities’ street works;
 - local congestion charges; and
 - “Green Taxes”.

8. Greater direct management of European structural funding is also essential to ensure that the full potential of the funds can be exploited. Previous experience with European structural funds has highlighted the need to have greater local involvement over the development and management of the programme, ensuring that the policy fits local priorities and has greater alignment with sub-regional strategies and national funding programmes.

COST CUTTING/EFFICIENCY SAVINGS

9. Local authorities have been dealing with efficiency savings for many years now. The Total Place/Place Based Budgeting agenda also has the potential to deliver significant cost savings to sub-regions/local areas. Local authorities already have considerable experience of working with partner agencies and this can be developed further. The Localism agenda has the potential to enable—though does not ensure—the more effective use of scarce resources in the future, through better identification of need and targeting of spend. Local decision-making and delivery reduces the overhead costs of long “delivery chains” and the management and monitoring associated with centralised programmes.

10. The task of delivering “more for less” is better achieved at the local level, where more informed and accurate judgments can be made about the costs, benefits and impacts of specific decisions and interventions. Localism also has the potential to enable the more effective delivery of services. Services that are developed locally, with a high level of engagement with partners and service users, better reflect local priorities and the diversity of local needs, interests and preferences. It is easier to identify needs, reflect local issues and preferences and respond to changing circumstances at the local level.

ACCOUNTABILITY

11. Essential to the democratic process is accountability: the ability to scrutinise decisions that have been made about public money and service delivery. If public services are going to move towards delivery by citizens, communities and voluntary groups a system for holding them to account needs to be outlined. It needs to be clear how citizens, communities and voluntary groups will be accountable for services they deliver, who will hold them to account, and what the role of the “Big Society” will be in holding itself to account. What will be the role of elected members if responsibility and accountability for services may be moved away from the local authority? Will Councillors become the scrutinisers for an increasingly more devolved decision making system? There remains a need to think through how Big Society initiatives interact with the formal governance and service delivery functions of local government, especially as these become more autonomous themselves.

CAPACITY AND DEMAND

12. By pushing power and resources closer to “the ground”, localism creates greater opportunities to empower people—individually and collectively—to take decisions for themselves and influence the services that affect them. There is a growing demand from people to have more of a say in the decisions that affect them, and for public services to be flexible, tailored and responsive. As we enter a period of reduced spending and public service reform, managing these pressures and finding ways to co-produce services is going to be ever-more important. Of course, it may be the case that not all local needs can be met by local action so the Select Committee may need to give some consideration to the issue of how to create greater demand to be involved in local civic action and what may motivate people to do this. Local councils and communities will also need to consider what skills and expertise they have and how they can be developed, so that the capabilities to take on these responsibilities are present.

Written evidence submitted by One North West (LOCO 075)

1. ABOUT ONE NORTH WEST

One North West is a partnership of BME voluntary and community sector organisations from across the North West that aims to improve race equality. This paper draws on work with 120 BME voluntary and community sector organisations in developing a position about the Big Society and Localism through seven roundtable discussions that included two women-only events and an online survey.

2. THE BME VOLUNTARY AND COMMUNITY SECTOR IN THE NORTH WEST

There are currently an estimated 570,000 BME people that live in the North West. The BME voluntary and community sector plays a key role for communities; we believe that the BME sector has an integral role to play in developing a fair, equal and “big” society due to the sector’s unique engagement with marginalised communities, the promotion of underrepresented voices and with the delivery of essential services.

3. LOCALISM AND THE BIG SOCIETY

3.1 We welcome decentralisation and the concept of Big Society, including the empowerment of communities and the recognition for the role of the voluntary and community sector in delivering targeted and local services. Indeed, the BME voluntary and community sector recognise the view that different communities require alternative approaches as this is how the sector has developed and largely operates.

3.2 For example, Pendle Pakistan Welfare Association began in 1982, when Mr Aslam used to work night shifts in a factory and then spent his days helping the Pakistani community in the area from his front room. Or the Indian Community Centre in Tameside, who raised their own funds from within the community to build a community centre, which is sustainable and serves at the heart of the community. There are many such examples of where local solutions to community need have been developed by local BME organisations. However, there are concerns with the Localism and Big Society agenda, including that:

- There needs to be greater focus on ensuring that there are measures to ensure that the most vulnerable are included within local priorities;
- The focus on neighbourhoods is problematic as they are not always inclusive and many BME communities go beyond neighbourhoods;
- There needs to be some standards of equalities that remains when power is decentralised;
- The BME and BME Women’s Sector needs listening to and investing in.

These points are expanded upon below and followed with key actions that we believe are necessary to ensure that fairness is at the centre of Big Society and decentralisation.

4. POTENTIAL IMPACTS ON THE MOST VULNERABLE COMMUNITIES

4.1 There needs to be greater focus on ensuring that there are measures to protect and support the most vulnerable within the Big Society and localism agenda. Research undertaken by the Fawcett Society and the Institute for Fiscal Studies has evidenced that the budget cuts will disproportionately impact on the most vulnerable members of society, of which many BME communities in the North West are included. For example, research undertaken in March 2010 revealed that there is an employment gap of 29% for BME women with the rest of the population.⁸⁷

4.2 In the Spending Review Framework, the Government aims to “limit as far as possible the impact of reductions on the most vulnerable in society” and has committed to the “principles of freedom, fairness and responsibility”. It is recognised that decisions made must not have a disproportionate impact on our most vulnerable communities. However, many expressed the view that the impact of decentralisation and Big Society will indeed have this effect and that we need to “reflect on who the most marginalised in our communities are in order to address inequality”. (Kirit Patel, Oxfam Race and Poverty Programme)

4.3 The continued existence of structural inequalities based on race, gender and poverty undermines work towards achieving a fair and just society and must be accounted for within the development of the Big Society and plans to transfer power to local areas. This inequality means that BME communities are underrepresented in local decision making structures. Therefore, when priorities are set locally, without any measures to ensure equality, the needs of these communities will go underrepresented, as already, “BME communities have very little input into local priorities” (Cheshire Chinese Association) This will result in communities that become more isolated and lack access to public services. It was felt that when the “Big Society is rolled out, BME communities will be last in the queue”. (Preston Muslim Forum)

4.4 This will particularly impact on individuals who experience multiple discrimination that is due to their intersectionality and who will become “even further adrift down the margin of invisibility” (Amina Lone, Women’s Solidarity Forum). For example, participants from a women-only event in Burnley were concerned that specialist domestic abuse services and support around forced marriages will not be a priority of the majority

⁸⁷ Experien, “Unlocking the Potential of the BME Population” (March, 2010)

of local people and such women, many of whom are unable to speak English and do not have a voice in local decision-making, will be left isolated from decisions that are taken.

4.5 The BME Women's Solidarity Forum is a coalition of women who voluntarily come together because BME women's voices are not heard within decision making and have developed a women-only space in which they can come together to influence and have developed a BME Women's Charter for Participation. Without such projects, there is a real danger and concern that the most vulnerable in society will be excluded and will experience disproportionate disadvantage from decentralisation.

5. COMMUNITIES GO BEYOND NEIGHBOURHOODS

5.1 Neighbourhoods are seen as the "building blocks of localism". However, there needs to be a broader definition of "community" within the new agenda as for many, communities go beyond neighbourhoods and are defined not by spatial dimensions, but rather, identity and interest. If the notion of community is tied solely to neighbourhood, then decentralisation will mean many communities are excluded from an agenda that they would otherwise participate and flourish in.

5.2 For example, The Congolese Association of Merseyside was established in 2006 initially to work with members of the Congolese community in Liverpool who were isolated upon their arrival in the area and lived throughout the city (although now the Association works with all communities that need support). The Congolese Association operates from a shop front premise in the Kensington area of Liverpool, where it provides courses and also supports communities with education, employment, welfare, health, immigration advice, legal matters, housing and more to the community. Such organisations and the fact that communities are not always defined by neighbourhood needs recognition within the plans around decentralisation.

5.3 Neighbourhood groups are not always inclusive and can marginalise minority communities, which would further exclude BME communities from the emerging agenda. It was perceived that this is not being acknowledged in the model that is being advocated in the Government's "Big Society" plan and that such recognition is vital. "The lack of support and representation for some communities will mean that this will leave some of the most marginalised without support as they fall beneath the cracks". (Tony Durrant OBE, One North West)

5.4 Further issues that are brought about by the narrow definition of "community" is potentially not recognising the human right to private and family life for the traveller communities of the North West. The decision to abolish the Regional Spatial Strategies leaves open the distinct possibility that local authorities will decide not to set aside land for traveller sites. The evidence base behind the North West Regional Strategy reinforced the importance of providing adequate accommodation for Gypsy, Traveller and Travelling Showpeople, not only in terms of human rights, but as a means of "spending to save" not just to reduced public expenditure on maintenance, cleanup and enforcement of unauthorised Gypsy and Traveller encampments, but also to avoiding the social costs of tensions with the settled community, and enabling greater economic contributions from these sectors of society when they have better access to education and healthcare.

6. UNEQUAL STANDARDS OF ACCESS AND OUTCOME

6.1 There are real concerns about where the accountability is within the proposed new system and that there will be unequal standards of access and outcome for the most marginalised communities. With the abolition of the Comprehensive Area Assessments and local inspections, there apparently seems to be no safeguards or monitoring in place to ensure a minimum standard of access to protect the most vulnerable individuals and ensure that fairness remains at the heart of public services.

6.2 As service delivery organisations are given greater freedom, they may place less emphasis on those communities that are most excluded. This is of particular concern in light of the budget cuts, which could mean that service providers focus on those who successfully access their services, therefore excluding the most marginalised members of our communities. For example, in Cheshire, domestic violence posters are not translated into community languages, which means isolated women unable to speak English will suffer as a result. Without safeguards, there is a high chance that the most vulnerable people in society will become even more marginalised.

6.3 If there are no targets around race equality, especially in areas where BME communities are in a small minority, the most vulnerable people will become further excluded from public services and life opportunities. In a written response from Cumbria, it was stated that: "we know from the experience of Cumbria that the localism agenda will have a random focus on race equality".

6.4 This is because without such safeguards, the capacity and ability for these groups to influence and have an impact on local priorities will be severely limited and lead to widespread inequalities. For example, in Ellesmere Port where a fifteen year old traveller boy, Johnny Delaney, was murdered in a racist attack, it was reported that "race hate crime was ignored because local people had not prioritised it".

6.5 BME communities in rural areas also experience particular issues due to isolation from other BME communities and specialist services. Also, cultural awareness of BME communities in rural areas is not as developed as in urban areas and institutional racism is more pronounced. These distinct challenges need to be

considered, otherwise there will be a disproportionately negative effect on our vulnerable communities, which is against the principles of “freedom, fairness and responsibility”.

6.6 Awaz (Cumbria) provides work with BME communities across the county to influence policy so that the planning and delivery of services for Cumbria takes in the needs of BME communities. For example, they have worked with the new and emerging Nepalese community to link the community with employers and provide support in identifying ways to overcome barriers in accessing education, training, work experience, apprenticeships, jobs and volunteer opportunities. Without such support, many BME communities will be left out of the “Big Society”.

7. POTENTIAL EXCLUSION OF BME WOMEN

7.1 Women from BME backgrounds have historically experienced multiple discrimination that is based on their intersectionality; inequality that is based on race and gender. The Fawcett society have published a study about ethnic minority women’s livelihoods which reveals that ethnic minority women living in poverty will be locked into their destitution for the foreseeable future and that as a result of the budget cuts, even more ethnic minority women will be made vulnerable to poverty.

7.2 There are concerns that the Big Society and Localism agenda has not included a gendered perspective and will put additional barriers up for women that do not appear to have been considered. Women from BME backgrounds have historically experienced multiple discrimination that is based on their intersectionality, which needs to be taken into account; “Big Society and Localism needs to be stronger on gender equality”. (Derin Adefajo, Tameside Third Sector Coalition)

7.3 As a result of this inequality, many BME women do not have access to power, influence and opportunities in order to be able to shape their communities and the wider environment. This means that without specialist interventions and support, there will be increased marginalisation as part of the Big Society and Localism agenda. If priorities are set locally and we know that only 0.8% of councillors are BME women and over 80% of Local Strategic Partnerships do not even monitor women’s representation, then the needs of BME women within a decentralised system is likely to be overlooked unless safeguards are in place.

7.4 In Manchester at a women-only discussion, it was expressed that services for BME women are not on the agenda and that this will become even more pronounced as priorities are set locally and without any safeguards. This will also have implications in terms of on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services as the services that will be required will be more acute and cost the Government and local authorities much more.

7.5 Burnley Women’s Centre is a longstanding support organisation for women. All of the service users come from deprived wards and are from BME backgrounds. BWC offers training, advice and signposting to the most marginalised women in Burnley and beyond. The Centre’s staff are supportive, friendly and helpful and many are volunteers who are service users themselves. The issues experiences by service users are mental health issues—depression and anxiety, domestic abuse, forced marriage, immigration issues, having no recourse to public funds, and poverty. Social activities are very important for them and without the centre, women would not leave the house. The centre offers women only provision as their service users need to feel safe and comfortable and don’t want mixed spaces. With the organisation already struggling financially and the upcoming budget cuts, the women’s centre may not be a priority for the majority of the area, but is for those most vulnerable who do not have a strong voice or the power to be able to influence the local agenda. It is this situation that highlights the dangers inherent within localism.

8. ROLE OF THE BME SECTOR IN DELIVERING SERVICES

8.1 We welcome opportunities for the BME voluntary and community sector to play a greater role in public service delivery. The BME sector has an integral role to play in developing a fair, equal and big society due to the sector’s unique engagement with marginalised communities, the support and development of underrepresented voices and with the delivery of tailored and essential services. For example, Inspired Sisters, offer free learning and self-development opportunities that help people into employment, provides a route out of poverty for themselves, their families and the community as a whole and specialise in helping people facing difficult circumstances.

8.2 However, there are barriers that result in a commissioning process that is not equitable for BME voluntary and community sector organisations. Many BME organisations, such as Wai Yin Chinese Women’s Society (winner of the Social Enterprise of the Year at the 2010 NW Ethnic Minority Business Forum Awards) are able to compete and win contracts despite this disadvantage. However, a significant amount of BME voluntary and community sector organisations that deliver essential services are often excluded. If the trend towards public service contracting and the mainstreaming of services continues, BME organisations will be disproportionately disadvantaged and the communities they serve will suffer as a result.

8.3 Without targeted support, the impact of the public sector service cuts is likely to further reduce the ability of the BME voluntary and community sector to be able to compete for contracts. The BME Third Sector needs capacity building in order to be able to acquire contracts for service delivery. This will need support and development, which must also include a distinction between private and voluntary sectors and a shift away

from the current procurement policy that favours efficiency over social value. Otherwise, the Big Society agenda could exclude the BME sector, which would have negative impacts on many communities and on equality in a wider sense.

8.4 This shift towards contracting and away from grant funding will have an impact that needs to be considered within the plans for decentralisation. The BME voluntary and community sector in the North West receives twelve percent of all grants in the North West⁸⁸ and grants remain important to the sector. The North West BME Policy Forum recognise that grants bring innovation and also the ability to survive at the beginning of an organisation's life, enabling organisations to develop a specialist service and allowing a quick response to community need. Furthermore, they are an important means of developing capacity to become more sustainable and support organisations before they can market a business model approach. Indeed, some small BME organisations are best when they remain small. Such organisations respond to what they see on the ground and make a major impact at a local level, working in a value-driven way. Therefore, the new model of public service delivery could potentially have a negative impact on the sector and "Big Society" that has to be considered.

9. FAIRNESS AT THE HEART OF LOCALISM

In light of the concerns above, Big Society and Localism have the potential to disproportionately impact on disadvantaged BME communities in the North West. There must be something within Big Society for marginalised communities; otherwise, it is not a Big Society, but an exclusive one that will widen inequalities and undermine race equality. To make Big Society and localism fair, we call for the following:

9.1 *Consider the impacts of decisions and policy on the most vulnerable*

Equality is essential to the Big Society. To ensure that Big Society is fair, we stress the importance of the Government and local authorities in ensuring that they carry out and publish thorough Equality Impact Assessments (including consulting with BME communities), on all decisions that are being made, especially proposed major policy changes and funding cuts. Intersectionality and the recognition of multiple disadvantages must be considered in order to ensure that the most vulnerable members of our society are not excluded.

9.2 *Listen, Value and Invest in the BME and BME Women's Sector Voluntary and Community Sector*

The BME voluntary and community sector has been delivering "Big Society" for many years and can deliver on Government and local priorities in an innovative and value-driven way to the most marginalised communities, who are often dismissed as "hard to reach". The role of the sector in promoting the voice of underrepresented voices also needs support to ensure that BME communities included in the Big Society.

Furthermore, the value and expertise of BME women's organisations must be recognised both nationally and locally, particularly as the budget cuts will impact the most on women. BME Women's organisations have been proven to be good value for money and it is crucial to improve investment in order to secure both the short and long-term goals of saving money and ensuring better futures for all women and girls, their families and the wider community.

9.3 *Ensure Minimum Standards of Access and Outcomes*

Government should explore ways of providing a strong national steer on equality and human rights objectives whilst allowing local authorities to be responsive. The access to a quality service for all is fundamental to any fair society. There must be some minimum standards of access and outcomes to ensure that communities, within any area, are not further marginalised. It is recommended that Government bring in a framework to local authorities that considers the impact of their services on all communities and ensures that there is a mechanism in which they can be held to account. There still needs to be on-going monitoring and evaluation around equality standards. This need not be about targets, but of quality and standards and evidence for communities to monitor, allowing more chance of the "Big Society" developing.

9.4 *Ensure Equitable Commissioning*

There should be a Common Standards for Equalities in Procurement that embeds equality and diversity in procurement practices of public authorities and also amongst private sector contractors. Government and local authorities must ensure that equality and Compact duties are an integral part of commissioning and procurement. Additionally, the ability of BME Third Sector organisations to significantly increase their role in delivering services requires the process to recognise the added social value that is brought by them and also to include more BME representation on commissioning panels at all levels.

9.5 *Recognise the Importance of Grants*

Grants should be recognised as an essential part of the funding mix and as a more suitable way of funding many small, particularly grassroots organisations. By giving organisations more autonomy and reducing the

⁸⁸ Centre for Local Economic Strategies "Demonstrating the local economic and social value of grant-making with the Voluntary and Community Sector" (2010)

administrative workload grants can provide value for money and an effective way to support communities. Funding allocations should be developed around indicators of deprivation, disadvantage and poverty and targeted when there is a low level of access from particular communities.

October 2010

Written evidence submitted by CBI Minerals Group (LOCO 076)

SUMMARY

- The CBI Minerals Group represents the minerals extraction industry within the United Kingdom including all major non-energy minerals and coal.
- The Group supports decentralisation of public service delivery but as part of this process it is essential that the primacy of maintaining an adequate and steady supply of all minerals is reaffirmed by Government.
- The Group welcomes the recognition by Government that mineral planning authorities will have responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth and that they should do this within the longstanding arrangements for minerals planning.
- It is essential that future arrangements for minerals planning also take account of indigenous supplies of non-aggregate minerals ensuring an adequate and steady supply of these nationally important natural resources.
- Unlike other forms of development, minerals can only be worked where they naturally occur in economically viable quantities. It is essential that future arrangements provide for the inter-community movements of minerals.
- It is essential that the flow of minerals from where they occur and are extracted to the markets they supply locally, nationally and internationally is managed.
- It is essential that the “unfit for purpose” development plan system is improved and not further eroded as this will act as an unnecessary brake on economy recovery.
- The CBI Minerals Group believes that, in order to maintain an adequate and steady supply of all minerals, limits should be placed on localism. This was recognised by the Chief Planner in his letter abolishing the RSSs for aggregate minerals and in “Open Source Planning” for other strategic minerals.
- The Government should avoid the introduction of third party rights of appeal as these will introduce additional uncertainty and cost with no material gain for local communities.
- The Government should provide local incentives for communities to accept mineral developments similar to the proposed New Homes Bonus by directing business rates to local communities and ensuring the Aggregates Levy Sustainability Funds are more targeted on the local communities from where the aggregates are extracted.
- It is essential that the Government urgently prepares robust arrangements to ensure that MPAs continue to make continued adequate and steady provision for all minerals.

BACKGROUND

1. This submission represents the views of the CBI Minerals Group.
2. The CBI Minerals Group represents the minerals extraction industry within the United Kingdom including all major non-energy minerals and coal. The Group represents some 400 mineral extraction companies either directly through being members of the Group or indirectly through member trade associations. The membership of the Group is contained in Annex 1.
3. The UK Minerals Industry produces about 350 million tonnes of minerals per annum, directly contributes £5 billion a year to the economy, and is essential to provide the raw materials on which many important industries depend. The non-energy mineral sector employs over 60,000 people and underpins the £110 billion construction sector. Every £1 invested in construction generates £2.84 in total economic activity. The coal industry directly employs over 9,000 people.
4. Minerals are essential for development, and sustainable development is only achievable by ensuring an adequate and steady supply of minerals. Adequate supplies are crucial for the success of key development projects such as the 2012 Olympics and Crossrail and for meeting the Government’s aims for investment in new infrastructure such as the new generation of nuclear power stations and high speed rail. Coal is essential for meeting the country’s energy requirements to fuel economic activity and growth and about one third of UK electricity generation is produced by coal fired power. China Clay, ball clay and potash are internationally important minerals and play a vital role in the local economies where they are produced in addition to making a contribution to the balance of payments. The importance of the sector to the future prospects for the economy as a whole cannot be over stated.

5. The CBI Minerals Group welcomes the opportunity to make a submission to the Inquiry by the Communities and Local Government Committee. This submission focuses on the following terms of reference of the Committee and, in particular, on the impact on the mineral planning system:

- The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism;
- The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery;
- What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery.

MAINTAINING AN ADEQUATE AND STEADY SUPPLY OF MINERALS

6. In their submission to the inquiry on the abolition of regional special strategies, the CBI Minerals Group while supporting the revocation of RSSs, stressed it is essential that the primacy of maintaining an adequate and steady supply of all minerals should be reaffirmed by Government. We welcomed the recognition in the Chief Planner's letter of 6 July 2010 announcing the revocation of RSSs, that mineral planning authorities will have responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth and that they should do this within the longstanding arrangements for minerals planning with the assistance of the technical advice provided by the Aggregate Working Parties. We also welcomed the undertaking given that the Government will work with the minerals industry and local government to agree how minerals planning arrangements should operate in the longer term. We will fully cooperate with this work.

7. For decentralism to lead to more effective public service delivery and in particular to delivering effective mineral planning decisions, we believe it is essential that future arrangements for minerals planning must also take account of indigenous supplies of non-aggregate minerals ensuring a steady and adequate supply of these nationally important natural resources.⁸⁹ They are essential raw materials for sustaining the country's energy supplies, construction industry, industrial base and the economy as a whole.

8. The safeguarding of mineral resources and the mineral distribution infrastructure such as railheads, wharfage and other handling facilities is essential to ensure the continued sustainable supply of these raw materials to where they are needed.

9. Unlike other forms of development, minerals can only be worked where they naturally occur in economically viable quantities. It is essential that future arrangements provide for the inter-community movements of minerals. For example; the continued development in the south east of the country is wholly dependent on imported crushed rock from the midlands and the south west and the glass industry is dependent on high quality silica sand that occurs only in a very few locations in the country. It is also important that full recognition is given to the benefits of using indigenous resources. These provide increased certainty in terms of the supply chain and are less volatile to global market variations.

10. It is essential that the flow of minerals from where they occur and are extracted to the markets they supply both locally, nationally and internationally is managed particularly as nationally significant minerals with specialist uses are very restricted in where they occur in economically viable quantities. Future supply will not be maintained through local decision making only and a robust national policy framework is essential.

11. The managed aggregate supply system (MASS) has provided an essential framework to meet the imbalances in supply and demand for construction aggregates at a national level for over 30 years. MASS, which is enshrined in *Mineral Policy Statement 1: Planning and Minerals (MPS1)* balances the need to assess resources and forecast demand with the economic, social and environmental impact of mineral working on local communities. It is essential that this system is retained.

12. The existing Mineral Policy Statements provide essential guidance for effective planning for particular minerals at a local level—by way of example Annex 2 of MPS1 sets out the planning policy framework for brick clay. It is essential that the policy framework that these key planning documents contain is retained.

13. The current plan lead system is not delivering the local mineral development plan frameworks essential to give sufficient certainty to encourage the minerals industry to commit future investment in the sector. It is essential that this “unfit for purpose” development plan system is improved and not further eroded as this will act as an unnecessary brake on economy recovery.

14. There is evidence on the ground that the abolition of RSS's and the impending Localism Bill has given a “green light” to some mineral planning authorities to go it alone and some have used the uncertainties to further delay, and in some instances halt, the preparation of their Mineral Framework Documents adding yet further inertia to the system. It is essential that the Government urgently prepares robust arrangements for maintaining a steady and adequate supply of all minerals. The Minerals Group will cooperate fully in this work.

⁸⁹ Non-aggregate minerals extracted in England on which industry depends include gypsum, fluorspar, industrial grade silica sands, limestone, salt, potash, ball clay, Etruria marl, fire clay, china clay and coal.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

15. The policy green paper “Open Source Planning” states that “We would, therefore, look to repatriate the determination of the amounts of minerals required back to Minerals and Waste Planning authorities, subject to environmental standards to ensure that each authority makes its provision in a fair and sustainable way.” It is also stated that: “Exception would be made for nationally strategic deposits of minerals, where responsibility for determining amounts would rest with the Secretary of State”.

16. As stated above, The CBI Minerals Group believes that, in order to maintain an adequate and steady supply of all minerals, limits should be placed on localism. This was recognised by the Chief Planner in his letter abolishing the RSSs for aggregate minerals and in “Open Source Planning” for other strategic minerals. Clarity of what mechanism will be used to determine amounts of nationally strategic minerals is urgently needed. Industry needs to be involved, and is very happy to be involved, in this process.

The action necessary on the part of Whitehall departments to achieve effective decentralised public service delivery in respect of mineral planning

17. The action necessary is:

- Provide clear national policy statements, including in the proposed National Planning Framework, covering need and a commitment to ensuring a secure and steady and adequate supply of all indigenous minerals.
- Provide continued both financial and policy support for Aggregates Working Parties to undertake their technical, monitoring and advisory role, with national coordination of these.
- Ensure that MPAs continue to make adequate provision in their development plan documents for all minerals.
- Speed up the decision making system for dealing with mineral planning applications. The average timescale for mineral & related applications to go through the planning system is far too long.
- Avoid the introduction of third party rights of appeal as these will introduce additional uncertainty and cost. The current plan led process takes full account of the views of local communities which are again taken into account at planning application process.

The arrangements for the oversight of local authority performance necessary to ensure effective local public service delivery in respect of mineral planning

18. The arrangement necessary for oversight of local government performance in respect of mineral planning is as follows:

- The continued support for a framework for apportioning provision between MPAs, preferably through continuation of Aggregates Working Parties (AWPs), particularly to undertake monitoring and advising on provision at MPA level.
- The coordination of AWPs at national level to address issues arising from the inability of some areas to sustain production in an acceptable manner.
- The provision of clear planning advice to MPAs on ensuring provision is based on advice of AWPs and that they cooperate across boundaries.
- The provision of local incentives for communities to accept mineral developments similar to the proposed New Homes Bonus, where the Government will match the council tax raised on each new house for six years, and onshore wind farms. Similarly business rate from new mineral operations should be directed to local communities. For example coal workings currently pay business rates to the Treasury of 51p per tonne per year for every tonne extracted. (The average surface mine is about 1.5mt with an annual production of about 300,000tpa. This would inject £153,000pa into a local community).
- For the aggregate sector, it is essential that the funds raised through the Aggregates Levy Sustainability Funds are more targeted on the local communities from where the aggregates are extracted.

October 2010

Annex 1

MEMBERS OF THE CBI MINERALS GROUP

Aggregate Industries Ltd (*Holcim Group*)
Alliance Environment and Planning Ltd
HJ Banks Mining
British Aggregates Association
British Ceramic Confederation
British Geological Survey (observer status only)

British Gypsum Ltd (*BPB United Kingdom Limited*)
 Cemex UK Ltd
 Confederation of UK Coal Producers
 The Crown Estate
 Entec UK Limited
 Gerald Eve
 GVA Grimley LLP
 Hanson UK (*HeidelbergCement Group*)
 Imerys
 Knights Solicitors
 Lafarge
 Mills & Reeve Solicitors
 Mining Association of UK
 Mineral Industry Research Organisation (MIRO)
 MJCA Consultants
 Nabarro Solicitors
 Mineral Products Association
 Sibelco UK Ltd
 SLR Consulting Ltd
 Stephens Scown Solicitors
 Tarmac Ltd (*Anglo American*)
 UK Coal Ltd
 Wardell Armstrong

Written evidence submitted by Covanta Energy (LOCO 078)

SUMMARY

- US-based Covanta Energy Corporation (Covanta) is the world leader in developing and operating Energy from Waste (EfW) power stations to generate renewable and low carbon energy from residual waste.
- Typically, projects of interest to Covanta will be scaled to meet the needs of more than one waste disposal authority (WDA) or to cater for joint municipal/merchant requirements. Consequently, they tend to be of at least sub-regional or regional significance.
- Some local public services play a significant part in meeting important national policy objectives and, in some cases, the UK's international obligations.
- Practical and cost-effective treatment and disposal of residual waste often is most efficiently carried out on a relatively large scale in order to deliver the best economic and environmental outcomes. It is especially true of recovery operations that are designed to make beneficial use of residual wastes that otherwise would go to landfill.
- Not only are these operations important locally in terms of providing a safe and secure means of dealing with residual waste arisings, they have a vital part to play in meeting wider national policy objectives and international obligations, including diversion of waste from landfill and reduction of carbon emissions.
- In devolving power down the hierarchy of government tiers, the government must ensure that it does not allow freedoms at the local level to jeopardise the attainment of national policy priorities and/or international obligations.
- Where services are devolved further, mechanisms must be put in place to ensure that achieving value for money is a key priority.
- Pursuit of the localist agenda must not allow reform of the planning regime to make it more responsive to community concerns over-ride the need for wider regional and even national interests to be accommodated.

INTRODUCTION

US-based Covanta Energy Corporation (Covanta) is the world leader in developing and operating Energy from Waste (EfW) power stations to generate renewable and low carbon energy from residual waste.

The company operates 44 EfW plants internationally, handling around 18 million tonnes of residual waste every year—equivalent to around two thirds total UK municipal waste arisings. Most of these plants have been built to meet the needs of local authorities, enabling them to divert from landfill waste that cannot be recycled, generating beneficial renewable electricity and, where practicable, heat and reducing harmful carbon emissions.

Covanta has been active in the UK waste market since 2005, pursuing a combination of local authority and merchant development opportunities. The company's current plans envisage inward investment to the UK in excess of £2 billion to renew the UK's waste management infrastructure and create significant renewable and low carbon generating capacity.

Typically, projects of interest to Covanta will be scaled to meet the needs of more than one waste disposal authority (WDA) or to cater for joint municipal/merchant requirements. Consequently, they tend to be of at least sub-regional or regional significance.

COMMENTS

Two of the issues that the Committee has identified for consideration in this inquiry are of special interest to Covanta. They are:

- The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be of localism; and
- The impact of decentralisation on the achieving of savings in the cost of local public services.

The ways in which these considerations affect the waste management market are outlined below.

Some local public services play a significant part in meeting important national policy objectives and, in some cases, the UK's international obligations. Where this is the case it may be more important for the attainment of the wider policy objectives to be attained than for the pattern of service delivery to be aligned with the preferences of the local community.

Waste management is a case in point. The collection and disposal of household waste, rightly, is handled as a universal service to all households. The current arrangement for the exercise of these functions recognises that it is not always appropriate for such services to be decentralised to the lowest tier of governance. Specifically, waste collection services are devolved to the lowest level of local government in any area, including, in shire areas, to district councils. This makes sense because it is at that level that sensible decisions can be made about key operational variables such as the frequency of collection rounds, the degree and nature of segregation of different waste materials etc. This allows these services to reflect local circumstances (eg dense high-rise vs leafy suburban) and priorities.

However, waste disposal is reserved to higher-tier authorities (counties and unitaries). Indeed, in some areas where the unitary authorities themselves are quite small (London and the former metropolitan county areas) it is common for them to be ground into statutory or voluntary Joint Waste Disposal Authorities. This recognises that practical and cost-effective treatment and disposal of residual waste often is most efficiently carried out on a relatively large scale in order to deliver the best economic and environmental outcomes. It is especially true of recovery operations that are designed to make beneficial use of residual wastes that otherwise would go to landfill. Generally, these operations take the form of energy recovery.

Not only are these operations important locally in terms of providing a safe and secure means of dealing with residual waste arisings, they have a vital part to play in meeting wider national policy objectives and international obligations.

For example, under the EU Landfill Directive, the UK is obliged by 2020 to reduce the proportion of biodegradable municipal waste sent to landfill to just 35% of the amount landfilled in 1995. Under the Directive, the country faces a potential fine of some £500, 000 per day if it fails to meet this obligation.

In addition, using residual waste to generate renewable and low-carbon electricity and heat can achieve savings in CO₂ emissions of as much as 700 kg for each tonne of waste burned when compared with the emissions of fossil fuel generating stations. As a result, efficient energy from waste (EfW) projects are recognised within EU and government policy as having an important contribution to make to meeting renewable energy targets and in making the transition to a low-carbon economy. For example, such projects can attract support under the Renewables Obligation and will be supported by the Renewable Heat Incentive when it is introduced next year.

Pursued without care, the localist agenda could jeopardise the development of such facilities in future. For example, if the provision of waste services were to be devolved further or if, under the developing Big Society concept, local service provision was broken up in favour of community based initiatives taking over from the local authority (as is advocated by some) local waste markets would be in danger of becoming so fragmented that the most efficient solutions become impossible to deliver. (The more fragmented the local service provisions comes the more complicated would become the contractual arrangements necessary for the delivery of a large-scale facility.

This is important because, as well as having important environmental benefit (for example greater energy efficiency resulting in greater carbon savings) large scale facilities can deliver very substantial scale economies. These scale economies translate into potentially massive public spending savings for local authorities.

For example, financial modelling that we have undertaken in relation to current local authority residual waste treatment contracts that we are bidding indicates that a local authority contracting to take one third of the annual capacity of a 600,000 tonne/year plant could save around £10 million a year on gate fees compared with contracting to a dedicated 200,000 tonne plant. Given that a typical residual waste contract will have a life of 25 to 30 years, potential lifetime savings could be of the order of £300 million.

A further consideration of real importance with regard to waste management is that in order to meet the EU landfill diversion targets, the UK will require massive investment in new treatment capacity over the next few years. Given the state of the public finances, the vast majority of this investment will have to come from the private sector. It is essential, therefore, that the pattern of service provision remains attractive to private sector investors, and this does mean, in effect, that the market must remain open to the development of relatively large-scale solutions.

There are three critical considerations that come out of this:

- First, in devolving power down the hierarchy of government tiers, the government must ensure that it does not allow freedoms at the local level to jeopardise the attainment of national policy priorities and/or international obligations;
- Second, where services are devolved further, mechanisms must be put in place to ensure that achieving value for money is a key priority, and, where this can best be achieved through collaboration to jointly procure services and solution, there must be a presumption that this will be done. There must be a very strong onus upon any local authority wishing to pursue micro-level solutions to demonstrate that there are over-riding economic and environmental benefits in doing so; and
- Third, the essential link between meeting targets and having an effective planning regime in place must be recognised. Pursuit of the localist agenda must not allow reform of the planning regime to make it more responsive to community concerns over-ride the need for wider regional and even national interests to be accommodated.

October 2010

Written evidence submitted by Community Matters (LOCO 079)

1. SUMMARY

- Community Matters sees the Voluntary and Community Sector and local statutory bodies and government as being partners in creating excellent locally-focussed public services.
- A localist approach to providing public services would use the VCS' reach and premises to house networked services and outreach work, and engage actively with community groups to provide joined-up statutory, discretionary and voluntary services to support individuals.
- The VCS must have a role in the scrutiny and consultation work that must accompany localist service delivery.
- We recommend that a Scrutiny Officer is created to support this work and provide a bridge between the local VCS and local authorities.

2. OVERVIEW

Community Matters welcomes this inquiry and is grateful for the opportunity to contribute to the Committee's work on this important and timely topic. We are aware that many Voluntary and Community Sector (VCS) organisations are submitting responses, and so we wish to submit evidence that reflects our members' experiences in particular rather than trying to encompass the whole sector and its relationship to localist public service provision.

2.1 We are also aware that the terms of this enquiry focus on the provision of public services, in particular statutory services provided by local authorities or other statutory bodies. Our membership do not generally provide these services and are mostly not set up to provide them in future, although a very small number provide housing and health care. More usually they host outreach sessions or offices for local services, such as Children's Centres, doctors' surgeries or drugs or alcohol counselling. As a result we have decided to focus on what a localist approach to supporting the VCS in a neighbourhood might look like and also how the VCS can work alongside the local authorities in an area to improve impact and transparency.

2.2 It is important to establish what this submission understands by localism. There are many traditions of thought about policy and politics labelled "localist". Without aligning itself to any one of these in particular, or the broader political ideologies they may reflect, Community Matters has always been committed to empowering local communities to respond to their needs, develop strong community voices and to allow decisions about public services, local priorities and resource allocation to be taken as close to the people they affect as possible. In this sense, Community Matters represents a fundamentally localist movement.

2.3 Community Matters has over 1200 members, of which just under 1000 are community organisations, mostly community centres or similar groups but also some representing communities of interest. They all have a more or less neighbourhood-level area of benefit, and many are very small by the standards of the wider VCS as a result. A quarter of these members earn less than £20,000 per annum. Four in 10 members earn 90% of their income or more and just under half have the equivalent of one full time staff member or less. We also represent 77 district, county and unitary Local Authorities, 32 Housing Associations, 88 Local Infrastructure

Organisations and 20 local or independent federations of community organisations. We work together to support community organisations and community action and to develop community assets.

3. THE ROLE OF THE (LOCAL OR NATIONAL) STATE IN COMMUNITIES

This inquiry has asked primarily about the way that a localist approach to public service provision will affect local and national Government and other local agents, and has placed a particular emphasis on obtaining savings and increasing efficiency and value for money. In particular it has asked about “the impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services”. It is extremely important that the social outcomes that localist approaches aspire to are not forgotten in the desire to cut costs. If this is seen to be the primary concern in devolving power and responsibility for services to local level any reform’s legitimacy will be undermined.

3.1 With that in mind it seems important to state unambiguously that our support for the principle of greater decision-making power and resources resting in community hands does not mean a belief that local or national Government involvement in the fabric and activities of civil society is a bad thing. Indeed, we believe it to be most welcome and that it fulfils a vital public service. The question is finding appropriate ways for the State to participate in communities and society generally, and this will always depend upon responding sensitively to local conditions and contexts.

3.2 Nowhere is this more important than in maintaining the physical spaces used for community activities. We are concerned at the number of local authorities who are disposing of community assets en masse at the moment, and at the way in which these disposals are described as providing value for local people. In particular Hammersmith and Fulham’s recent announcement that they would dispose of nine buildings currently in use by community groups as they are “under-used” was presented as the only way of maintaining local frontline services. No consideration seems to have been made of the affected community groups’ contributions to supporting those frontline services, the impact on their effectiveness of moving them to larger, more centralized buildings, and no analysis of why these buildings might be underused was offered in Hammersmith and Fulham’s statements to the press.

3.3 This and several similar local authority asset disposals are in contradiction to a decentralized, localist approach, which ought to look to strengthening the neighbourhood-level VCS and its ability to be a partner to government in providing high-quality public services, particularly among deprived or hard to reach groups. As one local government officer who attended our recent Annual Conference remarked, “It feels as if there are two conversations being had; the one about cutting costs and the Big Society one about building community. We haven’t got the resources to do both in the time that’s been given to us and in the end, the savings will have to come first.”

3.4 A case study in these tensions is the current cuts are affecting small VCS organisations delivering services for children and young people. With future cuts to be made in other areas the future of other public venues is also uncertain, with discussions around expanding the use of and shared ownership of libraries, schools and children’s centres, which involves the Department of Education and the Department for Culture Media and Sport as well as local government. Policies across these departments need to be aligned to avoid the separation that started to exist under Labour with DCSF focused on Children’s Centres and myplace schemes, while DCLG focused on community anchors. Future policies need to work on how these different spaces can work together for the local community—with each space offering different advantages and disadvantages. Being prepared to think in terms of virtual service delivery centres spread across multipurpose neighbourhood buildings seems to be the most effective way of achieving this sort of decentralized service, the virtual Children’s Centre in Heaton and Ouseburn or in Exeter being examples of this sort of working.

4. ROLE OF THE VCS

The terms of this inquiry that have been published on the Committee’s webpages make no explicit mention of the Voluntary and Community Sector’s appropriate role in a localist agenda. This seems an oversight, given that by implication providing public services as close to the people that use them ought to mean greater involvement for the VCS in planning and delivering services with local government.

4.1 The possible roles for VCS organizations, particularly smaller community charities and community centres such as our members, could include:

- Providing a space for debate between local people about their needs and their public services priorities.
- Providing a space for debate between local people and local government and statutory bodies.
- Acting as advocates for particular groups within an area for their needs to be prioritized.
- Delivering services or bidding for them.

Some of these roles are potentially in conflict. We believe that it is important that there are community hubs such as our members where interest groups can develop and grow but also come together to debate local issues and where they can all meet local representatives and local services on neutral ground.

4.2 The Committee's terms of reference for this inquiry included the issue of transparency in the local delivery of public services, namely in the allocation of financial resources. This is a crucial element of any localist reform that may be undertaken by this Government. One major concern of the smaller end of the VCS is that communities are seldom homogenous, and are often extremely diverse. As such our members often represent a particular set of interests within a place, rather than being able to stand for all the residents in a neighbourhood. It will be very rare that a community group is awarded a contract or an asset without potentially excluding or at least not explicitly including some group of local residents, and there may be rival proposals that might cause considerable friction should one be chosen over the others.

4.3 Community Matters has called for there to be a duty to help local people and groups to hold their services and the authority to account—consultation, helping communities understand the system, making the system easier, encouraging and then recognising strategic community forums and plans. In particular we support the creation of independent community based Scrutiny Officer in Local Authorities.

5. LESSONS FROM TOTAL PLACE

Our members experience of Total Place initiatives has led to the following recommendations:

- Total Place has so far been a rather Local Authority-focused exercise which now needs to be driven down to rethink services at neighbourhood level.
- Working across Local Authority boundaries must become easier.
- Croydon's experience of Total Place indicated that staff and services found the process of implementing the scheme very expensive, time-consuming and generated huge uncertainty. In order for Total Place to be useful it has to balance time-consuming work with real, tangible benefits much more sensitively.
- It is a system which measures value in strict financial terms, and one that is often very inappropriate when looking at the true social value and cost of voluntary work. It currently risks under-rewarding or over-burdening volunteers and voluntary services as a free, limitless public good. In reality these groups operate in a low-consumption economy, often in practice a gift economy, but the resource requirements in terms of time, stress or the modest amounts of income required are very real constraints.
- Public services should make use of existing social networks, not try to circumvent them or create rivals to them. This is always more expensive and more likely to fail, but is often the approach taken when introducing a new website, meeting place or citizens' forum.
- Importance of real power and information for citizens and citizens' groups—the proposed Right to Know, Right to Bid and Right to Buy are very important for ensuring that local people can gain access to the market for community buildings and services. There is also a need for not just good quality, detailed financial data, but also data about the social circumstances of neighbourhoods; from this point of view the recent announcement by CLG that they will cancel the Place Survey is very worrying, as without access to this kind of information it is hard to put together a business case or plan services effectively.

October 2010

Written evidence submitted by Blackburn with Darwen Borough Council (LOCO 080)

1. Executive Summary

- Blackburn with Darwen (BwD) have a proven track record around holistic assimilation of **localism and a bottom up approach** to planning and delivering services (see 2.3).
- The level of **partnership and joint working** (efficiency) within the borough is second to none; bringing stakeholders closer for efficient service delivery. Examples include Local Strategic Partnership / Public Service Board, single integrated management team amalgamation and commissioning health and social care services via Care Trust Plus (see 2.4 & 5.3).
- Decentralised public service delivery is welcomed. Local autonomy will strengthen “lean” principles across the organisation and partner organisations via local authority leadership role. Reinvesting efficiency savings will ensure service delivery in austere times (social enterprise model) (see 3.1).
- Local authorities under decentralised model have strengthened capacity to shape localities and resolve areas of **underperformance and deprivation at the root** (see 3.2).
- **Subsidiarity**, empowerment and appropriate objective setting as a result of decentralised model (see 3.4).

- Learning from Practice Based Budgeting / Local Integrated Services to date highlight the importance that only through partnership and radical change can public services maintain improvements, whilst coping with the contraction of finance. Thus, re-trenching to silos will undermine such priorities in disadvantaged parts of the UK (see 4.1).
- Local government role is critical and should be **strengthened** to one of leadership across the borough. Particularly **pertinent around helping places deal with change; and reshaping of the state** re: private and third sectors.
- Local government to ensure leadership steer and one direction for the improvement of the place and services provided via accountability role with locality at operational and central government at strategic level (see 5.1 & 5.2).
- Central government departments to grasp and engage fully with the decentralisation agenda across all boards and employ **Flexible Outcome Framework, remove barriers to delivery and change and ensure single local budget** (see 6.1).
- Establish **psychological contract** between central and local based a **relationship of trust** which is supported thoroughly and consistently > shift from top down to bottom up (see 6.3).
- **Integrated strategy and delivery** can derive efficiencies particularly if change is supported at a range of spatial scales (see 7.1 and appendix).
- Joint intelligence, improvement and the **learning partnership** (see 8.2).
- **Council communications are vital** in ensuring effective and appropriate accountability to be achieved (see 9.1).

2. *Introduction—About Blackburn with Darwen Borough Council (BwD) and elaboration on its track record within the field of local governance, engagement and empowerment by means of localism at the heart of its organic approach*

2.1 Blackburn with Darwen is a unitary authority area in Lancashire. It consists of Blackburn, the small town of Darwen to the south of it, and the surrounding countryside. The Borough covers an area of 13,700 hectares and at the time of the 2001 census had approximately 55,000 households. According to the 2001 census Blackburn with Darwen had a population of 137,470. The 2009 Office of National Statistics mid year population estimate shows that this has increased to 139,900.

2.2 BwD's population is diverse, with 80% identifying themselves as White and 21% as non-white. The non-white population is the highest in the region, and almost four times higher than the national average. Most of the non-white population comes from Indian (11%) or Pakistani (9%) backgrounds. The borough also has a population that is significantly younger than the UK average, with a 30.3% aged 0–19 compared to 23.9% nationally.

2.3 BwD is esteemed for its **nationally renowned track record of innovation, improvement and efficiency at neighbourhood, borough boundary wide and multi boundary spatial levels**. Coined the town where “partnerships began” by HRH Prince of Wales (1996); innovation, experimentation and importantly the endorsement of localism have played in to the strengths of the Borough and wider relationships with those who make Blackburn with Darwen a bottom up and democracy focused borough.

Emphasizing **localism; The Belonging campaign, 100 hundred voices & neighbourhood voices**⁹⁰ provide continuous conviction in bringing to the fore community action and in delivering a **bottom up philosophy**.

Continuous improvement as an organisation and community involvement in setting its ambition was instigated by means of extensive engagement and consultation in developing “**vision 2020**” in 2000 forming

⁹⁰ **Belonging Campaign (2004)**—One of Blackburn with Darwen's great strengths is our diversity and the way in which so many different communities and individuals actively contribute to the life of our borough. A common vision and sense of belonging for all communities was translated into a belonging campaign.

Belonging Charter—Further to the “Belonging Campaign” citizens, voluntary/community groups, schools, organisations etc were encouraged to sign the Belonging Charter (outlines a set of common values around cohesion and equality) to build mutual respect, civility and hopefully bring people from different backgrounds together.

100 Voices (2007)—(Borough wide level)—Facilitated discussion with local people regarding the key issues relating to community cohesion within the Borough and identify actions that organisations, communities and individuals can take. The Borough wide “100 voices” events agreed three outcomes and these are as follows:

1. Delivering the 100 voices consultation at a neighbourhood level.
2. Twinning of Schools—currently the council encourages all its schools to develop twinning so as to provide community cohesion and to address the issue of parallel lives.
3. To start the planning process of a Belonging Event, which creates a sense of belonging and togetherness.

Neighbourhood Voices (2008)—Facilitated discussion with local people at neighbourhood level around key issues facing them in their neighbourhoods around litter, traffic, jobs, education, anti social behaviour and crime etc. Resulting in collective joint action between communities (whatever background) and provided a shared sense of neighbourhoods, developing understanding and adopting common priorities.

Key Outcomes for Neighbourhood Voices

- Local consultations to sharpen Area Action Plans.
- Provide the Neighbourhood dimension for the 2008 LAA.
- Eight Reports (key findings/compiled independently).
- Community Cohesion Strategy & Action Plan.
- www.blackburn.gov.uk/neighbourhoodvoices

the borough wide community plan. In 2009–10 “**vision 2030**” was finalised and forms the crux of strategic visioning and target setting by means of its sustainable community strategy.

2.4 Advancing integrated and efficient strategy and delivery around the impact a decentralised model of governance can instil; the borough’s Local Strategic Partnership first piloted a resource mapping exercise in 2004–05, examining single pot funding, which has acted as a national pre-cursor to “place-based budgeting”. Notable examples of BwD taking a **leadership / place shaper / facilitator / strategist** role include:

- 2.4.1 a **£450 million pooled adult social care and children’s services commissioning budget** (Care Trust Plus) and more recently a nationally renowned single integrated management team merger between the Borough Council and the Care Trust Plus (formerly the Primary Care Trust);
- 2.4.2 **£200 million Pennine Lancashire pooled budget** in support of the multi-area agreement (MAA) infrastructural/capital investment programme supported by a comprehensive governance structure at the sub-regional level; and
- 2.4.3 **devolution of £1 million of LSP partners resources to community-led, participatory investments** (in addition to cash for communities funding).

2.5 By adopting this **progressive and transformational approach**, the Council has brought forward in year cuts of £7 million (including £2 million from the Care Trust Plus integration programme), £2 million efficiencies in Building Schools for the Future procurement processes and has advanced planning in place for a further 25% reduction and is leading initiatives to remodel local public services in concert with borough wide and sub-regional partners.

3. *The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism*

3.1 In order for the public sector to carry out decentralised functions effectively, **dispersal** of financial as well as policy (some) responsibility will be of core importance. Adequate level of revenues are necessary, of which, sources can stem from being raised locally or transferred from central government. BwD welcome the opportunity to **better design the benefits system in line with local economic strategy** within the context of devolution of both commissioning and delivery role (eg Welfare to work programme). Holistic design of the system within the locality/boundary can be run more efficiently when planned locally. Furthermore, BwD welcomes the opportunity to plough potential savings/efficiencies back into the boundary (Place Based Budgeting/Local Integrated Services see 4.1) as per model illustrated via **social enterprise methodology** (ease cuts area).

3.2 The notion of decentralising governance and in so doing, putting the power back into the hands of organisations such as local authorities, gives local areas the ability to shape their own destinies and resolve issues / **provide solutions at the root** rather nipping issues at the bud. Thereby reducing central government department burden, financial costs and providing a timely and appropriate response/solution to place based need. Subsequently **achieving bottom up delivery** as opposed to the traditional method of top down services under the one size fits all centralised governance model.

3.3 The Council therefore welcomes the forthcoming “general power of competence” via localism and decentralisation bill and existing “well being power” via Local Government Act 1972/2000, whereby local authorities can exercise the **autonomy to pursue a local leadership role** with greater certainty and encouraged **innovation** by means of independence to do “anything” which is considered likely to be of benefit to any given local area or to any people who are resident in, or present in the area, as well as the power of improving economic, social and/or environmental well being.

Furthermore, integrated and efficient strategy/delivery are paramount when developing autonomy through a decentralised model, hence the importance of partnership bodies.

3.4 The extent to which decentralised public services increase effectiveness are three fold:

- 3.4.1 Building on the principle of **subsidiarity**,⁹¹ public servants and or organisations lower down the chain have a greater **understanding** of the environment they work in and the people (residents and colleagues) that they interact with. This, in turn diversifies knowledge, skills and experience gained and contributes toward the **right decisions being made at the right time**.
- 3.4.2 Leaders at a national level have more time to concentrate on the most important and major decisions required. Decisions at a local level are undertaken by local leadership, consequently, delivering “freedom to lead—trust to deliver” model. Furthermore, increasing the level of local government accountability to local residents will have a number of benefits including the ability to set **appropriate objectives** and service delivery to meet community/locality need.
- 3.4.3 Transferring decision making away from the “centre” is a form of **empowerment**, thus increasing motivation and therefore an increase in staff output. When put into context of the changing face of the public sector and global financial austerity, empowerment is a crucial factor to work through this period of colossal change.

⁹¹ Subsidiarity is a concept for the division of legislative powers at the lowest possible and efficient level. The principle is close to the principle of decentralisation.

Furthermore, Blackburn with Darwen have embarked upon an organisational transformation programme, namely, “Reach”, which is a programme that will ensure the Council is working proactively to ensure a fit for purpose organisation is the result as we work through times of change and austerity. The devolving of decision making powers cemented with increased levels of motivation as well as softer side of organisational transformation (Reach), are effective ways of ensuring increased levels of public service delivery are achieved.

3.5 We are mindful that localism can lead to post code lottery, so we propose a flexible national outcome framework across Whitehall departments. Hence, initiatives such as Place Based Budgeting/Local Integrated Services are important as they provide a medium for addressing disadvantage and championing change.

There is also a need to ensure clear dialogue of suitability when using power to do, delegate or decide anything, but ability to work freely with little interference; similar to that of a manager and officer, whereby improved service efficiency and workforce improvement is achieved by a relationship built on the principles a psychological contract around “**trust to deliver**” (see section 6).

4. The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

4.1 Blackburn with Darwen Council is at the forefront of taking forward Local Integrated Services through Place Based Budgeting; having recently submitted its request to take part in the pilot which Cabinet Office and Communities and Local Government are jointly leading.

4.1.1 Lessons learned through the submission; only through partnership and radical change can public services maintain improvements, whilst coping with the contraction of finance. Re-trenching to silos will undermine such priorities in disadvantaged parts of the UK; slipping back into new public management model.

A copy of the submitted Place Based Budgeting / Local Integrated Services proposal is included in appendix.

4.2 The proposal builds on the proactive, community-led approaches to budgeting and service improvement already underway in Blackburn with Darwen, to offer a unique range of options for complimentary “multi-spatial” place-based budgets and local integrated service models. The spatial and budget options proposed include:

- 4.2.1 Ward—level intervention with a target population of circa 8000 and a pooled budget of circa £50–100k.
- 4.2.2 Building up to neighbourhood—level intervention with a target population of circa 25,000–35,000 and a pooled budget of circa £500k.
- 4.2.3 Building up to Local Authority—level intervention with a target population of circa 140,000 and a pooled budget of circa £115 million.
- 4.2.4 Building up to Sub-Regional—level intervention with a Pennine Lancashire target population of circa 500,000 and a pooled budget of circa £350 million.

4.3 In adopting this approach, partners in Blackburn with Darwen are seeking to embed a new model of public service intervention in order to address the following socio-economic outcomes:

Improved outcomes for families	→	Think Family model of intervention
Improved skills and economy	→	Prosperous Towns Skills and Economy
Strong and resilient communities	→	Connectivity—Strong and Resilient Communities

The outcomes-based themes, and the key elements of the local integrated service and place-based budget model, are founded on principles of community engagement, community-led design of services and a new relationship with voluntary and community sector partners to reflect the Big Society agenda.

5. The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

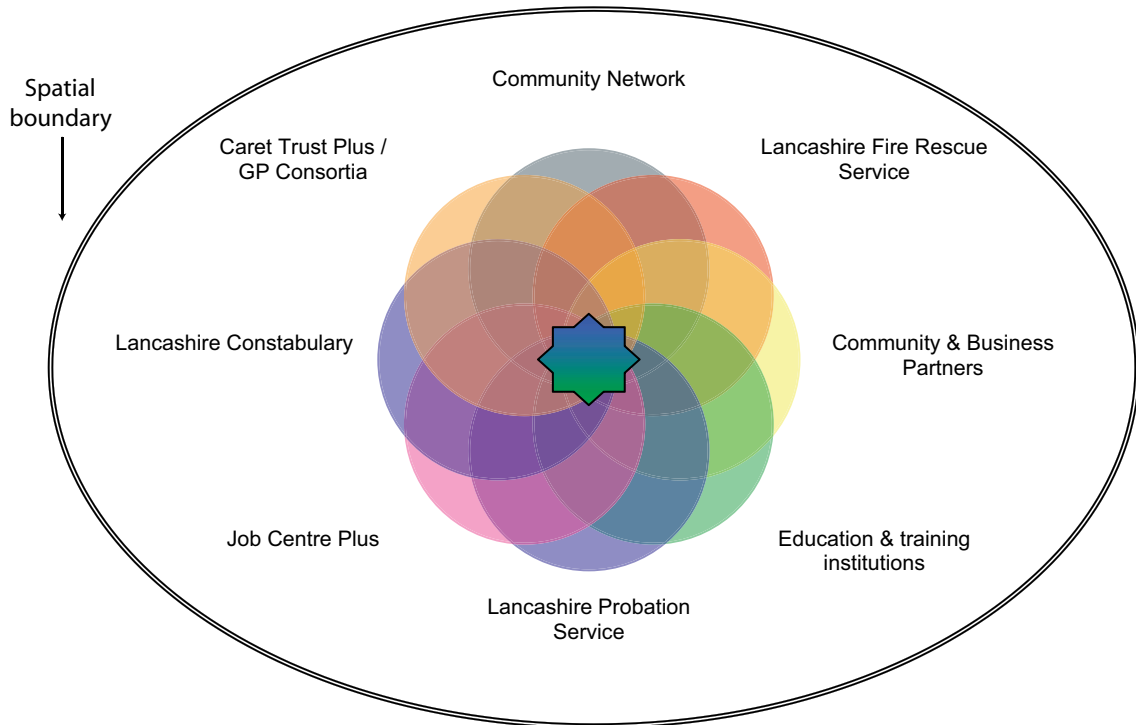
5.1 The role of **local government** within a decentralised model of governance is one of vast importance, and one which should **be strengthened**. A role consisting of characteristics such as that of a **place shaper**, **strategist** and **facilitator** surface to attention.

Local government is **located at the heart** of a given boundary, it is therefore of imperative importance to position its function one step backward in the form of the corporate centre / “boiler room” for the boundary by taking the **chair / offering leadership steer / ensuring single direction**⁹² and at the same time continuing to deliver both statutory and non-statutory services; hence the role of local government within a decentralised model as one of a “**leadership and delivery**” body.

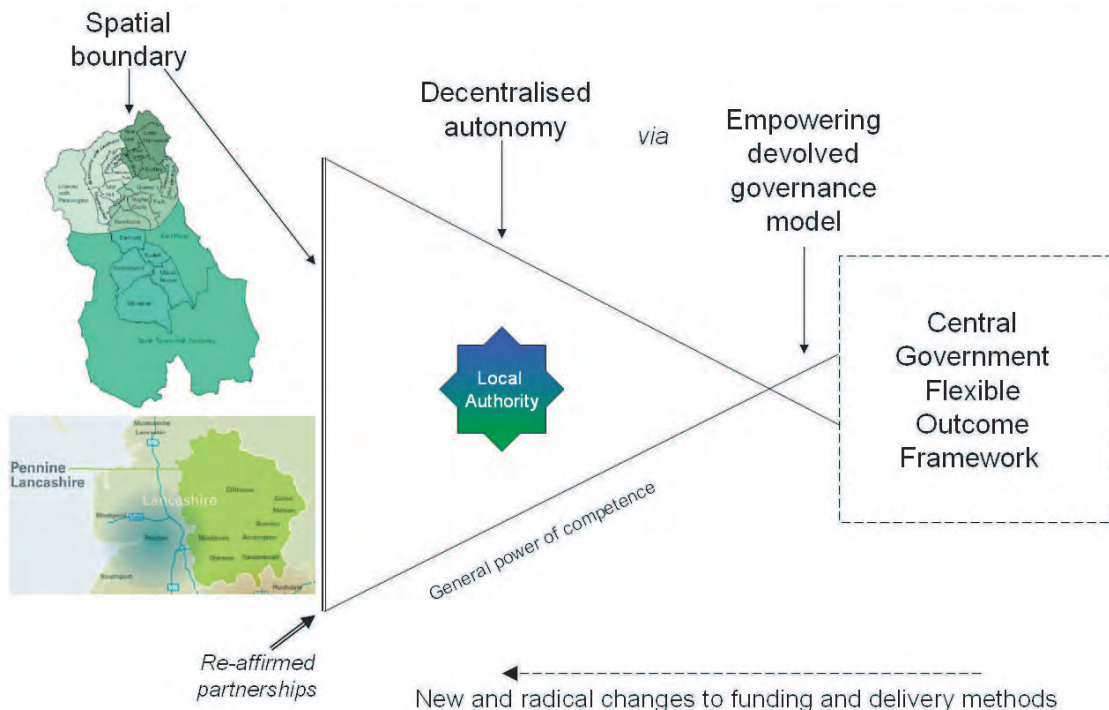
⁹² Particularly pertinent around the notion of **helping places deal with change** and in the re-shaping of the state re: private and third sectors

5.2 Diagram 5.2.1 is illustrated as an eye; the subsequent cross-section provide further clarification around the notion of local government **helping places deal with change** and in the re-shaping of the state re: private and third sectors). This tied in with the forthcoming “general power of competence” grants freedom and flexibility to shape activity underpinned by resident and organisational/sector benefit (qualitative and financial) in mind. Hence, in order for decentralised public service delivery to blossom, **agents** across the public service delivery sector (**public, third and private**) are **of paramount importance** and play a priceless role when **making localism and the Big Society part of everyday life by decentralising power as far a possible**.

5.2.1 New Local Public Service Eye



New Local Public Service Eye (cross section)



5.3 As mentioned within the introduction Blackburn with Darwen have initiated and are continuously developing effective working arrangements across all sectors within the borough as well as at a sub-regional level (Pennine Lancashire). The Local Strategic Partnership and Local Public Service Board bring together each and **every stakeholder** in all things public service delivery related. The success in synchronising alternate areas of service delivery is **no mean feat**, and recent execution of the nationally renowned single integrated management structure amalgamation (**SIMT**),⁹³ preceding conversion from Primary Care Trust to **Care Trust Plus**; illustrate the leadership aptitude in response to national policy agenda. Moreover, and in recent times, the integration of a **joint chief executive** between Borough Council and Care Trust Plus, has resulted in **progressive dialogue** between General Practitioner and relevant bodies in the run up to the formation of GP Consortia arrangements as per Health White Paper. All the above examples illustrate the ability for local government to carry out “leadership and delivery” functions.

5.4 Importantly, **effective devolution** cannot be put into effect without bodies such as the Local Strategic Partnership (**LSP**) and Local Public Service Board (**LPSB**). Building on integrated and efficient strategy/delivery; the benefits of partnership arrangements include **joint intelligence / joint planning / shared services**.

Furthermore, the ongoing “professionalisation” agenda within the third sector and the Big Society initiative further strengthens the role of civil society involvement within the delivery of public services.

Partnership arrangements such as LSP/LPSB provide a vehicle for **getting the right people** around the table first time every time to avoid duplication, repetition, and ensuring one collective voice across the area.

6. *The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery*

6.1 Examples of the **roles/requirements/asks** needed to achieve effective decentralised public service delivery include:

- 6.1.1 That there would be a single local budget under the control of the lead responsible local authority—no ring fences within these budgets or nationally imposed restrictions > **reinforcing importance of Place Based Budgeting** concept.
- 6.1.2 A senior lead civil servant as the **Accountable Officer for Government** underpinned by a Flexible Outcome Framework.
- 6.1.3 A commitment in principle across Whitehall to remove barriers to delivery and change, via the introduction of **Flexible Outcome Framework** across all departments.

6.2 Mindful of culture change implementation in realising effective decentralised public service delivery; it is important to bring to the fore and contextualise potential delimiters within central government routine/culture. There may be a particular dilemma in central government to do with the **centralised nature of financial and political accountability** and the impact this has on the ability of managers down the line to take initiative in addressing specific problems. That saying; one broad message is the importance of focussing on **people management and development**, as much as on finance and other resources if there is a wish to improve standards of public sector management. Higher levels of public service will not be delivered by a dissatisfied workforce. For a decentralised model to perform, surely, the need for relationships to be strengthened is critical. **Strengthening, thus, can take the form of developing the model of the “psychological contract”⁹⁴ both between local and central.** The latter of which plays pivotal effect on decentralised public service delivery. However, the nature of the psychological contract between latter and former will differ, but basis will remain due to the nature of public sector management at: central level, central to local and local governance level.

6.3 The psychological contract therefore looks at the reality of the situation as perceived by the parties, and may be more influential than the formal contract in affecting how employees/organisations behave from day to day over a given period of time. It is the psychological contract that effectively tells employees/organisations what they are **required to do** in order to meet their side of the bargain, and what they can **expect from** their area of responsibility.

- 6.3.1 Whitehall departments to support thoroughly and consistently the development of psychological contract between local and central; putting emphasis around an **organic relationship based on values, behaviours, relationships, standards, and trust**. Within the context of the decentralised model, a fresh approach would focus around developing effective local governance based around a **relationship of trust**; rather than merely the handling out of grants for the purpose of developing any given area economically, socially, physically (regeneration) etc.

6.4 In order for the reforms set out in DCLG “structural reform plan”, whereby, the notion of turning government on its head, by taking power away from Whitehall and putting it into the hands of people and communities to be holistically achieved; one fundamental ask is proposed: For the plethora of departments to **genuinely grasp and engage** in the foundations positioned within the “CLG SRP”. Moreover, for all

⁹³ <http://www.lgcplus.com/briefings/joint-working/health/blackburn-unveils-shared-management-plans/5016733.article>

⁹⁴ The psychological contract can be defined as the perceptions of both parties to the employment/agreement relationship, organisation and individual, of the reciprocal promises and obligations implied in that relationship. The value of the psychological contract lies partly in its recognition of the individualisation of the employment/agreement relationship. It can usefully be understood as an individual organisation relationship or intra organisation relationship for the purposes of an empowering decentralised model of governance.

departments to operate a “**one voice**” strategy, ensuring mixed messages are avoided and for a positive communication around decentralised public service delivery a result via continuously engaging and acting upon a model of an “empowering devolved governance model”.

7. The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

7.1 BwD is confident that integrated strategy and delivery can derive efficiencies particularly if change is supported at a range of spatial scales. For example Blackburn with Darwen Care Trust Plus at LSP and Multi Area Agreement at sub regional level (PLACE—Pennine Lancashire Association of Chief Executives). See 4.1 & appendix.

8. What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

8.1 The key areas/asks for consideration in relation to performance management include: increasing local government accountability to residents; preparation of data relating to information important to spatial boundaries; reduction in inspection regime with more focus on areas of risk/resilience of an area and sector led peer review to ensure continuous improvement, to name but a few. Various points will now follow to bolster the response to the question set:

- 8.1.1 Prioritise **economic development and resilience based forward planning**. Proactive management of high risk areas, for example **safeguarding**.
- 8.1.2 Formation of “**Place Based Indicators**”, in line with “Place Based Budgeting” concept, with focus on locally set measures to tackle areas of need within the geographical boundary.
- 8.1.3 **Sector led benchmarking**, whereby SIS, would be analysed and collated in such a way to ensure benchmarking with similar areas. ie Blackburn with Darwen benchmarking against authorities with similar priorities.
- 8.1.4 Ensuring and placing accountability on local authorities to ensure **bottom up approach** used in setting measures:

Performance management, form a stance of improvement focuses on making it work for the locality and not for an external system such as that of the national indicator set. Taking heed of “localism, localism, localism”, the utopian way to achieve it is to involve local people in formulating the **vision and measures** needed to improve an area. Simply put, **local residents** who are eating, breathing and living locally are in as good if not better place than centralised policy makers.

8.2 Reaffirming the role of partnerships and joint intelligence in developing improvement; BwD LSP as a “learning partnership” has adopted a process of annual self assessment. The Local Public Service Board on behalf of the LSP in November 2009 agreed to adopt an urgent consideration of collaborative intervention for under-performing Local Area Agreement targets, in relation to health inequalities.

The resultant accelerated delivery planning (ADP) process, led by the Director of Public Health and the Council’s Policy and Communications Department, involved a series of facilitated workshops, with a wide range of stakeholders, including lead clinicians. Underpinned by a robust analysis of historical and projected trend data, and a sound understanding of the Health Inequalities National Support Team’s (HINST’s) interventions model, stakeholders were asked to identify short, medium and long term priorities for delivery.

- 8.2.1 They HINST commented that they wish to recommend the ADP process nationally saying “In conclusion, the process followed is exemplary and will be used by the HINST as best practice”.

9. How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

9.1 **Council communications are vital** in this context. “The Shuttle” is published by BwD to keep residents informed about the work of the Council and its partners. It is distributed to all homes in the borough, more than 59,000. It is a six-weekly publication with wide readership. The Shuttle attracts various articles and comments from the residents of the borough. In recent months, following the evaluation of the “workroutes” and “re:fresh” campaigns. Findings have illustrated the significant impact “The Shuttle” has made on active participation for the services. “workroutes” focussed on economic development and employment, and “re:refresh” on engaging residents toward healthy lifestyles via health and well being directed activities (free leisure).

9.2 In order for effective and appropriate accountability to be achieved for expenditure on the delivery of services, innovation such as that via “The Shuttle”, Council and LSP internet and frequent public meetings hold the key to delivering accountability to the end user—the resident.

In Blackburn with Darwen, a track record of innovation and creativity as well as involving all stakeholders in the decision making and planning process of services, puts the authority at a favourable advantage in continuing and improving on providing effective accountability to all stakeholders (through and across central and local tiers). In line with statements made throughout this evidence, references have been made toward

closer working between public, private and civil society in shaping a better borough (new public service eye). Moreover, Blackburn with Darwen within its “leadership & delivery” role plays the pivotal role in the schema of accountability. It is therefore, of critical importance, that publications’ such as The Shuttle continuously improve as one element in the delivery of effective accountability to all stakeholders, whether central or local.

9.3 The Shuttle has evolved over time and attracts robust reinforcement via the wider local strategic partnership and the local public service board in both contribution to and outcomes from. Closer working within public service delivery is one of the “keys” to success in the form of **reducing duplication** and ensuring one message is employed by relevant bodies. The Shuttle is one method of reducing duplication both in financial as well policy and in highlighting performance (accountability).

9.4 Further to the notion of financial accountability; service performance in the form of answering “so what?” and “what difference has it made?” play a vital if not equal role. **Financial and performance related accountability** work hand in hand. Blackburn with Darwen has developed multi layer governance at various levels across the borough, ie participatory budgeting at the neighbourhood level. Furthermore, Elected Members hold regular surgeries with residents, neighbourhood board arrangements are present, public meetings are held, live internet webpage available, **web 2.0** endeavour as well as publications such as The Shuttle are all part and parcel in answering how effective and appropriate accountability is already taking place across all levels within the borough, including:

9.4.1 **“Performance Information Packs”** covering key areas of spend and performance information in relation to current activity is a tool for communicating (both strategic “centrally” and operational “locally” as appropriate) a holistic model of accountability and can be used in any element of the multi layer governance arrangements that exist within BwD.

9.5 The above points highlight that this local authority has a consistent approach of delivering initiatives and engaging all stakeholders whilst working with accountability systems and structures that have been set centrally.

10. Recommendations

- Invite relevant committee members to visit the borough for further insight into current activity and innovation.
- Strengthened role of Local Authority within the borough—partnership bodies (LSP/LPSB) are a fundamental toward effective decentralisation.
- Outcomes framework to be developed underpinned by a level of flexibility whereby local partnerships take ownership for improving those outcomes which matter to local people.
- Sector led improvement and innovation which builds on the self awareness of learning partnerships.

October 2010

Written evidence submitted by The Chief Fire Officers Association (Cfoa) (LOCO 081)

EXECUTIVE SUMMARY

1. The Fire and Rescue Service (FRS) is a well respected, valued and high performing public service, rooted in localities and yet a fundamental part of the critical national infrastructure of the UK. National threats to society posed by climate change and terrorism require robust, consistent and well equipped civil emergency capacity.

2. Since the abolition of national standards of fire cover, the former centralist approach, FRS’s have been better able to provide more effective local solutions to match local risks and needs. The approach to risk management has led to very local solutions and integrated risk management plans (Imp’s) drive the allocation of resources to risk through a consultative, evidenced based process.

3. CFOA supports greater decentralization of public services as long as this does not lead to unnecessary duplication, service fragmentation or protectionism. Government must however ensure that services that are required to operate across boundaries in the national interest are not fettered in doing so by restrictive budgeting arrangements. The limit of decentralization must be where the national interest overrides local considerations. The FRS has a dual role to protect local communities through its IRMP but a national role to protect the state during widespread adverse events or threats to the security of UK plc. The FRS responds to the impacts of climate change and terrorism threat—there must therefore be clear direction from Government to put in place, and pay for, the arrangements necessary to address this national requirement.

4. If local integration and redesign of public services is to be achieved (the tenet of Total Place) then there must be the appropriate freedoms and flexibilities for each individual service to do things very differently. FRS’s have long campaigned for the same powers as other local authorities, including now the Power of General Competence, to enable them to freely take on additional responsibilities or commission out to others as the local circumstances warrant.

5. True localism has to start with a true appetite in Whitehall. There is little point in trying to resolve issues of responsibility and duplication locally if the structures above will not allow the flexibility. Joined up central

Government departments is a fundamental prerequisite of joined up local services to ensure there is a corresponding holistic view of public services at the local and national levels.

THE CHIEF FIRE OFFICERS ASSOCIATION

6. The Chief Fire Officers Association (CFOA) is a professional membership association and a registered charity. CFOA members are drawn from all UK Fire & Rescue Services representing the senior executives and managers of the Service. Through the work of its members the Association supports the Fire and Rescue Services of the UK in its aspiration to protect the communities they serve and to continue to improve the overall performance of the fire sector. CFOA provides professional and technical advice to inform national fire policy.

THE SUBMITTER

7. Susan Johnson OBE was elected to the CFOA Board in 2009 with responsibilities for strategy, policy and guidance relating to performance improvement, resources, governance and statutory responsibilities as they affect the fire sector. Susan is Chief Executive of County Durham and Darlington Fire & Rescue Service, appointed in 2005, prior to which she spent a number of years working at strategic levels in the private and public sectors.

DETAILED RESPONSE

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

8. The Fire and Rescue Service (FRS) is a very local community based service with facilities in virtually every locality in the UK, including rural communities, whilst providing a national civil resilience capability. This places the FRS in a unique position as a public agency able to deploy, in a co-ordinate way, into local areas whilst being able to deploy specialists and other resources across boundaries should the emergency require it.

9. Since the abolition of national standards of fire cover, the former centralist approach, FRS's have been better able to provide more effective local solutions to match local risks and needs. The approach to risk management has led to very local solutions and integrated risk management plans (Imp's) drive the allocation of resources to risk through a consultative, evidenced based process.

10. IRMP's have also led to improved community outcomes and stronger partnership working. There is evidence that by focusing on local communities and providing encouragement—through grant and reward funding such as Local Area Agreements—there is improved partnership working with tangible examples of innovative joined up working directed at local priorities. However, there are limitations on the extent to which decentralization delivers benefits to citizens:

- (a) There is a risk of widespread re-inventing of wheels, with local accountability transcending the common sense approach to sharing across boundaries. There is an optimum size for efficiency which is not the same as operating every service as a local fiefdom.
- (b) The overhead cost, particularly logistics, administration and management, in the FRS is disproportionate to the size of the service. Smaller Services are still faced with disproportionate corporate costs because they need to comply with the mass of legislation and regulation—health and safety, employment legislation, data protection, human rights—which all come with an administrative layer. No one parliamentary term can dismantle or rationalize this body of legislation to ease the burden on smaller services.
- (c) Disaggregating service delivery to a multitude of local areas runs the risk of service fragmentation, duplication, protectionism and unnecessary customization. However, there is an opportunity to make better use of land and buildings owned by public services which was evidenced through the Total Place pilots.
- (d) The limit of decentralization must be where the national interest overrides local considerations. The FRS has a dual role to protect local communities through its IRMP but a national role to protect the state during widespread adverse events or threats to the security of UK plc. The FRS responds to the impacts of climate change and terrorism threat—there must therefore be clear direction from Government to put in place, and pay for, the arrangements necessary to address this national requirement.
- (e) It is doubtful whether citizens in local areas either consider the threats to the nation when they are thinking about their local services or expect their locally elected politicians to have regard to this.
- (f) There is critical need to ensure interoperability between FRS's, often geographically distant from each other, to enable an appropriate weight of response to a widespread or protracted incident (eg Buncefield, Cumbria floods). Localism suggests that each FRS is accountable to their communities only for those assets that fit with local need.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

11. Place based budgeting can deliver tangible outcomes for citizens by encouraging partnership working. However, if local integration and redesign of public services is to be achieved (the tenet of Total Place) then there must be the appropriate freedoms and flexibilities for each individual service to do things very differently. FRS's have long campaigned for the same powers as other local authorities, including now the Power of General Competence, to enable them to freely take on responsibilities or commission out to others as the local circumstances warrant.

12. Many FRS's cover more than one local authority area but is responsible for ensuring that they have regard to the life risk across the entire area they cover. Any mechanism for place budgeting needs to have regard to this.

13. In comparison to other public service, particularly health, social care and children's services the FRS has to allocate its resources according to risk, not demand. There is currently no clarity on how place based budgeting will ensure adequate financial resources to underpin integrated risk management planning.

14. Place based budgets also need to ensure the national resilience responsibilities of the FRS are appropriately resourced. This may be difficult to achieve when partners in a local area are held to account for the funds spent on their local areas, not on national civil protection.

15. "Allocation" of any place based budgets would need to recognize the economic costs of fire and the monies saved through an effective response service. The prevention and protection outcomes of the FRS are often difficult to quantify and yet they have a direct effect on the safety and wellbeing of local people. One of the key lessons of the Total Place pilot in the South of Tyne was that collectively investing in prevention is much more efficient and effective than focusing on response. FRS's have evidenced this through the previous national indicators system, reducing deaths and injuries in fires substantially over many years by investing in prevention activities. Other local services could learn much from the FRS on how to manage risk through the right balance of prevention, protection and response.

16. Another learning point from the Total Place pilots was that the refocusing to prevention does not happen quickly. The FRS transition to fire prevention did not happen overnight. Any area based budgeting approach will need to be sustained over a very long period, and protected from changing political or policy agendas, in order to realize sustainable community benefits.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

17. FRS's are governed by Fire Authorities made up of elected local politicians. Chief Fire Officers/Chief Executives are already accountable through their Authorities for the effective and efficient delivery of an emergency service. Integrated Risk Management Plans provide the accountability of the Authority/Service to its local areas. This is a strong model of localism and could offer much to other public services.

18. If Fire Authorities were afforded the same powers as those given to local authorities (eg Power of General Competence) this would further extend our reach in partnership with other local service providers and assist in calling others to account. It would also facilitate greater innovation, with FRA's taking a lead, and developing more radical solutions to service integration.

19. The FRS is a specialist *delivery* agency which can and does use its capacity and public image to add value to wider preventative agendas such youth diversionary activities and other initiatives aimed at changing behaviours eg road safety. In carrying out this delivery role we can operate at a number of spatial levels from the national to the neighbourhood level.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

20. The Chief Fire Officers Association has indicated through its recent submission into Communities and Local Government, the freedoms and flexibilities it seeks, on behalf of English FRS's. Whitehall departments need to:

- (a) Join up at the centre in the same way they expect local services to join up
- (b) Policy development and budget setting needs to move away from siloed priorities, historical precedents and outdated grant formulas to a much more holistic, cross departmental, integrated approach. Funding allocations need to encourage and reward better outcomes for local citizens.
- (c) The removal of the inspection and regulation regime and the consequent data burden, whilst welcome, has not gone far enough to ensure flexibility and freedom to act at a local level. National prescription for locally elected police commissioners is an example.
- (d) The current dialogue with CLG officials in relation to the fire sector taking responsibility for what must remain as national functions is welcome. The CFOA/LG Group partnership is confident that they can deliver what the sector requires only if there is the funding to underpin it. Whitehall

moves to decentralize cannot come with an expectation that what needs to be done at a national level (to ensure consistency, interoperability, resilience, etc) is to be funded from the local taxpayer.

- (e) Clarity is needed on what stays within the responsibility and accountability of Ministers during and after the transition to localism. Ministers will require assurance that national interests are protected—eg adequate measures to counter terrorism, adequate protection of critical national infrastructure. What the parameters of that assurance are needs to be clearly articulated.
- (f) There is an opportunity for Government to examine the advantages and disadvantages of greater integration between emergency services, particularly fire and ambulance, via a review and to determine the optimum way to manage these at a local level.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

21. One of the tenets of the Big Society and localism is that public services can be delivered by communities themselves, thereby achieving greater ownership but also reducing the cost of these services. Through the Retained Duty System (RDS), FRS's already achieve these efficiencies, drawing over one third of its workforce from RDS which crew over half of the fire stations and fire appliances in the country, typically providing 120 hours of on call cover. RDS staff are fundamentally a part of the community they serve.

22. However, sustaining the RDS does not come without investment, particularly in ensuring the health and safety of operational staff who work in hazardous environments.

23. Decentralisation should not assume that one spatial configuration of service delivery (eg local authority area) is more efficient than another (eg regional). Policy prescription which dictates the right spatial configuration is contradictory to the policy of efficiency. If government is not prepared to support the combination of some services through pump priming or buffering of council tax equalization requirements then it is unlikely that FRS's will achieve the most efficient "corporate" size relative to their service delivery. Government needs to encourage and incentivize local agencies to come together where appropriate to provide a critical mass so that costs can be driven down. This does not necessarily mean that those aspects of the service that citizens really care about in their local area cannot be determined, delivered and held to account locally.

24. In the race to cut funding to local services Government needs to remember its need for national civil protection and resilience. Longer term planning issues cannot be sacrificed in the haste to devolve everything to the local level. The recent example of grit shortages during the severe winter weather provide a salutary lesson in planning and budget decisions which ignored the impact of infrequent events on critical local services.

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

25. CFOA has been working for many months on a sector led improvement framework that seeks to put in place a sector owned suite of performance indicators, range of toolkits to assist performance assessments, and brokerage of sector support to assist any FRS looking for good practice, ideas or hands on assistance to drive continuous improvement. Previous performance regimes have assumed that one size fits all, have been burdensome and have resulted in the law of diminishing returns. The sector must be trusted to develop mechanisms which are fit for purpose, which respond to the public need to have visibility on how its service is performing and which takes account of local context. CFOA welcomes the recent consultation launched by the LG Group on *Self Regulation and Improvement* and will be making a strong contribution to the debate.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally

26. This raises the question of the funding mechanisms for local public services which are unnecessarily complex and do not help to explain what is delivered in terms of resilience, how much it costs and how important it is.

27. The "whole of government accounting" and the published final accounts produced by public services are totally unreadable by the layperson—and are increasingly too complex even for finance professionals. Whilst it is incumbent on local authorities and other public agencies to present these in a way which is meaningful to the citizen, the recent national prescription on how agencies do this, ie publishing every item of expenditure over £500, could lead to "scrutiny of the weeds rather than the forest".

Written evidence submitted by Shelter (LOCO 083)

SUMMARY

Our summary response to the terms of reference is as follows:

1. *The extent to which decentralisation leads to more effective public service*

- Shelter feels that a vital means of achieving improved efficiency is to ensure that local authorities deliver services that prevent social problems occurring.
- It is important that residents in all local authority areas are able to access a base-line of preventative services. This is not only a vital safety net for local people, but also a means of ensuring that every local authority plays a role in delivering improved efficiencies by engaging in a preventative agenda.
- The Homelessness Act 2002 is an important example of legislation that places a duty on local authorities to deliver a baseline preventative service, whilst allowing them to retain the power to decide how to discharge their duty.
- Minimum standards should relate to households who have been accepted as “homeless” by their local authority. Shelter believes that all families in this category should be entitled to a statutory level of support.

2. *The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative*

- **There is a risk that greater pooling could lead to cuts to less popular and less obvious public services** that protect some of the most vulnerable people. Such cuts could result in greater knock-on costs to other budgets. For example, cuts to homeless prevention services will lead to homelessness, destitution and increased levels of housing need, resulting in greater costs to the wider economy.
- Shelter is concerned that less popular or high profile public services, like homelessness provision, could be at risk if they are not given sufficient emphasis when ring-fences are removed.

3. *The role of local government in a decentralised model of local public service delivery*

- Local authorities will play an increasingly important role in a decentralised model of public service delivery as they take greater responsibility for local spending, particularly with the removal of ring-fences.
- Local authorities need to play a leadership role to help ensure effective public services reach vulnerable people.
- As local authorities take the lead role in housing delivery it is vital that they identify the need for affordable housing in their local area and work with local people to agree the best means of addressing it.
- Steps need to be taken to ensure that the “single conversation” approach to business processes, adopted by the Homes and Communities Agency (HCA), aligns effectively with the increasingly strategic role local authorities will play in housing delivery.

4. *The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery*

- Central government needs to work with local authorities to create a policy environment which allows for greater transparency at a local level. This involves ensuring councils provide robust data on local need and performance, particularly in relation to housing. Clear guidance could also help local authorities to save money by reducing reliance on consultants.
- Consistent methodologies would make joint working between local authority areas easier as potential partners would be able to access comparable data sets.
- Whitehall departments could play a role in **identifying and disseminating examples of best practice and coordinating pilots**, allowing local authorities to operate more efficiently.

5. *The impact of decentralisation on the achievement of savings in the cost of local public services*

- If delivered with an **emphasis on preventative services and effective partnership working, decentralisation has the potential to help deliver savings**. The cost of repossessing the home of a vulnerable household could be as high as £34,000 in some cases,⁹⁵ decentralised services that help tackle these issues have the potential to deliver significant savings.
- Shelter recognises that greater freedom for local authorities could help to **create an environment in which results in greater cooperative working**. This may help local authorities save money by sharing skills or administrative costs.

⁹⁵ NEF Consulting / Law Centres Federation, *The socio-economic value of law centres*, 2008, Page 18

6. *What oversight of local authority performance will be necessary*

- Local people will play the key role in holding their local authority to account and in order for this to be achieved **robust, transparent and comparable data must be made available.**
- **Central government should work with local authorities to deliver appropriate systems of data collection** that allow citizens to play an active role in shaping services. Shelter has identified some refinements to data collection on housing that could help achieve this, which are included within this response

7. *How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally*

- Ultimately local authorities will be accountable to the local electorate. If this is to be effective then local people need an accurate and comparable picture of the success their local authority has achieved.
- The consistent collection and presentation of data would also help to ensure that it is possible for those agencies spending money at a local level to be held to account nationally, where necessary.
- Requirements for local authorities to deliver a base-line of services may also be an effective means of ensuring that local authorities deliver the services for which they receive national funding.

INTRODUCTION

Shelter welcomes the opportunity to contribute to this inquiry which looks at a policy direction that is likely to have a significant and far reaching impact on a wide range of issues.

This submission will mainly concentrate on the impact plans for localism and decentralisation of public services are likely to have on housing need and housing advice.

Shelter maintains that the starting point for all moves towards localism and decentralisation must be the active engagement of local people.

For localism to work in empowering people, allowing them to play a role in shaping local plans and holding their local authority to account, particularly in meeting local housing need, a starting point must be the transparent and robust collection, analysis and publication of comprehensive data, that is comparable between local areas.

EVIDENCE

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

1. Shelter accepts that in many instances local authorities, working with local people, are best placed to decide the ways in which public services should be delivered in their community. The people closest to the challenges and opportunities facing an area are often best placed to find the most effective ways forward.

2. **Decentralised services should aim to prevent social problems**, such as homelessness, from occurring and escalating. This approach will not only prevent individual households from experiencing a life-changing crisis, but also deliver savings to the public purse by avoiding the knock-on costs associated with such problems.

3. Shelter feels it is important that **residents in every local authority area are able to access a baseline level of services** that meet an agreed national minimum, particularly with regards to preventative services. This will help to ensure that all local authorities play a role in improving public service efficiency by engaging in a preventative agenda.

4. *Example—The 2002 Homelessness Act*

As a result of the 2002 Homelessness Act local authorities have a legal duty to provide housing advice and prevent homelessness. However local authorities are free to decide how they meet this requirement.

Local authority housing advice is provided free of charge to everyone in a local authority area. This is important as struggling homeowners, for example, may be ineligible for legal aid, but nonetheless need advice to help prevent repossession.

This preventative service helps at-risk people to maintain their tenancies, thus reducing the number of homelessness cases. This can offer significant savings to the taxpayer, as homeless households often represent a significant cost, as a result of increased reliance on public services.

Multiple housing problems, for instance, increase children's risk of ill-health and disability by up to 25% during childhood and early adulthood, whilst homeless children are three to four times more likely to have mental health problems, even one year after being rehoused.⁹⁶

⁹⁶ Harker, L. Chance of a lifetime, Shelter 2006: http://england.shelter.org.uk/_data/assets/pdf_file/0016/39202/Chance_of_a_Lifetime.pdf

The costs of addressing these issues will ultimately be met by the taxpayer, often at a national level, through spending on welfare or the NHS. So preventing these problems from emerging in the first place, by using local solutions, is a far more effective means of delivering public services.

This is a clear example of local people being given the freedom to decide what model works best in their area and how best to deliver services, whilst ensuring that they contribute to improving national public service efficiencies and save public money.

5. Shelter believes that **central government should work with local authorities to ensure they deliver preventative services** that ultimately save money for the taxpayer. Setting agreed national baseline level of services, to which all vulnerable people are entitled, is an effective means of achieving this.

6. By making sure that local authorities work to deliver a minimum standard of provision the government will help to ensure that decentralisation does not lead to a “postcode lottery”, with regards to vital base-level services, but still allow innovation for add on ones.

7. Minimum standards are particularly important in relation to provision for households who approach their local authority with a homelessness application. Shelter believes that in all local authority areas families who have been accepted as “homeless” should be entitled to a statutory base level of support from their local authority. This support should, for instance, include local authorities being obligated to give reasonable preference to homeless families in their social housing allocations schemes.

8. **Decentralisation has the potential to allow greater flexibility to tailor services to better fit local demographics.** For example, if there is a greater concentration of BME communities within an area, who require translation services, local authorities would have more scope to provide this. Similarly, adaptations could be made to accommodate particular needs that may arise in areas with a higher concentration of older people or young families.

The lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

9. Shelter feels it is important that, if local authorities engage in greater pooling of budgets, sufficient funding is made available for preventative services that help save money in the long-term.

10. There is a risk that greater pooling could lead to cuts to less popular and less obvious public services that protect some of the most vulnerable people. Such cuts could result in greater knock-on costs to other budgets. For example, cuts to homeless prevention services will lead to homelessness, destitution and increased levels of housing need, resulting in greater costs to the wider economy.

11. In 2009–10, using dedicated homelessness prevention funding, local authorities reported 165,200 cases of homelessness prevention or relief.⁹⁷ Shelter wants to see local authorities continuing to invest in these vital services, as housing issues are likely to increase as a result of the continuing economic downturn and proposed reforms to housing benefit.

12. As an example of the savings possible through tackling homelessness and bad housing, figures from the **BRE Trust show that Category 1 hazards, as defined by the Housing Health and Safety Rating System, are costing the NHS in excess of £600 million per year.**⁹⁸ If local authorities are better able to invest in preventative services, perhaps by working with their local Primary Care Trust, they would be well placed to not only improve the lives of local residents but also tackle the significant costs to the NHS.

13. *Example—Liverpool Primary Care Trust*

As a result of the significant number of patients who suffered ill-health due to their housing, in Liverpool the local Primary Care Trust launched the “*Healthy Homes Programme*”. This involves staff visiting private rented properties in Liverpool, starting in areas with the greatest health issues, where information will be gathered about the occupants and their health needs, as well as the condition of their homes. This will be used to help tackle some of the factors that can lead to ill health, such as: healthy eating, home safety and fuel poverty. The aim of the programme is to tackle health inequalities, winter deaths, and increase life expectancy.

This programme is an example of the local preventative solutions that can be achieved by combining budgets of different services across a local area.⁹⁹

14. Shelter welcomes approaches that proactively improve the lives of vulnerable people and provide long term savings to the taxpayer. Initiatives such as the one outlined above, show that pooled budgets and skills, offer the opportunity for local councils to help coordinate an effective holistic approach to preventative services.

⁹⁷ Department for Communities and Local Government: Homelessness Prevention and Relief statistics, August 2010: <http://www.communities.gov.uk/publications/corporate/statistics/homelessnessprevention200910>

⁹⁸ M Davidson, M Roys, S Nicol, D Ormandy and P Ambrose: *The real cost of poor housing*: 2010: Page 45

⁹⁹ More information on this scheme can be found at Liverpool City Council’s website: http://www.liverpool.gov.uk/Environment/Environmental_health/healthyhomes/index.asp & the Audit Commissions website: <http://www.audit-commission.gov.uk/SiteCollectionDocuments/AuditCommissionReports/NationalStudies/betterlivesliverpool.pdf>

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

15. Under the decentralised model of public services, **local authorities are set to play an increasingly important role in shaping public service delivery**. As ring-fences are removed from many budgets to give greater freedom over spending, local authorities will play the central role in deciding how many frontline services are run.

16. Shelter feels that **local authorities need to play a leadership role locally**, working with residents to devise sustainable methods of service delivery that offer long-term value for money. In doing so, they will have a vital role in ensuring the well-being of their residents. Specifically, local authorities should work with local people to look at means of protecting vulnerable people from spending cuts.

17. As part of this leadership role local authorities need to work with local people to devise the best means of delivering services which are not always the first priority of all residents in a local area. For instance, provision for homeless people, such as hostel accommodation, occasionally encounter local opposition as a result of myths and preconceptions about the impact such services may have on a local area. In such instances, the local authority is well placed to work with local people and address any concerns as early as possible.

18. As part of the localism agenda, local authorities will also be taking an increasing responsibility for delivering upon the need for affordable housing in their area. A recent study compiled by Shelter found that 98% of local authorities in England are failing to deliver enough affordable homes to meet the need authorities themselves have identified. This crisis is having serious negative impacts for millions of households across the country, leaving families without access to homes they can afford and increasing levels of poverty and overcrowding with associated knock-on costs.

19. **By taking steps to deliver greater numbers of affordable homes local authorities will be working to avert a worsening housing crisis**, thus improving the lives of local residents, by helping to tackle growing housing waiting lists and overcrowding.

20. Furthermore, recent figures produced by Shelter show that investment in housing can be a major stimulus to the economy. A study looking at housing investment found that **every £1 of public investment in new housing is currently generating £3.51 of economic output**.¹⁰⁰ The report goes on to show the wider economic benefits of investment in housing, such as employment in construction sector.¹⁰¹

21. As local authorities are given greater control over housing delivery, they will be well placed, in partnership with local people, to kick-start affordable housing delivery in their local area. As the figures above suggest this could have a significant and positive impact on the local economy.

22. With a greater drive towards localism it is important that there is sufficient clarity of role at a local level and that agencies avoid duplication of work. The Homes and Communities Agency (HCA), has played a central role in housing delivery and their “single conversation” approach to business processes has been a key element of their work. It is important that the HCA is able to work closely with local authorities to ensure that its “single conversation” process aligns effectively with local authorities’ increasingly strategic role on housing delivery.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

23. Shelter feels that with greater devolution of power and the removal of regional structures there is a **need for central government to create a policy environment which allows for greater transparency at local level**. This will enable people to become more active and informed citizens, able to help shape local plans and, where necessary, hold their local authority to account.

24. A starting point for this must be **central government working with local authorities to ensure they provide useful data on local need and performance to electors**. If local people are to be able to engage with plans for their community they need robust data that is clear, comparable and comprehensive.

25. Data collection on housing need at a local level is an example of an area where clear central government guidance could both promote greater accountability and save money.

26. In our view, there is a role for central government in publishing clear guidance for local authorities on the methodology for collecting housing need data, and its analysis. This would save local authorities from having to incur the expense of commissioning external consultants to arrive at individual data collection methods, as is currently often the case. The National Housing and Planning Advice Unit (NHPAU) found that “the original intention, as expressed in the CLG Practice Guidance (2007), was that local authorities should be able to undertake SHMAs themselves. However, less than 10 per cent of published SHMAs have been done in house, with most of these using consultants for some elements”.¹⁰² Clearer guidance would help to address this issue.

¹⁰⁰ Shelter: Research Briefing: *Housing Investment: Part 1*: Page 1

¹⁰¹ Further information on the economic impact of housing investment can be found at the following link: http://england.shelter.org.uk/_data/assets/pdf_file/0008/276668/Briefing_Housing_Investment_Part_1.pdf

¹⁰² National Housing and Planning Advice Unit: Understanding Housing Markets: What are the issues? Is there scope for joint working to produce a toolkit to improve SHMAs?, Conversation Paper, 2010, Page 3

27. **Once this data has been collected it is important that it is presented in a consistent manner across local authorities.** This would allow local electors to gain a clear picture, for example, of how well their local authority is delivering affordable housing, relative to others. Government departments would be ideally placed to provide guidance on these formats.

28. **Consistent methodology and presentation would also make joint working between local authorities easier,** as they would have comparable data sets against which they could assess their relative needs and future plans.

29. Whitehall departments can also play a very useful role in coordinating local pilots of new services. This would enable councils to establish arrangements for comparing results across areas and generating economies of scale in procurement. It would lessen the risk of pilots for individual councils and ensure a better spread of best practice. With the removal of regional structures, and bodies such as the Audit Commission, this coordinating role for government departments will be increasingly important.

30. **Whitehall departments are also well placed to ensure that minimum standards for housing development** are agreed at a national level. Standards relating to areas like affordability, design, economic and social standards and environmental impact are of vital importance and central government is well placed to ensure that these are put in place.

31. This approach would be in line with the direction of the Conservative Party's Green Paper *Open Source Planning* which states that there will be a National Planning Framework setting out planning priorities and, as part of this, "a reduced number of simplified guidance notes, setting out minimum environmental, architectural, design, economic and social standards for sustainable development".¹⁰³

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

32. As discussed above, greater moves towards decentralisation and concentration on local solutions does have the potential to promote savings.

33. However, this is clearly dependent on the ways in which local authorities choose to administer their budgets. If preventative services are given sufficient support and budgets are used to help vulnerable people avoid more negative outcomes devolution of funding could be an effective means of cutting long term costs to the taxpayer.

34. Housing advice and the role it plays in homelessness prevention, provides an example of the savings that can be made. Figures from the Department for Communities and Local Government estimate that repossessing the home of a vulnerable household can lead to housing benefit costs alone of £16,000 per case¹⁰⁴—without taking account of local authority time and expense in processing a homelessness application or any other support that may be needed. This could be as high as £34,000 in some cases, according to the New Economics Foundation.¹⁰⁵ In contrast, effective face to face, mortgage debt advice costs the state as little as £229 per case,¹⁰⁶ on average. Whilst recent Citizens Advice research found that every £1 of legal aid spent on housing advice, potentially saves the taxpayer £2.34.¹⁰⁷

35. Decentralisation gives local authorities greater freedom over how they commission service providers and therefore the opportunity to use resources in a way that provides the most effective services locally and the best value for money. Shelter welcomes this aim, however there are concerns that if effective preventative services are targeted for cuts in order to provide short term savings, this will effectively represent a false economy for local authorities, and the wider community, as—for reasons outlined above—failure to tackle problems at an early stage can result in mounting costs for the taxpayer.

36. Decentralisation also provides local authorities with greater opportunities to cooperate with neighbouring authorities. Shelter recognises that this could provide an opportunity for the sharing of skills and costs across local authority areas, which could lead to improvements in frontline services and savings, by sharing costs, particularly in relation to back office and administrative spending.

37. One potential area for joint working could be to ensure proper enforcement of laws relating to tenants in the private rented sector. Some adjoining councils are exploring merging their housing enforcement teams to create joint services, allowing them to build on their respective areas of strength and to achieve greater economies of scale. A similar principle could be applied to planning teams dealing with cross-council developments.

38. It is important to consider that peoples' lifestyles, particularly in larger cities, mean that the services they access, the areas in which they live and places that they work or study can often be across numerous local authority boundaries. As a result it is important that local authorities are able to account for this in their plans for local service delivery.

¹⁰³ Conservative Party: *Open Source Planning: Green Paper 2010*, Page 3

¹⁰⁴ Department of Communities and Local Government, *Homeowners Support Package Impact Assessments*, 2008, Page 17

¹⁰⁵ NEF Consulting / Law Centres Federation, *The socio-economic value of law centres*, 2008, Page 18

¹⁰⁶ Shelter, *Results and Recommendations: Outcomes of advice for struggling homeowners*, 2010, Page 2

¹⁰⁷ Citizen's Advice: *Towards a business case for legal aid*, July 2010, Page 2

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective local public service delivery

39. As part of the localism agenda the role of oversight of local authority performance will, to a large extent, fall to local people. The Secretary of State for Communities and Local Government, Eric Pickles, recently outline plans to “create an army of armchair auditors—local people able to hold local bodies to account for the way their tax pounds are spent and what that money is delivering”.¹⁰⁸

40. **Shelter wants to see the localism agenda deliver more engaged citizens, who are able to work with their local authority to shape services and effectively hold them to account.** If this is to be achieved it is vital that local people are given the necessary information. Good local data is a key tool in ensuring the success of the localism agenda and it needs to be collected via a robust, consistent methodology and presented in a comparable format.

41. **If central government works with local authorities to arrive at a set methodology for assessing local housing need, this will not only save money for local authorities,** as discussed above, **but also empower local people** by giving them a clear picture of the challenges and opportunities that face their local community. It would also allow local authorities and local people to better benchmark their performance against that of similar local authority areas, enabling the most effective local authorities to give guidance to those authorities that have been less successful.

42. Many local housing and planning authorities are already very good at collecting and analysing local data on housing need. However, there is still a long way to go to ensure citizens are better able to play a more active and engaged role in housing delivery. Shelter has identified some of the refinements that could be made to the collection of presentation of housing data below:

Strategic Market Assessments

43. SHMAs were introduced in 2006 and provide the main evidence base required in local planning and housing policy. The most recent guidance on SHMAs was published in 2007, with robustness and transparency identified as key aims.

44. However, Shelter identified a range of problems in citizens using SHMAs to hold councils to account. Most stem from the fact that, despite the guidance, the methodology falls short of being robust, transparent and user-friendly. This issue was recently identified by the National Housing and Planning Advice Unit, as discussed above.

45. One of the key reasons for this shortcoming is that SHMAs vary so much in their methodology, which produces very different results across local authorities. This variation in results makes it difficult for the public to compare evidence from their local authority with that of others and therefore effectively hold them to account.

46. SHMAs have also proved to be costly to local authorities. The original intention was for councils to undertake SHMAs themselves, but fewer than 10 per cent have been produced in this way, with most councils using consultants for some elements. Recent Shelter estimates suggest that commissioned out SHMAs cost between £80–150k.

National standards forms

47. Local homelessness statistics are a vital measure of housing need. The use of a standard Local Authority activity under homelessness provisions of the 1996 Housing Act (PIE form) has helped in the 99% voluntary collection by councils of consistent data on homelessness. This is a good example of how central government can facilitate the collection of data locally and efficiently.

48. However whilst useful, the PIE statistics are flawed in their recording of homelessness because they exclude large numbers of homeless people who approach the council for assistance but do not make an application for assistance or are not deemed to be in need of statutory assistance.

49. Shelter believes that everyone approaching the council for assistance should have their case recorded, including the reason for the loss of their last settled home and the council’s determination of their case. This will help to ensure that local people have a clearer understanding of the housing situation in their area and have the information necessary to play a useful role in shaping local provision.

Comprehensive data on the local need and demand for social housing

50. Local housing registers (often known as council waiting lists) are an important indicator of the need and demand for social housing and local authorities should ensure local people understand the local allocation scheme and operation of the register.

¹⁰⁸ Department of Communities and Local Government, *Press Release, 13 August 2010: <http://www.communities.gov.uk/news/corporate/1688109>*

51. Shelter urges councils to take an open approach to registering applications, to continue to use “cumulative preference” to determine priority, and to have objective criteria for prioritising between applicants, so that banding schemes reflect complex levels of need. Councils should ensure their housing registers are regularly reviewed and updated and publish statistics on the numbers of people within each band or range of points, again helping to ensure that local people can help shape a vision for housing in their area, with possession of the full facts.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by Parliament rather than raised locally.

52. Ultimately local authorities will be accountable to the local electorate and decentralisation means that those responsible for making spending decisions will stand for election, based on their record, on a regular basis.

53. If this accountability is to be effective then local people need an accurate picture of the success their local authority has achieved in delivering local services and how this compares to other local authority areas. As discussed above, in relation to data on housing need and homelessness, the collection and presentation of comparable data is vital to ensuring that this is possible.

54. The consistent collection and presentation of data would also help to ensure that it is possible for those agencies spending money at a local level to be held to account at a national level. If each local areas arrives at a method of data collection that varies significantly it will be very difficult for national stakeholders to have a clear picture of how well expenditure voted for by parliament is being delivered.

55. Setting in place requirements for local authorities to deliver a base line of services may also be effective means of ensuring that local authorities deliver the services for which they receive national funding.

October 2010

Written evidence submitted by UNISON (LOCO 084)

SUMMARY

In this submission, UNISON presents its evidence to the committee and calls for:

- Greater direct involvement of councillors in the delivery of local public services.
- The development of jointly agreed models for decentralisation.
- Flexibility of directly provides services in preference to restrictive contracted out services.
- Research into the economic costs of contracting.
- An inquiry into the conflicts of interests of the major auditing companies.

INTRODUCTION

UNISON is the largest public service union in the UK with 1.4 million members. Our local government section represents 850,000 workers delivering essential local public services. Not only are these workers, but many also hold or have held public office on behalf of different political parties, and all use public services themselves. These three strands give UNISON a unique view on how public services are delivered.

At local level, UNISON members work in integrated public services, between different local authorities or with other public sector organisations such Primary Care Trusts. It is regrettably that many of the Total Place pilots did not seek to use this repository of experience, but this has not prevented UNISON locally and nationally attempting to be involved with the pilots and engaging in the debate.

Our overall experience is that the Total Place concept can lead to better and more efficient public services. However, there are total issues about local democratic accountability (as also highlighted by the interim report into Total Place)¹⁰⁹ and about service quality being overlooked in a drive to make cost savings.

We note that Total Place itself was confined to England, but the principles behind it influenced the devolved administrations and so believe this inquiry to have relevance throughout the UK.

Below we comment on the questions that the committee is seeking to answer.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

Local Government has rightly been identified as the primary representative of citizens at local level,¹¹⁰ and the “first amongst equals” in Local Strategic Partnerships and the accountable body for Local Area Grant funding. It is through government—in this case local government—that the elected representatives of the public can have a direct influence on how public money is spent.

¹⁰⁹ “Purpose, Power, Knowledge, Time & Space”, Local Government Leadership Centre, Jan 2010

¹¹⁰ “Creating Strong, Safe and Prosperous Communities: Statutory Guidance”, CLG, July 2008

So it is regrettable that the implementation of the “Duty to promote democracy”¹¹¹ has been indefinitely delayed. Where individual citizens have the skills, knowledge and personal contacts to influence local public bodies, they need less assistance. But in many areas—particularly deprived areas—this is not the case. If localism is to genuinely empower local people, then local authorities must act as an active gateway to enable citizens to participate with public sector service providers.

The position of local elected representatives—councillors—is critical as leaders representing their electors and facilitating their involvement in public life. Since the “committee system” was abolished¹¹² and (largely) replaced by a leader and cabinet system, the majority of “backbench” councillors have had much less direct contact with local authority services, despite attempts to engage them, including by UNISON.¹¹³

Scrutiny committees were intended to offset this, although our experience is that they have been under-resourced, subject to political control by the majority party, and individual councillors have simply not had the knowledge to challenge council officers. In Liverpool, a scrutiny committee looking at “Liverpool Direct” met for years but was completely unaware of damning internal council reports.¹¹⁴ Councillors would have a deeper knowledge of services if they had closer involvement with them, and we welcome the Government’s proposals to permit a return to the “committee system”.¹¹⁵

However, it seems contradictory that at the same time it is proposed that local power can be further centralised by encouraging to adopt an “executive leader” merging the posts of council leader and chief executive.¹¹⁶ In addition, the current health white paper anticipates that Health and Wellbeing Boards will scrutinise local NHS and social care provision in place of existing overview and scrutiny committees. The proposals for these would mean that the council leader or mayor is the only elected representative on them, further sidelining other elected members.

If public services are to retain their unique character under a localised system of governance, then public sector norms—including freedom of information and strong equality duties—must apply. This includes local strategic partnerships, GPs consortia, and the parts of social enterprises and private companies which deliver public services.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

The idea of devolution of services may be attractive, but the benefits of such a change can easily be outweighed by the organisational turmoil which they create, and which may continue for years. The legal framework in which large-scale changes in service delivery (such as decentralisation) will take place includes equalities legislation (with equal pay), the TUPE (Transfer of Undertakings Protection of Employees) regulations and the “two-tier” workforce code. This is in addition to the major cultural barriers which exist between different organisations. The time and money invested in such a change can be badly spent if long-lasting legal and industrial relations problems are created in the process.

Where changes have been incremental, such as in integrated health and social care, significant progress have been made. But there needs to be an enforceable requirement to cooperate on all public service providers—not just in the public sector—for this to work, and it is concerning that some¹¹⁷ public service providers outside the public sector are less interested.

The creation of new unitary authorities in recent years took place in a framework set out by government, in partnership with trade unions. For a more complex decentralisation such as that currently envisaged, a more comprehensive model, or set of models, should be developed at national level with the buy-in of all stakeholders in a positive industrial relations climate. This would ensure that staff received a fair deal and these models could then be rolled out at local level without creating the similar set of problems in each locality.

There are numerous examples¹¹⁸ of the key role that trade unions play as facilitators of change in public services, especially major “transformational” change. In Manchester, Swansea and elsewhere joint agreements have facilitated major change. Research has affirmed that the inclusion of Trade Unions in these changes has led to improved services, efficiency savings, improved productivity, better access to services and new ways of working.

Finally, it is important that the government is consistent if the concept of Localism is to remain meaningful. The top-down programme of creating Academy schools at the behest of the Secretary of State and bypassing local democratic processes undermines decentralisation and effective delivery of education. The public will not have confidence that there is a meaningful commitment to localism when such glaring contradictions in government policy remain.

¹¹¹ Local Democracy, Economic Development and Construction Act, 2009

¹¹² Local Government Act, 2000

¹¹³ “Think Twice—The role of elected members in commissioning”, Mar 2009, LGIU/APSE/UNISON

¹¹⁴ “Liverpool councillor demands secret Liverpool Direct Limited report answers”, Liverpool Echo, Sept 29, 2010

¹¹⁵ “The Coalition: Our programme for government”, Cabinet Office, May 2010

¹¹⁶ Eric Pickles, speech to LGA Conference, 6 July 2010

¹¹⁷ “Concerns over GP commissioning”, Local Government Chronicle, 29 July 2010

¹¹⁸ “The value of trade union involvement to service delivery”, APSE/UNISON, July 2010

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

The results of the Total Place pilots showed that closer integration of public services targeted at individuals and families with high needs produced a more efficient use of public resources.¹¹⁹ They also demonstrated how preventative action could reduce the burdens on public services as a whole. The Dorset pilot found how £155,000 could be saved through preventative action to delay care home admissions by better supporting elderly people in their own homes.

This clearly requires careful planning and integration of public services. Replicating silos at local level would lose the advantages of localism. The use of commercial contracts and outsourcing services sets in stone their operation, and greatly restricts the flexibility of the public sector. Indeed, Professor Tony Travers has stated that.¹²⁰ Instead, an approach of co-operation between public bodies with freedom to adapt when and how they see fit is more likely to produce these results.

Hillingdon Homes is in the process of being taken back in-house by a Conservative council to reduce replication of functions and to make savings.

There are clearly substantial costs involved in the creation of a market system for the provision of decentralised services, including the cost of market making and monitoring; the procurement process; effective client-side monitoring; external consultancy costs; the extraction of profit, and more. These have not been adequately assessed and should be examined as a matter of urgency.

The London Borough of Ealing has just decided to take its Highways service back in-house; making savings by a reduction in agency staff and removing the overhead of a profit for the contractor.

An alternative model, such as that pursued by Newcastle City Services, is one which made substantial savings and raised standards by a process of transformation that utilised the skills and innovation of existing workers, and used their trade union as the agent of change.¹²¹ Indeed, there are now many examples of trade unions being key agents of change for major service transformations.¹²²

What, if any, arrangements for the oversight of local authority performance will be necessary to ensure effective public service delivery

The general public is unlikely to have the time, expertise, or access to pertinent information to properly scrutinise the expenditure of public money by local authorities in terms of value-for-money or service quality. At a time of spending reductions, this task is particularly important.

Therefore it is important that an informed, independent, external opinion is available to the public. UNISON is concerned that the abolition of the Audit Commission was done rashly, and will leave auditing of local authorities increasing in the hands of the “big four” auditors—whose dominance has been criticised even within their own sector.¹²³ Not only may this cost more,¹²⁴ but it these companies also generate significant revenue from consultancy services offered to local authorities and other parts of the public sector, and we have concerns about the independence of all their actions. They have, for example, given over £1.3 million to Conservative Party in recent years.¹²⁵

An inquiry into the conflicts of interests of the major auditing companies should be held.

How effective and appropriate accountability can be achieved for expenditure on the delivery of local services, especially for that voted by parliament rather than raised locally

The public expect that politicians will be accountable for the public money that they spend, which applies to money raised nationally as much as money raised locally. Whilst localism has some advantages, it is important that there are high minimum standards that publicly funded services maintain, and are seen to maintain.

October 2010

¹¹⁹ “Dorset & Poole Total Place Pilot Final Report”, www.dorsetfogryou.com/totalplace

¹²⁰ “Value for money in PFIs”, Tony Travers, 25 Feb 2010, Local Government Chronicle

¹²¹ “Public Service Reform ... but not as we know it!”, Little and Wainwright, Picnic Publishing, 2009

¹²² “The value of trade union involvement to service delivery”, APSE/UNISON, July 2010

¹²³ Grant Thornton, submission to the House of Lords economic affairs committee, 2010, “Accountancy Age”, 29 Sept, 2010

¹²⁴ www.publicservice.co.uk

¹²⁵ www.taxresearch.org.uk

Written evidence submitted by the Princess Royal Trust for Carers and Crossroads Care (LOCO 085)

1. INTRODUCTION

The Princess Royal Trust for Carers and Crossroads Care welcome the opportunity to respond to the Communities and Local Government Committee Inquiry on Commissioning. Jointly, we make the following points and recommendations in our response:

- Councils need to use a variety of funding methods to ensure a range of services provided and service providers are available in the community.
- Promote community engagement through commissioning of user/carer led groups.
- Monitor performance for effective oversight.
- Transparency is key to local accountability.

2. COUNCILS NEED TO USE A VARIETY OF FUNDING METHODS TO ENSURE A RANGE OF SERVICES PROVIDED AND SERVICE PROVIDERS ARE AVAILABLE IN THE COMMUNITY

2.1 Local authorities have for many years funded other agencies to deliver local services and the networks of The Trust and Crossroads Care receive money in this way from local authorities. Two things are changing regarding this: firstly, more local authorities are doing this and doing so regarding more services; secondly, there is a shift from grant or contractual arrangements to an open tendering process to decide who will deliver the services on behalf of the council.

2.2 However, tendering can be a costly process for the local authority in terms of finance and resources. It also places extra costs on bidders who expend resources on being involved in the tendering process. Relying on full tendering processes can exclude local community groups and charities from being involved in delivering local services as they may not have the experience or resources necessary to be successful through a tendering process. The tendering process can often focus on organisational strength rather than records of successful delivery, which can favour national and commercial organisations.

2.3 It also appears that there are common misconceptions among many local authorities when European Union procurement laws apply which forces them to apply an open tendering process. We welcomed the Department of Health guidance on commissioning to Primary Care Trusts in December 2009,ⁱ which encouraged the use of grants to commission self care support for people with long term conditions, and to develop low level community activity. They also advised that third sector organisations will have an increasingly important role to play and that grant funding fits the purpose of working in partnership to achieve objectives and is a good fit with commissioning for outcomes. We think that its message should be repeated and also aimed at local authorities as its lessons are relevant.

2.4 Benefits from opting for grant-funding are:ⁱⁱ

- Providers have the flexibility to design activities to achieve outcomes; they are not tied to a service specification. It is a very good fit with commissioning for outcomes.
- The concept of a “conditional grant” links the funding to the specific activity, but without small, local groups taking on the risks associated with delivering services under contract.
- Capacity building with local voluntary groups can progress during the life of the grant, whilst a contracting process would have had far less flexibility to work on capacity building during the process itself.

2.5 The process of grant making can still be a rigorous process that holds the provider to account for performance against outcomes and ensure necessary services are available for the local community. Bromley Carers’ Centre, a member of The Princess Royal Trust for Carers network, has been given a seven year contract to cover the core costs of running the Centre. This is being jointly funded by adult services, children services and the Primary Care Trust. Contracts for specific services, such as respite, are being awarded on an annual basis.

2.6 Adult services, which brought the partners together, have cited Bromley Carers’ Centre as a strategic partner. The contract contains expectations on either side and the Carers’ Centre will be monitored against measures. The Council advised the following reasons influenced their decision to award negotiate such a contract without tendering:

- There were no other potential providers and the Carers’ Centre has successfully worked in partnership with the Council in the past.
- The Carers’ Centre can bring added value through charitable fundraising and volunteering.
- There was no specialist expertise on carers within the council and it would cost more to develop that “in-house”.
- Carers are a group of people who will still be needing support long term into the future and will remain a feature of government policy so the council should invest in building capacity of organisations who will support them.

3. PROMOTE COMMUNITY ENGAGEMENT THROUGH COMMISSIONING OF USER/CARER LED GROUPS

3.1 As described above, Whitehall departments should provide strong guidance outlining the benefits of alternative funding process to open tendering processes. Guidance could also be issued highlighting that whilst considering commissioning decisions, the following should be considered:

- Will funding a provider enable additional value to be gained enhancing the delivery of that service or other services that would be valued by local communities. For instance, funding from local authorities can allow local charities to raise additional funds for more services and engage with volunteers to use their skills and experience that otherwise would not be used.
- Will funding a provider enable local people to be involved in the design and delivery of services in their own area. This can help make services more responsive and give people more control of the services that they use in their own life.

4. MONITOR PERFORMANCE FOR EFFECTIVE OVERSIGHT

4.1 Local authorities should be monitored against performance indicators that measure a variety of desired outcomes for people in their communities and as communities as a whole. These should involve recording experiences of people in their communities and their opinions of services provided or commissioned by local authorities.

5. TRANSPARENCY IS KEY TO LOCAL ACCOUNTABILITY

5.1 Accountability depends on access to information thus transparency of funding received and how it is spent at a local level is needed for citizens and Parliamentarians to hold local decision makers to account. We accept arguments against ring-fencing but Parliamentary funding given to local authorities for specific areas should still be given in identifiable amounts which although are not ring-fenced means that local people and Parliamentarians can see how much each local authority has been given. Local authorities can then be asked how much of the indicative budget they have used with accompanying explanations for their decisions.

5.2 Currently the Carers Grant given to local authorities operates in this way. £256 million was distributed amongst local authorities in England in 2010–11. The share of this received by each local authority was published but it was not ring-fenced allowing local authorities autonomy. Contrastingly, £150 million was given over the financial years 2009–11 to the NHS to increase breaks for carers. However, what each Primary Care Trust (PCT) received was not published leading to huge confusion amongst politicians, primary care trusts and the public.

5.3 National and local politicians, and local people and carers' charities found it impossible to get information from PCTs who advised that as they had not been given identifiable amounts then they did not have to say how much or what they were doing to support carers.ⁱⁱⁱ This was a case of money given by Parliament to local government but nobody knew how much each PCT received of the total amount nor what was done with the money. This made accountability for implementing the Government Carers' Strategy impossible.

5.4 The following example may be extreme but does show the value of transparency in ensuring proper behaviour and holding people to account. In Uganda, diversion of education resources was reduced from 87% to 20% as a direct result of increased public information about the resources allocated to each school.^{iv}

The Princess Royal Trust for Carers and Crossroads Care are the two biggest providers of services for carers in the UK and work together at a national level to promote policies and guidance that will support carers.

The Princess Royal Trust for Carers (The Trust) is the largest provider of comprehensive carers support services in the UK. Through its network of 144 independently managed Carers' Centres, 85 young carers' services and interactive websites (www.carers.org and www.youngcarers.net), The Trust currently provides quality information, advice and support services to around 354,000 carers, including 20,000 young carers.

Each Carers' Centre within the network is an independent charity in its own right, delivering a wide range of local support services to meet the needs of carers in their own communities. Each provides expertise specific to their particular area of the UK. Carers' Centres' core services include:

- finding hidden carers via outreach in GP surgeries, hospital wards and schools;
- finding the right information for every carer, whatever their circumstances;
- making sure carers' voices are listened to by local decision makers;
- supporting carers emotionally and practically throughout their caring journey; and
- helping to make caring a positive experience by helping carers to share experiences and by ensuring access to breaks, education, training and employment.

Crossroads Care is Britain's leading provider of support for carers and the people they care for. We work with over 35,000 individuals and their families, helping carers make a life outside of caring. We employ over 5,000 trained professionals, providing flexible services to people of all ages and with a range of disabilities

and health conditions. Crossroads Care is a network of approximately 100 independently managed Crossroads Care schemes that are each charities in their own right.

REFERENCES

ⁱ PCT Grant Making Powers to Commission Long Term Conditions Self Care Support from Third Sector Organisations, Department of Health, 2009, Gateway Ref: 12947.

ⁱⁱ PCT Grant Making Powers to Commission Long Term Conditions Self Care Support from Third Sector Organisations, Department of Health, 2009, Gateway Ref: 12947.

ⁱⁱⁱ Conochie, G ‘No breaks for carers’, The Princess Royal Trust for Carers and Crossroads Care, 2009.

^{iv} Reinikka, R & Svennson, J “Explaining leakage of public funds”, Policy Working Paper Series, 2001. *October 2010*

Written evidence submitted by RenewableUK (LOCO 087)

1. INTRODUCTION

1.1 This evidence to the Communities and Local Government Committee inquiry into Localism is provided on behalf of RenewableUK.

1.2 RenewableUK is the trade association for the UK’s wind wave and tidal energy industry. We have over 640 corporate members engaged in all elements of the industry, including all of the UK’s energy utilities, independent renewables developers, international manufacturers and a wide range of tertiary services including the environmental, legal, financial and supply-chain sectors.

1.3 The renewable energy industry is vital to the UK’s future prosperity. This sector will provide the backbone of the UK’s low-carbon economy and will enable significant employment growth in areas of the UK economy which has been hit hard in recent years such as large scale manufacturing, civil, mechanical and electrical engineering. The growth of this sector is therefore vital to the UK’s economic, social and environmental well-being.

1.4 Today our members have over 5 gigawatts of operational wind capacity installed across the UK, with almost 80% of this capacity provided by onshore wind farms. The UK has a further 16 gigawatts of onshore and offshore wind capacity either consented or currently under construction. The anticipated development pipeline is also extensive, with an additional 7.5 gigawatts of onshore wind currently awaiting determination in the UK planning system.

1.5 This submission of evidence focuses on the practical application of localism within the planning system, areas within the planning system that may benefit from further decentralisation and the oversights and safeguards that will be required and the limits to cutting costs in planning services. This response addresses these issues specifically in relation to renewable energy.

2. EXECUTIVE SUMMARY

- In order to minimise continued planning uncertainty and minimise additional costs the Government must be clear in its proposed changes to the current planning system and introduce clear transitional arrangements at the earliest possible stage in order to avoid a prolonged and damaging hiatus in the development of vital national energy infrastructure.
- We believe that there are a number of ways in which Government can reduce the costs of planning. Possible reductions include reducing the number of statutory consultees in the planning system, the creation of a new national or area based expert team to support and advise Local Planning Authorities in their decision making on complex applications such as renewable energy and low-carbon energy developments, and further consideration of the Killian Pretty Review recommendations.
- The absence of renewable energy targets, following the revocation of RSSs does not assist the Government in the meeting the UK’s overall targets and European obligations. RenewableUK believe that there may be significant benefit in devolving responsibility for meeting national renewable energy targets down to the county level. To support this, it would be most constructive to incentivise Local Planning Authorities to incorporate national renewable energy targets in local plans. This should be done in consultation with key stakeholders, including energy developers and communities.
- RenewableUK supports the development of realistic and workable policies designed to increase the benefits to local communities from wind developments. We also welcome the Government’s commitment to allowing business rates to be retained at the local level.

- In order to ensure effective oversight of planning service delivery, it is important that the necessary safeguards are retained within the local plan—and policy making framework. It is important that locally produced policy is consistent with and not contradictory to any national planning policy statement.
- The Government must carefully consider how a reformed planning process will ensure that plans are prepared in a smooth and timely fashion, while also ensuring that robust evidence bases to support plan-making be maintained.
- In order to effectively measure delivery against overarching objectives, effective monitoring of Local Planning Authority performance must also be put in place.
- The role of the planning system in balancing local and national interests is a fundamental principle of our planning framework. Issues such as sustainable development and climate change that have overarching implications need to be addressed through both national and local policy initiatives. It is currently unclear as to how this will interact with the localism agenda.
- In successfully balancing local and national needs within the planning system, the system must be sufficiently robust to accommodate cross boundary issues. The Government should carefully consider the integration of strategic planning issues within a new planning system, in order to ensure that locally determined solutions do not risk jeopardising national obligations.
- RenewableUK strongly recommend that Local Economic Partnerships be given strategic planning functions.

3. LOCALISM, DECENTRALISATION AND THE ENGAGEMENT OF LOCAL PEOPLE IN PLANNING

3.1 The industry understands the Government's commitment to devolving decision-making on local issues to the lowest possible level. It is therefore understandable that the planning system is considered as a prime area for reform, in seeking to provide local people with greater say over what development takes place in their local geographical area.

3.2 This objective is not new however, and it is one that has been tried repeatedly by successive governments over the last 30 years. The major planning reforms introduced by the previous Government were themselves driven in large measure by the desire to make the development plan-making and decision-making process more open, inclusive and transparent. Greater focus on the quality and quantity of public consultation—at both the plan-making, application and pre-application stages—have been embraced by both the planning profession and the wider development sector. Indeed, much work has been done over the last decade to try and enable disenfranchised and “hard to reach” communities to engage in local planning issues ranging from area “Masterplans” through to street-by-street traffic calming measures.

3.3 None-the-less, great variations are experienced in the extent to which different segments of the population are willing to engage in planning issues within their localities. Clearly some communities will seek to take full advantage of the opportunities that a localism agenda may bring, while other less prosperous or organised communities may not be sufficiently motivated, informed or have the time available to effectively engage in Localism as it relates to planning.

3.4 While we welcome the spirit of localism, we therefore strongly caution against the wholesale review and restructuring of the planning system in seeking to deliver greater say to local communities.

4. LOCALISM, DECENTRALISATION AND COST EFFICIENCIES IN PLANNING

4.1 RenewableUK believe that there may be a number of ways in which the Government can reduce the costs of planning delivery, while maintaining standards of service, enabling further public engagement and retaining developer confidence.

4.2 We suggest that the number of statutory consultees in the planning system be reviewed, as we consider there to be significant potential to reduce the number of statutory consultees through a consolidation of existing organizations, in order to minimize unnecessary costs incurred in the duplication of effort when considering applications. RenewableUK also recommend that the Government consider setting timeframes for responses from these statutory consultees, as we believe that the introduction of limited timeframes may help to ensure speedy and efficient delivery of local planning and decision making alongside the ability of the Local Planning Authorities to assume deemed consent if statutory consultees do not respond in these set timeframes.

4.3 In addition, RenewableUK suggest that there may be an opportunity to establish a national or area based expert team to support and advise Local Planning Authorities in their decision making on complex planning application such as renewable energy, and low-carbon energy developments. The creation of such expert teams would enable the concentration of expert resource, and would reduce the need for comprehensive training programmes to be rolled out across a wide range of staff and across all Local Planning Authorities; thereby making the most effective use of training budgets while improving the efficiency of low-carbon energy deployment across the UK.

4.4 There may also be further potential for streamlining of the existing planning system, and we suggest that some of the points raised in the recent Killian Pretty Review into Planning be looked at again. For example, we recommend that the Coalition Government review the amount of information now required to accompany a planning application. The level of detail is somewhat onerous.

4.5 However, it is important to recognise that planning delivery for renewable energy development is already a lengthy and complex process. Significant delays are usually experienced through the current planning system for projects, hindering major investment that will help us out of recession. Planning resources need to be enhanced at the local level and investment is needed to support Local Planning Authorities in taking complex decisions and developing policy on renewable energy. RenewableUK is seriously concerned that there is currently insufficient capacity within local authorities to effectively introduce new plans without causing serious disruption to the decision-making process, given the staff cut backs that have taken place over the last two years within Local Planning Authorities.

4.6 Therefore it is important that the limits of localism and decentralization in delivering cost efficiencies in the planning system are understood. Changes to the legislative framework are very likely to incur additional costs; firstly in terms of the additional time and money spent by planning staff in re-writing plans, programmes and policies and secondly, in terms of the additional time and financial costs incurred by developers in postponing development proposals while these new plans and policies are established.

4.7 Often the greatest costs incurred during periods of change in planning policy and/or legislative reform result from increased market uncertainty. All changes in the planning framework create uncertainty, within high levels of market uncertainty resulting in greatest market costs. Market uncertainty may also result in wider social and economic costs as a consequence of declining inward investment, including postponed and cancelled projects and even job losses, if the market contracts.

4.8 Following the revocation of Regional Spatial Strategies, the impacts of this uncertainty are already being felt by planning officers who are delaying the determination of applications at the local level, and by applicants who are holding back on the submission of planning applications. In order to minimise continued uncertainty and therefore reduce costly planning delays, the industry urgently requires specific guidance as to how schemes will be determined during the period of transition while new, locally derived plans are prepared and independently examined. The Government must put transitional arrangements in place for strategic-level planning that co-ordinates development and infrastructure between different areas, provides a wide range of environmental policies, provides a basis against which to consider development and ensures that the needs of the wider than local community are properly addressed.

4.9 This clarity is required both in terms of the local planning system, and in terms of the system for the determination of nationally significant infrastructure projects (NSIPs). Guidance is therefore urgently required as to how NSIPs will be considered while the transition is made from the Infrastructure Planning Commission to the Major Infrastructure Unit within the Planning Inspectorate. It is crucial that transitional arrangements at all levels of the planning system are introduced at the earliest possible stage in order to avoid a prolonged and damaging hiatus in development which will stall economic recovery and risk under-delivery of vital green energy infrastructure.

4.10 RenewableUK therefore strongly caution against the wholesale review and restructuring of the planning system as a means of cutting costs in public *service delivery*.

5. LOCALISM, DECENTRALISATION AND REFORM OF THE PLANNING FRAMEWORK

5.1 A number of changes, including the revocation of Regional Spatial Strategies (RSSs) and the proposed development of a National Planning Framework (NPF) have already been announced by the Government. These changes raise a number of questions regarding the form and content of any future planning framework in England, and the relationship between national objectives and local concerns.

5.2 The revocation of the RSSs¹²⁶ and their eventual abolition through the Decentralisation and Localism Bill will create a de facto single tier planning system below the proposed National Planning Framework. However, the current system of RSSs and Local Development Frameworks (LDFs) was not designed to operate as a single tier system, and it is questionable whether the current LDF system is still “Fit for Purpose”. The revocation of RSSs has also resulted in the removal of the renewable energy targets contained within these strategic planning documents. This policy gap is now having an adverse affect on planning decisions for onshore wind farms as the need for renewable energy development within a given area now holds reduced weight in the planning balance.

5.3 In order to address this policy gap, RenewableUK suggest that the Government consider devolving responsibility for meeting national renewable energy targets down to the county level. To support this, it would be most constructive to incentivise Local Planning Authorities to incorporate national renewable energy targets in local plans. This should be done in consultation with key stakeholders, including energy developers and communities, and using the existing assessments of potential renewable and low carbon energy capacity that have been done to date at the regional level. Under a new National Planning Framework, guidance should be given to local authorities to have regard to national renewable energy policy, targets and the NPSs, so that

¹²⁶ Secretary of State Letter 27 May 2010

local decisions are made in the context of national need. Sensible time limits should be placed upon the production of strategic renewable energy plans/targets so that development is not hindered during their production.

5.4 In looking afresh at the wider planning framework, the scale of plan making should be further considered. While there has been some discussion regarding possible approaches to the scale and coverage of local plans, it is not clear as to the scale of plans that are envisaged and whether these plans will be developed at a District or Unitary level. Consequently it is unclear as to whether Local Development Frameworks will continue or whether there will be a return to the preparation of more area specific plans, such as town-based plans and/or Area Action Plans. In the absence of any regional or strategic framework, this is a real concern, and particularly given the reduced resources that will be available to local government.

5.5 The importance of consistent plan periods, both in terms of starting base dates and end dates, to the effective operation of the planning system should not be overlooked or underestimated. Consistent plan periods are important for the monitoring and implementation of plans. The revoked RSSs covered the period to 2026. Any new style plans will need to have a reasonable time horizon post adoption and be subject to regular review. The current system seeks a 15 year period post adoption. Phasing, monitoring and review should be tied to a five yearly cycle linked to the 2026, 2031 and 2036 time horizons.

5.6 If a more flexible and responsive planning system is sought then a realistic and robust plan making process and timetable is required. Previous plan making of both Local Plans and Local Development Frameworks has been poor. Poorly performing local planning authorities have not been adequately brought to account. The Government must carefully consider how a reformed planning process will ensure that plans are prepared in a smooth and timely fashion.

5.7 A welcome component of the current LDF system is that it is evidentially based. Whilst some may criticise the extent to which local planning authorities have gathered evidence instead of advancing their plan making, for fear of having their plans found “unsound” by the independent LDF Planning Inspectors, it is nonetheless important that the new “Localism” system is evidentially based. Planning Policy Statement 12 Local Spatial Planning para 4.37 emphasises the fact that “It is essential that core strategies are based on thorough evidence. The evidence base should contain two elements: participation..... and research fact finding.” RenewableUK believes it essential that Local Authorities continue to gather their evidence bases, including those on the potential for the local authority area to accommodate renewable energy generation capacity.

5.8 Another concern is the inter-relationship and co-ordination of large scale infrastructure projects with local plan making. For example large scale energy projects, such as the next generation nuclear power stations or renewable energy facilities may not be popular in some areas but there may be particular locational factors which determine site selection.

5.9 In terms of Development Management, RenewableUK understands that the Coalition Government intends to pursue the Community Infrastructure Levy (CIL) and S106 approach advocated by the previous Government. However, it is unclear how local planning authorities will determine their CIL requirements in circumstances where any new plans have yet to identify their social and physical infrastructure requirements.

5.10 RenewableUK supports the development of realistic and workable policies designed to increase the benefits to local communities from wind developments. We recommend that there be significant flexibility in the nature of the community benefit, agreed on a case-by-case basis between the developer and local stakeholders. In addition, we welcome the Government’s commitment to allowing business rates to be retained by the local community where renewable energy installations are consented locally.

6. ENSURING EFFECTIVE OVERSIGHT OF PLANNING SERVICE DELIVERY

6.1 The Government Offices currently scrutinise the emerging LDF documents. With the demise of the Government Offices, it is unclear as to who will ensure that the early stages of plan preparation will be undertaken in accordance with national planning policy. If this role were to revert back to the Council, the industry believes that there is a real risk that such scrutiny will not be undertaken to the current level, with a corresponding risk that national policy objectives will prove harder to deliver at the local level. There is also a need for clarity as to how cross boundary issues will be addressed.

6.2 RenewableUK is also aware that the Government is currently reviewing the role of the Planning Inspectorate in the local plan-making process. We have significant concerns regarding any reduction in the degree of oversight provided by the inspectorate in assessing the quality of local plans and believe that the future of “Binding” Inspector’s Reports should be thoroughly considered before a decision is taken on whether or not to abandon this aspect of plan making.

6.3 The underlying reasons as to why binding inspector’s reports were previously introduced should be carefully and specifically considered. The previous system contained a “Modifications” stage post inquiry and the publication of the Inspector’s report. This stage was often time consuming and generated sometimes several sets of proposed modifications which then got “caught up” and therefore delayed in the months before local elections. Sometimes the process generated a need for a second Local Plan Inquiry. The removal of this stage was intended to expedite overall plan preparation. Furthermore, the binding reports give greater certainty to the development industry that Inspector’s Recommendations’ would be accepted.

6.4 The Coalition Government's intention to remove the "binding" element of the Inspector's report is already causing delays in the process. Removal of the binding report will result in further delays and uncertainty; with the potential for some local authorities to do as they please with impunity.

6.5 Notwithstanding the above concern, we consider there to be a need for additional penalties for existing non-compliance in the plan-making process. As stated above, many Councils have a poor track record of plan preparation, with some local authorities seemingly finding it impossible to produce an adopted plan. According to latest PINs statistics only 20% of Local Planning Authorities have a sound Core Strategy. Whilst the emerging details of the incentives are noted, it is clear that the new system will need effective "Sticks" as well as "Carrots". The penalties for not maintaining an up to date development plan must be clear and enforced.

6.6 In terms of the Development Management process, the current planning system operates in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 whereby "where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise". Forthcoming legislation will be required to clarify whether S38 (6) is to be refined, replaced or abandoned.

6.7 A locally prepared development plan could fulfil this role provided it has been subject to appropriate public participation; it has been examined by an independent Inspector and is consistent with the forthcoming National Planning Framework and/or other extant national planning policy and guidance. Without a clear need for local plans to be in broad compliance with national policy, there is real concern as to how the Planning Inspectorate will arbitrate in the appeal process on individual applications.

6.8 RenewableUK also consider it essential that requirements for effective monitoring of Local Planning Authority performance are put in place. We believe that it is vital that decision-making on renewables projects be regularly monitored, in order to establish progress against our UK renewable energy commitments. This could be delivered through placing requirements on Local Planning Authorities to effectively monitor local renewables deployment and appropriate use of central funds for energy/planning/climate change purposes.

7. BALANCING LOCALISM WITH NATIONAL INTERESTS IN PLANNING REFORM

7.1 *As stated above, the role of the planning system in balancing local and national interests is a fundamental principle of our planning framework.* Issues such as climate change that have overarching implications need to be addressed through both national and local policy initiatives.

7.2 The industry has real concerns about how the principles of localism will interact with the principles of sustainable development and move to address issues of climate change. While Open Source Planning page 11 states support for sustainable development and a belief that "*it is right and proper that the system be underpinned by a predisposition in favour of sustainable development*", it is unclear as to either how or whether sustainable development will be defined at the local level.

7.3 The absence of renewable energy targets, following the revocation of RSSs does not assist the Government in the meeting the UK's overall targets and European obligations. Renewable energy development is in many ways strategic infrastructure in nature—it owes its existence to a national need for energy supply, and it comes forward as a direct response to the need to meet national climate change objectives. It doesn't usually come forward in response to local needs, either for energy supply, or for housing or employment or other local economic drivers. None-the-less, on a national level, renewable energy is acknowledged to be needed as a priority.

7.4 It is important that locally produced policy is consistent with and not contradictory to any national planning policy statement. It is currently unclear however, as to how conflicts between policies will be resolved in the potential absence of "Binding" Inspector's Reports, as discussed above. The future role of the Secretary of State, in terms of exercising reserve powers in respect of individual applications, is also unclear. Should local policy conflicts increase, the planning system may find itself increasingly reliant on the Secretary of State's reserve powers of determination.

7.5 In successfully balancing local and national needs within the planning system, the system must therefore be sufficiently robust to accommodate cross boundary issues. Many planning issues, including infrastructure development of all kinds, can be "Larger than Local" in scale and there remains a robust case for some form of strategic sub-regional planning within the reformed planning system in order to facilitate strategic development. RenewableUK believes that the Government should carefully consider the integration of strategic planning issues within a new planning system, in order to ensure that locally determined solutions do not risk jeopardising national obligations.

8. CONCLUSION

8.1 We welcome and understand the Government's interest in devolving power to local communities. RenewableUK supports the development of realistic and workable policies designed to increase the tangible benefits to local communities from wind developments. We recommend that there be significant flexibility in the nature of the community benefit, agreed on a case-by-case basis between the developer and local

stakeholders. We very much welcome the Government's commitment in this regard to allowing business rates to be retained within the local communities where renewable energy installations are developed.

8.2 We believe that there is potential for cost reduction in a number of areas, through the consolidation of functions and of expertise, in order to make the most effective use of training and resource. We also believe that the effective operation of the local plan system would benefit from greater emphasis on consistent plan periods and robust timeframes within which plan consultation, evidence gathering and policy development should take place.

8.3 At the local level, we believe that it may be appropriate to devolve responsibility for meeting national renewable energy targets down to the county level, supported with incentives from both industry and Government encouraging Local Planning Authorities to incorporate national renewable energy targets in local plans.

8.4 There will however remain a need for planning and policy development at a strategic level, above that of the individual local authority or Local Enterprise Partnership. Renewable energy development, including onshore wind farms, is in many ways strategic infrastructure in nature; it owes its existence to a national need for energy supply, and it comes forward as a direct response to the need to meet national climate change objectives.

October 2010

Written evidence submitted by 4Children (LOCO 089)

4Children is delighted to have the opportunity to submit evidence to the Localism Inquiry.

4Children is a leading national charity which undertakes research, develops policy and delivers support for children and families. The organisation has a strong track record of successfully shaping and implementing public policy and led the call for a number of leading policy reforms and interventions including Sure Start Children's Centres and the development of childcare and support for young people.

We are currently undertaking a major 18 month enquiry into the needs of families which will report in October this year. The Family Commission has spoken to thousands of families and will put forward far reaching recommendations on all aspects of family support. The organisation also has extensive experience in delivery, working on commission to central government and local authorities to deliver strategic support.

This submission draws on this experience to state that:

- 4Children believes in a community empowerment approach to localism with democratic controls.
- We are committed to supporting a strong and vibrant role for local communities as shapers and leaders of local services and neighbourhoods and are actively engaged in developing and supporting families and communities to take on this role.
- Our research shows that this is an approach which families and young people would support.
- To achieve this requires a major change in the approach of central and local government including funding streams.
- However communities will also need support to deliver this and there is a major community capacity building exercise which needs to be undertaken.
- Without this local communities will not be able to take on a more active role and the exercise will simply revert to "outsourcing". We believe that there is a much greater potential to deliver a more effective and accountable system which also builds the capacity and human capital within the community.
- There are some key services such as Children's Centres and Youth Provision which have the potential to be at the forefront of such a change.

ABOUT 4CHILDREN

4Children is a leading national charity which undertakes research, develops policy and delivers support for children and families.

The organisation has a strong track record of successfully shaping and implementing public policy and led the call for a number of leading policy reforms and interventions including Sure Start Children's Centres, the development of childcare and support for young people. We are currently undertaking a major 18 month enquiry into the needs of families which will report in October this year. The Family Commission has spoken to thousands of families and will put forward far reaching recommendations on all aspects of family support.

The organisation has extensive experience in delivery, working on commission to central government and local authorities to deliver strategic support. 4Children has worked with all local authorities to support the development of their services, including childcare, in and around schools and has been contracted by DfE to deliver support to all local authorities. The organisation has high level strategic relationships or partnerships with a significant number of these.

We also directly deliver a growing number of Children’s Centres, childcare, youth provision and broader family support.

This submission is drawn from our experience:

- As **advocates** of support for children, young people and families.
- As **architects** of models and programmes of delivery.
- As **supporters and developers** of services such as Children’s Centres, youth provision and family support—advising and supporting local authorities and central Government.
- As **deliverers** of services including 25 Sure Start Children’s Centres.

OUR STARTING POINTS

4Children understands that much of modern local government has grown from the municipal and co-operative movements in the mid to late 19th century. More recently, we believe that local government and to some extent the broader public sector have been confused with delivering local services rather than facilitating or being accountable for them.

4Children is drawn to a model of community empowerment with democratic controls, however, we do not believe that this has to be a contract management model reminiscent of Lord Tebbit’s view in the late 1980’s that local authorities should consist of a series of officers and members commissioning contracts. This, in our view, is not about localism but about a difference in operational management style. Our starting point is one of genuine engagement and empowerment of communities to lead and shape all aspects of the local neighbourhood.

We base this on a belief that:

- Communities have the capacity to do much more for themselves—in both shaping and delivering.
- Communities are the solution not the problem.
- Communities can deliver effective services at a lower price.
- Communities can operate proper and appropriate governance arrangements to do so.

Whilst we believe in a strong democratically accountable and local public sector, for us, it is more an accountable and facilitatory role.

10,000 families tell us they want a more localised, involved approach to decisions

Our research with families shows that there is a strong willingness from families to be involved in this way. Over the last 18 months 4Children has heard from 10,000 families through its national inquiry into family life—the Family Commission. Families have told us:

- That Local authorities are seen as distant and not relevant.
- That they do not believe that their views are reflected in decisions about their local neighbourhood.
- That they have views about their locality and local services and want those to be reflected .
- That they want to be able to shape and lead their own solutions.
- That they need help and support to do this.

OUR MODELLING IS BASED ON A NUMBER OF KEY PRINCIPLES

- That services should be good value for money.
- That they should be “fit for purpose” to the current “more for less” environment.
- That they are based on clear evidence of what works.
- That they deliver high quality, effective services.

To achieve this we believe that funding will need to be flexible and transparent with accountability at all stages. All our experience suggests that funding streams should be simple with short chains of distribution. The more agencies and layers involved and more complicated the process the less likely the funding is to reach the frontline.

We are very aware of the need to reduce budgets both centrally and nationally but do not believe that this should automatically lead to a drastic fall in the level of services. We believe that there is an opportunity to reshape and reorder how services are delivered in a way that genuinely brings benefits to the communities they serve. However, action will need to be taken by local authorities now to enable this to happen. It is imperative that local authorities and central government avoid a “slash and burn” approach to services which would run the risk of undermining the infrastructure and service base which already exists. Strong strategic prioritisation will be essential however, with a real opportunity to involve individuals and communities in shaping decisions. It will also be important to leave in place a programme which has future benefits for example programmes of early intervention.

We believe that there is a broad scope for decentralisation which should embrace all public sector and government agencies with a default to exempt services. However, we do not believe that there is a need for structural change to local authorities rather assuming that operational change will be the driver. We have been encouraged by the merger of Local authority Senior Management Teams and back office functions in some areas and think that this is an area which is worthy of greater consideration by many authorities.

The role of the Local Authority will therefore be:

- Democratic accountability.
- Commissioning.
- Quality.
- Standards.
- Community development.
- Provider of last resort.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are or should be of localism

There is a general census that size leads to economy of scale. This is undeniable however, it does not necessarily mean that if services are to be decentralised that it would lead to increased costs. The cost associated with different models of service delivery are influenced as much by the *model of delivery as they are by the size and scale of delivery*.

There is a general principle that the chain of supply between funding and delivery should be relatively short. Generally speaking the length of the funding chain increases cost. Each level of intervention in the funding stream adds to it, its own bureaucracy and as a consequence its own cost. Conversely a short funding stream whereby the commissioner and the deliverer are closely linked tends to reduce bureaucracy, increase focus on outcomes and ensure “more for less”.

Taking this to its logical conclusion 4Children would argue that funding streams and the commissioners should be as close to the community as possible.

A further important principle about decentralisation is flexibility in terms of funding. Highly regimented, single strand funding regimes reduce flexibility, reduce creativity, and increase bureaucracy. A more localised approach has the potential to provide more flexibility in budgets, reducing waste as communities respond to their particular needs.

With this in mind therefore it would be essential that funding streams are simple—complicated submissions, complicated returns, and complicated criteria for outcomes increase cost and undoubtedly reduce the capacity or appetite for communities to do things for themselves.

This does not mean that there should not be accountability nor does it mean that there should not be a focus on auditable trail of outcomes, merely common sense and perhaps applying “the man on the Clapham omnibus” principle.

The closer that the deliverer is to the community will:

- Increase accountability to the end user client.
- Increase greater ownership of the end result.
- Increase reduced cost.
- Focus much more on outcomes.

However there are some key limiting factors to decentralisation which will need to be overcome. In our experience these are:

- The size of the operational activity—it will be different for different operations but clearly there is a cost implication/cost reduction related to size.
- Capacity—limitation to the capacity or willingness of a community to take on board services “or do things for themselves”—however 4Children would argue that the local authority or indeed a facilitator such as the third sector should be used to build that capacity to avoid a postcode lottery.

The Lessons for Decentralisation from Total Place, and the Potential to Build on the Work Done Under that Initiative, Particularly through Place-Based Budgeting

4Children has been impressed by the developments of Total Place and believes that there is much to build on in the development of place based budgets and services.

Total Place gave important recognition to how a range of inter-active and interwoven activities can come together to have a major impact. It also recognised that bringing together different funding streams increased flexibility and creativity as well as the concept of inter-agency collaboration and a one stop shop. The concept

of place based budgeting recognises that resources are driven by community needs and if pooled and used flexibly have the capacity to exponentially achieve results.

This is an approach that 4Children is taking in its Children's Centres with some success.

The Role of Local Government in a Decentralised Model of Local Public Service Delivery, and the Extent to which Localism can and should Extend to other Local Agents

To achieve our model of community empowerment, experience suggests that the role of local government should be:

- The provision of democratic accountability to a range of activities carried out on behalf of the community.
- A commissioner of services.
- A facilitator in order to ensure that the community has the capacity to undertake services much more for itself (It may need to use facilitators in the third sector to deliver this and build the capacity in the community).
- The provider of last resort.

The local authority would hold to account performance and quality across various communities to avoid a postcode lottery in terms of provision and quality. The local authority may also seek to either provide if there were economies of scale to do so or purchase from other providers central technical or non-community services such as the back office functions of finance and IT support; senior management team.

The above model implies that economics of scale would be applied to local authorities for non-community based services such as the provision of "pan London" back office facilities in respect of finance, IT support etc. These non-community services would be purchased and managed.

Each community/borough would continue to have its democratic independence but would buy in advice and support from a much larger merged operational unit. However, in relation to community services housing, children services, family services etc these would be devolved to the community in order to ensure the community provide services that it wants and needs and is in control of the cost. As a consequence, the community may itself seek to employ individuals to provide some of these services or seek volunteers or the third sector to provide these services on their behalf.

This model would mean that those services which affect the community are devolved to a local one stop shop, are owned locally, are provide in part by the community itself, through the third sector, through staff employed directly by the community or purchased from larger units where necessary.

All back office functions would be centralised to achieve economy of scale. The inter-face of the community and the back office function would be the democratic inter-face which would be represented by "the local council".

It is important to stress that this is not a contracting model but a much more socially responsible and community empowering model.

The Action which will be necessary on the part of Whitehall Departments to achieve effective decentralised Public Service Delivery

To deliver the model in one sense Whitehall might need to do nothing; cost savings and best practice might lead local authorities to this conclusion themselves.

Whitehall does however need to consider the following to put the context in place:

- Ensure that funding streams are flexible.
- Reduce bureaucratic overlay and reporting.
- Provide advice and support on best practice models.
- Reduce barriers to unofficial mergers at an operational level between authorities.
- Review TUPE requirements to ensure a low cost conceptual model does not merely transfer staff costs from one environment to another but allows a realistic discussion to take place.
- Enable mixing and matching of funding streams from various departments DoH, DoE, Transport etc.
- Be more outcome and community focused.

The impact of decentralisation on the achievement of savings in the cost of local public services and the effective targeting of cuts to those services

Savings can only be achieved if activity is stopped or done differently. 4Children is not advocating that children services are reduced. But we are arguing that they should be delivered differently.

There is clear evidence of our view that funds do not always get to the frontline communities for which they are intended. Indeed, our evidence suggests that between 30% and 50% of funding for Children's Centres does not get to the local community.

We believe that passing services to the community enables clear decisions to be made which will improve both their effectiveness and the cost effectiveness:

- Services can be brought from the third sector—which cost less than local authority model.
- Communities can undertake some of the services themselves and indeed the 4Children model encourages this achieving further cost savings.
- Funding streams can be merged to achieve greater impact achieving even further cost savings.

4CHILDREN COMMUNITY PARTNERSHIP MODEL

4Children is developing an innovative model to build Community Partnerships to support a community based approach to delivering children's services.

4Children is passionately committed to the goal of joined up, community based support for all children and young people 0–19 and their families. We are actively engaged in developing this model in our local delivery and are working with a number of local authorities to develop this approach. As stated, 4Children believes that there are particular benefits and opportunities for Children's Centres and wider services for children, young people and families to be reshaped in this way. We are in dialogue with the Department for Communities and Local Government and the DfE on these issues.

October 2010

Written evidence submitted by the Evangelical Alliance (LOCO 090)

We had not intended to make a specific submission because we thoroughly endorse and support the Government's plan for localism and decentralised public services in which Christian and religious groups are keen to play a full part free of the restrictions and prejudices which characterised our experience during the last government. We publicly expressed our support for Baroness Warsi's speech on the subject.

So we regarded the case as unanswerable. However, what has prompted this message and submission of support for the proposals is especially the publication of the submission by the British Humanist Association to the inquiry which predictably scaremongers against religious groups participating in public service delivery.

The fact is that Christian groups in particular deliver probably in the order of 40% of the nations voluntary services contributing massive amounts of money to the national economy. Demonstrating the extensive contribution of faith community congregations in relation to welfare provision, language, faith tourism, building use etc, the report—*Counting for Communities* in 2008—revealed just what a crucial a role faith has to play in contemporary society. Commissioned by voluntary sector bodies working with the Welsh Assembly Government, the audit demonstrated that faith community congregations contribute £102 million to the Welsh economy per annum, which if projected upwards on a proportional basis for the UK as a whole would mean faith community congregations are contributing at least £2.1 billion.

The British Humanist Association is a well known anti-religious special pleading group that seeks to ban religion from public life and represents a tiny number of supporters. In contrast, the Evangelical Alliance alone represents the majority of the UK's two to four million evangelical Christians.

October 2010

Written evidence submitted by the Centre for Public Service Partnerships (LOCO 093)

SUMMARY

Local authorities should be able to lead the shaping of all the public services in their area to deliver effective services for users and communities and ensure value for money. This will require consultative and responsive local political leadership by councils working with other agencies—building trust in their local communities by being open about the choices and options for allocating and rationing public resources, brokering between different interest groups and between the short and long term. The search for fairness, the best solution, or the least worst, is a political process. It requires strong local leadership and relationships and a creative approach to service redesign across agencies—a change from the drift to a compliant, or even dependent culture that has grown up after decades of central government direction of local budgets, outcomes and performance.

- Local government should be at the heart of localism and have powers to shape local spending decisions, local services and local outcomes—to improve services and places for individuals and groups who live and work in the locality.

- Local government must work with others across the public, business and third sectors, as localism includes devolving some power and funding to local communities to empower neighbourhoods and individuals.
- We believe that localism, building on “Total Place” and “Place Based Budgeting” approaches can deliver efficiencies as well as better outcomes for people and communities by joining up the commissioning, procurement, design and delivery of services. This should embrace a significant proportion of the total public expenditure in an area—it will be a terrible missed opportunity if the new freedom is only to fully control all existing local government expenditure.
- Local partnership working can be led by principal local authorities co-ordinating local partnerships to commission locally redesigned cost-effective services—they can use the new general power of competence.
- Localism will also require changed structures, roles and behaviours in Westminster and Whitehall and in political parties.
- National commitment to localism requires acceptance of the variation in the strengths, circumstances and challenges across local communities. Different outcomes based on local choice should be celebrated rather than worrying about “post code lotteries”.
- Partnership architecture will vary across different localities and spatial levels to reflect local circumstances and objectives and to focus on outcomes and specific client groups.

INTRODUCTION

The Centre for Public Service Partnerships welcomes this opportunity to submit evidence to the Committee’s Inquiry into localism. This subject is very relevant to the Centre’s own mission to shape innovative public service policy and better public service outcomes through a specific focus on partnership and collaboration. The Centre:

- undertakes research and policy development;
- provides strategic advisory support to the public, third and business sectors; and
- comments on topical practice and policy issues.

The Centre was significantly involved in the development of “Total Place” and its Director was programme director for the Total Place pilot in Worcestershire. The Centre has also helped many other local authorities and their local partners as well as central government departments to tailor local approaches based on Total Place principles and lessons; greater decentralisation; developing leadership capacity in places across agencies, reviewing and redesigning local partnership arrangements, and building partnerships between public sector agencies and the private and third sectors to drive outcomes up and costs down. This submission draws directly from the Centre’s practical experience of advising and supporting public sector partners and others, as well as its more theoretical research.

This Inquiry is timely as the Government develops and implements its policies for decentralisation, localism and “Big Society”; and public bodies consider how to respond to the forthcoming Spending Review announcements.

It is encouraging that the Government is strongly committed to localism. However, we believe that more clarity and consistency of national political direction is essential to achieve better services locally and more efficient use of overall public resources.

LOCALISM AND DECENTRALISATION

The terms “localism and decentralisation” are sometimes used interchangeably. The key point is ensuring decisions are taken by or as close to the communities affected by those decisions as is practicable. Localism does not necessarily imply that such decisions are always taken by local authorities. They could be taken by smaller more local neighbourhoods or community groups, or town and parish councils. Decentralisation can mean full devolution of powers to a different body—from central to local government—or include instances where some of the accountability and decision-making is held back at a higher level, such as defining the scope and the shape of what is taken at the local level—for instance in neighbourhood policing, and aspects of the NHS. Therefore both localism and decentralisation are on a spectrum of local control and autonomy, which can include some limits on the variations in content and style which full localism promotes.

Local government is the democratically elected and accountable body in a locality with a specific duty and opportunity to provide civic or community leadership—by all elected councillors whether in Cabinet or Scrutiny or backbench roles. This will be reinforced by the proposed general power of competence. Many Councillors are community organisers, facilitating the success of community groups, brokering arrangements that do not always cost public resources, but benefit local people. This role exceeds their responsibilities for individual services and outcomes—it is their long-term stewardship or “place-shaping”¹²⁷ role.

¹²⁷ Sir Michael Lyons—Inquiry into local government—final report 2007—comprehensive survey of landscape: <http://www.communities.gov.uk/documents/localgovernment/pdf/158064.pdf>

THE LESSONS FROM TOTAL PLACE AND LOCAL PARTNERSHIP WORKING

Citizens in any locality are the same people who use the services of the local NHS, councils, the police and other local and national public agencies and pay for these services through their taxes. They expect these agencies to serve them as individuals with mixed needs, and not separately as patients, parents or council customers. In a time of austerity the public wants to know public resources are being used effectively and efficiently.

The Total Place pilots demonstrated that outcomes for citizens and communities can be enhanced at the same time as making significant financial savings by eliminating duplication, rationalising services and assets between agencies, and redesigning services around citizens and users. This needs to work across institutional and professional boundaries which are sometimes artificial and usually historical or professional constructs which create barriers to securing efficient solutions to local needs and choices.

The Total Place pilots and other innovative integration and local partnership working such as integrated management teams and aligned governance arrangements across local council and PCT such as in Blackburn with Darwen, Herefordshire and Hammersmith and Fulham have proved that much can be achieved without legislative change. Many improvements can be achieved without Whitehall action and the pilots released confidence and helped focus local leadership and partnerships to achieve more together, quicker.

Public finances will be under enormous pressures over the next five years. It makes sense to introduce measures that will ensure key outcomes are provided whilst delivering value for money. Total Place showed the desirability of breaking down the vertical silos that reach from ministers to different front line services and of local horizontal joining up to meet needs of people—such as of elderly people requiring both medical, housing and social care. It must always be right to combine maximising effectiveness and efficiency with better outcomes for individuals and communities.

The Total Place pilots also identified the need for greater and more focused collaboration between Whitehall and localities. There is a requirement for a “joined up” and co-ordinated approach between Whitehall departments which needs to be clear in the architecture that implements the Spending Review. All Whitehall Departments will have to change to actively deliver localism and decentralisation—it will not be achieved only through Communities and Local Government.

For example solutions need to be able to join up across different services to create innovative solutions for those individuals and communities facing the combined challenges of worklessness, poor health, high crime, poor housing, and low levels of skills and educational aspiration. This has been proven not just by Total Place pilots but by successes across the past 20 years in Education and Health Action Zones, SRBs, Crime and Disorder Reduction Partnerships, Youth and Children’s Trusts, and Local Strategic Partnerships. However, many of these were decentralised not localised models—central government providing funding and permitting specific partnerships within a national system. They achieved focused outcomes but added to bureaucracy and often did not improve core services. Significant strategic focus and time was devoted to considering how to spend the “additional monies” rather than how to maximise the impact of core budgets. For example a Total Place project in Kidderminster has shown that a total public sector spend of over £50 million per year in one neighbourhood (many time higher per capita than across Worcestershire) has resulted in some of the poorest social and economic outcomes whilst most strategic focus was on a “Pathfinder” project of only £400k per year.

Too many local public partnerships to date have been “arranged marriages”; mainly shaping a local response to a national prescription which set the membership, activities and rules for accessing the “extra” funding. Even local Area Agreements became less an expression of the true local strategy, and more a local response to a national agenda administered regionally. This distracted energy from creating successful partnerships between public agencies to redesign the delivery of public services using the core local budgets. However, the past few years have seen increases in joint commissioning and joint appointments including of chief executives, and of more public/private and public/third sector contracts.

Councillors need to be bold and use their legitimate mandate to take tough decisions and test new designs for services—as has already happened within existing powers, such as in Blackburn with Darwen where the council and PCT came together gradually and now are completely integrated. In the same locality, other services are run in wider partnerships across the East Lancashire group of councils, or in private sector partnerships or with community organisations at very local level. As such new tapestries of partnerships develop, Councillors will need to provide effective scrutiny to their leadership colleagues and to local partnerships.

It is expected that Local Area Agreements will end and the Local Strategic Partnership (LSP) model will change significantly as the localist agenda progresses. There will be different partnership arrangements based on achieving specific outcomes for specific client groups and/or communities and for driving down costs. These will vary to reflect local circumstances and they will also be based on a variety of spatial boundaries—not always locality or local authority boundaries, but sometimes sub-regional or even a small neighbourhood or village.

PLACE BASED BUDGETING

Coalition Government ministers have frequently spoken in support of the concept of Total Place. More particularly Ministers promote “Place Based Budgets”. But, as articulated by the Secretary of State on 3

October 2010, this does not offer the full potential that Total Place offered for extending localism and local government democratic control of a significant proportion of the total public expenditure in a locality. It seems that Place Based Budgets will allow local authorities and elected mayors only the freedom and flexibility to fully control existing local government expenditure by removing ring fencing and other central controls. If so, it will represent a major significant missed opportunity.

Further, government seems not to recognise that the impact of this freedom may be diminished by other policies which could confuse local relationships and potentially create delays and new expensive bureaucracy. These include proposals for directly elected police and crime commissioners and for PCTs to be replaced by GP consortia to lead local NHS commissioning. The economic powers of the new Local Enterprise Partnerships are unclear and each propose their own way of working across authority boundaries, which could add to the fragmentation away from the original Total Place aim of co-ordinating all public services and spend in the same place. The emerging national policy framework suggests changes are likely to existing partnership arrangements and structures, with each public body involved in a tapestry of different partnerships for different purposes across several sizes of spatial areas. This may be appropriate, as the public can appreciate that different services have different levels of economy of scale or accountability. Some basic services may have little local variation and are best procured by large regional contracts to secure low cost, transport services should be commissioned on a county or sub-regional level, whilst parks and libraries may have such high value and identity to a specific neighbourhood or particular community that accountability should be secured at that very local level.

MAKING LOCALISM WORK AND BE ACCOUNTABLE

Central government should devolve a significantly greater proportion of total local public expenditure to genuine local control, so laites despite the pressures challenging existing accountabilities and service boundaries. Currently local authorities control less than 10% of the total public spend in their areas. The majority of the expenditure—schools, welfare benefits and pensions—is directly controlled from Whitehall. This is contrary to the principle of localism. It also means that the full benefits of a “Total Place” type approach will never be realised—improvements for users and cost savings across public services.

Localism demands new models for governance, commissioning and accountability mechanisms in localities. Reorganisations are costly, time-consuming, confusing and rarely make significant difference. There is not the time, will or evidence to support major structural reform of public agencies in localities or elsewhere. The public wants clear accountability, simple structures, and increasing focus on value for money. Savings require flexibility across budgets. Local leadership should be based firmly on the democratic legitimacy of local government and elected local leaders will have to both control and influence, recognising other forms of accountability in localities and between them in city-regions, Local Economic Partnerships and other partnerships.

Local accountabilities and relationships need to be agreed since most of the country has two or three tiers of local government (GLA and London boroughs; county, district and also town and parish councils) as well as other bodies. Who will be responsible for these wider devolved budgets (capital and revenue) and who will make the decisions on resource allocation, local entitlements and eligibility criteria, charges and other factors? In each locality local agencies should be able to propose mergers and institutional changes where there is a clear business case.

One model for “Total Place” or area based budgets would extend the powers and accountability of local government by giving principal local authorities the clear responsibility for strategic commissioning for all locally controlled services, including elements of the benefits services. Operational commissioning would continue to reside with key specialist agencies such as GP consortia. If police and other bodies remain separate, there must be a close look at where services overlap for the same users so that services can be jointly commissioned and redesigned to benefit users and make savings, whilst retaining clear accountabilities.

This commissioning role could be co-ordinated and supported by a “public services board” of politicians and non-executives from the key public agencies. In turn these boards would be supported by a core team of public sector chief executives and senior budget holders.

In such a model an officer—usually the chief executive of the principal local authority—with accountability to local elected councillors would be identified as the local accounting officer. Such an officer would have an accountability for some funds voted directly for parliament—which they could discharge through a relationship with a Whitehall permanent secretary. A preferable, more localist, model would be for Parliament to agree to devolve monies and the powers direct to the Revenue Support Grant along with responsibility to local councils answerable to their local electorate.

Localism and “Total Place” is predicated on local choices resulting in differences between localities. Some minimum entitlements to specific services may continue to be set at a national level, reflecting legal duties, and these need to be determined and agreed between Government and local government with wide scale public consultation. We would argue that the assumption should always be that local determination should be the default position. There is a need to set a timetable to conclude this debate at local and national level, to establish the legitimacy of such local differences, as already seen in the differences between the services such as education in the four countries of the UK.

The benefits of local accountability and place shaping challenge those who believe central government has a duty to “avoid a post code lottery”. In practice, many centralised services have not managed to completely deliver uniformly, partly due to their interaction with local circumstances. Indeed centrally controlled organisations such as the NHS already have major geographical differences in their outputs and outcomes.

It is a fundamental role of elected government to represent, promote and protect the interests of constituents and be accountable for the best use of public resources such as tax monies, charges, buildings, expert staff—to ensure the wider public good and community well-being. The freedom to spend less requires clear accountability to local people—who have the power to choose and vote for their local representatives and leaders. They will want to contribute to meaningful local debate on choices, and on long-term planning and place shaping. They will not want to be fobbed off by a confusion of different bodies saying and “but that’s not my responsibility.” Whilst approving of cost cutting and economies of scale being achieved by sensible procurement and contracting-out, the public will always hold their local councillor and council leader ultimately responsible.

Practical implementation should be supported by accounting and funding arrangements which promote a joint long-term view. The balance of spend and of direct provision may change between agencies, and there will be tracking to recognise where benefits accrue to one or more organisations as a result of an investment and/or action by another agency. This would enable and greatly incentivise partnership and collaborative working. Work on this technically complex issue should begin as a matter of urgency.

LOCAL POLITICAL LEADERSHIP IS KEY TO EFFECTIVE LOCALISM

Localism will require effective local political leadership. The attributes of such leadership include:

- an ability to set clear vision for the community having consulted within it and with external stakeholders and being clear of the organisation’s role and contribution to realising this vision;
- effective communication of this vision to local citizens, staff and other stakeholders;
- the ability and the willingness to listen to these stakeholders and, in particular, current and potential partners;
- the patience to take time to talk, listen, consult and understand where the partner/potential partner is coming from and what they seek to achieve;
- a realisation that they must understand the cultures, governance, constraints and drivers that determine what their partner can do;
- a willingness to invest time in building relationships—partnership has to be worked at and has to be embedded throughout the partner organizations;
- a challenging mentality that asks “why?” “what for?” “why not?” and similar questions;
- understand risk management and ensure that it is properly allocated and managed in partnerships; and
- being ready to let go and allowing others to do so.

Often partnerships fail because there is no alignment of objectives for the partners and/or no opportunity for “win-win” outcomes. One-sided partnerships are not partnerships—they are one-sided arrangements.

Leaders have to be ready and prepared not to command but to negotiate, persuade and often to “trade objectives and resources” with partners so that there is a rational reason for each partner to participate in the relationship. This can be challenging, especially when the respective perceived power and authority of the partners is not considered to be equal. Simply asserting your power advantage will usually result in sub-optimal and unsustainable arrangements that will fall over.

While local government political leaders have the right and indeed duty to assert their democratic legitimacy in their localities, they will need to deploy this with care when they do not have any legal or other powers over the potential partner. Leadership of place is not and should not be the responsibility of local government leaders alone. It is essential to pull together the leaderships of the wider public sector, the third and community sectors and the business sector and others to galvanise the strength of civil society.

For the last eighteen months The Centre for Public Service Partnerships has supported and advised local leaders in Worcestershire to do precisely this through the Shenstone Programme.

The Worcestershire Partnership in 2009 decided to bring together a cadre of 26 leaders from across civil society to embark on a programme of exploration and development. The membership of the group included political leaders from the county and district councils, chief executives from across the public sector, senior business leaders, third sector leaders, the Bishop of Worcester, the Vice-Chancellor of the local university, college principal and a head teacher.

The programme has become known as the Shenstone Programme—and the cadre The Shenstone Group—after the location of the hotel at which it meets for its monthly sessions and to avoid any confusion with the formal partnership governance arrangements. The Shenstone Group has no executive authority. It provided a strategic overview, guidance and critical friend challenge to the Worcestershire Total Place pilot and its projects.

It has set a continuing programme of monthly meetings and all of its members have made a personal commitment to invest at least one day a month of their time to the programme. The first session was held in the summer of 2009. The Group meets in facilitated plenary sessions and in smaller task groups which will produce high level strategic plans and ideas for addressing the key wicked issues facing the County, strengthening partnership working—it has nurtured the creation of a revised LSP and public service board structure—and building understanding between the sectors so as to focus on what matters for local people, communities and businesses.

The group has challenged public sector orthodoxy. Business leaders are able to contribute their experience and professional judgements in way both respected and valued by their public sector colleagues. Third sector leaders are able bring their perspective to the debate. The force of this process has been very powerful and has, and continues to add value in the county. The Shenstone programme has just embarked on its second year with a slightly wider and larger membership.

MINISTERS, CIVIL SERVANTS AND POLITICAL PARTIES NEED TO BEHAVE DIFFERENTLY

Greater localism requires strong consistent political leadership locally and in Westminster and Whitehall through civil service champions in CLG and Treasury—and crucially in spending departments such as DWP and DfT. There is a need for a significant cultural and behavioural shift for civil servants and politicians. Essentially neither ministers nor civil servants ought to be involved in most of the decisions taking place locally. Yet over the past 30 years both have increased their role, and set up regional outposts and national quangos answering to ministers and running more national initiatives locally. That was neither decentralisation or localism. It may have been well-intentioned, led by the desire to ensure new entitlements were made available to all, irrespective of local communities' capacity to choose or pay for them themselves, or a belief that central provision ensured greater cost-effectiveness. But an increase in the number of ministers each promoting more specific initiatives and programmes as widely as possible, led them to lead nationally with policies and delivery that should have been local choices. It was often ineffective, expensive, counter-productive and failed to add value or engage with the history, strengths and challenges of different localities.

As the central highly regulated system reverses, Whitehall departments should shrink in size. Consequently the civil service will have less capacity as well as less interest in micro-managing localities. Ministers and Permanent Secretaries should only answer to Parliament for those matters over which they are in control and not for localised matters—though they may have new relationships for decentralised issues.

This has implications too for the political process. Ministers should be concerned with national strategic policy. They should not feel the urge to interfere or answer for local decisions taken by local politicians and local people. Political parties set national manifestoes outlining how they would make policy trade-offs but will need to allow local flexibility on some policies—as national pledges on local issues could run contrary to local decisions and choices.

FURTHER DEVOLUTION TO NEIGHBOURHOODS

There should be further devolution of decision making and finance into communities and neighbourhoods. Currently there is a range of examples based on existing town and parish councils, established community groups as well new ventures, such as new mutuals or those based around existing council service workers or users, spun off from council control or brand—for example both are being encouraged by Lambeth council's co-operative prospectus.

Many councils of differing sizes across rural and urban areas have set up neighbourhood forums with some local accountability and powers, including Birmingham, Wiltshire and several London councils. There are choices to be made requiring clarity as to whether the council is off-loading assets and ceding responsibility for them—such as a community facility to a community group for them to decide, manage and engage with the local people—or when it is setting a framework for decentralising decisions whilst still retaining accountability itself. We promote localism not local anarchy. Experiments in local neighbourhood management in the early 1990s were seen as successful by some local people, but also led to some confused accountability and higher costs, partly linked to supporting and building capacity in different community groups, seen as necessary to ensure involvement. This experience is now being reviewed as local councils ponder how they can support “Big Society” initiatives.

A vision where each service, each school and GP is directly accountable to its users will not work on its own—though it can be powerful in securing change and service improvement. Each citizen uses more than one service and will realise that choices need to be made between individuals, between communities of place and of interest and they expect strong leadership and collaboration. For the past hundred years, multi-purpose local authorities have developed and absorbed single purpose Boards to overcome fragmentation and high administrative costs. Users have their lives to lead, they really want public infrastructure to work and not call on their time.

LOCAL TAX RAISING IS NOT ESSENTIAL FOR LOCALISM

Localism is not the same as smaller and weaker government. Some believe that localism requires local freedom to raise funding and set local taxes—as well as decide on how to spend it. Yet total fiscal devolution could lead to greater inequality and smaller scope for localism and has had a limited tradition in England compared to federal and larger nations who do not have England’s very uneven spread of wealth. Those areas of the country with the most wealth in terms of income, business, and housing values tend to have the lowest total social and economic needs—therefore tax receipts must be equalised to avoid unacceptable differences in services provided between localities and enable all local government to serve all its citizens. No local authority cannot opt out of providing statutory services that are difficult, specialised and expensive but only needed by a handful of the community. Local government finance is always complex because it is multi-dimensional but it can work despite an opaque relationship between local, national taxes and charges and services received. Interestingly, the Scottish Government has shown it can exercise power and make distinct policy differences without raising taxes. We welcome recent government initiatives which could add additional funding sources for local determination such as Tax Increment Financing powers. Social Impact Bonds could provide social enterprises and community enterprises with the means to finance investment in new programmes.

What matters most is the ability for local determination of how public monies are deployed in a locality or place. Therefore, we would argue that “place based budgets” should cover a significant proportion of local public expenditure by all agencies and across all services. There should be few and ultimately no ring fenced funds.

Local political choices will have to be made and these will not always be popular even in times of increasing public expenditure let alone when there are spending cuts. There have to be trade-offs and some cost benefit analysis should form the basis of decision making across services and agencies. There are challenging political choices to make and important statutory duties to fulfil.

The vast majority of the population all use some local services such as roads and waste collection, whilst other services have fewer, specific users. In England the overall quality and public satisfaction of services has risen—perhaps fuelling “rational apathy” in those who use only the universal services. Yet it is the child protection and adult social care services targeted at a few users that have the highest costs—and this is a difficult local democratic issue, as are any that raise questions of “fairness” and “entitlement”. However, these are fundamental to the public debates that local politicians should not evade when they take responsibility for decisions.

October 2010

Written evidence submitted by Place for People (LOCO 094)

1.0 INTRODUCTION

1.1 Places for People is one of the largest property management, development and regeneration companies in the UK. We own and manage more than 62,000 homes and have assets of £3.1 billion.

1.2 Our vision is to create and manage places where people want to live and our approach looks at all aspects of communities rather than focusing solely on the bricks and mortar provision of homes. Places for People’s innovative approach to place management and placemaking allows us to regenerate existing places, create new ones and focus on long-term management.

1.3 Our response to the CLG Committee’s inquiry into Localism is put in the context of our recent submission to the Comprehensive Spending Review (CSR), in which we outline our proposals for redefining social housing grant as well as putting forward our ideas for a Decent Neighbourhoods Standard. This standard would provide an effective framework for linking outcomes relating to themes that underpin the sustainable communities concept, such as housing, environment, health etc. Further details of our proposals for redefining social housing grant, as set out in our CSR submission, are attached as Appendix 1 and details of the Decent Neighbourhoods Standard are attached as Appendix 2.

2.0 EXECUTIVE SUMMARY

2.1 In this response, Places for People puts forward the following views:

- We support the Government’s localism and decentralisation agenda and feel that it can bring tangible benefits for local communities.
- In our view, the Government can play a crucial role in providing incentives for homes to be built locally by reviewing the way social housing is funded in the UK. By redefining social housing grant as equity, Registered Providers would be able to deliver additional housing, which in turn would stimulate house building in other tenures.

- We also feel that the application of a Decent Neighbourhoods Standard would provide a framework for putting the localism agenda into practice and deliver real outcomes to support local communities. The way in which we envisage this would be coordination of investment across a range of themes such as housing, health, policing, education etc in order to combat deprivation and raise people’s aspirations at a neighbourhood level.
- Whitehall has a vital role to play in ensuring the success of the localism agenda in providing the right incentives for local outcomes to be delivered.
- Local Authorities will play an increasingly crucial role as localism is put into practice. We are in favour of receiving housing benefit payments direct from a single national benefits agency, to free up local authorities to focus on local service delivery and protect tenants from rental arrears and eviction which can result from delays in claims processing.

3.0 GENERAL COMMENTS

3.1 Places for People supports the Coalition Government’s drive to decentralise services and give more power to local communities. We also strongly support the emphasis in its housing policy on the development and delivery of sustainable communities, stimulating choice and working to help people fulfil their aspirations. Generally, we therefore believe that decentralisation does lead to more effective public service delivery.

3.2 Housing demand in the UK will continue to grow, and affordability will continue to be squeezed in coming years. A growing number of people will need access to some form of affordable or intermediate market housing. We have set out a proposal in our Comprehensive Spending Review submission for Government to redefine social housing grant as equity and allow rents to rise over a period of time, in order for Registered Providers to restructure and take advantage of the remaining equity on their balance sheets to build a range of tenures in mixed-income communities. Initial modelling we have undertaken estimates that redefinition of social housing grant as equity would release sufficient funding to build 214,000 affordable homes, as well as levering in house building in other tenures. Details of our proposal are attached as Appendix 1.

3.3 We feel that these proposals would help to underpin the localism agenda in providing an important incentive for Registered Providers to build new homes where they are badly needed.

4.0 LOCALISM AND PUBLIC SERVICE DELIVERY

4.1 The inquiry’s terms of reference ask about the extent to which localism leads to more effective public service delivery and what the limits are, or should be, of localism. As we set out in section 3 above, we support the principles of localism and we believe that Whitehall has an important role to play in ensuring incentives are in place to deliver the right outcomes.

4.2 In our recent response to the Department of Work and Pensions’ “21st-Century Welfare” consultation, we refer to a 2006 study into the decentralised delivery of unemployment benefits in the Netherlands.¹²⁸ The Netherlands has taken a decentralised approach to public service delivery longer than most other European countries. In 2004, local authorities received additional financial responsibility to manage benefit claims and payments locally, as the proportion of their unemployment benefit budgets funded by central Government was reduced. The Dutch Government’s aim was to make overall budget savings by encouraging local authorities to take a more active approach to reducing benefit dependency.

4.3 Whilst the new policy did spur local authorities to action, there were unintended consequences in that resources were diverted away from more vulnerable and long-term unemployed people to newly unemployed claimants and younger people, who were closest to the labour market. People were also pressured to take up jobs below their skills and experience levels, rather than look for more sustainable, long-term employment, and there were some inconsistencies in performance and other local variations, for instance in the work obligation placed on single parents with children aged over five.

4.4 In our view, similar issues can be avoided in the UK. In the case of unemployment benefits, for instance, Registered Providers and other agencies could be given financial incentives based on their success in helping different categories of unemployed people (eg young people, long-time unemployed claimants, etc) back to work. This approach would support effective local delivery and achieve real outcomes in line with the Government’s policy on sustainable communities.

5.0 LESSONS FROM TOTAL PLACE

5.1 We welcomed the previous Government’s Total Place initiative and were interested to read the final report in March this year. We agree with the Total Place assertion that centralised solutions often do not reach the most disadvantaged in society and that local context needs to be taken into account in order to tackle deprivation and boost economic growth.

¹²⁸ Rik van Berkel, 2006, “The decentralisation of social assistance in The Netherlands”, *International Journal of Sociology and Social Policy*, Volume 26 (1/2): 12

5.2 We also agree that there are potential savings to be made by linking different types of investment. The savings identified in the report are initial estimates, however, and we agree with the report's recommendation that further work needs to be done on the development of full business cases. The implications in terms of workforce also need to be examined more closely, as bringing together staff employed by different public bodies and on different terms and conditions could lead to confusion and further inefficiencies in service delivery.

5.3 Places for People supports the principles underlying Total Place. In particular, we feel that investment needs to be linked up better to deliver outcomes across a range of themes. We have long advocated the introduction of a Decent Neighbourhoods Standard (see Appendix 2), which fits closely with the aims of Total Place.

5.4 Based on our considerable experience of working in neighbourhoods, it is clear that there is a real need for local communities to be given a framework to develop area-wide business plans that break up spatial concentrations of deprivation and provide a broader range of tenures and tenancy types.

5.5 The way in which we envisage a Decent Neighbourhoods approach would work, would be to bring together all investment into a neighbourhood, including rent, benefits such as housing benefit and Job Seeker's Allowance, council tax, economic development interventions, community funds, as well as coordinating other funding such as policing, health, education, transport, etc. Indeed, pooled or coordinated Government budgets focused on ensuring money was spent more effectively was a feature of the Localis study into the success of localism in Manchester.¹²⁹

5.6 The Decent Neighbourhoods Standard would create clarity of responsibility and avoid waste and duplication. In particular, it can be used to encourage and incentivise active asset management strategies to break up existing concentrated areas of poverty and deprivation, including the potential radical restructuring of an area. It could also deliver a significant change in the way we engage with local people within the context of a set of nationally agreed standards. Finally, it would create the linkage between local involvement and policy outcomes.

6.0 THE ROLE OF WHITEHALL

6.1 Whitehall has a crucial role to play in ensuring that localism and decentralisation lead to effective service delivery and budget savings. As the example from the Netherlands shows, even when there is strong direction from central Government, unintended consequences are possible and service delivery can be inconsistent.

6.2 In our view, the Government needs to put in place clear incentives for local authorities, Registered Providers and other agencies to deliver the right outcomes to support Whitehall policy.

7.0 THE ROLE OF THE LOCAL AUTHORITY

7.1 Local authorities play an important role in delivering services to communities, and their roles will expand as the localism agenda is put into practice more extensively. We feel it is important for the Government to define more precisely whether "local areas" will be delineated by local authority boundaries, or whether economic areas will be used to target investment. We welcome the announcements on local economic partnerships and would be keen to work with these new bodies in delivering services to local communities.

7.2 As the Total Place pilots have demonstrated, partnership working can deliver better policy outcomes as well as efficiency savings. In our view, Local Authorities should have a statutory responsibility to deliver the Decent Neighbourhoods Standard set out above, and will have a key role in ensuring that investments are coordinated and outcomes delivered. As mentioned in section 6, the relevant Whitehall departments would then be responsible for monitoring performance and ensuring consistency.

7.3 As we have set out in our response to the DWP's "21st-Century Welfare" consultation, Places for People is strongly in favour of receiving housing benefit payments direct from a single national agency, rather than individual local authorities. In our view, this would free up local authorities to deliver essential services as well as helping to protect our tenants from arrears levels and the risk of losing their home as a result of delays in processing payments.

8.0 CONCLUSIONS

8.1 Places for People welcomes the Coalition Government's move towards decentralisation and localism and believes that this approach can bring real benefits to local communities.

8.2 A crucial way in which the Government can help deliver affordable homes in local communities, is to review the way social housing is funded. By redefining social housing grant as equity, funds could be released to enable Registered Providers to build a significant number of new affordable homes, which would boost house building in other tenures as well as the wider economy both at a local and national level. Details of the proposals, as outlined in Places for People's Comprehensive Spending Review submission, are attached as Appendix 1.

¹²⁹ "Can Localism Deliver?" Lessons from Manchester. Susana Forjan and Tom Shakespeare with Foreword by Lord Heseltine

8.3 We welcomed the Total Place initiative and have developed proposals for a Decent Neighbourhoods Standard which is in line with Total Place principles. Under the Standard, investment into a local area would be coordinated in order to deliver outcomes across a range of themes such as housing, health, education, etc. This would be an effective way to deliver the localism agenda and tackle deprivation at a local neighbourhood level.

8.4 In our view, Whitehall has an important role to play in ensuring the success of the localism agenda in putting in place clear incentives to ensure the right outcomes are delivered and unintended consequences are guarded against.

8.5 We feel that housing benefit should be paid direct to Registered Providers by a single national agency. This would free up the local authorities to deliver important services locally and help protect tenants against rental arrears and eviction which can be a result of claims processing delays.

October 2010

Written evidence submitted by Voice4Change England and Urban Forum (LOCO 095)

1. ABOUT VOICE4CHANGE ENGLAND AND URBAN FORUM

1.1 Voice4Change England (V4CE) is a national support organisation for the Black and Minority Ethnic voluntary, community and social enterprise sector (BME VCS). It is the leading voice in the formation of public policy and practice that has a direct effect on the development, delivery and impact of BME voluntary, community organisations and social enterprises (BME VCS organisations). It supports the sector to build its capacity, secure resources and to provide an informed and authentic voice for the BME VCS, at a national, regional and local level, in order to increase its ability to meet the needs of disadvantaged communities. It aims to develop a mutual understanding between the BME VCS and government to ensure policies are responsive to BME communities' needs and aspirations.

1.2 Urban Forum is a national membership charity, with a membership of 700 local voluntary and community sector (VCS) organisations. Urban Forum carries out policy development and research to help communities and local VCS organisations to have more of a say in what happens in their local areas.

2. ABOUT OUR RESPONSE

2.1 Our response focuses on three areas for investigation set out in the terms of reference for the Inquiry—devolution of power, decentralisation of services, and accountability. We have provided a number of recommendations for action for the Government to consider under each area. We also look particularly at the ways in which the BME VCS can be supported and recognised to take forward the government's localism agenda.

2.2 Our response also draws on evidence from consultation exercises V4CE has carried out to inform its response to CLG's consultation on Tackling Race Inequalities and the Office of Civil Society consultation on the Government Action Plan. In addition we have used findings from V4CE's *Shared vision for the future of the BME VCS* (2010). This included analysis of over 100 online survey responses as well as thirteen in-depth interviews with leaders in the BME VCS.

2.3 Our response also draws on the findings from a number of pieces of research carried out by Urban Forum: *Citizens and Local Decision-making: What drives feelings of influence?* (2010); *Involving Communities. A Legal Duty?* (2010); *Where are the Women in LSPs?* (2008); *BME representation in LSPs* (2006). It also draws on emerging findings from current research on community governance, and improving communication between local councillors and communities. Lastly, it draws on evidence from a series of Big Society briefing events held by Urban Forum around the country.

3. DEVOLUTION OF POWER

Devolution to communities

3.1 Devolution of power from central to local government is welcome and overdue. Equally as important is that devolution of power goes further than merely devolving power from Whitehall to the Town Hall.

3.2 As we move into a new era of civic engagement, the central question we need to answer is how we can ensure all communities can hold services and local government to account, and can play an active role in shaping priorities and services in their neighbourhoods. Furthermore, we need to determine how to do this in a way that tackles existing inequality rather than exacerbates it.

3.3 To do this, we need a framework for organisation, resourcing and decision-making at a local level that can support community action in a socially just way. It needs to support the growth of new civil initiatives that promote community resilience as part of our local economies—using ideas such as community co-operatives and community shares. It also needs to enable communities to exert an influence over decision-making through

reformed and new forms of local and neighbourhood governance structures. In short, there needs to be a real devolution of power economically and politically to the community, taking a bottom-up approach.

Communities' influence on local politics and economics

3.4 **The public's feeling of influence over decisions that affect them locally is low, and is declining.**¹³⁰ Research carried out by Urban Forum in partnership with the University of Manchester and Ipsos Mori¹³¹ found that a principal driver of feelings of influence is people believing that they are being consulted, being listened to, and having their views acted upon.

3.5 Conversely, experiences of poor consultation were shown to significantly undermine feelings of influence. Previous efforts to empower and involve communities have been hampered by a managerialist approach, dealing with the question of community empowerment as a performance issue, subject to measurement (National Indicator 4). **For localism to truly devolve power it needs to provide genuinely new opportunities for citizens to influence what happens in their area, and a clear set of rights. Retention of targets and measures relating to the promotion of equality and human rights is essential to target inequality in a local area.**

3.6 Local people are experts in their own neighbourhoods and communities and their own needs. Devolution to the community requires more avenues, and reinvigorating of avenues through which communities can influence local decision-making, both at the neighbourhood and local authority level.

3.7 In some areas, neighbourhood-level engagement is viewed by public bodies as time intensive for little increase in public involvement. However, evidence by organisations such as Action with Communities in Rural England (ACRE) shows us that models of neighbourhood governance that devolve real power, such as neighbourhood councils and community led planning, can generate high levels of participation and renewed local interest in the future of the community. Urban Forum is one of a number of organisations currently looking at how these models can be adapted for urban settings. The project is following the progress of a number of pilots, including in Hereford where plans are being developed at a neighbourhood level, and brought together to form a sustainable communities plan for the whole of the local authority area.

3.8 Stronger neighbourhood governance needs to be clearly linked to strategic level decision-making at a local authority level—including Local Strategic Partnerships (LSPs), and Local Economic Partnerships (LEPs) so that strategic decisions are made based on community needs and aspirations. LEPs need to use the Regional Growth Fund to support transformative change, including development of new forms of community based enterprise, not just plug the gap in local authority budgets.

3.9 Some of the commitments in the Liberal Democrats' 2010 manifesto to reform the economy are key ingredients to devolving power to the local level—these include an overhaul of the tax system, allowing for a local income tax and Regional Stock Exchanges, and providing the infrastructure for local economic development. This has the potential to expand and support community ownership of facilities and services. They also make explicit commitment to improving the balance between large and small retailers, and the introduction of local retail development plans to protect the high street.

3.10 The significance and potential of local VCS activity in civil society and the local economy needs to be reflected in governance structures—both as the enablers of social action in economic activity and co-ordinators of it. An increase in self-help activity by citizens and community groups is critical to the building of a Big Society, and specific commitments backed up with resources will be necessary to make this a reality.

Equality of influence and resources?

3.11 In developing improved systems of local governance, we need to learn the lessons from what has occurred before. There is clear evidence that BME communities and women are seriously under-represented on Local Strategic Partnerships (LSPs).¹³² Lack of representation is particularly acute for minority groups in rural areas and suburbs. **If decision-making is to be devolved to all communities, the mechanisms by which this happens must be more representative, and more importantly we need to develop and stimulate participation linked to these structures that involve all sections of the community.**

3.12 Furthermore, there is some risk that funding communities to organise services themselves—through anticipated proposals for community right to buy and a community right to bid, and new “free schools”—could exacerbate inequality. Those with money, expertise and resources are better equipped to use their assets to organise themselves more effectively than those that do not, and this could lead to a redirecting of public money to affluent areas and away from where they are needed most. On the other hand, initiatives that put power and resources into the hands of deprived or otherwise marginalised communities to organise themselves can be a powerful antidote to disaffection and alienation. **The VCS and the public sector both have key roles to play in providing the support, expertise and resources to bridge this asset gap, to ensure devolution of**

¹³⁰ Declining from 44% of the population in 2001 to 37% at the end of 2009. (Citizenship Survey)

¹³¹ Citizens and local decision-making: What drives feelings of Influence? (Newton, Pierce, Richardson and Williams, Urban Forum, 2010)

¹³² *Where are the Women in LSPs?* (Urban Forum, Oxfam, Women's Resource Centre, 2008); *BME representation in LSPs* (BTEG and Urban Forum 2006, for CRE, now EHRC)

power is implemented in a socially just way. They can only do this if they are provided with the resources to do so.

3.13 In terms of setting priorities for local spending and allocation of resources, it is right that there is improved consultation with residents, and referenda could play a role in this. It is essential at the same time to ensure that minority interests—for example people with disabilities, or lesbian and gay residents—are safeguarded. Too often policy-making and priority setting will favour those with the most resources to lobby in their own interests. **VCS organisations (including BME VCS organisations) have an essential role to play in reaching communities who are under-represented in decision-making due to inequality, poverty and social exclusion.** The VCS and the public sector needs to be supported to continue to play a key role in advocating on behalf of marginalised groups, and supporting communities to both have their say, and organise in their own interests.

Recommendations for Devolution of Power:

1. Local government and civil society leaders need to work together to develop new forms of local governance at the neighbourhood level, with clear links into wider strategic decision-making bodies.
2. This should include an aspiration for Community Led Planning to become the norm at a neighbourhood level.
3. Thought needs to be given to how increased levels of participation in co-production and social action can address inequality rather than exacerbate it. Both local authorities and the VCS have clear roles to play in this, and consideration needs to be given to what the VCS needs are to enable them to play this role. Recognition of the role BME VCS organisations have to play in advocating for the interests of marginalised communities must be acknowledged and active effort to recruit BME VCS organisations on to policy tables should be taken.
4. Government should ensure appropriate funding options and resources are available for small organisations as part of the Big Society programme.

4. DECENTRALISATION IN SERVICE DELIVERY

Performance measure

4.1 It is widely acknowledged that the focus on top down targets in recent years produced some unintended negative results. A shift in focus to outcomes from the point of view of the service user, and targeting of resources to meet local needs is extremely welcome. A new framework for performance management needs to be in place where service providers are answerable to local citizens and service users, rather than to national government; that safeguards against service failure and against discrimination; and where citizens have a clear understanding of what they can expect, and what to do when things go wrong. **Monitoring of standards to assure quality should be done through involvement of service users, residents and peer review. The VCS has a role to play in this to involve service users in evaluating services.**

4.2 This is not to say that there need not be accountability to central government. **Central government's role in this new framework should be to provide minimum standards in core areas, and ensure regulatory compliance, including equality and human rights requirements in law and robust use of Equality Impact Assessments to ensure decisions about resources and policy development are made with consideration of the needs of all sections of the community, including the most disadvantaged and marginalised.**

4.3 Placed Based Budgeting (and evidence from the Total Place pilots) provides an opportunity for public services to be shaped around an assessment of local need as well as inducing efficiency savings. In order for the Total Place agenda to work, it needs to take a bottom-up approach to achieve desired social outcomes.

4.4 The Commission on 2020 Public Services *From social security to social productivity* report¹³³ suggests three significant shifts in how public services are delivered. Firstly, a shift in culture to one where public services engage communities, families and enterprises is necessary to achieve better outcomes. Second is a shift in power—so that public services are co-designed with communities, and citizens control more of the money spent on services as well as neighbourhoods being able to commission their own services. The third is a shift in finance, so that the financing of public services is more open, transparent and understandable. We support this approach and believe that all three shifts need to happen at the same time for there to be the necessary transformation.

Making Community Right to Bid support localism

4.5 Rather than thinking in terms of the limits of localism, the question we believe needs to be addressed is what parameters need to be put on public service reform in order to further a localism agenda? This seems in keeping with the introduction of the General Power of Competence for local authorities. **Whilst localism and devolution of power to communities can support public service reform, it is not a given that public service reform supports localism.** If proposals on opening up public services are not managed properly then it is not local business or charities that will take over services, but large corporations.

¹³³ *From Social Security to Social Productivity: a Vision for 2020 Public Services* (Commission on 2020 Public Services, 2009)

4.6 Thought needs to be given to two areas. First, how new legislation such as the Community Right to Bid is constructed and implemented, so that local community organisations really can be involved in the co-production of services, and that decisions are not made on the basis of cost alone, but also the social return on investment and added community benefits, including keeping resources and finance within the locality. Second, thought needs to be given to what support and resources are needed by local voluntary and community organisations to move into new areas of service delivery—for example start-up funding through economic reforms, training, access to shared IT resources and physical assets.

Meeting minority needs through decentralised services

4.7 Particular attention should be given to how the needs of minority communities are met through the decentralisation of services and public service reform. BME-specific services have been developed in response to the failure of mainstream services to meet the needs of BME communities. They provide services sensitive to cultural, religious and linguistic needs that mainstream services often overlook and reach communities that other providers label “hard to reach”. V4CE’s consultation participants particularly felt that those from disadvantaged ethnic minorities would go to their own communities for help and support. V4CE’s case study report¹³⁴ on BME specialist services demonstrates their value in terms of: meeting local needs; empowering users; creating bridging social capital; and a wider contribution to social cohesion:

“Cultural sensitivity, understanding and flexibility is not always available through other agencies. Because the organisation is needs-led, the client/customer always feels their needs come before the running of the service i.e. we fit in with them wherever possible!”

Participant at V4CE Cohesion Guidance for Funders consultation event, Manchester, March 08.

4.8 The ability of BME VCS organisations to tackle equalities and be more effective in meeting the needs of the VCS as a whole is endorsed by research conducted for the Joseph Rowntree Foundation.¹³⁵

4.9 However, recent years have seen a general trend to “mainstream” equality and move away from self-determination and empowerment of BME VCS organisations where marginalised communities come together and develop their own solutions to the discrimination they face. Instead preference has been given in commissioning and procurement to large generic service providers. BME VCS organisations specifically and smaller VCS organisations generally have been shown to face particular barriers to winning public contracts.¹³⁶

4.10 BME-specific services such as those delivered by Southall Black Sisters and the Asian People’s Disability Alliance have developed in response to the failure of generic services to meet the needs of BME communities. V4CE’s case study report¹³⁷ found that specialist services meet local needs, empower users, create bridging social capital, and contribute to social cohesion. **Monitoring arrangements to ensure adherence to legal requirements needs to include explicit understanding that equalities legislation sometimes requires the development of BME-specific services, and other services specific to minorities.**¹³⁸

Recommendations for the decentralisation of services:

5. A new framework for performance management needs to be devised giving service deliverers consistent, clearly set out standards, expectations, and mechanisms for dealing with poor services communicated to the public. Thought needs to be given to the role of service users in overseeing service delivery, as well as peer review. Thought also needs to be given to the continuing central role in enforcing common core standards, and adherence to legal requirements.
6. The Community Right to Bid and other measures to reform Public Services need to be devised so that local charities, community groups and social enterprises can scale up and have pathways into new areas of service delivery if they want to. This has implications both in how new legislation and guidance is formulated, and resourcing the support that needs to be given to local VCS organisations to move into new areas of work for local neighbourhoods.
7. Local government should work with all equality groups to identify gaps in services at a local level, and use Equality Impact Assessments to come to decisions.
8. Government should ensure equality and Compact duties are an integral part of commissioning and procurement processes.
9. Public sector contracts should include criteria for social return on investment, and wider community benefits as well as value for money and allow for flexibility in how contracts are delivered so that community needs can best be met.

¹³⁴ *Discussion Paper 3: Evidencing the value of the BME Third Sector* (Voice4Change England, 2008)

¹³⁵ Black and Minority Ethnic Voluntary and Community Organisations: their role and future development in England and Wales (McLeod M, Owen D & Khamis C., 2001, Policy Study Institute for Joseph Rowntree Foundation).

¹³⁶ *Evaluation of the National Programme for Third Sector Commissioning: Consultation with BME Third Sector Organisations* (Shared Intelligence, 2008) which found that BME VCS organisations experienced many of the same barriers as small local VCS organisations generally, but also experienced limited understanding of communities needs, and lack of trust of Black VCOs amongst commissioners, institutional racism, lack of engagement with BME VCOs at the early stages of the commissioning process.

¹³⁷ *Discussion Paper 3: Evidencing the value of the BME Third Sector* (Voice4Change England, 2008)

¹³⁸ *An Independent Legal Analysis of the Compact Code of Good Practice on Relations with “BME” Voluntary and Community Organisations* (Monaghan, K, 2008, for the Commission for the Compact)

10. Commissioners should consider opening up opportunities for smaller providers by putting in sub-clauses that prime contractors will work with small providers who may not have the track record required of the prime contractor.
11. Place based budgeting should be responsive to local needs around areas such as employment, housing and social care and health. Thus thorough area assessments of need must be carried out in local areas to prioritise services. Local government should work with the BME VCS to help facilitate this process.
12. Government should ensure it follows a set of principles, especially a compact way of working, in relation to all parts of the local VCS in implementation of cuts.
13. Government should ensure Equality Impact Assessments are conducted robustly and in accordance with the law on all proposed policy changes and funding cuts.
14. Government should explore ways of providing a strong national steer on equality and human rights objectives whilst allowing local authorities to be responsive to local needs.

5. ACCOUNTABILITY WITHIN PUBLIC SERVICE REFORM

5.1 Local public services need to be accountable to the public who use them and ultimately (as tax payers and council tax payers) pay for them. In the context of public service reform, introducing many more providers of services from VCS and private sector, this means new and better mechanisms to hold service deliverers to account.

5.2 Local councillors, local community organisers and service users all have a role to play in overseeing services, and need to have the power to hold public investigations and inquiries into any aspect of public service delivery. **To achieve this, local council scrutiny functions need to be transformed, looking beyond work carried out by councils to all public service provision in the local area, and made open to the public, with service users, civic leaders and VCS organisations playing a central leading role alongside elected councillors.**

5.3 **Local councillors also have an essential role as part of their democratic mandate to protect minority interests, and mediating between the different interests within communities.** They also have an essential role to play in maintaining a strategic overview. Planning is a good example of this. While greater public involvement in planning is greatly welcomed, in some instances local authorities should make unpopular but essential decisions about land use (eg for Gypsy and Traveller sites). Forthcoming proposals on the Community Right to Build also need to consider this in formulation, so that the local authorities have a duty and power to consider wider impact of development beyond the immediate locality.

Recommendations on accountability of public services:

15. Scrutiny by local authorities needs to be transformed, so that it is a shared process of overseeing by councillors working with service users, civic leaders, and community groups, in a way that has power, is public, and is investigative.
16. Scrutiny and local government generally, has an explicit role to play in protecting minority interests, and making decisions on priority where there are competing interests within communities.

October 2010

Written evidence submitted by the Mayor of London and London Assembly (LOCO 96)

The Mayor of London and London Assembly welcome the Committee's inquiry into Localism and the opportunity to submit a short memorandum outlining their proposals for devolution in the capital.

The Mayoral model of government, with a strong Mayor and scrutinising Assembly, has been a success for London. Through democratic debate and a clear electoral mandate, it has given the city the leadership it needs in key policy areas such as transport infrastructure, policing, affordable housing, opportunities for children and young people and environmental improvements. While the Mayorality has proved itself to be a mature, democratically legitimate institution and has substantial informal powers, outside of transport and policing, its formal powers are however, minimal. The Greater London Authority is highly dependent on national government and the current London settlement falls well short of the city government arrangements in place in other world cities, such as New York and Tokyo.

London's devolution settlement remains weak and there is much room for improvement, particularly in ensuring that we see decisions taken by the local communities they will affect. Following the election of the government pledging further devolution, the Mayor, London Assembly and London Councils wrote jointly to the Secretary of State for Communities and Local Government, Rt Hon Eric Pickles MP, on 23 July 2010 setting out our proposals for further devolution in London (a copy of the letter is attached). Our proposals would further strengthen the roles of the Mayor and Assembly, resulting in clearer lines of accountability for public services and investment in London, as well as significant efficiencies in service delivery.

The key features of devolution in London, as elsewhere, should be that people can clearly identify who is responsible for what, and that the allocation of responsibilities between national, regional and local government should make sense to people; responsibility and accountability should reside at the level appropriate to the

function in question. There must also be effective arrangements in place to provide transparency and accountability to the public, recognising that these are integral elements of effective public services. That is why our package of proposals includes new responsibilities for the Mayor and local authorities, and strengthened powers for the London Assembly to hold the Mayor to account.

The Mayor's key proposals are for devolution of responsibilities and accountability for investment in housing, regeneration and the Olympic legacy. The Assembly's key proposals are intended to strengthen the transparency and accountability of the Mayoralty and the GLA group of organisations.

As you will see from the attached letter, there is broad agreement in most areas. This is based on our shared commitment to the effective devolution of more responsibility and accountability to London regional and local government, with transparency and accountability built in to the system. We also agree that greater devolution to the Mayor should be accompanied by greater devolution to the London boroughs, in line with the principles of "double devolution".

We trust this submission will be of assistance to the Committee. Also enclosed for further information is a copy of the "Mayor of London's Proposals for Devolution", which was published on 15 June and set out the Mayor's plans for a better focused Greater London Authority (GLA) group with greater powers and more accountability. A copy can be found at: <http://www.london.gov.uk/sites/default/files/proposals-for-devolution.pdf>.

Briefings on the Assembly's proposals for transparency and accountability can also be found at http://www.london.gov.uk/sites/default/files/Assembly%20proposals%20on%20devolution_0.pdf

If the Committee requires any further information we would of course be happy to provide it.

October 2010

Written evidence submitted by Dr Alister James Scott (LOCO 097)

INTRODUCTION

Dr Alister Scott is a spatial planner with significant and recognised expertise in governance and public involvement matters particularly relating to the operation and impact of the UK planning system. He has widely published in academic and policy press on issues to do with localism and community involvement across the devolved countries of the UK and is currently leading on a project "connecting communities"; training community champions for Cannock Chase District Council. He is an active researcher on behalf of Scottish, Welsh and English governments, agencies and local government clients.

Selected Relevant Publications and Research Projects

Scott A J (2010–11). Managing Environmental Change at the Fringe Phase IV RELU ESRC 145k

Scott A J; Larkham P Curzon R; Lamb J and Hardman, M (2010–11). Improving community involvement: Etching Hill and The Heath Cannock Case District Council Funding from GOWM

Scott 2010 Analysis: Black Hole in Planning, *Planning* p6 1 October

Scott 2010 Localism and Landscape: The times they are a changing. Chairman's Address to Landscape and Localism conference Austin Court Birmingham. Landscape Character network

Glass, J H, Scott, A J and Price, M F. *Integrating sustainability and upland estate management: a novel participatory approach* in SNH (2010) in press *The Changing Nature of Scotland*, SNH: Inverness

Scott A J (2010). Spatial planning encounters a black hole, *Town and Country Planning*, 326–327

Roberts, G, Scott A J, Hughes E, and Howard P (2009). Identifying Good Practice from Countries implementing the European Landscape Convention. Report to the Scottish Government ICP/001/07, Edinburgh: Scottish Government

Scott A J, Shorten J, Owen, R and Owen I G (2009). What kind of countryside do we want: perspectives from Wales UK *Geojournal* DOI 10.1007/s10708–009–9256-y online

Scott A J (2006). Assessing public perception of landscape: past, present and future perspectives, *CAB Reviews: Perspectives in Agriculture, Veterinary Science, Nutrition and Natural Resources* 1, No. 041 doi: 10.1079/PAVSNNR20061041

SUMMARY POINTS ABOUT THE IMPLEMENTATION OF THE LOCALISM AGENDA

1. Localism is a good idea in theory and practice. However, the key lies in its implementation as part of a managed and structured process. In many of my research publications I have cited the need for agencies and government to move away from top-down approaches and respond to locally-based agendas from the careful collection of local intelligence and the harnessing of local expertise. In essence moving from expert to facilitator roles helps improve the way planning is done. I have argued that this needs a culture change in how government

and their agencies operate and also how the public participate. I have found many agencies to both elitist and arrogant believing that public involvement incorporating notions of subsidiarity is dangerous and a threat to their own professional integrity. I therefore welcome the localism emphases in current policy. However, in my research I also note how many public(s) are increasingly sceptical of the perceived sham of public consultation. There is too much consultation without real involvement and a feeling that there is a tick box culture apparent. Rarely do local people see how their views are feeding and influencing policy. So whilst the rhetoric of “big consultations”, “involvement”, “empowerment” and “listening” resonate across the political platforms at national, local and community levels the reality is very different. “*What is the point of me giving my view; the council will do what they want anyway*” reflects a powerful sentiment from my work that explicitly captures the distrust and alienation from public bodies. Therefore, in promoting this agenda as a policy imperative there has to be the mechanism that enables the rhetoric to be translated into practice and bring about real and substantive change. Mere words are not enough. And can lead to a lose-lose situation of dashed expectations.

2. Localism redresses the balance from the way much policy has been top down and imposed on local communities, but far from the need for government and its agencies to roll back and reduce its role at national, regional and local levels, it is incumbent upon government and its agencies to change the way they work to help deliver this new agenda. This actually is far more intensive than I think the government realise and is not a cost cutting exercise as it requires significant resources to do this effectively. The governance of England from both vertical and horizontal scales is highly complex and requires significant unpacking if the full advantages and costs of particular courses of action are to be understood and assessed at the local level.

3. Here there is a key intersection with localism and the abolition of RSS inquiries. Their separate consideration is problematic as planning is all about looking at the bigger spatial picture and working at the most appropriate scale to address particular problems. Under the guise of sound spatial planning principles there is need to operate effectively across the different scales using appropriate bridging mechanisms (agencies, facilitators and structures). Here the more local scales necessarily intersect with the sub-regional and regional (they still exist), national, European and global scales. Concurrently, the horizontal scales representing the different sectors also operate giving complex two dimensional axes. Many agencies arrange and deliver regionally with few operating at local levels. The key problem as I see it is that there is no clear body or persons identified to mediate across these scales. At present I see the spatial planner as that bridge but the very essence of spatial planning is under attack by the Coalition government based on some specific and erroneous New Labour interpretation of spatial planning. Undoubtedly, for localism to realise its true potential it has to fit within a bigger jigsaw otherwise things won't join up.

4. However there are specific challenges to overcome including:

- (a) The lack of any national spatial vision dilutes a collaborative effort to achieve societal outcomes. In a world where increasingly the interconnectedness of what we do affects so much we need to work together for collective visions otherwise we tend to work towards individual agendas and can lurch from one agenda to the next based on short term horizons rather than any long term considered view. Good planning should be about 50–100 year timeframes based on agreed outcomes (visions).
- (b) The impact of one community/neighbourhood's decisions affecting other communities up or down stream can lead to perverse or unforeseen outcomes. Conflict can occur if no one is looking at the bigger picture. Issues of environmental and social justice could figure large here based on who can shout the loudest.
- (c) The need to collaborate across scales to secure economies of scale. Sometimes problems such as flooding or regeneration require multiple scales of working. If this is not built into the system co-ordinated approaches might be jeopardised/compromised.
- (d) The cumulative impact of many local decisions could lead to wider strategic problems. Garden grabbing is a case in point. Who is providing a strategic overview of the impact of many small scale decisions.
- (e) Understanding the complex patterns of governance impacting upon a given area and the legislative requirements is a recipe for legal challenges.
- (f) The semi judicial nature of planning and the fact that small scale plans could be liable to judicial review or legal challenge from developers.
- (g) The reliance on local voluntary action at a time when a lot of people will be concerned at securing jobs and responding to the cuts. The amount of voluntary activity declines at times of economic hardship and can by default exclude those marginalised voices simply due to other priorities. This factor has not been recognised.

5. In order to address these problems, I argue that we need to see localism within a bigger spatial jigsaw where planning is suited to the specific and appropriate scale of the issue concerned. However, whatever scale is used there must be a fundamental principle about giving local people the ability and capacity to meaningfully influence the plans that affect them. Indeed much European legislation through directives and the recently signed European Landscape Convention emphasize these principles, so it is nothing new. What is new is providing the mechanism to enable this to happen. At present there is a distinct lack of tools and mechanisms to go beyond the rhetoric. In essence the Big Society idea is captured and reflected in much of our legislation. It is just not implemented.

6. In such respects there is a need for a real culture change for the public(s) and crucially the agencies concerned. Culture changes do not happen they require investment and capacity building. For example my ongoing research supporting Community Champions in Etching Hill and the Heath to understand how they can be more effective in shaping their own governance is a useful model to apply to the localism agenda. Similarly in local government re-organisation in 1974 there was significant investment in community development officers to enable local people to engage with a more distant local authority. I do not see any investment in people/agencies to facilitate this substantive change. Indeed, the converse is stated with an almost implicit assumption that agencies can be cut as such work can be done through voluntary action alone. My own experience is that people who undertake consultations and facilitation processes are often the first jobs to go as they do not hit prescribed statutory targets. We are losing the very people who can help support this agenda.

7. Moreover, I feel the agencies and government departments need to change the way they work, communicate and respond to public agendas. Without such structures in place the localism agenda looks increasingly political as a quick fix tool to secure cuts in national, regional and authority agency budgets.

8. Recent work I undertook for the Scottish Government on the implementation of the European Landscape Convention and work with local communities on landscape initiatives have all revealed the same key lesson. **Effective public involvement and localism takes time and requires expert facilitation suited to the local context** with no one size fits all approach. In the past too many agencies imposed their own ideas of what community involvement was about rather than letting endogenous approaches evolve. In many cases this was more about demonstrating a process had been done rather than translating results into meaningful plans. However, the widely cited Dumfries and Galloway landscape strategy seen as an exemplar of localism, involved many weeks of talking, motivating and listening to different public(s) by a project officer acting as a bridge between the local people and decision makers. However, the only reason that she was able to carry out such good participation was due to foot and mouth which prevented her doing other work. Hence the excellence is accidental but reminds us all that you only get out of a process what you put in.

9. The danger of rushed or limited participation is that not all people participate, traditional power structures prevail and perpetuate the status quo and the false spectre of raised expectations leads to community inter and intra tensions. My experience as an Area Board Member for Scottish Natural Heritage is really interesting here. Public involvement and consultation was often seen as an expensive luxury which work programmes could not really afford other than the statutory minimum requirement. Yet I often was called into dealing with issues based on stakeholders conflicts based on misunderstanding SNH proposals. Such post event costs are never fully accounted for in front ended consultations and it amazes me that more time is not spent in proactive consultations in order to communicate effectively with appropriate audiences and minimize later conflicts. This a serious issue rarely given credence in organisational behaviour.

10. Of key concern here is the way legislative requirements affect the localism agenda. The SEA and WFD in particular impose particular requirements which affect what can be done as well as providing an “environmental” proofing to plans, policies and programmes. In a large urban area there is potentially many hundreds of neighbourhood plans which given the view that they should shape and drive the planning agenda will require SEA processes. There is neither the capacity within communities or at local authority level to do this kind of analysis. Incidentally the same kind of analysis which resulted in many RSS being deferred due to lack of procedural protocols. Therefore there is a real risk that such plans will become stuck in a queue of legal challenges. The issues of costs and legal representation has not been properly addressed.

11. The localism agenda, however, is a vital part of the spatial planning hierarchy and arguably has not been given the attention it deserves. However, the danger of local politics and the power of influence can easily distort planning in the wider societal interest which is what I understand planning to be about. Therefore we need to have a top down and bottom up approach that meets somewhere through various bridging points concomitant with a conversation that produces legitimacy but also excellent planning products. Crucially The plans must have a statutory footing. Non statutory processes and outcomes are rarely used and I hope the new localism Act will allow community plans to become a statutory part of the planning process and not just a mere material consideration.

12. Support and sound information is a pre-requisite for effective participation. When we are considering future development options communities need to be able to understand the implications of various development options and therefore a whole new set of planning posts need to support this requirement. We would not let communities conduct brain surgery on ministers but equally I think there is a perception that planning is something that the public can easily do. As a university lecturer I spend a lot of my time training planners to be effective and skilled people. This can't be simply derogated to the community.

13. The local enterprise partnerships are unknown beasts. These partnerships have considerable potential to act as sub-regional and regional bridges across different communities. My understanding is that many of them will be incorporated within existing local authority strategic partnerships. My contention is that in order to plan effectively for climate change and for the future we need to adopt more meaningful regional partnerships and boundaries and rather than the current trend to create new structures. The current river basin management groups within water catchments under the Water Framework Directive afford a potential model for wider spatial

planning as they represent real and logical natural boundaries and involve key stakeholders which shape many contemporary planning responses. This is a cost efficient way to redraw the map of planning in the UK, facilitating joined up planning to feed from Europe to neighbourhood allowing for horizontal integration across the sectors of conservation, transport, economic development and housing.

14. It is interesting to me that a lot of the planning debates focus on housing numbers when they only represent one aspect of the spatial jigsaw. Few people embrace the proper spatial planning approach which is about building sustainable communities and allowing a range of developments within areas. It is also important to realise that there is no such thing as community. There are, however, communities and public(s). Consequently you will never get a universal view or consensus. Planning decisions result in winners and losers in many cases but should be located within a process that is fair and equitable and in the societal interest. Recognising this and dealing with multiple public(s) is a key first step but unfortunately the push to localism will only exacerbate these tensions. I am aware that many communities resist economic development based on their own values and perceptions of place. There is a risk that under the current financial incentives by government will result in a new spatial geography of development that focuses on economically deprived areas rather than meeting wider societal needs.

15. This leads on to my final point. There is no national spatial plan within which any planning takes place in England. What kind of society do we want and what and where are the key places for our national infrastructure and developments? Rather than a cut and paste of existing policy the Government should portray a spatial picture of England within which strategic planning at the different levels can take place working towards that spatial vision. Otherwise we will see ad hoc planning and power plays which simply pit communities against each other. A lot of my research has shown increasing public disaffection with planning simply because people appear powerless to influence it. The abolition of the regional spatial strategies and a switch to localism will not prevent this happening, particularly in light of reduced professional planning resources to facilitate the change.

October 2010

Written evidence submitted by the Royal Town Planning Institute (RTPI) (LOCO 098)

INTRODUCTION

1. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, with over 23,000 members who serve in the public service and as advisors in the private sector. It is a charity with the purpose to develop the art and science of town planning for the benefit of the public as a whole. As well as promoting spatial planning, RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

2. The RTPI very much welcomes the focus of this Inquiry as we believe that the localism agenda both provides challenging opportunities for spatial planning and raises real issues, which are covered below, on the relationship between strategic policy making and decision taking and local policy, action and responsibility.

3. We have noted the terms of reference of the Inquiry and the topics in which the Committee is particularly interested. In this evidence we deal with those aspects of localism that relate specifically to spatial planning and investment. Following an initial statement of the RTPI's views on localism and planning and a general introduction covering the nature of localism, we address the first three of the Committee's specific questions:

- the extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism;
- the lessons for decentralisation from Total Place, and the potential to build on the work done under that initiative, particularly through place-based budgeting; and
- the role of local government in a decentralised model of local public service delivery and the extent to which localism can, and should, extend to other local agents.

4. The RTPI is well aware that, ultimately, the driving force behind the ability of this country to deliver the economic, social and environmental policies that it needs and our ability to plan for their delivery lies with key government policy related to the deficit to an even greater degree than those related to localism. As the May 2010 Coalition agreement stated:

We need immediate action to tackle the deficit in a fair and responsible way, ensure that taxpayers' money is spent responsibly, and get the public finances back on track. We recognise that deficit reduction, and continuing to ensure economic recovery, is the most urgent issue facing Britain.

The comments the RTPI makes in this evidence should be read within this context.

THE RTPI'S POSITION

5. The Minister for Decentralisation, Rt. Hon. Greg Clark MP, told the 2010 RTPI Planning Convention that:
- the Prime Minister has made decentralisation not just a theme of his government, but the theme*

The concept of localism, by other names is not new to planning. Indeed, it can be said to have been at the heart of planning since planning became a statutory function. The statement below can be seen to embody key aspects of localism:

It is not merely landowners in the area who are affected or even business interests. Too often in the past the objections of a noisy minority have been allowed to drown the voices of other people vitally affected. These too must have their say, and when they have had it, the provisional plan may need a good deal of alteration, but it will be all the better for that since it will reflect actual needs democratically expressed. In the past, plans have been too much the plans of officials and not the plans of individuals, but I hope we are going to stop that.¹³⁹

6. Interestingly, the statement was made over 60 years ago—by Rt. Hon. Lewis Silkin MP in introducing the Town and Country Planning Bill into the Commons in 1947.

7. This focus on local communities being given a real opportunity to influence to future of their areas has continued in planning guidance and in practice. In 1968, the Government commissioned Arthur Skeffington MP to hold an inquiry into participation in planning. This report¹⁴⁰ found that:

Planning is a prime example of the need for this participation, for it affects everybody. People should be able to say what kind of community they want and how it should develop: and should be able to do so in a way that is positive and first-hand. It matters to us all that we should now that we can influence the shape of our community so that the towns and villages in which we live, work, learn and relax may reflect our best aspirations.

8. Current guidance, in the form of Planning Policy Statement (PPS1) Delivering Sustainable Development,¹⁴¹ states that:

Plans should be drawn up with community involvement and present a shared vision and strategy of how the area should develop to achieve more sustainable patterns of development.

9. Planners have often been at the forefront of developing techniques for involving local communities in decision making on planning. A key part of this work is Planning Aid. Planning Aid is a service run by the RTPI that relies on professional members of the RTPI giving their time and expertise on a voluntary basis to work with communities and individuals who cannot afford to pay for such advice. In many ways, Planning Aid epitomises the desirable attributes of the “Big Society”, which it pre-dated it by some 35 years.¹⁴² The 2009–10 annual review of Planning Aid England shows that for every one hour of time spent by a paid Planning Aid Advisor, an additional five hours was added through voluntary time spent by planning professionals.

10. It is against this background of a proven track record of community involvement in planning and an active role in supporting communities that the RTPI welcomes the principles behind localism. Before the 2010 election, the RTPI had already committed itself to:

work with government and Planning Aid England to lead moves to develop a new relationship between communities, elected representatives and planning practitioners built on trust, mutual acknowledgement of skills and knowledge and a rigorously professional approach.

11. The importance of planning in the localist agenda is demonstrated very clearly by the fact that it is the Minister for Decentralisation who is the Minister also responsible for planning. This puts planning at the heart of Government moves on decentralisation.

WHAT IS LOCALISM?

12. Before examining specific aspects of localism in relation to spatial planning it is worth setting a context by looking at the origins of localism in relation to planning.

13. Localism¹⁴³ as a concept and a reality is nothing new. Indeed an article in 1975 suggested that a history of localism in 17th Century England was exported with the first British settlers in Massachusetts to form the basis of US governance.¹⁴⁴

¹³⁹ Rt. Hon. Lewis Silkin MP, House of Commons, 3rd Reading of Town and Country Planning Bill, 1947.

¹⁴⁰ Ministry of Housing & Local Government et al (1969) *People and Planning*, HMSO.

¹⁴¹ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>

¹⁴² Planning Aid was started by the Town and Country Planning Association in 1975.

¹⁴³ For an interesting discussion on the overall meaning of localism see the *Transition Culture* website: <http://transitionculture.org/2010/07/30/localism-or-localisation-defining-our-terms/>

¹⁴⁴ Breen, T. H. (1975) “Persistent Localism: English Social Change and the Shaping of New England Institutions”, *The William and Mary Quarterly* Third Series, Vol. 32, No. 1 (Jan.), pp. 3–28 <http://www.jstor.org/stable/1922592?seq=5>

14. Nor is it new to thinking related to governance¹⁴⁵ and to the roles of planning and delivery. For example, Prof. Janice Morphet was bringing it to the attention of planners in 2004.¹⁴⁶ She related localism to actions that were being taken by the then—Labour—administration including Local Area Agreements and to a reaction against centrally imposed but locally delivered targets—a theme to which this evidence will return.

15. The emergence of the concept of localism into the more recent political arena comes from two different strands of thinking. The first is the attack on centralisation. In 2003, Greg Clark, now the Government's Minister for Decentralisation but then at the Conservative Party policy unit wrote a report¹⁴⁷ attacking what the report called "Labour's Command State". This confirmed that thinking about localism was shared between political parties but seeking to take Conservative thinking further:

We're not the only ones to point to the problems of the centralised state. It's easy enough to bandy around the rhetoric of decentralising reforms—even the Government say they're committed to a "new localism". But until such an abstract concept is turned into something more meaningful, it will never amount to anything more than fine words.

16. The second strand of thinking is an approach to devolve power exemplified by a speech given in the same year to the "Demos" group by Alan Milburn MP, entitled *Localism: The need for a new settlement*.

17. Two years later, Rt. Hon. David Miliband MP who was then Minister for Local Government, put this latter stream of thought into a sound bite when he spoke to the NCVO annual conference¹⁴⁸ about:

the reform of local government—the double devolution of power from the central government to local government, and from local government to citizens and communities.

18. The rhetoric of double devolution has been adopted by the Coalition Government¹⁴⁹ to explain the concept of localism. But so too has the branch of thinking that looks more at dismantling the centre and less at empowering the local.

19. Perhaps the most direct influence on thinking specifically on localism and planning was David Cameron's "favourite think-tank",¹⁵⁰ the Policy Exchange and, in particular, a 2006 report *Better Homes, Greener Cities*.¹⁵¹ This recommended, *inter alia*, that:

*The planning system should be localised, with local authorities being placed in charge of densities, brown vs green field ratios, design codes and Green Belt designation. The planning system should be made more flexible, with greater freedom to change between planning designations and an extension of permitted development rights. and that Receipts from existing taxes associated with new development, such as Council Tax and business rates, should be hypothecated to the local authority.*¹⁵²

20. The other side of the localist coin is a rejection of a centralised state—almost from nanny-state to nano-state. The attack on centralisation is exemplified by a typically robust report in 2004 by Simon Jenkins for the Policy Exchange and Localis.¹⁵³ Simon Jenkins' view of the centralist state may well ring true with those who were working in planning at the start of the century:

After Mr Blair's second victory in 2001, the main agencies of centralism, the Treasury, Cabinet Office and Audit Commission, went near berserk. Public administration was overwhelmed with targetry and inspection. Consultants devised ever more fantastic schemes to fast-track, ring-fence and "silo" policy. One official described Downing Street as like Earl Haig's headquarters in the Great War, mechanically shovelling tens of thousands of inspectors over the top to gain six yards of improved service delivery. The period was one of "chaotic centralism".

21. A reference to academic work on localism appeared in the Conservative Party's pre-election Green Paper, *Open Source Planning*.¹⁵⁴ This document forms the basis for the great majority of the changes to the planning system and to planning practice which have been made (see below) and which are to be embedded in the forthcoming Decentralisation and Localism Bill. This Green Paper stated that:

¹⁴⁵ See, for example, Goetz, Edward G. and Clarke, Susan E (1993) *The new localism: Comparative urban politics in a global era*, Sage Publications; and Stoker, G. (2007) *New Localism, Participation and Networked Community Governance*. University of Manchester, UK/Institute for Political and Economic Governance.

¹⁴⁶ Morphet, J. (2004) "The New Localism" *Town and Country Planning*, 73 (10). 291–3.

¹⁴⁷ Clark, Greg and Mather, James (eds.) (2003) *Total Politics—Labour's Command State*, Conservative Policy Unit, ISBN: 0-9544917-3-4 <http://www.conservatives.com/pdf/totalpolitics0903.pdf>

¹⁴⁸ <http://www.guardian.co.uk/society/2006/feb/21/localgovernment.politics1>

¹⁴⁹ Bob Neill MP at Councillors' Planning Summer School, 6th September 2010.

¹⁵⁰ <http://www.independent.co.uk/news/uk/politics/the-intellectual-heart-of-camerons-conservatism-897549.html>

¹⁵¹ See also, for example, Evans, A W. and Hartwich, O M (2007) *The best laid plans: How planning prevents economic growth*, the Policy Exchange http://www.policyexchange.org.uk/images/publications/pdfs/pub_52_-_full_publication.pdf

¹⁵² Evans, A and Hartwich, O. M. (2006) *Better Homes, Greener Cities*, Policy Exchange & Localis http://www.policyexchange.org.uk/images/publications/pdfs/Better_Homes_Greener_Cities.pdf

¹⁵³ Jenkins, Simon (2004) *Big Bang Localism*, Policy Exchange Ltd, November http://www.policyexchange.org.uk/assets/big_bang_localism.pdf

¹⁵⁴ http://www.conservatives.com/News/News_stories/2010/02/New_homes_and_jobs_through_Open_Source_Planning.aspx

Recent academic research has found collaborative democracy—the idea that citizens should be actively involved in making the kind of decisions hitherto reserved for bureaucrats and elected representatives—to be a highly successful concept.

22. One of the recurring themes in Government statements about localism reflected in the statement above is that it is a natural human urge to work co-operatively to achieve goals. For example, Bob Neill, MP, the Communities and Local Government Parliamentary Under-Secretary of State, told the Planning Summer School in September 2010 that localism is “going with the grain of human nature”.

23. This interest in human nature—and the academic research referred to in *Open Source Planning*—comes from a school of thinking that is one of the drivers behind localism. It derives from Richard H Thaler, Professor of Behavioural Science and Economics at the University of Chicago and an adviser to the Conservative Party. In 2008 he wrote a book with fellow Chicago University Professor, Cass R. Sunstein, called *Nudge*¹⁵⁵ which encapsulated his thinking. It puts forward an approach that it terms “libertarian paternalism” which is achieved through designing and putting into place an “architecture of choice”. One of the basic premises of this book is that:

In many domains, including environmental protection, we [argue] that better governance requires less in the way of government coercion and constraint, and more in the way of freedom to choose. If incentives and nudges replace requirements and bans, government will be both smaller and more modest.

LOCALISM AND SPATIAL PLANNING

24. As far as planning is concerned, the anti-centralist aspect of localism has been far more apparent thus far. The first four months of the Coalition Government’s administration have been characterised more by the dismantling of central apparatus rather than by building up the capacities at local level. The antipathy to a directive system has been very apparent. The mood was set by, amongst others, the Policy Exchange which stated that:

*... we have had a Soviet style centrally planned system of housing provision imposed on us because it suits various interests. And we know from our experience with the Soviet Union how successful a centrally planned economy can be in providing what consumers want!*¹⁵⁶

25. The use of strong language to re-inforce this antipathy to key aspects of the pre-Coalition planning system has carried over from opposition to Government. Rt. Hon. Greg Clark MP stated on the day that Regional Spatial Strategies were revoked:

*Today is another significant step in the Coalition Government’s drive to transfer powers from remote bureaucracies to local communities. Regional edicts, which allowed communities no say, injected poison into the planning system which stymied development.*¹⁵⁷

26. In trying to map the demise of parts of the system, there is both the danger that that such a map omits key aspects of a plethora of statements since the end of May and the real possibility that further initiatives will have been taken while the Committee is conducting this Inquiry. However, the following list shows the extent to which a dismantling of aspects of the planning system has already taken place some five months into the tenure of the current administration:

- The Audit Commission.
- Circular 01/06 on Gypsies.
- Circular 04/07 on Travelling Show People.
- Commission for Rural Communities.
- Comprehensive Area Assessment.
- “Garden Grabbing”.
- Housing Density Standard.
- Government Offices for the Regions.
- Housing & Planning Delivery Grant.
- Housing Targets.
- Infrastructure Planning Commission.
- National Housing and Planning Advice Unit.
- Sustainable Development Commission.
- Regional Development Agencies.
- Regional Leaders’ Boards.
- Regional Partnership Boards.

¹⁵⁵ Thaler, Richard H. and Sunstein, Cass R (2009) *Nudge*, Penguin Books.

¹⁵⁶ Evans, A and Hartwich, O. M. (2006) *Better Homes, Greener Cities*, Policy Exchange and Localis.

¹⁵⁷ DCLG Press Release: 6 July 2010.

- Regional Spatial Strategies.
- Royal Commission on Environmental Pollution.

27. The list of initiatives that the Government has put into place to fill some of the voids left by the actions listed above is a shorter list than the foregoing one. For the purposes of this evidence, it is worth dividing these new initiatives into those that might be seen as a replacement for the “top down” system that existed before and those that might be seen as the start of the creation of an “architecture of choice” for local communities.

28. Those initiatives that fall within the first category include: a proposed “duty to co-operate” and joint planning as well as the Regional Growth Fund, Local Enterprise Partnerships; and a proposed White Paper on Local and Regional Growth.

29. Those initiatives that can be seen to accord with the stream of thinking on localism that seeks to create local choice and allow for local responsibility include: Local Housing Trusts/Community Right to Build; and “incentives”—notably the New Homes Bonus and Business Growth Bonus with the additional more recent announcement by the Deputy Prime Minister that Tax Increment Financing (TIF) schemes were to be trialled.

30. The RTPI has set out its thinking on the initiatives, and their possible effects of spatial planning, in its evidence to this Select Committee’s parallel inquiry into *The Abolition of Regional Spatial Strategies* and would be happy to expand these comments in the context of localism should the Committee find this useful.

The extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism

Public service delivery

31. Given that, as has been shown above, local decision making and community involvement has been at the heart of planning for over 60 years, the new localism agenda *per se* may not have a major impact on the delivery of a planning service. However, the RTPI is more concerned that a number of individual Government initiatives taken in the name of localism may have a more direct effect on.

32. As stated above, the RTPI has examined some of these initiatives in its evidence to the Select Committee’s parallel inquiry into *The Abolition of Regional Spatial Strategies*.

The limits to localism

33. One of the ways in which the Government’s localist “architecture of choice” may be tested is how it deals with the tension between the perceived need for central policy, direction and, perhaps, decision making on certain issues and the commitment to subsidiarity.

34. This tension was expressed in a study which the then Office of the Deputy Prime Minister (ODPM) commissioned from the Tavistock Institute in 2006. This study concluded:

*The shape of local governance in 2015 hinges on how the government answers the following question: are the risks it would incur in introducing a genuinely devolved form of governance (in terms of a likely variability in performance of more empowered local agencies) greater than the risk that a less devolved, more uniform approach simply could not respond to diverse needs of local communities in ten years time?*¹⁵⁸

35. The same dilemma has been brought up-to-date in the report of the Government’s Foresight Project on *Land Use Futures* under the heading of *The need for an overarching perspective*:

*Some local decisions relating to development are heavily controlled, and are guided by planning policy that requires important issues such as the effect on the natural environment to be factored in. However, it can be unclear which issues take priority, whether the cumulative effect of such decisions is recognised, and how strategically important or unique the effect of a given change in that location may be.*¹⁵⁹

36. All this is not to say that the Government does not recognise the need for some form of strategic planning. First, the Coalition Government has announced a series of initiatives at the national level. These include a commitment the Coalition Agreement, published on 20th May 2010,¹⁶⁰ that:

We will publish and present to Parliament a simple and consolidated national planning framework covering all forms of development and setting out national economic, environmental and social priorities.

¹⁵⁸ The Tavistock Institute, SOLON Consultants, Local Government Information Unit (2006) *All Our Futures, The challenges for local governance in 2015*, April, ODPM
<http://www.communities.gov.uk/documents/localgovernment/pdf/143822.pdf>

¹⁵⁹ Government Office for Science (2010) *Land Use Futures: Making the most of land in the 21st century*, Government Office for Science
http://www.foresight.gov.uk/Land%20Use/luf_report/8507-BIS-Land_Use_Futures-WEB.pdf

¹⁶⁰ HM Government (2010) *The Coalition: our programme for government*
http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf

37. The Government also stated in the 22 June 2010 Budget Report¹⁶¹ that:

*In the autumn, the Government will publish a national infrastructure plan that will set out goals for UK infrastructure. This will include priority public and private sector investments and proposals for delivering and supporting investment on a cross-sector basis.*¹⁶²

38. At the next “level down”, the Government have accepted the need for some form—or forms—of planning to replace the revoked RSSs, with the Minister for Decentralisation stating that:

*There is, of course, a space for democratic decision making that is larger than the local, but smaller than the national. It's just nothing like the model imposed upon us by the previous administration.*¹⁶³

39. The dilemmas inherent in a directive versus a choice-based approach is best illustrated through three current examples.

40. The first relates to the need for national infrastructure to support development. On his first hearing with the Transport Select Committee, one of its members asked Rt. Hon. Philip Hammond MP, the Secretary of State for Transport whether:

... the government's commitment to HS2 does not quite sit that well with the government's commitment to giving local communities a veto over major infrastructure projects?

41. The Secretary of State replied that:

*No local community can ever have a veto over major infrastructure projects. Clearly, one of the functions of government is to balance the national benefits that come from a major infrastructure investment with the local disbenefits and actually that is a very, very difficult thing to do. It is very easy to look at the clear business case for a piece of infrastructure investment and much more difficult to explain to people—small numbers of people sometimes—who are very directly and very adversely affected why it is right that their interests must be sacrificed to the wider, national interests....*¹⁶⁴

It would appear to the RTPI that this statement does indicate one of the potential limits to localism.

42. The second example is open land protection. The Coalition Agreement states:

We will maintain the Green Belt, Sites of Special Scientific Interest (SSSIs) and other environmental protections,

It is not known how, in practical terms, a localist agenda which offers local choice will enable this Government commitment to be achieved.

43. The third example is the “Community Right to Build”. The Decentralisation Minister has recently announced that small scale local housing developments can by-pass the planning system if 75% of those voting in a referendum support the scheme.

44. In its evidence on *The Abolition of Regional Spatial Strategies*, the RTPI has already stated its view that communities may find the existing planning system a surer method of ensuring that acceptable, high quality small scale housing development is delivered for communities. In the context of localism, however, this initiative raises further questions. Will, for example, those proposing such a development be required to demonstrate an “acceptable” level of public information, consultation and involvement before a referendum is held? Is there the need for safeguards and for the ability to revisit the design of the scheme if, hypothetically, the 25% of those voting against the scheme are those most affected by, for example, additional traffic or loss of privacy?

45. More widely, the RTPI is concerned whether there are practical limits to community involvement and responsibility and that there will not be the real investment in time, capacity building, developing community structures and providing advice, that the localism agenda requires if it is to be successful. In 2006, a report from the Joseph Rowntree Foundation¹⁶⁵ found that:

Community participation tends to be dominated by a small group of insiders who are disproportionately involved in a large number of governance activities. The already well connected get better connected. ...

46. A recent report from a rural grouping of non-governmental organisations,¹⁶⁶ including the RTPI, focussed on the need for capacity building recommending that:

To deliver the “Big Society”, localism and empowered communities, the Government needs to start by building local delivery capacity.

¹⁶¹ HM Treasury (2010) *Budget 2010*, HM Stationery Office, Para 1.83
http://www.hm-treasury.gov.uk/d/junebudget_complete.pdf

¹⁶² Infrastructure UK was first announced in the previous administration's 9 December 2009 Pre-Budget Report.

¹⁶³ Rt. Hon. Greg Clark MP, 2010 LGA Conference.

¹⁶⁴ <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmtran/uc359/uc35901.htm>

¹⁶⁵ For example, Paul Skidmore, Kirsten Bound and Hannah Lownsbrough (2006) *Do policies to promote community participation in governance build social capital?* JRF, November
<http://www.jrf.org.uk/sites/files/jrf/1802-community-network-governance.pdf>

¹⁶⁶ The Rural Coalition (2010) *The Rural Challenge: Achieving sustainable rural communities for the 21st century*, the Rural Coalition <http://www.cpre.org.uk/library/4331>

47. The Rowntree Foundation report suggested that it is not only capacity building that is required but a change in the structures and networks of participation:

The alternative [to the current system] is to try to find the points where stronger and more effective connections can be made between formal participation by a small group of insiders and the more informal, everyday social networks in which a much bigger group of citizens spend a significant part of their lives.

48. These are only two examples of the sorts of changes required if localism is to work.

The lessons for decentralisation from total place, and the potential to build on the work done under that initiative, particularly through place-based budgeting

49. Place-based budgeting follows on directly from the previous administration's initiative on Total Place and has been endorsed by the Secretary of State.¹⁶⁷ The Local Government Association 2010 report on Place-based budgets¹⁶⁸ points out that: *It offers new opportunities to integrate commissioning and maximise the synergy between spatial planning and other policies intended to drive economic growth.*

50. The RTPI recognises the potential of this approach and sees the need both for further work to be undertaken on the opportunities that this presents for spatial planning and to work with others, notably the Local Government Group to disseminate advice on this directed at planners. The RTPI will be scrutinising the draft Bill to ensure that any statutory embodiment of this approach is linked to the spatial planning system.

The role of local government in a decentralised model of local public service delivery, and the extent to which localism can and should extend to other local agents

The role of local government

51. It is useful to address the role of local authorities in planning under a new localist system. Thinking on this is continuing with, for example, the Policy Exchange continuing to extend the debate with a new report on housing.¹⁶⁹ This recommends doing away with planning controls on planning entirely and substituting it for a system of local ballots on housing proposals coupled with incentives for individual households voting for schemes. In some ways this is a logical extension of the current moves towards a system of choice and incentive but it moves far beyond the "double devolution" of that is one of the characteristics of localism.

52. The RTPI sees the danger that the essential role of local government and of locally elected politicians may not be identified in a system that could be seen to by-pass local government. The Rural Alliance report cited above states that:

If the "Big Society" is to be successful in generating new community initiatives, local government will need to provide an enabling context.

Whilst, in his speech in 2006, David Miliband set out the role of local authorities in a way that is directly relevant to planning:

I am convinced that we need local authorities whose first task is to map need, second to set goals, third to benchmark best practice, and fourth to seek best value from a range of providers, public, private and voluntary.¹⁷⁰

53. The RTPI would certainly support the need for enabling, the need to identify need and set overall goals, the need to build capacity in local communities and would add, drawing partly on the experience of planning covered at the beginning of this evidence and of Planning Aid in particular, the need to develop new relationships between professionals and communities and politicians.

Other agencies

54. In this evidence, the RTPI wishes to address one aspect of the need to extend localism to other agencies. We feel that as well as other public sector agencies, there is the need to examine whether the business models and approaches of the private sector may need to evolve to address a localist system. For example, the 2007 Callcutt Review of the house building industry¹⁷¹ addressed the size of the firms in the house building industry and sought ways of allowing greater entry into house building. It stated that:

¹⁶⁷ "We're also already working together on 'place based area budgets'. I love the idea. I hate the name. I want something that actually means something. Let's call them what they are: community budgets."

<http://www.communities.gov.uk/speeches/corporate/lgaoffer>

¹⁶⁸ Local Government Association (2010) *Place-based budgets: the future governance of local public services*, June <http://www.lga.gov.uk/lga/aio/12294113>

¹⁶⁹ Morton, Alex and Evans, Natalie (2010) *Making Housing Affordable. A New Vision for Housing Policy*, Policy Exchange, August http://www.policyexchange.org.uk/images/publications/pdfs/PX_Housing_WEB.pdf

¹⁷⁰ <http://www.guardian.co.uk/society/2006/feb/21/localgovernment.politics1>

¹⁷¹ http://www.callcuttreview.co.uk/downloads/callcuttreview_221107.pdf

It is essential for the health and growth of the house building sector that small and medium house builders should continue to have sufficient opportunities to prosper and grow. We therefore recommend that the Guidance accompanying PPS3 should be amended to stipulate that at least 10% of the five-year supply of housing land should consist of small sites (for 10–15 units or smaller)

55. An approach to planning and decision making based on the concept of localism may well require business to adopt a more decentralised approach to the ways that it plans and delivers its services.

56. The RTPI would be pleased to add to and elucidate any of the points made in this evidence, either in writing or in oral evidence to the Select Committee.

October 2010

Written evidence submitted by Barratt Developments Plc (LOCO 100)

Barratt Developments is Britain's best known housebuilder and has sold over 300,000 new homes around the country and is one of the leaders in terms of low carbon design, urban regeneration and social housing provision in addition to its mainstream market housing activities.

The Company recently announced its results for the year ending 30 June 2010 which showed it completed almost 11,400 dwellings despite the challenging economic background of which 16.5% were social housing. The Company is building on some 360 sites in England, Wales and Scotland. It re-entered that land market in 2009 and has since agreed terms on almost 13,400 plots and has an owned land bank of about 50,700 plots.

Therefore, the Company has a particular interest in the operation of the planning system and seeks a system which provides certainty as a foundation of its business so that it can invest with confidence. The Company particularly wishes to see a planning system that delivers a sufficiency of implementable housing sites and this evidence concentrates on the importance of arrangements to ensure the localist approach works.

SUMMARY

- Barratt Developments Plc (BD) wish localism to deliver an effective planning service.
- Development Plan production should be encouraged further by:
 - (a) more details for the transitional arrangements following the revocation of RSSs; and
 - (b) immediate implementation of the presumption in favour of sustainable development.
- New local plan guidance is required to clarify the operation of a collaborative approach to plan making and the need for a robust evidence base.
- Development control decisions should be founded in the presumption in favour of sustainable development.
- Greater efficiency in the development control process can be made by simplifying pre-application and information requirements.
- Changing the Use Classes Order, allowing Third Party Appeals and encouraging deals with objectors will only serve to delay and confuse and thereby undermine the potential for localism to deliver.

BACKGROUND

1. BD have an interest in the delivery of an effective planning service. This evidence is only focused on that service.

2. The planning service of particular interest to BD is:

- (a) Efficient development plan production.
- (b) Efficient determination of planning applications which represents value for money.

3. BD are mindful of the proposals set out in "Open Source Planning" which provides for the implementation of localism as it affects the planning service. Following the general election, a great deal of planning policy announcements have been related to the revocation of Regional Spatial Strategies and the translation to Open Source Planning proposals into government policy will be subject to later announcements or the National Planning Framework. Therefore, there is the opportunity for the Committee to make recommendations that can be an input into the policies yet to be announced.

DEVELOPMENT PLANNING

4. The Government clearly wants to seek planning via Development Plans and that is supported by BD. It is clear that the effect of revocation of the Regional Spatial Strategies will be the need for a new planning system and primary legislation will be required to bring this into effect. Such legislation will not be on the statute books until November 2011 and given that it will most likely be followed by Regulations and the National Planning Framework will not be effective until April 2012.

5. In the meantime it is not satisfactory that Development Planning comes to a halt and there is no proper basis for decision making. The Government sought to cover this transitional period in the letter of the Chief Planner on 6 July 2010. BD have commented in its response to the Select Committee on the Revocation of Regional Spatial Strategies that these transitional arrangements require supplementing and that evidence need not be repeated here.

6. It is recognised that in the transitional arrangements, the Government has urged local authorities not to stop but to continue to produce plans. However, there is no specific sanction or penalty if local authorities simply put their pens down for the time being.

7. BD are aware of the proposal for the New Homes Bonus and have welcomed the principle. BD has some reservations about its effectiveness and whilst details are currently sketchy, it is not likely to be sufficient to create the urgency for local authorities to produce a development plan.

8. Open Source Planning also referred to the concept of a presumption in favour of sustainable development. It also said “that if new local plans have not been completed within a prescribed period then the presumption in favour of sustainable development will automatically apply”. This is welcomed by BD and seen as a potentially significant sanction. However, there are key issues as to what is meant by a “prescribed period” and when is legislation to put this into effect is anticipated. If we are two or more years away then its value as a sanction is severely limited.

9. BD consider that given the large number of authorities who have announced they are stepping back from producing plans in the light of the revocation of RSSs, the presumption needs to be operative now and so requires urgent legislation to bring it into effect.

10. The idea of a presumption in favour of development is not new. It was set out in Circular 22/80 by the then Minister, Michael Heseltine. This presumption worked on the basis of a presumption where a five year land supply did not exist. This is a similar position to that currently provided by paragraph 71 of PPS3. In both cases, the presumption did not amount to a free for all but required the proposed development to be otherwise appropriately located and sustainable.

11. The proposition in Open Source Planning amounts to applying tests whereby development will not be brought forward in the short term. Given the abolition of Regional Spatial Strategies and the response of many local authorities to review their development plans, the presumption needs to act as an impetus for plan making.

12. The abolition of RSSs has resulted in a mixed response from local authorities with many delaying production of their Development Plans. This leaves an uncertain basis for decision making which is compounded by an unclear basis on which to calculate a five year land supply in the absence of an up to date Development Plan.

13. Whereas paragraph 71 of PPS3 continues to apply, the transitional arrangements set out in the Chief Planner’s letter of 6 July 2010 do not provide any clear basis of calculating a five year supply before a new plan is in place. Disputes will only be able to be settled at appeal but even in these circumstances the rules are unclear. The Planning Inspectorate has advised its Inspectors that RSSs cannot be given any weight but the evidence that informed the preparation of the revoked RSSs may be a material consideration.

14. Against the background, there needs to be a presumption in favour of sustainable development unless material considerations dictate otherwise in operation now. Therefore, there should be a Ministerial Statement that gives weight to the presumption as soon as possible to deal with current circumstances.

15. There are currently three situations where the development plan forms the basis of decision making:

- (a) where no up to date plan exists and the development plan is an old style plan or saved policies;
- (b) where an adopted Core Strategy is in existence but an Allocations DPD is not yet adopted; and
- (c) where an adopted Core Strategy and Allocations DPD exist.

16. In the case of (a) that includes authorities who were working towards a Core Strategy but have decided to put their plan under review or otherwise on hold.

17. In the case of (c) the presumption would apply as set out in Open Source Planning. However, in order to give the presumption some force and meaning, the owner of any site allocated for development in a plan should be able to apply to the local planning authority for a “Certificate for a Commitment to Grant Planning Consent”. Such a certificate could only be sought by the landowner and would not permit any commencement of development. Planning consent would still be required for details such as access, design, landscaping, etc, and such consent could be sought in outline or full as currently provided for under the Planning Acts. However, the Certificate would establish consent in principle and would be bankable by the landowner. It would also have the effect of removing any doubt that the principle of the development could be opposed at the time of a planning application. When the landowner seeks a certificate, which it is suggested should be via a standard national form, the local authority has a duty to respond in 28 days and the certificate has a life up to the end date of the development plan.

18. Such a Certificate applied to allocated sites should be straightforward and uncontroversial. However, in the case of a windfall site it may be less straightforward. In these circumstances the site is assumed not to be

allocated for development and is not subject to a policy restraint that militates against development. If in such a case a local authority refused to issue a Certificate then that decision should be capable of appeal as if it were a planning application to test the reasonableness of the Council's decision against local and national policies.

19. For planning applications submitted under (a) there is no reasonable basis for a five year land supply; old plans are out of date and the RSS figure has been revoked. In these circumstances the local authority will need to formally resolve its intentions. Where it is intended to proceed to produce a Core Strategy, without changing the RSS requirement, in keeping with their up to date Local Development Scheme, that should be accepted as status quo and thereby unchallengeable. If the authority intend to change their number then that will require justification and to be tested through public examination. This amounts to a Core Strategy and until such time as that is in place the default position of the RSS requirement has to remain. No weight should be accorded to a resolution to adopt a different number where that has not been tested by examination.

20. In these circumstances, the presumption will operate as provided for under paragraph 71 of PPS3 and so will act as an incentive for those authorities that wish to plan in a different way to come forward with their revised plans quickly.

21. For planning applications under (b), there will be no dispute about the basis of the five year land supply but there may be a dispute about the appropriateness of a particular proposal. In these circumstances if the Allocations DPD has reached the Consultation Draft stage it should be regarded as a material consideration, otherwise the general test of sustainability will apply.

22. In the absence of an adopted Core Strategy, in order to be regarded as sustainable, a proposal has to be capable of passing four tests:

- (a) Are there proposals in a current development plan that clearly outweigh the need for the land to be developed? For example, the land is in the Green Belt, ANOB, National Park or is designated for a recognised form of protection.
- (b) Is the site capable of being developed within the capacity of current infrastructure or that infrastructure can be made available?
- (c) Is the site located such that it is conformity with the provisions (or can be made in conformity) of PPG13: A Guide to Better Practice?
- (d) Does the development conform to national standards to be compliant with PPS1, Planning and Climate Change?

23. Effectively this amounts to the availability, suitability and achievability tests in paragraph 54 of PPS3.

24. A basis of decision making has to be established in circumstances where there may be no up to date development plan for at least two years. In these circumstances, a presumption in favour of sustainable development should apply. This does not mean that other planning considerations such as design should be disregarded; on the contrary, development will still be expected to be acceptable planning terms and to have undergone public consultation.

25. Open Source Planning also referred to the way in which plans may be drawn up. BD are concerned that without clear guidance which emphasises the urgency for these processes to be carried out quickly, development plan production could be delayed for years to come. Whilst it may be considered that in that case the presumption operates, applications may have to be argued in terms of their conformity to national guidance and in many cases these issues may fall to be resolved by appeal. A better way forward is to have adopted up to date plan as the basis for decision making.

26. In particular, BD are concerned about the potential for two issues to be subject to clear guidance:

- (a) the operation of a collaborative approach to plan making; and
- (b) the requirements for robust and credible evidence to support plan policies.

27. In respect of collaboration, Open Source Planning refers to a process whereby plans to be drawn up from the "ground level" up with neighbourhood proposals coming together to form a plan. This has the potential to run on for ever as the local authorities seeks to resolve neighbourhood conflicts and indeed may result in a wholly unsatisfactory plan whereby the summation of the neighbourhoods does not amount to a cohesive plan which meets the needs of the local authority as a whole.

28. A straightforward way of delivering the objective of local input to achieve a required objective would be:

- (a) The local authority draw up a plan showing where change could potentially occur—so it would omit areas such as Green Belt, protected areas or existing development where no change is likely.
- (b) Accompanying such a plan would be evidence to demonstrate the quantum of development that needs to be provided to meet the various needs—housing, employment, etc—with basic guidance about rules to be applied to ensure sustainable decisions/nationally compliant decisions can be made. The evidence would supply alternatives based upon the overall direction of the local authority—eg economic growth led, meeting housing needs, conservation of the environment, etc.
- (c) These documents would be the subject of local consultation and would include a determination of the local view about the overall development direction for their area.

- (d) The local authority would then publish a plan which provides the best fit to meet the results of the consultation. This plan would be deposited to enable objection which would then be subject to determination at an Examination in Public in front of an independent Inspector. The Inspectors role would be to consider only two factors:
- (i) is the plan compliant with the evidence?
 - (ii) are the proposals the most sustainable that could have been produced?

If the answer to either question is in the negative then recommendations would be made for change. If the changes are so large they are in effect a different plan then the Inspector would recommend the plan is not approved. The Inspectors would report to the Secretary of State who would sign off the plan (or not) accordingly.

DEVELOPMENT CONTROL

29. Various inquiries and policy proposals have been made in recent times to make the development control process more efficient, not least of which was the Killian Pretty Report. BD consider there is very little evidence that all these efforts have been accounted to a more efficient process. The fact is it is too complex with too many conflicting interests being sought to be resolved and too much unnecessary information is bogging down the process.

30. The prospect of a localist agenda adding to this already tortuous process would be likely to be a further brake on development. Therefore, if a greater local input into development decisions are to be made then it cannot be simply on the basis of adding another layer of consultation onto an already overloaded system. There has got to be major simplification.

31. BD supports the contention set out in Open Source Planning that:

“...making it a guiding principle of the planning system that there is a presumption in favour of sustainable development. Specifically, we will make it unlawful for a local authority to refuse permission for a development if:

- The application is from a Local Housing Trust that has the required level of local support and meets certain standard criteria including conformity with the national planning framework, or
- The application:
 - (i) conforms to the local plan (and hence with the national planning framework); and
 - (ii) is accompanied by a payment of the agreed level of local tariff from the developer to the local planning authority; and
 - (iii) in the case of larger projects, is the product of an appropriate public consultation process eg Enquiry by Design (or similar)”

32. It is recognised that this presumption requires to operate on the basis of local consultation on matters of design. However, the attitude embodied in such an approach has to be given further meaning by:

- (a) pre-application meetings having a recognised status; and
- (b) information requirements proportionate to the development proposal.

33. BD welcome the prospect of local councillors not being disenfranchised in the decision making process by being consulted on a development proposal. In Open Source Planning this is only expressed as a freedom to campaign on behalf of their constituents. This should be extended to clarify it also means being able to support a development proposal if they judge it is in their constituents interest. Indeed BD consider that local councillors should be involved in any pre-application discussions. However, BD consider that where pre-application discussions have taken place they should be recorded and be a material consideration in the determination of any subsequent application. Failure to provide consistency between pre-application advice and subsequent council reports should be regarded as a matter eligible for costs in any subsequent appeal. The pre-application process (not including consultations with local people) should be to provide technical advice and policy interpretation; as such it should not be a lengthy process but time limited to no more than a month and should not be used to seek to be an alternative to the formal planning application process.

34. The Killian Pretty report addressed the issue of seeking to make development information requirements proportionate and the Government came forward with proposal accordingly under the banner of “Development Management”. These proposals were disappointing and did not seem to go to the heart of effecting a more balanced approach. BD consider Killian Pretty should be asked to look at this again and make further recommendations, especially in relation to the information needed for outline planning applications.

35. BD do not consider that proposals to increase the efficiency of the development control system by tinkering at the edges will work. It is tempting to feel there is a gain to be had by relooking at the Use Classes Order but brief examination shows that such changes create as many problems as they solve. The recent debate in the House of Commons regarding the ability of supermarkets to open up in a high street where a change of use from other retail classes is not required bears testimony to the local concerns that may arise of the Use Classes Order is changed further.

36. Similarly, BD do not feel that providing for third party rights of appeal will enhance the cause of localism. On the contrary it will encourage several objectors who will delay and frustrate development that are otherwise welcomed. If a proposal has been put to the community and the effect of the New Homes Bonus is to persuade that community that development is beneficial, it is wholly wrong that those (who could easily be encouraged by purely anti-development campaigns) could delay the community benefit being realised. Localism, which delegates decision making to the local area has sufficient weight in favour of the local interest not to require further provision which encourages selfish behaviour. The appeal system should continue to operate on the basis of an independent adjudication between the proposer of the development and the local authority, acting on behalf of the local interest.

37. On this same basis, it would be entirely wrong for planning decisions to be frustrated by objections by local neighbours acting in an unreasonable way. Local concern needs to be addressed and a balanced judgement formed. The planning process should not be encouraged to operate on the basis of developers buying off the opposition. Planning is not about the right of individuals to require payment to keep quiet and no matter what rules are sought to define “a significant majority” or “immediate vicinity”, there will be those who will go around whipping up potential claimants rather like unscrupulous claimant compensation specialists do in relation to accidents. Local people are free to express their concern and developers should have to recognise that concern and adjust the development proposal if they can. If matters cannot be resolved then it is a matter for the planning process to provide a balanced judgement.

CONCLUSION

38. BD want the planning system to operate efficiently. Localism need not be an impediment such a desire. However, just as revocation of RSSs are a major change from the previous system, so the rest of the planning framework has to operate under a new attitude. This attitude has to be founded in one which broadly welcomes development in the local interest.

39. To reach this state of changed attitude will require action in the short term to ensure development planning continues and planning applications are brought forward. BD are concerned that if the planning system remains in uncertain transition the chance of localism being shown to be capable of delivery will be frustrated and the Government’s ambitions of delivering more dwellings thwarted.

October 2010

Written evidence submitted by the Institution of Civil Engineers (LOCO 101)

The Institution of Civil Engineers (ICE) is a UK-based international organisation with over 75,000 members ranging from professional civil engineers to students. It is an educational and qualifying body and has charitable status under UK law. Founded in 1818, the ICE has become recognised worldwide for its excellence as a centre of learning, as a qualifying body and as a public voice for the profession.

1. SUMMARY

(i) This memorandum focuses primarily on the impact of localism on the development and maintenance of economic infrastructure.

(ii) There are many positive elements of the localism agenda. Local engineering professionals with long experience of local conditions and infrastructure assets are well placed to work with local communities to meet their needs.

(iii) However, it should be recognised that effective strategic planning for infrastructure should focus on the *right* spatial level which may be neither central or local. As an example, planning for flood defences needs to take place on a river catchment area basis.

(iv) Our detailed concerns are in three areas:

- Planning and development control.
- Skills.
- Accountability and transparency.

(v) Planning and development control

- HM Treasury has identified that UK needs to invest £40–50B pa in new and upgraded infrastructure in the period up to 2030.
- To attract investment on this scale requires an environment of certainty. Government at all levels needs to provide clarity on strategic needs and the development control process must deliver timely and reasonably predictable decisions

- Infrastructure operates at various levels and scales including individual assets and local level networks. However many projects and networks operate and deliver benefits at the national or sub national level. It will therefore be important for the system to retain capacity for planning and decision making at these larger than local levels.
- We have concerns that a gap has been created at the “larger than local” level which risks investment in water, flood risk management, waste services, energy and transport. We use the experience of the waste and flood risk management sectors to illustrate these concerns.

(vi) Skills

- We have concerns about the staffing levels and intellectual resources available to the bodies now charged with delivering local infrastructure and services. Sir Michael Pitt expressed this eloquently in his review of flood risk management and we echo his concerns as they very clearly capture the dangers around which localism needs to navigate.

(vii) Accountability and transparency

- While the principle of accountability for decision making is sound, and we understand that it implies variations in outcomes across the UK, the time-scale for infrastructure investment and maintenance is such that long-term damage could be done to the UK economy if some local areas make poor investment decisions. As such, a national overview is needed to address that risk. Laissez-faire is not the answer.
- Looking to local services, we acknowledge the tension between comparability and freeing areas from a requirement to provide a uniform service, but ask that Government agencies show leadership and work with Local Authorities to help identify good and poor infrastructure investment.

2. DETAILED COMMENTS

We discuss these areas below and then use the examples of flood risk management and waste management infrastructure to explore the opportunities and threats that localism presents for the UK’s infrastructure both at the local and national level.

2.1 *Planning and development control*

The Inquiry asks about the extent to which decentralisation leads to more effective public service delivery; and what the limits are, or should be, of localism.

In ICE’s view, the question of centralization versus decentralization is in many ways a false dichotomy. In practice, the debate should be about where decisions are made and whether the decision-makers have sufficient information and understanding to pursue the best choices available.

In terms of Infrastructure, we see a need for both “centralized” national-level decisions and local “decentralised” decisions taken by Local Authorities and their communities. But we also see that some decisions need to be taken between these two ends of the spectrum, at the “larger than local” scale. To put it more concisely, the provision of public services and infrastructure needs to be organised at the appropriate scale for the problems concerned.

(i) National level infrastructure

The Institution has argued for some time now that there needs to be a national infrastructure strategy to meet the nation’s needs in energy, transport, water and waste—and the planning and investment bodies in place to deliver that strategy. This is something that localism alone cannot address.

Our immediate concerns relate to changes in the planning system which could slow investment in nationally important infrastructure. The need to secure future energy supplies is the most prominent example.

The Government has confirmed that a new Major Infrastructure Planning Unit will replace the Infrastructure Planning Commission. The scale of infrastructure investment required over the next decade—£40–50 billion pa—demands Government provide investors with certainty through the provision of an efficient and democratic planning system.

ICE is pleased that the IPC’s function in fast-tracking nationally significant projects will be retained in the new system and hope that having elected ministers take final decisions will deliver accountability for decision making and greater public acceptance. However, it is imperative that these reforms do not derail any progress we have already made. With a looming energy generation shortfall and pressing environmental targets we simply don’t have time to go back to square one with vital energy, transport, water and waste projects.

(ii) The local level

We understand and support the need for local decision making particularly for roads, waste services and surface water management. Local professionals with experience of local conditions and infrastructure assets are well placed to work with local communities to meet their needs.

Our concern would be whether Local Authorities have the engineering skills and knowledge in-house either to provide those services for their communities or to act as intelligent-customers to buy in those services in a way that delivers value for money. We expand on this point below.

(iii) Larger than local

Infrastructure often extends across administrative boundaries and there is rarely, if ever, a perfect fit that meets all parties' needs. Water supplies will often be best managed across a river basin area, flood risk management may also need to consider coastal processes, while transport may follow a motorway or trunk road corridor (or port or rail link), while waste and energy provision will fit into yet other geographic areas.

The previous regional government structures faced this challenge. For example, in South East England, there was little natural overlap between Milton Keynes and Kent—two diverse areas which face very different challenges. The South East England Regional Partnership Board, the regional planning body until July 2010, were able to manage these sub-regional variations by recognizing natural economic and environmental areas and working with towns and cities across the region to create a regional spatial strategy that reflected those underlying variations. With the shift in Government focus from regions to local areas, we need to keep that same flexibility of approach and find solutions to problems that work across local administrative boundaries.

This point has been raised already. Over the summer, 29 built environment professional bodies, ICE included, wrote to Eric Pickles, the Communities and Local Government Secretary, to raise their concerns at the risks to planning and investment for schemes that lie between the local and the national level.¹⁷²

The organisations which signed that letter understand planning at the “larger than local level” to mean any form of planning—statutory or otherwise—which enables communities and groups of communities to express a vision for the future of an area wider than their own locality. This approach to planning sets out priorities for investment and solutions to problems which must, of necessity, be addressed beyond neighbourhood or district boundaries. Importantly it can provide certainty to investors, infrastructure providers, community initiatives, developers and enterprises and help secure a prosperous and sustainable future for the country

The approach to this level of planning and investment is uncertain at present, the bids for Local Economic Partnerships notwithstanding, which presents a threat to economic development in the years ahead unless properly addressed.

As we have already stated, infrastructure operates at various levels and scales including individual assets and local level networks. Many projects and networks operate and deliver benefits at the national or sub national level. It will therefore be important for the system to retain capacity for planning and decision making at these larger than local levels. We are worried that a gap has been created between the local and national levels and explain these concerns in more detail in sections 6.0 and 7.0 below.

2.2 Skills

We have concerns about the man-power, skills and intellectual resources available to the bodies now charged with delivering local infrastructure and services. Sir Michael Pitt expressed this eloquently in his review of flood risk management¹⁷³ and we echo his concerns as they very clearly capture the dangers around which localism needs to navigate.

There are positive steps Local Authorities can take in terms of training and retraining staff, recruiting in expertise—whether for service delivery or to be able to act as an intelligent buyer of external services, and sharing resources across administrative boundaries. Two examples where this is taking place already are:

- York City Council shows that positive action to address skills shortages can be taken. When faced with a shortfall in engineering technicians, they set up an in-house training of candidates to fill the gap.
- East Kent Engineering Services Partnership is an example of engineering expertise and knowledge being shared across administrative boundaries in Kent. Their work at Warden Bay to protect over 200 properties from coastal erosion is a case in point. Canterbury City Council's specialists in the design of coastal defences worked with Swale Borough Council to create a solution that was acceptable to the regulatory authorities, funding agencies and, most importantly, the local people.

These examples highlight that, as well as investing in the right engineering skills, Local Authorities can work together to share resources. It provides a mechanism for reducing overall costs, uses limited resources more effectively, and fits with the experience that infrastructure will often require cooperation across

¹⁷² <http://www.rtpi.org.uk/item/3937/23/5/3>

¹⁷³ Pitt Review: “*Learning lessons from the 2007 floods*”. See comments in Section 7.0 below.

administrative boundaries to be effective. The proposed Duty to Cooperate being considered for inclusion in the Decentralisation and Localism Bill could help take us in this direction more quickly.

Localism presents a major change in approach, with implications beyond the immediate technical skills shortages. Professionals, both as individuals and through their organisations, need to step forward and use the new freedoms and responsibilities to best effect. For example, we are clear that for decentralisation to work well there needs to be the local leadership and commitment to bring all the relevant parties together. Parochialism and silo mentalities must be avoided. The testimony of civil engineers working with the Transport for Tees Valley illustrates what can be achieved:

CASE STUDY FROM TEES VALLEY

“The Local Government Association did a three year pilot on how transport partnerships can be more joined up and effective, with the Tees Valley chosen as one of the pilot.”

“The experience with Transport for Tees Valley was that the delivery of transport in a privatised environment is a very fragmented business. The partnership defined a strategic transport network for the Tees Valley in 2006, and worked out that there are 22 different organisations involved in delivering transport across that network, and as many again that may have an influence.”

“But what the public want is a reliable, integrated network! So the first thing that we did in setting up TTV in 2007 was to get all of those involved in delivering transport (including private sector operators) around a table and then agree a forward strategy for improving transport to support economic and housing regeneration. Each partner was then tasked with using their resources towards that common objective, meaning that we found efficiencies in operation and common goals. This is how localism must work—it must be fully inclusive—if you leave out one element of the delivery chain (eg operators) it will not work.”

Jonathan Spruce, ICE Transport Panel

The transport case study above shows the benefits of strong leadership pulling together all the local stakeholders. We would like to see this attitude adopted more widely.

2.3 Accountability and transparency

In seeking the views of civil engineers working across the UK, we received many comments about the transparency of planning and infrastructure investment. This goes to the heart of the democratic process and raises fundamental questions about responsibility and accountability—and the funding available to back them up. Government needs to provide a framework that gives clarity over the balance of local decision making versus central checks and controls.

(i) Can decentralisation achieve savings?

We believe it is important to take decisions at the appropriate scale, be that local, “larger than local” or national.

While some savings should be achieved if local decision makers prioritise services and investments to meet the needs specific to their communities, there is a real danger that local delivery could mean higher costs. Local autonomy can be combined with economy of scale if authorities are willing to work together on contractual arrangements such framework agreements covering a number of authorities.

There is a danger that parochialism will lead to unnecessary over investment in infrastructure as each local area duplicates services that could be shared (be that facilities, such as waste processing, or expertise, if shared engineering teams could serve a wider area more cost effectively). In addition, nimbysism could halt investment necessary for economic growth. For example, will smaller towns in the Thames Valley agree to housing growth that businesses in larger towns and cities in different Unitary Authority areas need for their employees?

(ii) Avoiding long-term damage to the economy

The principle that people and communities need to accept accountability for their decisions is sound, and real decentralisation no doubt will lead to greater variations as some communities benefit from sound decisions while others fare less well because of theirs.

However, the time-scales for infrastructure investment and maintenance are such that long-term damage could be done to the UK economy if there is no national overview. Laissez-faire is not the answer. We believe that some form of national overview is needed so that the risk of long-term damage can be reduced.

(iii) How can local communities know if they are doing well or not?

Some of our members have expressed concern that there may no longer be any systematic reporting on the quality or performance of infrastructure in nationally consistent formats. For example, it appears that there will no longer be, except through voluntary arrangements, a consistent view of how road condition varies across

the country. They tell us that the KPI requirement was onerous on Local Authorities but they view the complete removal of the requirement to provide consistent data to be a retrograde step.¹⁷⁴

To some extent, clusters of Local Authorities—and professional bodies in some technical areas—can create their own networks for assessing performance and sharing good practice. However, there is a role for Government and its national agencies, in setting consistent measures and standards to help that process happen more quickly and effectively. Businesses operate in this way, for example through standards committees or trade associations, and Government agencies can provide leadership to help Local Authorities and communities assess their performance against others.

ICE acknowledges that there is tension between comparability and freeing areas from a requirement to provide a uniform service, but a balance needs to be struck.

(iv) Who tests value for money?

It is unclear what will replace the Audit Commission. While accountancy audits can be carried out by private firms, it is not obvious whether that will provide sufficient due diligence to the management of public money. The potential lack of independent oversight is concerning.

3. THE WASTE MANAGEMENT EXPERIENCE

ICE is currently conducting a major review of waste management infrastructure in the UK, building on its previous State of the Nation reports¹⁷⁵ looking at different aspects of national and local infrastructure. Here we highlight some advance findings that have particular relevance to localism.

A perception that the development control process was lengthy, costly and had capricious outcomes was a recurring theme of the ICE inquiry. Also, evidence was taken in the period immediately before and after the recent General Election, revealing widespread uncertainty about the impact of the Coalition Government's proposed reforms to planning and the wider localism agenda.

This section therefore examines:

- (i) Uncertainty around future governance and decision making procedures for waste infrastructure.
- (ii) Waste planning at the “larger than local” level.
- (iii) Timescales for decision making and compensation procedures for local communities.

(i) Uncertainty around future governance and decision making procedures

The abolition of Regional Spatial Strategies (RSS) and the proposed incorporation of the Infrastructure Planning Commission (IPC) into a Major Infrastructure Planning Unit (MIPU) within the Planning Inspectorate have led to uncertainty around the future shape of land use planning decision-making for waste facilities. This has contributed to a highly uncertain environment for the development of waste facilities.

ICE's inquiry found wide support for the incoming Government's commitment to retain a fast track planning system for nationally significant infrastructure projects, which it was felt would help facilitate the development of the small number of larger energy from waste facilities likely to be required in the coming decade. However there was concern that in the absence of clarity below the IPC/MIPU level, a perverse incentive was being created to bring forward larger projects with one respondent noting: “the size of the facility becomes the debate—which it shouldn't”.

Government needs to act quickly to provide greater clarity on decision making procedures, and the forthcoming Decentralisation and Localism Bill is a key opportunity.

(ii) Waste planning at the “Larger than local” level

A Chartered Institution of Wastes Management's (CIWM) study on “Lessons Learned from Europe”¹⁷⁶ identified that a common factor in counties that have successfully delivered new waste infrastructure was effective regional-tier governance. This was particularly pronounced in relation to forward capacity planning. The coalition has made it clear that as part of its policy of devolving power to localities, formal tiers of regional Government will be dismantled. This does not however preclude Local Authorities and other local parties voluntarily coming together to tackle issues at the “larger than local” level, as demonstrated by the creation of Local Economic Partnerships.

The regional function identified as important by CIWM came in several guises:

- In Denmark the regions were in charge of locating and permitting facilities with a systematic recording system for all waste arriving at a facility. Once the necessary infrastructure was identified, the locating and permitting of facilities was locally devolved. This was cemented by a locally developed twelve year plan amended every four years if necessary.

¹⁷⁴ Feedback from ICE East Midlands region, August 2010.

¹⁷⁵ <http://www.ice.org.uk/Information-resources/Infrastructure-policy-and-reports/State-of-the-nation>

¹⁷⁶ <http://www.iwm.co.uk/mediastore/FILES/12134.pdf>

- In Italy the process was more bottom-up with the involvement of an aggregation of Local Authorities into a regional body. This body then determined the volumes of waste needed to trigger the creation of new facilities along with the necessary plan, with decisions reached by consensus.
- In the Netherlands the delivery, implementation and development of infrastructure was a local responsibility. However their actions were directed by a waste management council. This Council was comprised of a cross section of representatives from local, regional and national Government with decisions as to the make-up of the waste infrastructure plan reached by consensus.

Across urban England there are of course examples of pre-existing waste authorities covering several Local Authority areas. Of these, the Greater Manchester Waste Disposal Authority (GMWDA) was seen by many respondents to the ICE survey as a beacon for joined-up waste infrastructure planning. The GMWDA's 21 members are councillors from the individual authorities in Manchester and represent a cross section of political parties. The authority members are appointed on a yearly basis and are responsible for policy, strategy and corporate management.

All of the above suggests that with political leadership it is possible for groups of local representatives to facilitate joined-up working between localities whilst aligning with national policy priorities. This has the advantage of maintaining direct links to local populations as Local Authorities will remain accountable and responsible for securing buy-in from their communities on waste infrastructure development. We understand that the forthcoming Devolution and Localism Bill will include a Duty to Co-operate, which may be useful in driving this kind of joint working.

(iii) Timescale and compensation mechanisms

Respondents to ICE's waste inquiry expressed concern over the lengthy gestation period for waste and resource management infrastructure, of which the process for securing of planning consent was a major and highly uncertain component. Respondents spoke of a "typical 3–4 year lead time to build and commission" with a total "5–7 years for a project cycle (concept to delivery)".

In the case of existing facilities, many respondents suggested that owners could be given development rights to make non-significant changes to site infrastructure without going through the planning process.

However a far larger issue was the length and unpredictability of the planning process for new facilities. Here, the greatest single challenge identified was securing community buy-in. In addressing this problem respondents felt that a significant onus was on developers and Local Authorities to improve their communication and community engagement processes. However, there was also considerable support for improving compensation available to local residents affected by facilities. Measures suggested by respondents included:

- The transfer of a proportion of the revenue derived from the development into an un-hypothecated community fund.
- Energy from Waste operators providing discounted electricity and heat to local residents.
- The construction of social infrastructure (improvements to schools and hospitals) in conjunction with waste projects, noted as an effective tool in Italy and Spain.

4. THE FLOOD RISK MANAGEMENT EXPERIENCE

We draw the Committee's attention to the Pitt Review: "*Learning lessons from the 2007 floods*"¹⁷⁷ because it captures many of the concerns about the impact of localism on the provision of flood risk management measures.

In particular we highlight extracts from the Pitt Review which illustrate the need to think at the "larger than local" scale and to ensure that skills are in the right place (whether local or larger than local).

Recommendation 75 of the Pitt Review states that "*For emergencies spanning more than a single Local Authority area, Government Offices should ensure coherence and coordination, if necessary, between recovery operations.*" We simply note that the body with responsibility for establishing coherence and coordination across Local Authority boundaries will not exist for much longer. Clearly, Local Authorities can, in principle, organise themselves to this end but the introduction of the localism policy, for all its potential benefits, has created a gap in terms of structures and skill sets that needs to be addressed.

To reinforce the need for "larger than local" action, we quote the example of North-East Yorkshire's Strategic Flood Risk Assessment used in the Pitt Review report: "*Ryedale District Council, Scarborough Borough Council and the North York Moors National Park Authority formed a partnership to enable a single SFRA [Strategic Flood Risk Assessment] to be prepared for the entire Upper Derwent catchment. This approach ensured that the policy recommendations and guidance within the SFRA reflected hydrological boundaries and was consistent across Local Authority areas. It also simplified the consultation process.*"

¹⁷⁷ <http://archive.cabinetoffice.gov.uk/pittreview/thepittreview.html>

The Pitt Review was eloquent on the problems of shortages in Local Authority engineering departments. Section 6.25 of the report states: “*The Review is aware of the challenge that we have set in the face of dwindling engineering departments in many Local Authorities. Many submissions welcomed the Review’s focus on the Local Authorities’ role in managing flood risk, while raising real concerns about the current engineering capacity at this level. They noted the decline in numbers of drainage engineers in Local Authorities—and across the profession more generally...*”

Section 6.28 then goes on to say: “*Without the appropriate technical renaissance of Local Authorities, there is a danger that many of our recommendations will not be delivered effectively. ... In recent times the technical departments of Local Authorities have significantly diminished and, in some places, merged. Much of the engineering specialism in Local Authorities is now limited to highway engineering.*”

We hope the lessons of the 2008 floods will not be viewed narrowly and that the clear implications for localism will be recognized and action taken to mitigate those risks.

5. CONCLUSION

In this submission we have highlighted the value of professionals making informed decisions with and on behalf of their communities. But we have also made a plea for the risks created in moving to a new approach to be properly managed and mitigated.

In particular, we have highlighted risks created by uncertainty in planning and development control and the gaps that now emerge at the “larger than local level”. We have noted that there is already a shortage of professional engineers working within Local Authorities and that asking them to take on more responsibility and leadership will increase these pressures even further. We also note the concerns raised by our members over accountability and transparency in the new environment.

However, as engineers, our motive is to make things work. We have pointed to a number of examples where good practice exists—in Manchester, Teeside, Yorkshire and Kent as well as highlighting examples from abroad. We could have offered many more. Our hope is that government at all levels can take on board our concerns and use the knowledge and experience that already exists to find solutions that will make a real difference for the good.

October 2010

Written evidence submitted by the Institute of Revenues, Rating and Valuation (LOCO 102)

The IRRV is the professional body concerned with all aspects of local taxation in the United Kingdom and has members within both the private and public sectors. Institute members are engaged in local tax administration, local authority benefits administration, valuation of property for taxation, the appeals process and financial management in local government. The Institute represents the professional interests of its members who work within this broad church.

EXECUTIVE SUMMARY

An active welfare system

- Reform of social security is high on the Government’s agenda. The starting point is that welfare should not just alleviate, but actively prevent poverty. While the social security system has been largely successful in preserving people from destitution, it has not made an active contribution in helping people to escape other aspects of social exclusion: dependency, alienation, and atrophy.
- To remedy this, the Government wants to create a universal credit that rewards work and penalises worklessness. This means a social security system which is customer-focused and responsive, and which can be easily accessed. It means that the system would be simplified, duplication minimised, and that new technology would be used to deliver these objectives. The Government is now developing proposals to simplify and improve the administration process in line with this agenda.
- The IRRV believes development of an active modern service based upon localised delivery is equally important to the reform of the benefits regime itself, because the new system will need to be more customer focused and integrated.

An active service means a local service

- The IRRV believes that localisation of social security is essential to the development of a more effective, efficient and active welfare system. By localisation the IRRV means a service in which:
 - Customer service and access to the main means-tested benefits is integrated through the creation of “single gateways” at local level.
 - The processing of the main means-tested benefits is integrated at local level using technology and effective data management to streamline services.
 - The creation of “Life Events Centres” based upon local authorities should deliver the frontline of all public-facing services, including job seeking and welfare to work.

- The delivery of benefits is co-ordinated with other local action on social exclusion and worklessness.
- Local authorities are the key players in providing local gateway to benefits.
- Services would be delivered by partnerships between the public, private and third sectors.

Complexity and duplication within the current system

- The social security system is very complex. This can make benefits difficult to claim and difficult to administer. Currently In the fullest part there are 12 agencies involved in delivering 79 benefits, many of which must be claimed separately. This arrangement is administratively expensive and hinders the co-ordination of social security with other aspects of social policy.
- The current division of responsibilities between the DWP Agencies and local authorities is part of the problem. It is liable to confuse the claimant, and increases difficulties in accessing benefits. It creates the potential for communication problems and delays in processing claims. It also involves duplication, making the service less efficient than it could be.

Creating single gateways to benefits

- Local authorities should be made responsible for co-ordinating the delivery of benefits at local level. They are well placed to take on development of a “single gateway”, enabling local people to access a range of benefits simply and quickly, all at the same point. This would provide an opportunity to co-ordinate benefits with related local government responsibilities.
- Some local authorities already have experience of re-organising their services to make them more active and accessible. This usually rests on the use of one-stop shops, making a range of services accessible at the same point of delivery. Staff at the one-stop shop should be in a position to consider all the claimant’s needs and so enable them to access the full range of help available. This could extend beyond benefits to jobsearch advice, training, childcare and other appropriate forms of assistance. This service would also provide the gateway to all customer facing public services.
- Practical improvements to service delivery would require the better use of technology. It can make a difference externally, through improved access for the customer; and internally, through more efficient processing and communication. The service would open all channels of communication and deliver the service through local “Life Events Centres” (LECs).

Integrating the administration of benefits

- The IRRV believes that there would be advantages in going beyond combined service delivery, and integrating the administration of a universal credit as well. Through their experiences of housing and council tax benefit, local authorities already have the technical ability to deal with other income-related benefits. This has been recognised by the government by giving the responsibility for the proposed cap on welfare benefits. We propose that the administration of universal credit should be carried out in parallel to the administration of employment advice; all within one organisation, the local authority.
- Employment advice would be contracted out to the private sector, welfare to work providers and the third sector.
- Greater local authority involvement in providing the universal credit would create opportunities for joined-up thinking across a range of local government responsibilities. In tackling social exclusion, benefits are only part of the picture. Social security must be a key part of a combined assault on social exclusion, complementing other services such as education and training, local economic development, housing, social services, and childcare.

Achieving common standards, given differences between local authorities

- The IRRV is in favour of increasing the role of local authorities in social security. However, we accept that in some parts of the country this may not be the best way forward. There is a range of performance among councils and different authorities may be suited to different degrees of responsibility. Also, geographic and demographic considerations mean that there are differences in terms of their capacity to take on a project such as localisation. Following the principle that “what matters is what works”, a “patchwork quilt” approach might be the best way forward, in which consistency is sacrificed for practicality.
- The role which councils play in providing a service could vary. It may not always be appropriate for the local authority to take on the complete operation of localised service provision. The signs from the government are that the existing divisions of responsibility are no longer to be set in stone. Where necessary other statutory agencies, the private and third sectors could help deliver elements of the service; though organisational divisions would make it more difficult to achieve a seamless service.

The transition to a localised benefits service

- It is unlikely that localisation could happen quickly. A realistic model would deliver incremental change, steadily increasing local discretion and flexibility over service delivery and administration while retaining a common universal credit regime nationally.
- There are some fundamental practical issues which would need to be addressed in making the transition to a localised benefits service. We propose a staged roll out, supported by special task forces. We also highlight key concerns about staffing issues, information technology, and funding.

Funding a localised benefits service

- Central government should make a long term commitment to fund administration costs. The quid pro quo for full central funding of a locally administered service should be a value for money operation. Moreover, there should be commitment from all parties to realising efficiency savings—a “localisation dividend”. A major element of the “localisation dividend” would come from a major nationalisation of the DWP Agencies and the administration of tax credits.

LOCALISING BENEFITS

The role of local authorities in delivering an active modern service

Welfare reform and the goal of an active modern benefits service

1. Reform of social security is high on the Government’s agenda. The starting point is that welfare should not just alleviate but actively prevent poverty and reward work. What is required is a proactive welfare system which provides dependable social security for those who cannot work, and help into work those who can.

2. The logic is that while the social security system has been largely successful in preserving people from destitution, it has not made an active contribution in helping people to escape other aspects of social exclusion; dependency, alienation, and atrophy. This owes a great deal to the mechanical way in which social security is “doled out” by a vast bureaucracy which, once it has assessed eligibility, barely takes any further interest in the client.

3. IRRV’s proposal is to replace this lumbering giant with an “active modern service”. This implies a system which is customer-focused and responsive, and which can be easily assessed. It means that where possible the system should be simplified, and duplication minimised. It involves exploiting the potential of new technology to deliver these objectives. This suggests major organisational change alongside reform of the benefits regime.

4. The IRRV believes claimants want and need a more active relationship with those who administer the system. This includes everything from getting more help in filling in forms or using electronic channels to clearer explanations about what information is required and why.

5. The government seeks a benefits system which helps move people from welfare to work. Awareness (or lack thereof) about benefit entitlement has a bearing upon jobsearch choices; an often quoted example is that people do not realise that housing benefits can continue into work. There is a need to organise the service so as to give the customer accurate and complete information. Ultimately this could entail the co-ordination of access to benefits with knowledge and advice about the local job market. This is particularly essential with the proposed introduction of the universal credit and the cap on welfare support.

6. Beyond this the Government is looking for a system which recognises the realities of today’s increasingly insecure and flexible labour market. With more people moving in and out of short term work the social security system needs to be able to respond quickly to their changes in circumstances. Any system must also reward work.

7. What does all this add up to? The task seems to engage at local level, delivering a more interactive, personalised, and local service; while the building blocks of the benefits regime continue to be defined nationally.

8. A better social security service can not be developed in isolation from other Government programmes. Namely the modernisation of local government, welfare to work, housing policy, and the Big Society. It is in this spirit that we advance the case for localisation of social security. The paper seeks to apply “joined-up thinking” to the future delivery of social security, and considers the contribution that local government can make to the development of an active, modern benefits service.

Localisation: an active service means a local service

9. Localisation is itself a highly inexact term. This makes it necessary to spell out what we mean when we advocate a localised benefits service. We envisage a service in which:

- Service delivery is integrated at local level. Claimants access means-tested credits through a single local gateway, using all available channels.
- The processing of means-tested credits is also integrated at local level.

- The provision of social security is co-ordinated with other local action on social exclusion and work provision.
- Local authorities are key players in delivering the universal credit to their communities.
- All customer facing public sector services should be delivered through the same local gateway, in effect a “Life Events Centre” (LEC).

The benefits of allowing local initiative

10. However, this is not to reject the principle of local discretion. With the condition of a properly funded benefit regime, advantage should be taken of the scope for local responses based on local knowledge of particular local needs. There is a case for central government to create enabling powers to free up local initiative, allowing benefit providers to target particular problems with tightly focused benefit packages.

11. This “local action fund”, similar to the Discretionary Housing Payments, might variously be aimed at: helping homeless people; providing assistance with the extra costs associated with starting a job; helping with travel costs in rural areas; or where house repossessions are a major problem it could go towards mortgage assistance. Doubtless there are many imaginative possibilities which could be identified by local providers on the basis of knowledge of their client profile.

12. The key is to harness local knowledge and local initiative. But any local discretion should be designed to increase the responsiveness of the benefits system, not to cover for underfunding of national rates.

13. The purpose would be to enable the system to respond to differences in the nature of need between different areas. A local authority, accountable to the local community and with wider responsibilities for its welfare, ought to be able to exercise such discretion more effectively than a central government agency.

Complexity and duplication within the current system

14. At present there are 23 major benefits available. There is no specific dedicated agency which ensures that citizens claim all the benefits to which they are entitled. At least eight organisations are involved in delivering these different benefits, each of which must be claimed separately. This arrangement is very expensive and makes it difficult to co-ordinate social security with other aspects of social policy.

15. It is difficult for potential claimants to understand the system and make a claim. System complexity also reinforces the benefits trap, affecting both those seeking to escape from unemployment, and those already working in a low-paid job who might have an opportunity to increase their earnings.

16. It is not just those looking for work who need the assistance of a “smart” social security system. The majority of customers are not in a position to support themselves through paid employment. Groups such as pensioners, people with disabilities, and those caring for young children also require a modernised, customer-focused service which respects their dignity and is co-ordinated with other welfare services.

17. The current division of responsibilities between the DWP Agencies and local authorities tends to confuse the claimant, and increases their difficulties in accessing benefits, forcing them to make separate approaches to different offices.

18. One solution would be to consolidate all benefit delivery with the DWP or a new agency. To make the transfer complete would also mean giving the DWP responsibility for administering education benefits, free school meals, and concessionary fares on public transport. The DWP is after all the dedicated benefit provider, already administering the widest range of benefits. But there are questions over its ability to deliver a customer-focused, responsive, integrated and efficient service. Moreover, removing local authorities from any role in benefits provision goes against the grain of localism. It does not fit with the view that local government would like to have of its role, or with the projected role that central government seems to have for local authorities.

The Locally administered benefits service: a greater role for local authorities

19. Ministers and local government leaders have agreed to work together to make services much more convenient and accessible.

20. Unlike the third or private sectors, or central government agencies, local authorities must act for, and be accountable to, the local community as a whole; and de facto, they have a general responsibility for the welfare of their local communities. The former government enacted this responsibility in legislation, in the form of a duty on councils to promote the economic, social and environmental well-being of their areas. In this context there is a natural role for authorities in enabling local people to access social security, and service delivery could be improved by co-ordinating benefits with related local government responsibilities, most obviously housing, social services and local economic development. This option would not be available if benefits were taken away from local authorities.

21. Local authorities could also lay claim to a greater role in benefits provision on the basis that they are directly accountable to the people they serve; they are accessible to local people; and to different degrees in different authorities they have a commitment to customer service and to maximising access to benefits.

22. The Government has said that it wants a new partnership with local authorities, which recognises and builds upon what they have to offer in delivering services to the public. Marrying this philosophy together with the Government's welfare reform objectives provides logic for greater localisation of benefits services. This would offer a means to improve access to advice about the types of support available, and about services to support clients in finding employment.

Localised service delivery: the single gateway in action

23. Leeds City Council has successfully established one-stop shop pilots and has secured funding for the refurbishment of six area offices and the building of two further one-stop shops. These bring together benefits, welfare advice, housing services, council tax, adult training and employment guidance, and more besides. Leeds reports high customer satisfaction levels since the introduction of the new service. The project has involved Leeds in a successful partnership in the delivery of public and private sector services at one point of contact.

24. There are many other local authorities who have implemented projects similar to Leeds. Some of these have involved partnership between Shire Districts and County Councils. There is considerable experience at a local level in delivering integrated customer facing services, which would smooth the development and introduction of a localised service based upon LEC's.

Developing staff and IT support

25. As a first step in putting the single gateway and the LEC into practice, customer service officers based in front-line local community offices can be trained up to provide advice and information about the whole range of benefits and services available to help clients in their attempts to find suitable employment. For the time being the "back office" administration of different benefits and services will continue to be the responsibility of the existing separate agencies. The customer services officer would resolve all enquiries as far as possible, and refer in to the appropriate specialists where necessary.

26. Practical improvements to service delivery would require the use of technology. Improved channel access is underway with web based services which should give the claimant more choice in how they access the benefits system, and where they go to do it.

27. Also relevant is the development of software which bridges the gap between the interface with the customer and the stored data; giving a three tier structure which provides a basis for the integration of services along one-stop shop and LEC lines.

28. Customers should feel the benefits from changes in service delivery very quickly. Localising administration would take longer to implement, but would further enhance the service to the customer and reduce bureaucracy.

Localised processing of benefits: integrated administration

29. There is clear need for better communication and co-operation between the different arms of the benefit service, especially the Agencies of the DWP, HMRC and local authorities. The government has made this a key part of its approach to welfare reform. Joint working between councils and government agencies to develop a simple, accessible single gateway to benefits would be a real improvement

30. This should lead to a number of improvements. It should lead to the use of common IT interfaces to process the different benefits. Information could be accessed, checked, and acted upon without crossing complicated organisational boundaries. This would assist with data-matching, allowing more immediate action to be taken to promote benefit take-up and combat fraud; and aid delivery of the right benefit to the right people at the right time. More reliable and prompt access to complete information about a claimant should reduce cases in which backdating is necessary. Administration under one roof should speed up the processing of claims and reduce clients' confusion about what is happening with their claims.

Combined delivery and administration of income-related benefits

31. Localisation would work better with some benefits than with others. Expertise in housing benefit is the starting point for local authorities, and if their remit were to be broadened it would make sense to look at other benefits which operate along similar lines. This suggests income-related benefits, which form a natural group. We set out one potential way forward in which both the customer service and administration of housing and council tax benefit are integrated with the other main income related benefits: income support and jobseeker's allowance. Other benefits like child benefit and state retirement benefit should continue to be paid by a national agency, for the time being. The introduction of the universal credit should then be integrated in to the process.

Co-ordinating benefits with other local authority activities

32. In the longer term there is scope for the local authority to build on this role. The one-stop shop and LEC models could include the co-ordination of benefits with employment advice (which sits naturally with a role for local authorities in promoting the economic well-being of their areas) and other local competencies. Locally

managed benefit services would be able to identify historical, geographical and educational trends within local communities, and to discern patterns of deprivation. Those suffering from social exclusion require more than financial support. Services provided by the local authority, such as education, health, housing, adult guidance, social services, and childcare are essential to assist clients out of the benefits trap.

33. Integrated benefit services, combined with awareness of the pressures upon local communities can help support the tailoring of services to meet particular local and personal needs, and to develop new responses to increase access to training and employment. Local authorities should take the initiative in forging partnerships to combat social exclusion in their communities.

A patchwork quilt: differences between local authorities

34. If the Government looks to local authorities to play a lead role in developing a new model of benefits delivery it will want to address the issue of the range of performance among authorities. The Government will trust some authorities more than others, and would probably want to exercise different degrees of control over different authorities.

35. Because councils are geographically and demographically diverse, their capacities to take on such a project vary considerably. Larger authorities are likely to welcome a wider role in helping local people to access welfare. But some smaller authorities might feel considerable trepidation that benefits would swamp everything else that they do, turning them into a sort of glorified benefits provider with a few add-on services. Either way, localisation would mean raising the status of benefits within local authorities involving a reordering of priorities within the council and a more dynamic approach to benefits as a service to the local community.

“What matters is what works”

36. A problem with the patchwork quilt approach is that it could mean treating local authorities differently within the same Benefits Agency (BA) area. The principle must be “what matters is what works”. It may be that in an area of very small district councils it would be more practical for the local government role in benefits to be passed to the private or third sectors.

37. The signs from the Government are that the existing divisions of responsibility are no longer to be set in stone, and that it is looking or experimentation with different forms of service delivery. This will affect the role of the private and voluntary sectors, just as it could alter the relative responsibilities of central and local government.

38. There is a general shift underway towards more fluidity in the provision of services. The separation of roles between the public, private and third sectors is becoming less clear cut. Local government has a unique strength in that it is accountable through the ballot box to the local community as a whole. But councils must also justify their involvement on the basis of merit.

39. Where benefits have been contracted out both the local authority and the private contractor will have valuable experience in re-organising and integrating different parts of the benefits service. The contractor should be able to make a significant contribution to the delivery of other benefits on a more local basis. The local authority would have to consider whether its client team should lead the localisation project, and what role the contractor would have if it is to administer benefits other than those already specified in its contract.

40. Increased private sector involvement could include setting up regional or national benefits processing sites to do the “back office” work. Care would be needed to ensure that reliance on these centres did not undermine the standard of service provided to the customer. Much would rest upon the quality of links between the processing centre and the local benefits gateway.

The Transition to a localised service

41. How localisation would work would depend on how and why it was driven forward. At its most extreme it presents a very frightening prospect: one big bang. But it is unlikely that localisation could happen overnight, especially given the preference for evolutionary change expressed in the welfare reform green paper. A realistic model would deliver incremental change, steadily increasing local discretion and flexibility over service delivery and administration while retaining a common benefits regime nationally. A clearly defined roll-out is required, taking a building block approach. A range of high performing authorities should be given the chance to lead the way, and shape the scope and boundaries of the exercise. Other authorities would follow, using the lessons of their experiences.

42. The advantages of localisation are relevant in both urban and rural areas, and the key is to develop imaginative and flexible approaches. Experimenting with different forms of service delivery and obtaining support from different partners should be encouraged. For instance, setting up a small number of one-stop shops to provide a face-to-face service may be inappropriate in many rural authorities, where customers might live many miles away. Alternative solutions might have greater reliance on telephone and electronic channels, perhaps involving telephone and video links; or “benefits buses” touring outlying areas; or some role for local post offices.

43. There are some fundamental practical issues to be addressed in making the transition to a localised benefits service. We propose a staged roll out, supported by a special task force.

44. These are not the only challenges involved in the localisation of benefits. Others include:

- (a) **Legislation:** any change will require legislation across a number of policy areas including local government, housing, finance, and social security.
- (b) **Organisational structure:** new structures will need to be developed to link the claimant, the front end services, and the processing of claims in the back office.
- (c) **Performance assessment and service standards:** performance assessment needs to be made more sophisticated.
- (d) **Location:** the need for comprehensive reach ensuring accessibility of services and buildings across the locality.

Implementation task force

45. A DWP-instigated task force should assist local management (both local authority and BA) with the development of single gateways to benefits. The task force should include particular expertise in IT and change management. As localisation “rolled out”, the task force would gain experience of common practical problems and apply this knowledge in subsequent stages. Performance is all important, and the task force should feed into the continuing monitoring, development and application of nationally consistent standards. .

Staffing

46. Re-organising the service would necessitate the transfer of significant numbers of staff between existing benefit providers, either on a permanent or contract basis. There are differences in the terms and conditions of staff working for the various government agencies and in local government, including:

- pay scales and grading;
- leave entitlement;
- car allowance and expenses;
- pay dates;
- redundancy and sickness agreements;
- redundancy and selection procedures;
- pensions; and
- working structures.

47. Underlying these is the question of whether the negotiation of staffing issues should happen at national or local level.

48. Through reorganisation processes many local authorities already have extensive experience of issues arising in the transfer of staff, which would come in useful in the transition to a more localised service. The issues include:

- staffing levels, costs and locations;
- TUPE;
- negotiating machinery;
- disaggregation of staff;
- personnel protocol; and
- accommodation.

Information technology

49. The success or failure of any major change will owe a great deal to the quality of technological support.

50. One central computer system is not necessarily the best solution. For example the Benefits Agency systems lack flexibility and generate considerable problems. The resources involved in developing a new central computer system would be enormous. Alternatively, different suppliers could produce acceptable products allowing for regional variations in emphasis. The key would then be successful integration of the different systems. By using the web browser and e-mail, or secure networks, communications between systems can take place quickly. It could also allow data-matching to be carried out on a regular basis.

51. The role of local authorities is wider than that of a national agency such as the BA. They exist to provide good local government across the board. Councils hold vast amounts of information on their citizens, clearly this could be used to target and provide services to the community.

52. The use of the latest technology is essential, both in order to facilitate the swift transfer of services and to provide the customer with the easiest way of receiving their benefits.

Funding a localised service

53. Benefits practitioners and other interested groups would bring much useful experience to the design and development of localisation structures, ensuring that all key elements are included. Arrangements for the funding of both administration costs and benefit expenditure must be resolved at an early stage.

54. We would expect central government to make a long-term commitment to fund both benefit expenditure and administration costs in full, and to cover transition costs. In so far as local authorities would be taking over the role of a government agency they should be resourced on the same basis.

55. We would oppose mechanisms which required authorities to jump through the hoops of an incentive scheme in order to obtain the full complement of funding. However, where an authority persistently failed to provide an effective and efficient service, central government would reserve the right to impose penalties.

October 2010

Written evidence submitted by RICS (LOCO 105)

The Royal Institution of Chartered Surveyors (RICS) welcomes the opportunity to submit its response to the Communities and Local Government Committee's call for evidence for its Localism Inquiry. RICS is currently engaged in a number of initiatives which seek to support effective policy development and standards-setting with regard to the emerging localist context.

This includes running a series of local authority workshops in partnership with the Planning Officers Society and the Local Government Association, to gauge views of local authority senior planners, RICS members and portfolio holders for planning on the best practice ways to maintain the momentum of their local planning functions and development sectors in the current period.

RICS is also in the process of establishing an independent cross sector Commission to examine ways to equip communities to access the planning process and potentially be involved in community asset acquisition and service delivery—all aspects of emerging localist policies. This Commission will report back with recommendations in early 2011.

ABOUT RICS

RICS is the leading organisation of its kind in the world for professionals in property, construction, land and related environmental issues. As an independent and chartered organisation, RICS regulates and maintains the professional standards of over 91,000 qualified members (FRICS, MRICS and AssocRICS) and over 50,000 trainee and student members. It regulates and promotes the work of these property professionals throughout 146 countries and is governed by a Royal Charter approved by Parliament which requires it to act in the public interest.

RICS members are involved in every aspect of the built environment, including planning and development, managing public and private sector assets, advising major urban and rural land owners, planning and delivering infrastructure projects and strategic land promotion and investment.

OVERALL COMMENTS

- The outsourcing of some local authority services to local delivery bodies can work effectively and promote cost efficiencies, provided that the structure, governance, objectives and the relationship between the provider and the local authority is well defined. However, any outsourced services would need to attain high standards given general public satisfaction with local service provision.
- There are specific measures included in existing legislation which could deliver certain aspects of the Government's localist agenda. RICS urges policy makers to examine the potential usefulness of measures in existing legislation before proposing new items in the forthcoming Decentralisation and Localism Bill.
- In the same vein, beyond local authorities there are existing local governance structures and community apparatus which need to be involved in whatever local service delivery models are developed. These range from town and parish councils to local strategic partnerships, rural community councils and resident associations. An important aspect for any bodies delivering local services is the availability of funding, whether this comes directly from central government or through wider grant giving bodies. The continued availability of funds from these diverse sources will have a direct impact on the services being provided.
- Whitehall has a key role in encouraging and promoting the necessary culture change among the local government and third sectors, by giving a narrative of emerging policy and outlining realistic expectations of what the key local actors might deliver.

- RICS, along with other professional bodies, has an important role in the “Big Society”—specifically by issuing guidance and disseminating good practice to ensure that local authorities and communities are equipped to play their part fully in the decentralisation of public service provision. An example is the current *RICS Public Sector Asset Management Guidelines*,ⁱ which are supported by Government and sector bodies and which are being refreshed in 2011 to reflect the changing emphasis on localism.
- RICS urges that training and resourcing local authority staff is prioritised to support the development of efficient, collaborative and innovative new models of service delivery being discussed.
- A number of best practice examples exist (such as the case study outlined in this document) which need to be highlighted and promoted to enable other decentralised and cost effective service delivery models to emerge.

GENERAL VIEWS

1. Existing measures

A number of the existing measures from the Sustainable Communities Act 2007 have not been put into full effect. The Act contained provisions to enable all stakeholders in an area to provide their spending and resources information which would be incorporated into a local spending report to be reviewed regularly. By doing this the reports provided a map of overall local public service spending in an area, allowing strategic decisions to be taken for that area.

However, this initiative was perhaps overshadowed by the Total Place programme of area-based budgeting. It should be emphasised that the Total Place initiative is still in pilot phase, and while the results from this appear to be favourable there seems to be no real reason to neglect to increase the use of local spending reports.

RICS would urge that measures within the Sustainable Communities Act 2007 such as this example could be good existing tools for local authorities. They could be simple to adopt and use as part of the drive to decentralise services, but would require recognition from the Government as part of the suite of policies which sit alongside the forthcoming Decentralisation and Localism Bill as a crucial tool for neighbourhood planning and delivery.

2. Genuine devolution of local measures and services

Following the passing of the Sustainable Communities Act 2007, Communities and Local Government managed the pooled budget initiative by issuing a call for interest from local areas to participate. However, a criticism may be that not enough was known or understood about the detail of this programme at a local level, which resulted in a low take-up of the project.

In light of this the role of central government departments should not be to provide detailed criteria for local initiatives. Local initiatives should instead be delivered and overseen by local or above local actors—which may include local authorities and/or other local actors.ⁱⁱ

3. The role of Whitehall

There needs to be wholesale culture change across the local government and third sectors to encourage local bodies and groups to proactively focus on delivering local services and cooperate with their neighbouring partners.ⁱⁱⁱ The duty to co-operate potentially to be included in the forthcoming legislation will not be a panacea.

While for a number of initiatives local actors may be looking to central government for answers to deliver local services, central government departments should act as enablers for new delivery models. Whitehall departments have a key role in providing a clear policy narrative of where responsibility for local services will increasingly lie, and to outline realistic expectations of what the local authorities and third sector might be able to deliver.

Whitehall departments should also be collating and referring enquirers to best practice case studies where services have been or are being delivered outside the traditional model. RICS is also keen to help here, drawing on our members' experience.

4. Resourcing, capacity and skills

Any proposed structural changes require well-trained local authority staff who have the confidence to make strategic decisions and build good working relationships with partner bodies. Additionally there needs to be sufficient well-trained staff employed to ensure that the quality of public services does not suffer. RICS is particularly aware of the need to ensure that local planning authorities are staffed and skilled adequately to support the momentum of the development and construction sectors, which are a crucial driver of economic growth (construction spending has a positive multiplier effect of 2.84). RICS has explored this issue in a number of research papers in recent years.^{iv}

5. Case study

TORBAY COAST & COUNTRYSIDE TRUST (www.countryside-trust.org.uk)

In December 1999 the Torbay Coast & Countryside Trust was formed, with Torbay Council passing over the responsibility to conserve and enhance 1,750 acres of coast and countryside, including:

- Recreational spaces
- Historic buildings
- Woodlands
- Farms
- Nature reserves
- Footpaths

The aims of the Trust are to safeguard the sites under their responsibility, to enhance and improve access and to educate and inform; and to use its charitable status to attract funding, engage with the communities and provide the resources to the public free of charge.

Since its creation the Trust has received £1.7 million from Torbay Council against £6.2 million from other sources through fund raising and legacies.

Governance: As an independent Trust, the Board of Trustees comprises ten local people, including a councillor who represents Torbay Council, with the rest of the Trustees gathered from local businesses, media, education and social services and professionals. The Chair of Trustees is Tim Key FRICS, a senior RICS member and retired land agent.

Practical lessons from the case study

(i) Importance of an effective management team

The Trust inherited a proactive and passionate multidisciplinary team transferred from Torbay Council when it was established, enabling management and planning to be enhanced by corporate memory and local expertise from day one.

(ii) The relationship and involvement from the local authority

The trust was a result of a shared vision held by council members and officers and local people. Once established, local authority involvement was given through a councilor representing Torbay Council on the Board of Trustees.

The partnership working between the local authority and the Trust was intrinsic to the success of the initiative, as good working relationships and mutual trust between the two bodies meant that there was shared understanding and buy-in of the overall vision, with associated financial underwriting from the Council. Regardless of the local political environment, the Trust was left to manage and deliver its public services, in accordance with an agreed management plan, but without interference.

(iii) Support from across the community

The recognition of the worthiness of the Trust's work from local community leaders and catalysts substantially contributed to the Trust's success.

The Trust was established because of a growing recognition from local people, along with the Council, that Torbay's green infrastructure and natural surroundings were intrinsic to the success of the town—as a major attraction for tourists—but this was not reflected in the local authority budgeting, which by necessity had to prioritise other essential services such as health and social services.

Thereafter local ownership and buy-in to recognise, promote and contribute to the Trust's work has been maintained through a proactive Board of Trustees representing the local community including a local head teacher, a representative from a local media outlet and some business owners.

Delivery is achieved in a variety of ways, but, most importantly, through Education. A dedicated team within the Trust operates from four centres across Torbay to provide courses for people of all ages, but especially children, mainly through schools. In the past year over 7,000 school children have taken part in courses held by the Trust.

(iv) Financing

The Torbay Coast & Countryside Trust was set up with no assets of its own. Instead it relies on the local authority partner to be a banker of last resort to underwrite its activity, which brings necessary financial scrutiny for the Council. If this model had not been followed the Trust would have had to take ownership of the assets to back its working overdraft and banking requirements.

Although the Trust did not receive an endowment when it was set up it is a registered corporate charity and therefore can access funding streams which were unavailable to the local authority. Using this business model it was able to deliver its services with a ratio of £4 raised from other sources (funding awards, grants and legacies) per £1 grant support from Torbay Council.

(v) Independence

Independence from the local authority is seen by the Chair of Trustees as critical to the success of its work, as it enables the Trust to plan its long-term activity with no reference to any changing local politics, and strictly according to a viable business plan. The Trustees must not be afraid to say no to offers of new projects to be involved in which, while meeting a local need, may not be financially viable, or compatible with its objectives.

Beyond the involvement of the council representative on the Board of Trustees, other senior “champions” functioning as link people within the local authority are highly valued. In the case of the Trust it has good day-to-day working relationships with the Council’s Heads of Department which helps in the Trust’s planning and decision making.

(vi) Oversight and scrutiny

In this case, the Trust is predominantly judged according to its delivery of effective public services. Aside from the general ongoing scrutiny of its finances from the local authority in its role as a banker of last resort, the different projects the Trust runs are scrutinised by grant givers when they make decisions on granting funding to the Trust.

If the Trust was failing to meet its high service delivery standards, on the one hand it would not be given new funding projects from grant givers, and on the other the local authority at any point could choose not to underwrite the Trust’s overdraft and could take back its assets, ceasing the activities of the Trust.

REFERENCES

ⁱ RICS Public Sector Asset Management Guidelines: A guide to best practice, is supported by Communities and Local Government, The Scottish Government, the Department of Finance and Personnel (NI), the Office of Government Commerce, ACES, COPROP, CIPFA, AUDE, the National School of Government, NAMS Group, CLA, the Institute of Asset Management, FPS, VOA.

ⁱⁱ In Spring 2010 RICS carried out an online survey of views on various aspects of localist policy from built environment and business owners in England. Of the 149 respondents from members of RICS, Planning Officers Society, RTPI, Federation of Small Businesses and the Chartered Institute of Housing, 67% agreed that the increased involvement of wider community stakeholders in key functions of local government is to be welcomed.

ⁱⁱⁱ In the RICS online localism survey (see above) 73% agreed that there needs to be a wider culture change in the way local authorities cooperate.

^{iv} See: Phil Allmendinger, Transaction costs, planning and housing supply, RICS, 2010; Katharine Martindale, Sarah Monk and Christine Whitehead, Improving the capacity of the planning system in England and Wales: A view from the regions, RICS, 2009; Yvonne Rydin, Reassessing the role of planning in delivering sustainable development, RICS, 2006.

October 2010

Written evidence submitted by James Derounian (LOCO 107)

PERSONAL BACKGROUND

I am a Principal Lecturer and National Teaching Fellow based at the University of Gloucestershire, with over thirty years experience related to rural community development practice, action research and teaching. I was England’s first Rural Development Programme Officer (in Northumberland), and undertake work with the Carnegie UK Trust, New Economics Foundation, ACRE and others. I am a core member of the *Faith in Affordable Housing* partnership that published online resources showing how churches can use assets for affordable homes, and has just appointed a housing enabler to progress this work.

QUESTIONS SET BY THE CLG COMMITTEE

The extent to which decentralisation leads to more effective public service delivery

I would—in particular—look at the role and potential of English Local (Parish & Town) councils in terms of decentralised public service delivery. There are some 8,000—10,000 of these most-local authorities spread across urban & rural England (including parts of major cities like Birmingham). They have powers (eg the “Power of Wellbeing”) to deliver services in pursuit of community betterment and sustainability. Local councils came into being in 1894—and have therefore far outlived most other agencies on the scene today!

They also have precepting (local tax) capabilities, with which to initiate, support and extend service delivery for their constituents. Furthermore local councils may own assets, such as community centres and village halls that can be used for public service delivery. Take as one example the small market town of Winchcombe (Gloucestershire, population 5,000+); the council operates the *Abbeyfields Centre* on a former junior school site. The centre offers a “one stop shop”/multi-use facility: including pre-school playgroup, police office, Town council HQ, community meeting space etc.

Decentralisation can respond to local aspirations and concerns (for services) articulated via thousands of DIY *Parish Plans* and appraisals completed by communities from around the country. You may like to look at my work from as long ago as 1996 (with Phil Allies & Malcolm Moseley: “Parish appraisals—a spur to local action?” *Town Planning Review*, Vol 67 no 3 pp 309–329) which demonstrated that local wishes “most readily carried into effect tended to be those whose implementation lay largely in local hands”. This is also reinforced by my 2005 “Analysis of Oxfordshire Parish Plans”:

http://portal.oxfordshire.gov.uk/content/publicnet/council_services/community_living/our_work_with_communities/community_planning/Analysis_of_OxfordshireParishPlans.pdf

The role of local government in a decentralised model of local public service delivery, and should localism extend to other local agents

As already stated Parish & Town Councils are physically closest to the people they serve, democratically accountable via the ballot box and can harness local knowledge in order to tailor services to local needs, desires and circumstances. I would be inclined to focus, initially, on transfer of principal authority powers and services to local councils—a delegation *within* the public sector; dependent on its success localism could be extended to *other* local agents.

To enable local councils to meet their potential in delivering localised public services I would move rapidly to award these councils with a *Power of General Competence*, whereby they can do anything—to benefit their community—that is not illegal.

The action which will be necessary on the part of Whitehall departments to achieve effective decentralised public service delivery

A simple mechanism by which to “achieve effective decentralised public service delivery” would be to “pilot” Big Society initiatives such as the “Community Right to Build” CRB in 3 or 4 local authority areas; so that the workability of service delivery—in this case community-granted planning permission and development of affordable homes and local services—could be trialled, on a limited basis, reviewed and refined (before potentially making it more widely available).

It is therefore a form of limited risk/risk management.

October 2010

Written evidence submitted by the Planning & Development Association (LOCO 109)

The Planning & Development Association (PDA) is an organisation representing the interests and views of private sector developers, house-builders and consultants throughout the UK. The Association has been in existence for over 20 years and meets on a regular basis to enable its members to share experience, pool ideas and benefit from expertise of experienced practitioners who are involved at the sharp end of the development process. In addition to performing an important social and networking function, the PDA offers advice on the management, operation and delivery of development through the planning system. Most of our members are fully qualified planners who are practicing in senior management roles.

SUMMARY

- Planning is an essential tool which provides a framework for expenditure, a structure for investment, a mechanism for judging the merits of alternative strategies, vital guidance for landowners, developers and individuals on future planning policies. It also provides a forum for consultation and engagement between developers, local authorities and local communities. Without planning developers won’t have the confidence to invest and local people won’t have the certainty to know what to expect in their communities.
- The Coalition Government’s new “Localism” approach is a philosophy not a policy. The practical implications of fundamentally changing the planning system to a “bottom up” process rather than a broadly “top down” hierarchical system therefore need to be properly thought through before the Bill is drafted and proper transitional arrangements should have been put in place before the system of Regional Strategies was abolished.

- There are essentially two strands to the planning system: forward planning including national guidance, strategic planning (at various levels) and local planning (including what are currently Local Development Frameworks) and development management (what is traditionally termed development control) determining individual planning applications, together with the appeals system and enforcement. A new system would need to carefully consider the impact on both strands.
- In forward planning, Ministers have indicated that the new system will be underpinned by a patchwork of Neighbourhood Plans. It needs to be made clear, who will produce these? How they will be funded? Who will make critical decisions? Whether they will be a formal part of the “development plan”? What scrutiny will be applied to plans? How they will feed into the Local Development Framework and who will undertake the necessary work to ensure that local needs are fully met and the patchwork jigsaw fits together?
- In development management, it is indicated that the decision making process will follow the principles within the “Open Source Planning” Green Paper, issued before the election. This suggests that decisions will be made subject to “Local Plans”, failing which there will be a “presumption in favour of sustainable development”. Community Right to Build will apply in rural areas, albeit subject to a veto from local people. Once again, it needs to be clear who will make critical decisions on planning applications? Who will be accountable for those decisions? What funding and support will be provided to Parishes and neighbourhoods? How will the presumption in favour actually work? Who will organise any referenda and how will they work? What controls will there be over conflicts of interest at local level?
- To resolve these concerns there will need to be clear guidance about “Who does what” in planning, including a new set of powers and responsibilities, a new financial framework for neighbourhoods and parishes, better officer support and training for parish councillors and neighbourhood representatives, clear opportunities for consultation and involvement for both landowners, developers and local people, simple policy statements (at every level) and proper scrutiny to ensure that there is accountability, responsibility and trust. The Open Source Green Paper needs to be subject to full consultation if it to provide a basis for policy.

INTRODUCTION

The Government has been swift to introduce changes to the planning system to reflect the ambitions of the new Coalition partners. These changes have followed the ideals heralded in the Conservative Party’s Discussion Paper on “Open Source Planning” issued by the Party in February 2010, the Conservative Manifesto issued in April 2010 and the Joint Coalition Agreement reached in May 2010—after the outcome of the General Election. “Localism” and the so-called “Big Society” have been strong themes within all those documents and have also featured at the recent Conservative Party Conference.

But “Localism” (and the “Big Society”) is not a policy—it is a philosophy. It therefore needs to be clearly explained and expressed and translated into a workable policy framework to enable it to be used by the developers, local authorities and communities who are the essential “clients” or consumers of the planning system. It is not sufficient to simply leave it to local communities to work out the system for themselves.

Planning is an essential tool of Government (at every level):

- It provides an important structure and framework for decision making according to a logical and pre-determined set of national, strategic and local policies;
- It provides a mechanism for the planning and co-ordination of infrastructure and the delivery of development, services and facilities which require strategic planning;
- It provides a legal basis for landowners and developers to exercise their rights to develop land and to promote their ideas and ambitions for development in the future (and for communities and individuals to support or indeed challenge that right);
- it evaluates the merits of plans and proposals according to policy and technical criteria and judges and measures the costs and benefits to society against the background of viability constraints and the need to achieve economic prosperity;
- it provides an essential medium and forum for communities, local authorities and developers to debate, discuss and explore the options for growth and change in the future and to decide what is best for a community—at whatever level; and
- it addresses, as far as possible, the wider impact of proposals in terms of environmental criteria, the achievement of sustainable development objectives and the threat of climate change.

ESSENTIALLY WITHOUT A PROPER PLANNING SYSTEM, IT WOULD HAVE TO BE RE-INVENTED

The Current Planning System

Without doubt, over the past decades the planning process has become overly lengthy, time-consuming and bureaucratic and has proved to be a tiresome “drag” on progress and investment. Paradoxically, planning has

become an impediment to solving many of the problems in society—such as the delivery of homes, the creation of jobs and the provision of infrastructure—an issue which is emphasised in the Conservative Party’s “Open Source Planning” Discussion document.

This is a concern which the PDA has highlighted over many years, albeit seemingly it has become steadily worse. The lengthy process of agreeing strategic housing targets under the pre-existing hierarchical process, undoubtedly created tensions between the Regional and Local levels, but ultimately the combination of top-down with bottom-up assessments provided some confidence for the development industry and certainty for local communities. It also ensured that the planning system was properly integrated and that the whole locally represented the sum of the individual parts.

In our view the system was not broken, but it was (and still is) creaking under the strain of unnecessary red tape, controls and restrictions which have beset the private sector for decades. The duplication of plans and strategies was time-wasting and the tests of “soundness” were never fully grasped. Moreover, whether through policy pressure, lack of public resources or the absence of training, both planners and politicians lost touch with the concept of “viability”, so that against a background where land values suddenly plummeted—following gradual and consistent rises over the previous decade—local authorities now have wholly unrealistic expectations about the level of planning gain (for example subsidised affordable housing) which can be sought from new development.

Localism: The New Approach—some key principles

The Government has indicated that it wishes to see a change in approach so that in future the planning system works from the “bottom up” rather than from the “top down”. It has been made clear that this means devolving decisions to local communities—not just at the current District level, but to a neighbourhood level—that is, presumably to either wards or parishes. This is, essentially, an extension of the Prime Minister’s concept of the “Big Society” where individuals, or groups of people working together, take a more positive and responsible “hands-on” role in addressing their needs, solving their problems and determining their future.

The Planning Minister, Bob Neill has indicated that in future planning will emerge from “neighbourhoods” whereby decisions will be approved by a referendum of local people and endorsed by a “Neighbourhood Development Order”. Whilst there is already scope within the system for Neighbourhoods and Parishes to devise their own plans on an informal basis, the new emphasis on securing formal Neighbourhood Plans represents a fundamental change in approach which will require a complete transformation to the present decision making process in planning. It will necessitate skilful policy drafting, careful management and close co-operation between councils, developers and local communities to ensure that the new system works efficiently and that there is clear accountability for decision making, control over resources and a broad consistency of policy approach. Presumably it will also require some form of funding to deliver Neighbourhoods Plans unless local communities are to be expected to deliver plans on a voluntary basis.

Whatever the system, if developers are to have the confidence to invest, there must be clarity of policy approach, to provide a degree of certainty to landowners, developers and business—as well as to local communities themselves.

There will also need to be careful planning to ensure a smooth transition between the existing system and the new system, so that the change can be achieved without undermining the delivery of development in the meantime, which could otherwise frustrate the needs of ordinary citizens and stifle the economy. (The lack of transitional arrangements to accompany the revocation of Regional Strategies has created confusion in the planning profession and a severe loss of confidence within the development industry which has undoubtedly undermined investment—and this should clearly not be repeated).

If decisions are to be devolved to neighbourhoods—whether Parishes in rural areas or wards within urban areas—there must be transparent democratic arrangements, proper management structures and clear decision processes. Currently Parish councillors tend to be elected not on party tickets but on individual reputation. They are often co-opted rather than voted and their functions are implemented by part-time and “semi-professional” Parish Clerks. Similarly Wards in urban areas tend to be treated simply as administrative areas for voting (rather than functional entities for administration or the delivery of most services). Their boundaries may indeed be unrecognisable in relation to functioning urban communities. These will need to become more accountable if they are to be more autonomous.

Finally, above all, the Government will need to consider very carefully what policy and legal framework will underlie the new “Localism” philosophy and what will be the practical implications of the new approach in terms of strategy, co-ordination and delivery.

What “Localism” means in practice

1. If decisions about forward planning strategy are to be made locally, this will mean considering:
 - How the “Neighbourhood Plan” system will work and who will decide the strategy?
 - Who specifically will operate and implement it and how will it be paid for?
 - Who will be accountable for expenditure and any legal commitments?

- What will be the formal status of a Neighbourhood Plan—will it be part of the Development Plan and will it be properly tested?
- If it is part of the Development Plan, will it be subject to Strategic Environmental Assessment or any other formal scrutiny to ensure its “soundness”.
- Who will ensure that decisions fit in with the wider policy picture and that any proposals and policies are co-ordinated across boundaries?
- How will it feed into the Local Development Framework—will there need to be a complete set of Neighbourhood Plans to deliver an LDF?
- Who will undertake any research and investigation into neighbourhood/parish requirements and ensure that overall needs are met?

2. Turning to the subject of Development Management, it is conceivable that decision making on planning applications may also be devolved to a lower tier of Government than the District (or Unitary) Council in order to place power more strongly amongst people in the local community. Since planning is essentially a quasi-judicial process this raises key concerns about legal powers, accountability, fairness and administrative control.

If this emerges from the Localism Bill, another set of considerations therefore arise:

- Who will take responsibility for decision making?
- If it is Parish Councils or groups of ward councillors who will be accountable?
- Who specifically will take formal responsibility for making decisions?
- Will there be “officer” support (beyond the traditional Parish Clerk) to give advice and guidance on legal, planning and technical issues, if so how will this be funded?
- How will planning consents be issued, how will progress monitored, planning agreements negotiated and conditions discharged?
- How will the proposed Presumption in favour of sustainable development apply?
- What controls will there be over conflicts of interest, (bearing in mind that Parish Councillors are more likely to have direct prejudicial interests, whether personally or through local contacts, friends and acquaintances)?
- What powers will the communities have over the “Community Right to Build”?
- Who will organise, manage and control the referenda which are an integral part of the CRB idea and how will they be paid for?

Underlying all this will be the need to ensure that “decision makers” at Neighbourhood Level do genuinely represent the interests and are prepared to consider the needs of the local community and are not simply swayed by the pressures of people or groups within the community with protective personal interests.

So if decision making on the formulation of plans and/or on individual planning applications is to fundamentally change to conform to a concept of “localism”—whether operating within an urban or a rural context—the powers and responsibilities of Parish Councils and Ward Councillors will need to be completely overhauled to give:

1. a new set of powers to parish ward councillors;
2. a new set of rights and responsibilities to councillors;
3. clear guidelines and controls for councillors (so that they understand their scope and limitations);
4. a new financial framework accompanied by budgeting and accounting procedures;
5. a new form of administration and support at local level so that decision makers can be confident they are acting fairly and impartially;
6. training procedures for councillors and staff to ensure they are “up to the job”;
7. a clear consultation framework for “local” planning, both for promoters of development and for residents to ensure that decisions genuinely represent the interests of the community;
8. arrangements for the “right to be heard” for landowners and developers (as well as local people) instead of a “power of veto” through a local referendum;
9. a move towards clearer policy statements at neighbourhood level so that local people know what they are voting for in electing their Parish Councillors; and
10. proper scrutiny to ensure that Councillors (individually) and the Council as a whole operates properly and fairly and adheres to their rights and responsibilities and reflects the needs and wishes of the local community.

All these changes will presumably need to emerge through the new “Localism and Decentralisation Bill”. Against the current background of financial restraint and budgetary controls this would appear supremely ambitious. However, as an organisation whose members are directly affected by and involved with the development process, the Planning & Development Association is anxious to be consulted on the emerging process.

THE WAY AHEAD

The Government's "Localism" philosophy therefore has critical implications on the planning process and will undoubtedly result in a much more complex set of procedures which may be more difficult to oversee, more tricky to interpret (whether for developers, landowners or communities) and potentially more problematic to implement. Inevitably, each and every local community will take their own view and integrating these within a wider framework (or rather building them up to form a comprehensive jigsaw) will not be easy.

The problem of "Nimbyism" has beset local decision making at District Level arising from the natural reluctance of people (and hence their politicians) to accept change. Yet Planning, as a process, is explicitly about assessing and gauging people's needs, weighing up competing interests, preparing a development strategy to satisfy the community and inevitably making difficult decisions to address peoples' legitimate development aspirations and to deliver progress. This raises critical issues about "Who decides"?

As Planning get closer to local people, the issues can become more transparent, but the tensions and conflicts can become more tangible. The merits of an "objective" planning system are, in theory, that decisions are made impartially on the basis of pre-determined policies supported by relevant material considerations. It would be a retrograde step if the planning system, in trying to reach a more "local" level meant that decisions became more personal and "subjective" with the danger that coercion and worse still corruption, became endemic in the system. This would reduce rather than restore the public's confidence in the planning system and make the process of planning and the management and delivery of change immensely more difficult.

Finally, it is fundamentally important that there is adequate and proper consultation with relevant interest groups who will need to operate within the new "localised" system before the new Localism Bill takes shape. It will not be sufficient to pass through enabling legislation which fails to explore the detail. The Planning & Development Association therefore welcomes the opportunity to give evidence to the Select Committee, but also to play a positive part in assisting the Government in trying to design a new planning structure.

October 2010

Written evidence submitted by Localis (LOCO 110)

ABOUT LOCALIS

Localis is an independent think tank dedicated to promoting a localist agenda and challenging the existing centralisation of power and responsibility. We carry out innovative research, hold a calendar of events and facilitate an ever growing network of members to stimulate and challenge the current orthodoxy of the governance of the UK.

VIEWS ON DECENTRALISATION, LOCALISM AND THE BIG SOCIETY

Localis strongly believes that the decentralisation of power is absolutely vital for the improvement of public services and the reinvigoration of civil society. This should rest at the lowest appropriate level. We have therefore welcomed many of the Government's commitments to decentralisation including the break-up of RDAs, community budgets, localised planning and a greater role for local government in policing and health.

While we welcome very many of the Government's commitments, we do feel that there is still room for improvement, and many initiatives could go much further—particularly pooled and place based budgets, devolved financial responsibilities, and going further with increased powers and responsibilities.

KEY THEMES TO LOCALIS' WORK

- More funding should be controlled locally, and the flows of money should be passed upwards where appropriate, and not down from central to local government. Powers for local government should be ceded at the same rate at which financial controls have been devolved.
- Performance should be measured in a way that is relevant to local areas, and only compared on a national level where it is relevant. The removal of performance and inspection should be replaced with a broad and focused transparency agenda.
- Accountability must lie with elected local government and not with unaccountable quangos. As part of this councils should move towards a more commissioning based model
- Extensive financial incentives are needed for local areas to work together for the long term prosperity of places.

MAIN RECENT PUBLICATIONS

- **Total Neighbourhood**—Advocates initiating large scale neighbourhood and council-wide place-based budgets; realigning funding streams into early intervention initiatives that can save money.

- **For Good Measure**—Advocates removing CAA, and carrying out a self assessment; releasing locally relevant financial information.
- **The Bottom Line**—Advocated a more efficient use of assets and aligning cuts alongside a comprehensive analysis of key local priorities; evaluating existing capital investments to deliver tangible benefits and to make use of existing trading and borrowing powers. Also advocated the use of pooled budgets.
- **Small state, Big Society**—A series of essays that explore the international angle to the Big Society. The common ground was largely based on the
- **Can localism deliver**—A report looking at the prospect for local authorities working together, and a number of recommendations for how the future regional landscape can work together more effectively.
- **With a little help from our friends**—A report comparing local government internationally, in financial freedoms, constitutional protection, functions and responsibilities, and intervention from the centre.

CURRENT PROJECTS

- **Can councils live without the formula grant**—A project looking at pragmatically feasible ways to re-localise a proportion of business rates to give local areas a much larger incentive for growth.
- **Responding to the CSR**—A small report including a survey looking at how councils are and should be responding to the CSR—seeing it as an opportunity and not only a threat.
- **The future after CAA**—A report looking to link financial performance to locally defined priorities, and to allow comparison between comparable areas, using a bottom up model to determine a common framework.

FUTURE WORK AND THE BIG QUESTIONS GOING FORWARD

- **Councils as commissioning and trading hubs**—eg Can councils move away far more extensively from their provider role to a more strategic commissioner? And what mechanisms are there for councils to actually make a return on their investments?
- **Housing**—eg Where is the land that new homes will be built on? What are the prospects for a community right to build? And what future for housing targets?
- **Planning**—eg What are the pragmatic steps that will allow community groups to take a constructive role in planning? What future for the greenbelt? And how can the planning system support growth?
- **The Big Society**—eg What is preventing the take-off of the big society? Is there a role for Europe?
- **The future of economic development**—eg How should LEPS be encouraged and funded from the bottom up, and what is the right balance between political and business leadership?
- **Local government finance**—eg What is required so that all councils can live without the formula grant? What is the role of borrowing and financial innovation in this?
- **General Power of Competence**—eg What is the future of the GPOC, and how can it become a reality?

November 2010

Written evidence submitted by the National Association of Local Councils (LOCO 111)

1. INTRODUCTION

2. The National Association of Local Councils (NALC) fully supports a fundamental shift of power to encourage initiatives by councils, communities, neighbourhoods and individuals. Empowered local people coming together to take more responsibility for their community through local councils is a tried and tested and trusted model of grassroots neighbourhood action.

3. We very much welcome the opportunity to provide written evidence to the Communities and Local Government (CLG) Committee on localism.

4. This short paper sets out some ideas to unlock the potential of local councils to play a greater role at community and neighbourhood level, to facilitate and enable more voluntary activity and involvement in decision making and also to improve their productivity and effectiveness.

5. NALC is the nationally recognised membership and support organisation representing the interests of around 9,000 local councils and their 80,000 local councillors in England.

6. The local (community, neighbourhood, parish, town and village) councils we support and represent serve electorates ranging from small rural communities to large towns and small cities, are all independently elected, and raise a precept from the local community. Over 15 million people live in communities served by local councils, around 35% of the population, whilst over 200 new local councils have been created in the last 10 years.

7. The first tier of local government works towards improving community well-being and providing local services through representing the local community, using an extensive range of discretionary powers to deliver services to meet local needs and working to improve quality of life and community well being.

8. Within our submission the term “local councils” refers to community, neighbourhood, parish, town and village councils in England. The term “principal authorities” refers to district, borough, unitary and county councils.

9. LOCALISM IN ACTION

10. Localism has for decades been the guiding philosophy of the NALC. We have long supported the notion of devolution and a fundamental shift of power and responsibility to the local level.

11. The important role of our grassroots councils has also long been supported by the three main political parties. Enclosed is a copy of our recent “What is localism?” booklet which sets out the views of a range of parliamentarians and other influential thinkers on localism and what this means to local councils.

12. NALC still strongly supports the concept of double devolution. Central government should extend more trust to local government, and local government should extend more trust beyond the town hall to local communities and neighbourhoods. We still very much support the recommendation on this made by the Commission for Rural Communities in their participation inquiry into strengthening the role of local councillors.

13. In our view local councils play an integral role in the localism and indeed Big Society agendas, therefore in order to further develop the contribution and role of local councils the Government should take forward the issues set out in our enclosed Manifesto, which are expanded upon below:

- (a) introduce a new power for local councils to provide services, facilities and assets of community value (such as pubs, shops, post offices, camp sites etc.); ensure local councils are defined as community organisations for the purposes of the new Community Right to Build and as such able to bring forward proposals for development;
- (b) encourage greater participation and involvement of people in decision making, civic duty and social responsibility, and supporting and enhancing local democracy by reviewing the costs of local council elections, with the cost of democracy being met either centrally or at principal authority level, to take effect from elections in 2011; fully introduce the duty on principal authorities to promote local democracy; support other initiatives and projects aimed at promoting local democracy;
- (c) introduce a new Community Right to Self Govern, with communities, via local referendums, to decide to establish local councils throughout England, in urban and rural areas; provide investment to build the capacity of NALC to help promote and support the establishment of local councils in all unparished areas. (Enclosed for further information is our recent Power to the People resource aimed at helping people and communities establish a new local council.);
- (d) invest fair and sensible funding (in proportion to resources made available to principal authorities through the Local Government (LG) Group) to increase the capacity and effectiveness of local councils through: encouraging all councils to achieve Quality Council status; recognition and support for the implementation of the new National Training Strategy for local councils; a requirement that all new local councillors engage in induction training; encourage greater collaboration and provision of joint programmes and shared services between local government representative bodies such as NALC, Society of Local Council Clerks and LG Group (including LG Improvement and Development);
- (e) encourage local councils to facilitate the development of a community led plan for the local area; invest funding to support the development of high quality community led plans; formalise the connection between community led plans and the statutory planning system;
- (f) review with NALC the citizenship curriculum and introduce new initiatives for engaging and involving young people, such as volunteering programmes for 11 to 18 year olds with local councils, shadowing programmes with local council clerks and councillors, and a youth advisors scheme;
- (g) reform outdated legislation to allow local councils to operate more efficiently and effectively by reforming rules regarding councilors allowances, parish polls, vexatious use of the audit system, electronic banking, electronic circulation of agendas, appointed councilors, exemption from National Non-Domestic Rates, bylaws, VAT partial exemption limits, closed churchyards. (Enclosed for further information is our recent contribution to the CLG call for ideas to help cut red tape so that councils can get on with their job.);

- (h) invest in reinstating the Quality Parishes Investment Fund; provide access to the Business Rate for local councils; give consideration to the equalisation challenges facing local councils in their abilities to precept as there are difficulties for more disadvantaged local councils in raising sufficient local resources to meet the needs of their communities, limited match type funding to the precept for local councils in this position should be introduced;
- (i) encourage positive precepting by local councils to respond to community priorities and exclude local councils from proposals for referenda on council tax increases; reform to the layout of council tax bills to show all precepting authorities charges gross with a deduction of the value of income from central government;
- (j) through legislation and/or guidance, ensure that local councils, or their representative organisations, have representation on regional and county level strategic bodies such as the Leaders Boards, Local Strategic Partnerships, Fire and Rescue Boards, Police Authorities and Local Economic Partnerships;
- (k) incentivise and strongly encourage local councils to become eligible for, and make use of, the power of well being; and through the Localism Bill extend the new power of general competence to local councils. (Our new Localism in Practice publication—the first in a series over coming months—includes some examples of local councils use of the well being power. This is due to be published next month and a copy will be sent to further support this submission);
- (l) include local councils in legislation, statutory guidance and all policy documents as local authorities and the lead bodies democratically representing all parts of a community. Government should work with NALC to learn from the successful approaches to rural proofing and introduce a similar localism/parish proofing approach to all legislation and guidance;
- (m) introduce a new concordat between the local council sector and the Government, as well as between NALC and the LG Group;
- (n) strongly encourage principal authorities to work with local councils to provide services in the most efficient and economic manner; encourage greater devolution of services and functions—such as planning and development control—with delegated funding; provide detailed statutory guidance to avoid double taxation with refreshed approach to charters and neighbourhood agreements. (Enclosed for further information is Working Together for Communities, a joint publication with the County Councils Network setting out examples of partnership working between the tiers of local government to support localism);
- (o) ensure that local councils, or their representative organisations where appropriate, have greater influence on behalf of local people as statutory consultees on all matters affecting their area such as licensing, planning and development control;
- (p) encouragement for local councils to have a functioning and informative website and an email address; work with NALC to consider e-government opportunities and develop an e-government/digital strategy for local councils coupled with investment and support; and
- (q) discuss with NALC a policy initiative to extend to local councils the power to have a directly elected mayor.

14. SUPPLEMENTARY DOCUMENTS

15. In support of this submission are a number of reports/publications which are referred to in the paper. These documents—which all available on the NALC website at www.nalc.gov.uk—are:

- NALC Manifesto for the Future of Local Councils.
- What is localism?
- Power to the People toolkit.
- NALC submission to CLG on reforms to help cut red tape.
- Working Together for Communities.

16. PROVIDING ORAL EVIDENCE TO THE COMMITTEE

17. In addition to this written submission, NALC would be more than willing to provide oral evidence to the Committee, if required, in order to discuss further any of the points contained in our submission.

18. CONCLUSION

19. The proposals and ideas in this paper are intended as a positive contribution to the localism debate and to developing the role of our most local level of democracy and grassroots community action. We would be very pleased to meet with officials or members of the Committee to discuss our ideas in more detail.

**Written evidence submitted by Brethren's Gospel Trusts Planning Group
(LOCO 112)**

SUMMARY

- This late submission is made by the Brethren's Gospel Trusts Planning Group which represents trusts using about 400 halls for over 15,000 persons in the UK. Our trusts have an active construction programme for new halls.
- Experience suggests neighbourhoods are generally resistant to change and often dominated by small numbers of persons ruling residents associations. Unchecked decentralisation will empower selfish interests with little sense of civic responsibilities.
- Limitation of decentralisation can flow from the proposed National Planning Policy Framework.
- It is essential that there should be a presumption in favour of worship and community facilities, together with clear guidance on the use of planning conditions.
- There is a need for clarity in guidance from the Secretary of State in respect of faith groups and their organisation and a circular is suggested to replace the helpful policy frameworks for community and voluntary groups including faith groups formerly contained in Regional Strategies.

INTRODUCTION

1. We understand that the Committee will receive late submissions and therefore put forward our concerns about the **operation of localism in the planning system**.

2. As the Brethren's Gospel Trusts Planning Group we represent many Christian Gospel Trusts using about 400 halls for over 15,000 persons in the UK.

3. At any one time there will be under construction two major Gospel Halls for above 750 persons and three or four smaller local Gospel Halls for between 35 and 80 persons. We have therefore considerable experience of the planning system particularly that which has obtained since the first of three recent Planning Acts in 2004.

4. Experience with planning applications forced upon us the necessity of planning policy being in place for Places of Worship. Where this does not obtain the policy vacuum causes such applications to almost certainly fail.

5. The recasting of the planning system has led to much voluntary effort to obtain planning policy wording in Regional Strategies and Local Development Frameworks coupled with heavy professional fees. These average over £1,000 and sometimes rise to £4,000 per Local Planning Authority.

6. Once policy is in place professional help is needed to secure a planning approval. These costs have been between £4,000 and £250,000. The target system pressurising local planning staff has led to refusals which are subsequently approved on reapplication or appeal. We have a list of over 50 hurdles to be overcome for these non-domestic applications. Thus it is not an easy matter, particularly for a minority faith group.

RESPONSE TO THE COMMITTEE'S QUESTIONS

1. We turn now to answer the questions you have raised, where applicable, and go on to comment on further matters that we feel are worthy of your consideration in this enquiry.

2. In respect of the limits of the application of decentralisation we refer to the planning system only. One level of government will be removed by abolition of the Regional Strategies. It is proposed to be replaced in the Bill by neighbourhood planning. It is further complicated by a proposed community right to build and the abolition of need for planning permission where the neighbourhood is agreed that the proposal is acceptable.

3. In our experience neighbourhoods are generally resistant to change. In towns they are marked by communities of interest and a turnover of population households moving on average every seven years. When an application comes up neighbourhoods often become subject to small numbers of persons ruling residents associations and creating fear in local councillors. Parliament may give authority but the act of decentralisation unchecked will empower the hands of selfish interests who are often acting with little sense of wider civic responsibilities. Minority community groups proposing developments must therefore be protected from the action of selfishness which is part of human nature.

4. A limitation of decentralisation can be fixed in the National Planning Policy Framework if it has defined policies for types of application. In our experience some planning officers have been unwilling to put the words "places of worship" into Local Development Frameworks. Unfettered professional judgment has led to distressing varieties of outcome across the country for the same type of application. The framework must have teeth and not rely upon vague aspirations using the word "should" where "must" is needed.

5. It is essential that there should be a presumption in favour for places of worship and community facilities provided by charitable organisations. This is particularly important to counter adverse decisions where officers acting under delegated powers tend to the benefit of the doubt and refuse, often under direct instructions of a limited number of ward members who may not be members of the planning committee.

6. The application of conditions to planning consents has become more unreasonable such as limiting hours of use and numbers attending. These are matters that cannot readily be controlled and increase the workload of planning enforcement officers and hence expense to the local authority. Clear guidance will need to be retained on the use of planning conditions when Circular 11/95 is replaced.

7. All planning approvals for parish, neighbourhood, right to build, and community organisations must be registered with the local planning authority who should have a limited right of scrutiny and provide an “audit trail” for the project.

8. Any third party right of appeal must be contained within reasonable time limits and specified conditions to avoid vexatious applications to appeal.

9. Non domestic permitted development rights should be extended further to reduce the burden on planning departments and the public purse.

10. Through our worldwide fellowship we have become aware of a growing professionalisation of town planning leading to rigid positions being taken in respect of the zoning of cities in Canada and Australia, for instance.

FURTHER MATTERS

1. The restrictive policies and the rigid zoning of green belts and boundaries work against its benefits for the community. A further subtle restriction on rural development has emerged due to the concept of a vision zone around a designated Area of Outstanding Natural Beauty.

2. The Coalition has made use of Ministerial Statements from the Secretary of State. This method should be used to tidy up the edges of the planning process, provide confidence and in part remove the necessity for extensive procedures defined in Statutory Instruments which take time to produce.

3. An example would be the confirmation of Inspectors decisions in particular cases being extended to apply generally. A needed case at present is for the Secretary of State to maintain the views stated by his predecessor that faith groups have the right to express religious beliefs through acts of collective worship and further that it is not for other parties to suggest how the church should organise itself and furthermore development plans and supplementary planning guidance should not suggest that planning authorities know best as to how congregational forms of worship should be catered for.

4. There are also Statements helpful to guide the planning process made by the former Government and Ministers of the present Government in respect of community and voluntary groups and faith groups in particular. These need review in the Department along with the lost helpful clauses in the Regional Strategies and issuing as a Circular.

5. The implementation of the local development framework process is currently lagging well behind that which was intended to make a faster fairer and more flexible planning system. We are concerned that the upheaval of this Bill and the additional coordination required will take some time possibly many years for the old plans and current emerging LDF documents to be phased out and the new phased in. Support will be needed to create effective plans involving consultants and inspectors so that in reality there may be very little difference in both workloads and local delivery of much needed development.

January 2011
