



# Localism: threat or opportunity?

Perspectives on the Localism Act for union and community organisers and activists

National Coalition for  
Independent Action

**TUC** 

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# Introduction

The government claims that the Localism Act will “shift power from central government back into the hands of individuals, communities and councils”. Receiving royal assent in November 2011, this vast and diverse piece of legislation covers a range of issues related to local public services. It includes new powers that will change the way local authorities commission services, provide social housing, conduct neighbourhood planning and engage with communities.

But how far does it devolve to the local level? How will it affect communities and the voluntary groups that serve them? What impact will it have on public services and the workers who deliver them? What will it mean for social housing tenants? And how will its impacts be shared across communities?

This booklet looks at some of those questions.

Given the wide scope of the legislation, we invited a number of different community and voluntary sector groups, along with the TUC, to offer their perspectives. This booklet therefore provides a range of views on the Act. But a unifying theme that comes through is a shared concern about the government’s ‘big society’ and ‘open public services’ agenda and how the creation of public service markets and an individualist and consumer-led approach to public service reform might lead to growing inequality within and between communities, markets that exclude community participation, competition at the expense of collaboration and localism that devolves responsibility and blame but not resources or power.

As well as threats, the Localism Act does provide opportunities and this booklet also acts as a guide for community and trade union activists, pointing them to some of the ways in which new powers might be accessed to help promote and build community action from neighbourhood planning to living wage campaigns.

Over the next few years, the implications of the Localism Act for local community action and public services will become clearer. With this publication, we hope to flag up some of the issues that we think arise from the Act. But it will be on the ground where we see what really happens and it is the community organisations and trade unions representing local people and workers in public services that will be at the sharp end of what transpires. It is to them that we will turn to in order to get the real picture in the months and years ahead.

**Brendan Barber**  
TUC General Secretary

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# Unpacking localism in voluntary action: the wider context

**Adrian Barritt**, Chief Officer, Adur Voluntary Action

## Introduction

The word 'local' doesn't mean anything. It is defined by the context and intention of its use. Unpacked, it is loaded with spatial, social and cultural assumptions, and not a few emotional undertones. My 'local' is probably not yours.

'Local' might refer geographically to the street, village, town, county or region. Socially it may refer to the immediate geographical area, to a network with shared interest, or even to an international community of interest: it is to do with the emotional sense of connectedness. There are international jet-setters for whom the world is a village, and impoverished or disabled people for whom their street or home is the world.

'Local' and 'localism' have come to be used in a vague sense as something self-evidently 'good'. However there are nastier connections, including the association with extreme forms of nationalism and xenophobia, and the myths constructed in the genesis of fascism. In these cases, it is about an aggressive assertion of identity in the face of perceived threats.

Anyone can understand 'localism' – because it is meaningless. The government understands that, but knows that this is a robust lie, eel-like in its ability to slip out of criticism, and turn attackers back upon themselves. It's no surprise that it has picked up on a term custom-made to appeal to fox hunters, community activists, UKIP members, MPs and local councillors, trade unionists, village public bar regulars, and the small shop keeper.

Let us unpack the Localism Act in terms of its underlying ideological assumptions, its socio-economic and political context and its resourcing.

## Context and assumptions

The wider context concerns government focus on the structural deficit, and adoption of policies to reduce this that impact rapidly and heavily upon public expenditure on the welfare state and local government. This is causing huge cuts in public sector employment, so far not compensated for by increased employment in the private sector. It has also caused sometimes disproportionately large cuts in public sector funding for voluntary action. The government's 'big society' rhetoric assumes that reduced or lost services can in part be compensated for by local people taking on voluntary responsibilities to support their neighbourhoods.

At the same time, as the Open Public Services White Paper aims to create competitive market places in public service provision. This represents a withdrawal of government from responsibilities that have grown up over more than a century to address need in equitable ways, and redistribute resources from rich to poor.

'Localism' has to be seen as bound up within the same cluster of assumptions as 'big society' and the privatisation of public services. Some of these are:

- Public provision has in many cases failed to deliver quality services.
- Sufficient numbers of people possess the time, energy and skill to manage or deliver local services within each locality.
- The market will respect the principle of subsidiarity (activities and services to be managed and controlled as close to the users as possible).
- There is an economic antagonism between public provision and voluntary action. Welfare provision and state services undermine self-help.
- It is more important that services are community-run than that they are equitable across the country.

All of these assumptions are questionable, as is the deeper mythology of 'local' mentioned earlier. The tension between local control and the free market represents perhaps the greatest threat to the survival of local voluntary action in this new, post-welfare state world.

### **A new vision for local voluntary action?**

Unfortunately, a lot of what the Localism Act introduces is peripheral to the voluntary action world and even more of it could have been done anyway (indeed, was being done). Take the commitment to give local government new freedoms. The rationale is that this can stimulate innovation and offer better value for money, through lifting of the 'dead hand' of central government control. Hence the long-standing rule of ultra vires, which prevented local authorities from doing anything which was not explicitly permitted by act of parliament, is replaced with a general power of competence, the ability to do anything which is legal. This sounds great and perhaps not-so-coincidentally drums out a traditional Tory mantra of freeing people from the state's 'chains.' But freedom without capacity to exercise it is hollow.

Within the voluntary action world, it has long been possible for local authorities to work with and fund local charities. Of more concern has been the patchy nature of both genuine joint working, and financial support. Local charities were only seriously brought to the table in most places by the introduction of Local Strategic Partnerships in the mid 1990s. Funding support certainly increased, but in very many cases, this stemmed from recycled central government sources. Many local authorities were not inherently generous, imaginative or supportive of voluntary action at an adequate level. What will they do now, given a freer hand? They are now able to offer business rate discounts to stimulate the local economy, but will have to raise their own funds to do this. We are perhaps not waiting with bated breath.

The Localism Act makes considerable play of the new rights and powers 'given to communities', as if nothing of the sort had existed before. Voluntary groups had been, and are still being, left to sink or swim in a world of privatisation. For example, the latest Cabinet Office offering, called the Social Action Fund, puts local voluntary action groups in direct competition with the public sector, and with private sector national and local businesses. A minimum award of £100,000 is stipulated, plus a requirement to spend the same within eighteen months. This shows at best ignorance of local community development processes (a need to drip feed over long periods) and at worst, a deliberate throwing of petrol on the fire that is destroying local capacity. The Big Lottery managed Transforming Local Infrastructure Fund illustrates the same prejudice in favour of scaling up local voluntary action.

### **Local control and the free market – it's about power, stupid**

A key trend in the world of voluntary action over the last twenty years has been the deliberate promotion of competition, by governments, as a part of their political philosophies. Following the neo-classical economics model, it became the norm to perceive competition as the route towards efficiency. This was even the case when partnership or co-operation was being encouraged in the same breath! The impact of this upon the local voluntary action world has been to subject it to competitive tendering, EU free competition rules, contract monitoring, turnover and other thresholds even to get to the table. This, fed by an ideology of 'economies of scale' that actually leaves 'localism' out of the equation, has promoted larger and larger structures, mergers and the growing encroachment of managerialist culture. The losses in terms of accountability and credibility are enormous, undermining the much-vaunted claim of the voluntary action world to be different, more human and responsive to users.

Many local charities are in one way or another concerned with relief of poverty, hence cannot trade as 'social enterprises' because purchasers could not pay a price which supports the business. Hence, low-cost input from volunteers, or subsidy from charitable foundations or the public purse, are required. Now, suddenly, we are told we can 'no longer afford' quality public health and welfare services; we must have localism and 'big society' instead. As a long-term model for provision of equitable services, this approach is totally untested: potentially, it is a vast, un-researched experiment in human suffering.

Overall, localism is likely to result in an invidious moral dilemma for voluntary action: to connive in the destruction of local public sector jobs by helping to engage volunteers in provision of erstwhile public services, or to stand by and see services vanish whilst needs remain. Another dilemma might be whether to support a localism initiative which is under-resourced, perhaps not equitable or sustainable, and possibly offering a lower quality of service.

There is no blueprint response to this dilemma. Resolutions need to be worked out in local practice. This can only be done if the voluntary action world understands what is taking place, is prepared to recognise the political nature of these choices, and refuses to connive in bad policy. One pathway ahead lies through stronger routine dialogue with public sector paid staff, trade unions and church or faith groups, who are developing challenges to policies which are destroying hard-won services. A plea for independence, free thinking and action lies close to this heart of darkness. Voluntary action is a complement to our welfare state, not a substitute for it.



# The Community Right to Challenge – privatisation by the back door?

**Matt Dykes**, Policy Officer, TUC

The Community Right to Challenge is a key component of the government's Open Public Services agenda which aims to open up local public services to a competitive market. While couched in terms of shifting power to local community and voluntary organisations, at best it is simply a mechanism for subjecting services to competitive tender in an open market in which national voluntary organisations and large private providers will also compete. Recent experience of outsourcing under this government in the health service and through the Work Programme suggests that private sector interests will dominate.

## **The Community Right to Challenge in the Localism Act**

The Right to Challenge will come into power on 27 June 2012 and applies to all county, district, unitary, metropolitan and London borough councils and fire authorities in England.

The Right enables any non-profit making organisation (including voluntary organisations, charitable trusts, parish councils), community body or "two or more employees" of the authority to "express an interest" in providing a service on behalf of a relevant authority.

The relevant authority will be able to publish periods when expressions of interest can be submitted, in order to fit with planning and commissioning cycles. Expressions of interest that provide the minimum information required and are submitted within the permitted period must be considered by the relevant authority. And, if accepted, the relevant authority must conduct a procurement process for the service in question.

In considering the expression of interest and in conducting the procurement, the authority must take into account the impact of the social, economic and environmental well-being of the local area. However, while the authority can tender these services in a way it sees fit in relation to the value of the service, outsourcing must be conducted within existing public procurement law, e.g. the Public Contracts Regulations 2006.

Services that are jointly commissioned by local authorities and NHS bodies will be exempt from the Right to Challenge until April 2014 when new health commissioning arrangements established by the Health and Social Care Act 2012 to become operational. Services commissioned through personal budgets or services commissioned by a relevant body in respect of a name person with complex health or social care needs are completely exempt.

Regulations issued in June 2012, provide the grounds for rejecting an expression of interest. This includes those expressions of interest that fall outside the period specified for bids, fail to provide adequate information or satisfy the authority that they are sustainable service providers.

Rejection may also be made on the grounds that a bid is frivolous or vexatious, where it contravenes existing legislation, e.g. the Public Services Equality Duty or Best Value, where the service has been stopped or decommissioned or where the service in question is currently subject to a procurement exercise or involved in negotiations over the provision of the service with a third party. Expressions of interest related to a service that is integrated with NHS services can be rejected if it is deemed that continued integration is critical to the service user's well being. Finally, expressions of interest may be rejected where the relevant authority is already considering provision of the service by a body established by two or more employees of the authority.

### **TUC concerns with the Right to Challenge**

There are a number of concerns that arise from this legislation.

The Right to Challenge obliges a local authority to go down the procurement route. The simple procurement mechanism that has been put in place means that regardless of which 'relevant body' submits an expression of interest, in most cases the service will be tendered in the open market with nothing to prevent private sector operators or national voluntary organisations competing for that service. Experience shows that markets for public services tend to lead to a concentration of providers, largely from the private sector. This market-led approach has the potential to further remove service provision from local community control.

Moreover, statutory guidance positively encourages expressions of interest submitted by relevant bodies in partnership with "non-relevant bodies", which could mean private sector providers. The potential for Trojan horse bids by private providers therefore becomes greatly enhanced.

While the consideration of social, economic and environmental well-being in the procurement process may be enhanced by recent legislation, such as the Public Services (Social Value) Act, it remains to be seen whether relevant authorities will choose to adopt a more social but potentially more expensive approach to procurement in an environment of profound cuts to funding. Disruption of integrated services as a result of a challenge and the procurement exercise itself will create additional financial burdens for relevant authorities.

We believe that collaborative forms of engagement between public authorities and the local voluntary sector is a far more effective way of designing and delivering community-orientated services. Indeed, the procurement route may well discourage local voluntary and community groups from engaging. We agree with NCVO, who argue for the need for a more intelligent and inclusive commissioning process, rather than the one dimensional procurement approach contained here.

The Right to Challenge presents an ideal opportunity for selective cherry picking of potentially profitable services, leaving complex and costly service provision to local authorities increasingly stripped of funding.

We have serious reservations about the nature of the government's current spin out of employee-led mutuals and co-operatives in the public sector. To date, this has been characterised by top down management reorganisations forced through against employee opposition. In cases such as MyCSP the spin out seems little more than a management buy-out with a private sector partner. The ability for two employees within an authority to challenge services will enable further management-led spin outs of this kind, particularly as no legal definition of the new employee-led body is defined in the act. Furthermore, statutory guidance makes clear that relevant authorities will not be obliged to conduct a ballot of staff in order to identify staff support for the spin-out.

The TUC also shares concerns with APSE and others who question the ability of external providers, either from local community groups or larger private providers, to fully represent the varying interests of the local community in the way that a democratically accountable local authority is able to. What mechanisms will ensure that services are not delivered into the hands of less representative and accountable bodies?

Finally, the retention of significant powers for the Secretary of State to rewrite the scope of the Right to Challenge suggests that we are seeing a greater consolidation of central government power over local public service delivery.

### **What can trade unions and activists do?**

On a local level, trade unions and activists can help to shape the Right to Challenge to ensure that it is managed in a way that delivers better outcomes for local communities in as fair and accessible way as possible. This might include:

- Where possible map and monitor the submission of expressions of interest and the outcomes that arise. To what extent is it leading to service outsourcing? Who will be winning those contracts?
- Ensure that the relevant authority adheres to duties under the Equality Act 2010, in particular the Public Services Equality Duty, to ensure that services remain accessible and accountable to the whole community.
- Use Best Value to ensure that in-house service improvement plans form part of any consideration process prior to procurement being undertaken and/or that in-house bids are encouraged as part of any subsequent procurement exercise. Research from Association of Public Service Excellence (APSE) demonstrates the significant value for money and quality improvements that can be derived through in-sourcing services.
- If your service is provided a local council, or has a link with the council, you may consider accessing the APSE Solutions ([www.apse.org.uk/consultancy](http://www.apse.org.uk/consultancy)), the not-for-profit consultancy service run by APSE which helps local authorities and trade union branches look at service transformation issues including service reviews, options appraisals, procurement and service re-design with a commitment to improving public services.

- In a situation of employee-led expressions of interest, ensure that the local authority works with trade unions to ensure that the workforce is fully consulted and able to vote on any potential spin-out plans.
- Work with local authorities to ensure that social, environmental and economic well being forms a key part of the consideration of any expression of interest and that rejection criteria are designed in a way that supports local, accountable and accessible public services.
- Ensure that the TUPE requirements are adhered to and that workforce pay and conditions, including access to relevant pension schemes, are not jeopardised through any consideration of expressions of interest or through subsequent outsourcing of the service.

## What does the Community Right to Challenge mean for the local VCS?

**Neil Cleeveley**, Director of Policy and Communications, National Association for Voluntary and Community Action (NAVCA)

The voluntary and community sector (VCS) has an important role to play in connecting communities to the state. It holds public bodies to account, making sure they serve the interests of all local people and communities, and it also delivers services, frequently to the most vulnerable people and the most excluded communities – those that mainstream services frequently fail to reach. NAVCA members support both aspects of this work: helping the sector develop its capacity to deliver good quality services; and providing a forum for those in the sector interested in shaping and influencing local services.

The local VCS have always taken a keen interest in public service delivery: speaking up for the voiceless; campaigning for change; and stepping in to deliver services where the state and the market have failed. So NAVCA and its members have a genuine interest in what the Community Right to Challenge means for the local VCS, both in shaping and delivering services. Whilst the role of the VCS in delivering public services should not be overstated – according to the NCVO “three-quarters of all voluntary organisations do not receive any income from statutory sources”<sup>1</sup> – there is much greater interest in the sector’s involvement in public service delivery.

So what are the implications of the Right to Challenge for the local VCS? The government’s stated intention for the Localism Act is to transfer power from Whitehall to local councils and through them to local communities; what David Milliband dubbed double devolution back in 2006. It appears that ministers see the Right as a key instrument in achieving this shift by giving local people a greater degree of control over services in their area. However, that may not necessarily result in the local VCS running more public services. Experience suggests that the opening up of public service delivery is likely to lead to more big contracts being hoovered up by the big national players – private and voluntary sector. Indeed, there are real fears that, just as many private contractors bidding for Work Programme contracts appeared to use local voluntary organisations as ‘bid candy’, so we will see ‘Trojan horse’ challenges fronted by ‘local groups’ set up specifically for the purpose by national players or genuine local groups facing financial pressures lured into mounting a challenge with promises of easy money. So, whilst we support the principle of communities exerting greater influence over local services to maintain standards, reflect local needs and promote equality, we do worry that without thoughtful implementation a Challenge may lead to ever larger, standardised contracts that fail to reflect the local context or offer any real local accountability.

<sup>1</sup> NCVO (2012) The UK Civil Society Almanac 2012

One bulwark against the wholesale transfer of local services to 'out of town' providers lies in the procurement rules themselves. Whilst the Act requires that a successful Challenge should trigger a procurement exercise, there is no reason why it should automatically result in a competitive tender advertised under the full EU procurement rules. Here it is vital that councils understand and use the flexibilities that the procurement rules permit. Certain services are exempt from the full rules; known as Part B services they include most of the services of greatest interest to the local VCS. In such circumstances commissioners need to ensure a fair and transparent process that follows the commissioning body's own internal rules and procedures for contracts, this might include seeking a number of quotes. Used in tandem with the Public Services (Social Value) Act, admirably promoted by Chris White MP, there is plenty of scope for commissioners to make sure that local public services deliver both value for money and 'social value', encompassing the local economic, environmental and social impact and the wider social benefits to communities and individuals. The key, it seems to me, is that the service should, wherever possible remain in local hands; after all, it is the Localism Act.

All this supposes that the local community will exercise the Right to Challenge in the first place, but if a local authority has a good track record in its approach to commissioning and procuring services there may be very little justification for mounting a challenge; in effect a challenge becomes what it should be, the last resort. Key to this is an intelligent approach to commissioning, which should include:

- A sound understanding of the needs of users and local communities, directly and by engaging the specialist knowledge of the local VCS as an advocate.
- A grown up conversation with potential providers about service priorities and how best to achieve them.
- Placing outcomes for local people at the heart of service planning.
- A reliable map of potential providers and what they might contribute.
- Investment in the local provider base, particularly those working with the most vulnerable people and excluded communities.
- Fair and transparent contracting processes that encourage and support consortium building and partnership approaches to service delivery.
- Consideration of the impact on local social capital of decisions about service delivery.
- Seeking feedback from service users, local communities and providers to inform service reviews.

Much rests with the approach taken by the commissioners of local services and those responsible for procuring the service, both need a sound understanding of the legislative, funding and cultural environment in which the local VCS operates. How they respond to this challenge will frame the way in which the Community Right to Challenge shapes local services. If they get it right we could see a stronger relationship between councils and local communities, irrespective of the Right. Get it wrong and communities will be left with very little control over services and the town hall will feel more distant than ever.

## The devil that is commissioning

**Andy Benson**, National Coalition for Independent Action (NCIA)

The government says that the Localism Act will “shift power from central government back into the hands of individuals, communities and councils”. One of the key provisions of the act proclaimed as shifting that power is the Right to Challenge, giving voluntary and community groups, parish councils and local authority employees the right to ‘express an interest’ in taking over the running of a local authority service.

If the challenge is accepted then the council must run a competitive procurement exercise for the service and contract it out to the winning bidder. The group making the challenge will be allowed to be one of those bidding for the contract. This, it is said, will make it “...easier for local groups with good ideas to put them forward and drive improvement in local services.”

Sounds good for voluntary groups? Well no, actually. The Right to Challenge is a front for more privatisation of public services. The suggestion that services should be run by community groups is questionable in itself, in terms of accountability to the whole local population, and whether running public services is an appropriate role for these groups. But, despite its ‘big society’ rhetoric, this is not, in any case, the government’s aim. The effect of the localism provisions will be to open the door to corporate charities and private sector businesses.

Why can we say this? Because the devil lies in the detail, and the detail involves the devil that is ‘commissioning and procurement’. Commissioning is now the main way in which statutory bodies pay for services, mostly through contracts, and is the central mechanism already used to farm out public services. Many charities and voluntary sector activities previously funded through grants are now commissioned, and many of these groups have now tooled up to compete with each other and the private sector in bidding for mainstream services like family support, disability provision, or leisure services.

In framing the Localism Act, the government has left established commissioning procedures firmly in place. Existing experience of these procedures indicates the direction of travel. NCIA’s research into commissioning in West Sussex (*The local state and voluntary action in West Sussex*, NCIA 2010) and its case studies of experiences of commissioning of youth work organisations point to restrictions placed on voluntary sector organisations by commissioning processes that are distancing them from the purposes they were set up for, damaging their relationships with staff, users and local communities and crushing their independent campaigning voice. Involvement with the Right to Challenge could take such organisations so far from their core aim of addressing local need, and so far down the road of competing in a marketplace, that they will remain part of the voluntary sector only in name.

In practice, it is only large organisations or consortia that will be able to take this questionable step. Rules for advertising, tendering and awarding contracts include requirements such as the size of a group's reserves, their 'quality' accreditation, or their adherence to demanding bureaucratic practices. Many local community groups will never get through this stage. Those that do will face a complex and speculative bidding process that makes high demands in terms of experience, time and cost.

If smaller local groups have an interest, they will be forced to form consortia, since most commissioners will only deal with a single contract holder. In some areas, support agencies are trying to set up special purpose vehicles to help groups retain their existing funding or position themselves to win new contracts being tendered out. But the work involved in making these arrangements successful is often well beyond the capacity of those involved: none of this work is funded; it all has to come from voluntary effort.

Although the challenge has to come from voluntary groups, parish councils or public sector staff, the service doesn't have to go in those directions. Once a procurement exercise has begun, anyone – private or voluntary – can put their name forward and try to win the tender. EU rules demand that organisations from outside an area must be allowed to bid.

To make it even easier for these groups, the government specifically excluded a requirement for the 'challengers' to have any local connection, opening the door to 'service raids' from national charities. And to clinch the intention, the requirement (included in the consultation document) to require challengers to show a *case* for providing the service was removed. They only have to show themselves "*capable* of providing the service."

There is already a lot of evidence that commissioning based on competitive markets is more successful at finding the best bidders than in finding the best providers. For national charities bidding as 'single providers' the scene is set and they are playing on a field that is far from level. These charities – aping the private sector companies like A4E who have led the way on raiding local services – have whole departments of people whose job is bidding for contracts, building experience of presenting their bids in ways that will appeal to commissioners, with the offer of security that goes with being part of a multi-million pound operation. Small- and medium-size voluntary agencies, whether embedded in their communities or not, have little chance against these odds.

The object of the Right to Challenge is not to put more control in the hands of local people, it is to move services out of the public sector.

The impact on the voluntary and community sector of these moves threatens to be highly damaging – reducing independent organisations to the status of sub-contractors to the state or the private sector, and in the process blunting their willingness and ability to criticise authority or fight for social justice. It is not the role of the voluntary sector in the 21st Century to run our vital public services; this should be done by properly accountable public bodies. The job of the voluntary sector is to be on government's case – to demand that accountability, and mount the pressure needed to ensure that services meet the needs they are intended to address.

Debate needs to take place with the statutory sector, at local and national level, to agree ways forward that focus on people's need for services rather than the market's capacity to derive profit from them, and to assert the importance of a strong, independent voluntary sector.

Individual agencies acting alone, divided from others by vested interests and competition, fragment the potential for influence over the policy and practice of the statutory sector. Maintaining effective and democratic structures for sharing information, independent of the statutory sector, is crucial.

The word 'power' requires rehabilitation into the language of partnership. Voluntary action – and local civil society – will be strengthened if partnership structures delegate real power and financial responsibility, even when the results may conflict with the intentions of central government policy.



## A conditional right: the Localism Act and Neighbourhood Plans

**Bob Colenutt**, Northampton Institute for Urban Affairs

Powers to allow communities to draw up Neighbourhood Plans (NPs) are one of the new “community rights” promoted in the Localism Act. At one level this looks like a welcome development – but it comes from a Conservative-led coalition bent on austerity and privatisation. We need to ask what exactly is going on, and who will benefit?

By emphasising communities and neighbourhood organisation, Neighbourhood Plans are part of the ‘big society’ agenda. Following disputes over planning policy, they are a government response to rebellious rural parishes and shire counties opposing urban sprawl and top-down government housing targets.

However, for urban communities and deprived neighbourhoods facing problems of lack of investment, jobs and affordable housing, or wishing to oppose gentrification or speculative commercial development, the question is whether NPs can provide an opportunity to advance neighbourhood renewal.

### **What are Neighbourhood Plans?**

Neighbourhood Plans are land use plans covering development sites, transport, open space and other environmental issues that are drawn up by local communities. Once endorsed in a community referendum, they will be incorporated into the local authority ‘Local Plan’ and hence have legal force.

However, Neighbourhood Plans (NPs) are not an open-ended community right; the right depends upon conditions set down by government and local authorities. For example, the government has bowed to pressure from the house building industry and has said that NPs cannot be used to oppose new development – much to the disappointment of many (mainly rural) communities who want to use the power to block new housing schemes they don’t want in their back yard.

NPs must also conform to the National Planning Policy Framework recently announced by government, and also to local authority approved plans; they cannot buck approved planning policy.

Local authorities will judge whether a neighbourhood organisation (called a Neighbourhood Forum in the Act) is representative and is thus permitted to draw up a plan. Parishes have an automatic right to be recognised as legitimate bodies, otherwise the local authority will decide. This means that administering the NP process will be highly political.

Finally, there is no clear indication of where the money is coming from for communities to undertake the labour-intensive and detailed work of drawing up a plan and taking it through the formal approval process.

### **Dampening down expectations**

Though this is early days, many of the local authorities that researchers from the University of Northampton have spoken to want to dampen down expectations. Where parishes and communities are opposing new housing development or claim development land as protected green space, local authorities want to dissuade communities from thinking they can change approved plans or block development they do not want. Where there is little or no development pressure, the challenge is in the other direction – since NPs deal with land use (use of buildings and land) their leverage on many problems facing neighbourhoods such as job shortages, lack of affordable housing, poverty, cuts in public services, or crime, is limited.

On top of this is the huge task of achieving change on the ground, once a NP is in place. For example, in Coin Street in London, a battle between the local community and developers and local authorities began in the mid-70s, leading eventually to the transfer to the community of 13 acres of development land (see *A Very Social Enterprise, Coin Street Community Builders*, 2008). Some 30 years later much of the site is built out, but the scheme is some way from completion.

The lesson is that planning and development takes a long time, is very expensive and is intensely demanding for community activists. Staying power and resilience are paramount. NPs are far from a silver bullet for the community in land and development disputes.

So who has got the time and resources for NPs? Local authorities certainly do not have the staff to do all the work helping out neighbourhoods. Richer communities may find their own funds, but the rest will struggle. The government is aware of the pressure on them to provide some sort of financial support and announced last year that there would be £50m to enable local authorities to fulfil their NP duties. This will be critical to the success of the scheme, but it is doubtful that local communities will see much of it. The lion's share will be held back by local authorities for formal examinations of the plan, or for funding neighbourhood referendums.

### **The opportunity**

In spite of the conditions, limitations and the complex politics of NPs, can disadvantaged neighbourhoods in inner city areas or struggling small towns in former industrial areas or in pockets of rural poverty take advantage? Is the NP system for them?

Community planning is not new, as the Coin Street example shows. If it is combined with effective community action, it can challenge the dominance of property markets and local planning policies. A plan can set out what the community needs, make claims to sites for housing or open space or employment use, and evidence challenges to unwanted development. Ultimately, it could build the political and community power to create community-owned development trusts which can act as land owners and developers themselves.

In spite of their limitations, demanding the right to draw up a NP might be a good tactic for communities wishing to challenge developers or local authority thinking. Crucially, it is unclear at this stage whether there be an appeal process if a local authority resists the request of a (non-parish) community to draw up a NP.

Potentially NPs can be used in conjunction with two other new rights. The Community Right to Buy allows communities to nominate sites for listing by the local authority as "assets of community value", and if these assets come up for sale, communities will be given time to prepare bids for purchase. The Community Right to Build effectively gives planning permission for community proposals which have been approved at a community referendum, without the need for the community to go through the process of seeking planning permission. These rights, however, are subject to a complex local authority vetting process.

In short, the right to draw up a Neighbourhood Plan is an important but a strictly conditional right. Its political purpose is not to give communities the chance to oppose development they don't want or to activate communities opposed to local authority or government planning policies. Yet used with skill and imagination, NPs give another option for community activists, and could be a useful weapon for justice in the battle for land and property.

## Is a social house a home?

Deborah Garvie, Senior Policy Officer, Shelter

The Localism Act has introduced a radical shake-up to the way social housing is allocated and let. Councils will, once again, be able to set local eligibility criteria for waiting lists. The aim is to make the rules on who gets social housing better suited to local priorities, but it could also mean denying homes to people in severe housing need – for example if they have no ‘local connection’. For those who are eligible, social landlords will no longer be required to let homes on the most secure form of tenure possible. Instead the legislation allows them to let to new tenants on fixed-term tenancies of as little as two years – although the government has directed that five-year fixed terms should be the norm, apart from in unspecified ‘exceptional circumstances’. In council housing, these will be known as ‘flexible tenancies’.

There is no doubt that fixed-term tenancies provide a great deal of flexibility for the landlord in letting and managing their stock. The government’s argument is that social housing is a limited and precious resource, which should be managed in a more efficient way by providing only a limited and temporary ‘safety net’ until people can compete in the housing market, freeing up properties for those in greater need. It will be up to individual landlords to set out the reasons that a social tenancy should not be renewed, but the government has suggested that under-occupancy and financial means tests should be two of the reasons.

The Act places a new duty on local housing authorities to publish local Tenancy Strategies by January 2013, setting out the matters to which social landlords should have regard when granting and renewing tenancies. While this appears to give councils welcome strategic control over the letting of local social housing, in practice there is little they will be able to do if landlords operating in the area adopt a different approach – particularly where large national housing associations are concerned. On the positive side, making localism work will depend on accountability and transparency, and the new Tenancy Strategies will at least give local people, especially prospective social housing tenants, the opportunity to hold their council to account for its approach to social housing.

Fixed-term tenancies will give more scope to landlords to innovate, but they will also remove a great deal of choice and autonomy from the tenant. Local approaches to renewing tenancies at the end of a fixed term could change at any time. Tenants will be able to ask for a review of a decision not to renew. But if the decision is upheld, the legislation provides no discretion to the courts in granting possession to the landlord, other than where the correct procedure has not been followed or, exceptionally, where the decision can be challenged on grounds of human rights or equalities law. In most cases there will be little that tenants can do to avoid losing their tenancy.

This new approach to social tenure, coupled with the Localism Act's changes to the homelessness legislation, constitutes a national policy shift away from providing permanent homes to people in need. It will mean that some households will never experience the stability of a permanent home and, over time, some neighbourhoods may come to be entirely populated by people in short-term housing. It reopens the debate about what constitutes a 'home'. It also introduces a new level of bureaucracy for landlords in the form of costly and intrusive tenancy reviews. The government's impact assessment<sup>1</sup> estimates that the total cost of reviews will be between £35m and £74m over thirty years.

The biggest question is whether this change will have the effect of nudging people back into the housing market or whether it will actually dampen social mobility and further residualise social housing. Will fixed-term tenants offered better paid work take it up, if it means losing their home? Will adult children take up educational or employment opportunities elsewhere, if it means their parents would be forced to move? Evidence from overseas shows that the measure could be counter-productive, or at least ineffective. Tenants groups argue that people finding secure work may well have left social housing of their own volition, rendering reviews pointless. And research from New South Wales, Australia<sup>2</sup>, where fixed term tenancies were introduced into the social sector in 2006, shows that less than one per cent of tenancies reviewed thus far have been terminated.

This is supported by the government impact assessment<sup>3</sup>, which estimates that between 70 and 90 per cent of flexible tenancies will be renewed at the end of the fixed term. It concludes that it would not be until the late 2030s that flexible tenancies will have a major influence on the number of moves out of the social sector, peaking at between 18,000 and 120,000 moving out of social housing in one year. This is a generation away. Denying families the stability of a permanent home in the middle of a housing crisis is a high price to pay for the objective of meeting future housing need. Shelter will shortly be publishing a report setting out the evidence that local people and councils may want to take into account in their approach to tenancy strategies.

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1 CLG (January 2011) *Localism Bill: a fairer future for social housing: impact assessment*, pages 37–41

2 Fitzpatrick, S. & Pawson, H. (May 2011) *Security of tenure in Social Housing: An International Review*, page 20

3 CLG (January 2011) *Localism Bill: a fairer future for social housing: impact assessment*, pages 37–41



## Pay accountability in the public sector

**Matt Dykes**, Policy Officer, TUC

An aspect of the Localism Act that will be of particular interest to trade unions will be the section covering 'pay accountability'.

This places a requirement on local authorities and fire authorities in England to prepare an annual statement setting out their policy on remuneration for both the most senior officers (referred to in the Act as "Chief Officers") and the "lowest paid employees". These provisions do not relate to local authority schools staff. The term Chief Officers includes a range of senior officers, not just the Chief Executive.

Relevant authorities must also explain the relationship between their remuneration for Chief Officers and those staff that are not Chief Officers. Remuneration for Chief Officers includes pension entitlements, bonuses and other benefits in kind. It is up to the relevant authority to define who its lowest paid staff are but it must explain how it reached this definition.

The statement has to be approved by a resolution of the authority, e.g. full council, and must be adhered to for the financial year. This takes effect from April 2012.

In addition to the Act, the Department of Communities and Local Government has issued guidance on openness and accountability in local pay as well as a Code of Practice on data transparency which provides further information on what data the local authority should release, including information on 'pay multiples' (the ratio between the highest paid employee and the mean average earnings).

As with much of the Localism Act, this presents both challenges and opportunities.

Pay accountability in the Act forms part of a wider transparency agenda that the government is seeking to implement across the public sector. These specific provisions are also based on an assumption that senior local authority pay has increased without restraint and that transparency is a means to address this. And to an extent, this follows on from the recommendations made by the Hutton Review on fair pay in the public sector.

Greater transparency, fairer and more equitable distribution of incomes and tackling low pay are, of course, goals to which trade unions would aspire. Greater information on the pay multiples aggregated across all local authorities will help to support collective bargaining strategies.

Furthermore, the focus on low pay policy may help build local Living Wage campaigns. This will be particularly effective if relevant authorities use the pay policy statement to encourage or oblige their external contractors to provide transparent pay data in regard to their workforce and the pay multiples within their own organisations. While this is not a requirement under the Act, the regulations do make specific regard to this and the TUC would strongly advocate local authorities doing so.

Along with such opportunities, a note of caution should also be exercised. It must be noted that local authority pay policy derives from nationally bargained agreements with trade unions. The chancellor George Osborne has made clear the government's intent to pursue greater regional pay differentiation. There may well be attempts to use local pay policies as a means of subverting national agreements and trade unions should be alive to this.

In order to ensure that local pay policies reflect collective agreements, the TUC believes that trade unions representing workers within the relevant authority should be included in the negotiation and drafting of the local pay policy. At the very least, local pay policies should make explicit reference to national agreements.

When defining low-paid workers, the TUC believes that relevant authorities should identify low pay both in terms of full time equivalent and actual income. The prevalence of part-time jobs in local government, particularly among women, means that defining low pay by full-time equivalent income alone might exclude a great many workers who are low paid by virtue of their limited hours.

One final area of concern is the duty included within the Code of Practice on data transparency to publish the names and job descriptions of any employees earning over £58,200. The potential for victimisation here is clear. While individuals have a right to refuse consent for their name to be published, unions should ensure that individual employees understand and are able to exercise this right. In addition, it is important that individuals using this right are not identified through other means, e.g. a narrowly defined job description that is exclusive to that individual.

# All things being equal: equality and the Localism Act

**Dr Phil McCarvill**, Institute for Public Policy Research (IPPR),  
is writing this article in his own capacity

The Localism Act 2011 arguably represents a double edged sword for equality. On the plus side, the Act (and the wider localism agenda as pursued by successive UK governments) offers a welcome shift towards decision making which is rooted in local communities and is more responsive to their needs and wants. In theory this should deliver public services which better reflect the needs of groups and communities across the equality agenda. On the negative side, devolved decision making and delivery, if unfettered, has the potential to profoundly disadvantage different groups and communities by reinforcing current inequalities of access and influence.

The primary motivation here is not to question the principles which underpin localism, but rather to argue that in order to ensure that localism delivers for all, we must put in place certain safeguards.

As argued elsewhere, there are two primary equalities concerns associated with localism and the devolution of power to localities. First, there is the risk that we effectively institutionalise what the media likes to term 'postcode lotteries'. Second, that by handing power and control to local communities we risk strengthening the positions of those who shout the loudest at the expense of those groups and communities which have traditionally been most marginalised. This latter dilemma is neatly illustrated by two particular provisions within the Localism Act (there are others).

First, the separate provisions which allow i) 'charitable trusts, voluntary organisations and others' to 'take over the running of a local authority service' and ii) enable community organisations to bid for community assets when they become available, clearly both have the potential to empower local groups and communities. This could lead to development and delivery of services which are more responsive to the needs of different groups including different ethnic communities and disabled people. However, in order for this to happen we must ensure that all local organisations and communities are in a position to 'bid' and that local authorities look upon all such bids equally and fairly.

Second, changes to the planning system which are intended to give local communities a greater say in what happens in their localities could lead to the greater involvement of groups such as those representing local disabled people in local spatial planning, resulting in more accessible local spaces and facilities. However, we must ensure that we do not simply privilege the loudest voices or those which already have the strongest political connections. There is a considerable risk that localised decision making could work to the exclusion of groups such as Gypsies and Irish Travellers, making it even harder for these communities to secure planning permission and improve local site provision.

Such examples should not be used as an argument to derail localism; rather they should encourage us to look for safeguards which can ensure that localism genuinely delivers for all and not for the few.

It is suggested that there are two complimentary solutions which together can help us guarantee equality of provision regardless of where you live and avoid compounding existing inequalities of access and outcome.

First, we should develop an agreed set of rights and entitlements for key public services which establish what all service users can expect from these services. This does not mean a return to the centralist statecraft of previous governments, but rather a clear focus on the core things which matter in the delivery of equitable public services. This should include basic service standards such as maximum waiting times as well as clear systems of complaint and redress for when things go wrong. This will ensure that those who use key public services can be sure that they are accessing equitable services regardless of where they live and the identity of the organisation that ultimately delivers that service.

Second, the new public sector equality duty provides an important framework which can help ensure that all communities and groups have equality of access and outcome. The duty should be foremost in the minds of those local authorities looking to hand over control of public services and community assets to local groups and employee run cooperatives. They must ensure that the system that they use to handover services or 'community assets' is open and equitable – opportunities are promoted to all local groups, including those who are deemed 'hard to reach' and that they have assessed its potential impact in order to remove any unintended consequences. Local authorities should also be aware that in handing over services and assets they are not waving goodbye to their responsibilities under the duty. They must effectively hand on the duty to those organisations which ultimately deliver services and ensure that the community assets are open to all. This is not to negate the fact that many of these organisations will themselves be covered by the equality duty by virtue of the fact that they are newly exercising public functions. For the avoidance of doubt, the local authorities concerned should make clear what those organisations which are new to public service delivery are expected to do and the reporting mechanisms that it will use to measure performance. As a minimum, delivery organisations should be collecting data which enables them to monitor the equality implications of their work and to routinely assess the impact of proposed and existing policies and services.

In relation to any new planning and spatial activities, local authorities should be similarly aware of their responsibilities under the Equality Duty. They must ensure that their policies and decision making processes address all three parts of the duty, including the good relations element and does so in respect of the relevant 'protected characteristics'. This will help them ensure that local planning arrangements work for all groups and communities, regardless of size and wider public attitudes and perceptions. The EHRC, Local Government Association and others will be able to provide meaningful guidance to support local authorities organisations to implement the Localism Act equitably and fairly.

Localism can deliver for communities and groups across the equality agenda, but only if we put in place the right safeguards – a set of realistic entitlements and the proper implementation of the new equality duty across all parts of local government, including those specifically covered by the Localism Act.



## Local communities, diverse voices

**Vicki Butler**, Public Affairs Manager, Runnymede Trust

The Localism Act, in and of itself, isn't necessarily a bad thing for black and minority ethnic (BME) people. Services with more local input *could* result in services more effectively tailored to needs of local minority ethnic communities, rather than a "one-size-fits-all" approach imposed centrally. We know, for example, that there are specific issues facing minority ethnic people, such as unequal educational attainment and higher unemployment rates, that require tailored policies to rectify them, rather than policies directed at the whole population.

Despite this, the localism agenda, as it currently stands, provides more risks than opportunities for race equality.

Firstly, a successful localism agenda for BME people requires BME participation. It is crucial that marginalised groups have an equal say in local decision making in order to ensure that services are not merely designed around those who are most articulate or who have the most useful forms of social capital – or put more bluntly, those with the sharpest elbows.

It is therefore important that ethnic minorities are encouraged to participate in local decision making. We know that ethnic minorities are already less likely to be involved in local decision making, and are substantially under-represented at every level of the political system, be it parliament, local councils or devolved assemblies.<sup>1</sup>

Local authorities should therefore devise ways to encourage BME participation in localism and local decision making, and should ensure that under-represented groups are thoroughly consulted when decisions are made. Active outreach work with specific communities who are the particularly under-represented would also be welcome (such as the Vietnamese, Somali and Gypsy and Traveller communities). Trade unions and their local branches could also have a strong role to play in encouraging BME members to participate in local policy making.

Secondly, localism could lead to popularism. The problem with popularism is that it reflects mainstream and majority views rather than reflecting the rights and needs of marginalized groups.

The most obvious example of this is in relation to Gypsies and Travellers, and other groups that face hostility from the public. Despite the fact that more local Traveller sites are needed across the country, if provision of such sites will be decided locally rather than centrally, many local communities are likely to mobilize against such sites being established in their areas. In addition, local communities and some local authorities will be more likely to evict local illegal sites, as was seen at Dale Farm.

<sup>1</sup> House of Commons: "Ethnic Minorities in Politics, Government and Public Life" (2012)

These same concerns would also apply in relation to planning applications for the building of mosques, provision for asylum seekers, and may also be relevant in relation to populist issues such as stop and search and schools exclusions, which have a disproportionate impact on Black people.

Decisions relating to these issues are more likely to be balanced and thought through if those BME communities affected by these issues are involved in decision making and community activism from the outset.

Trade unions and their local branches need to be vigilant of local policies which could have a negative impact on racial justice, and should focus just as much attention on local policy developments as national ones. In addition, unions should look at ways to help local people hold decision makers to account.<sup>2</sup> It is also important that unions ensure that BME workers are involved in union decision making.

The hard fought for Equality Act 2010 is a useful tool in preventing particularly pernicious policies being introduced, but due to legal aid cuts, it may be less likely to be used to challenge decisions. Unions may need to consider making such legal challenges or supporting local communities to do so if needed.

It is therefore clear that the Localism Act will have a negative impact on ethnic minorities unless local authorities work hard to involve BME people in decision making. Trade unions also have a key part to play in ensuring localism can provide benefits, and not problems for ethnic minorities.

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<sup>2</sup> See Runnymede's race equality scorecard project, which will rate how effective local authorities are in promoting and achieving racial justice <http://www.runnymedetrust.org/projects-and-publications/projects.html>



# Inclusive localism

**Gemma Bradshaw**, Policy Adviser, Age UK

One aspect of the Localism Act that Age UK is keen to see succeed is the implementation of new community rights, which are a chance for older people to have a greater say in their neighbourhood and shape the services they rely on. But without advice and backing to get involved this could easily become a missed opportunity.

## **Examples of how community rights could be an opportunity for people in later life**

- *Neighbourhood planning:* Parish councils or neighbourhood forums can put together a neighbourhood plan, which will set out how the community wants their area to be developed in the future. It will become a formal part of the planning system, subject to local authority approval. This could be used, for example, to protect and encourage more local shops, or green space.
- *Assets of community value:* Communities are now able to nominate buildings, prior to them coming up for sale, which they believe have community value. If accepted, they will be held on a local authority list of assets and when they are marketed communities will have an opportunity to buy them. This is a chance to step in if a community centre comes up for sale.
- *Right to Challenge:* Community groups will be able to submit an expression of interest to run local services, subject to local authority processes. If this challenge is accepted then the council will have to go to a procurement process. This is a chance to suggest new ways of delivering local services, such as home adaptations or community transport.

Older people already participate in their community in a range of ways as individuals and groups. There are more than 525 older people's local forums in the UK, through which more than 200,000 people in later life are able to get their voices heard locally, regionally and nationally.<sup>1</sup>

Done properly, greater local engagement enables older people to contribute their skills and experience to their communities, which as well as improving local services, leads to them feeling valued and less isolated. There is a range of examples of how this can work, from partnerships where people in later life can challenge and work with government bodies (e.g. Manchester's Valuing Older People network) to those where older people are directly involved in providing a service (e.g. Age UK Bromley's Community Volunteers Time Banking, which allows people to 'deposit' time spent helping others, until they need to 'withdraw' it to receive help themselves).

<sup>1</sup> [www.age.uk](http://www.age.uk)

However, there is a risk that localism will not reach everyone and will simply be for those with the loudest voices. All forms of civic engagement decline with age and participation levels have fallen over recent years. It is particularly concerning that people aged over 75 are less likely to feel they can influence decisions that affect them locally than any other age group.<sup>2</sup>

In addition, new community rights are not all simple to use. For instance, to challenge a local service you are likely to need to know: how to set up a community organisation; do business planning; access capital or revenue funds; and engage with service users. And if you don't have access to this information, you need to know where to find it.

This means engagement and inclusion should be at the heart of the localism agenda. Local authorities should identify ways for everyone to be given equal opportunity to participate, particularly the most isolated and excluded older people.

This may mean working with the voluntary sector to find new engagement methods. For example, Age UK Rotherham supported the implementation of Rotherham Borough Councils 'Home from Home' Quality Scheme by running sessions in residential homes to support residents and their families in expressing their views about the care they are receiving.

The Localism Act is just the beginning. There now needs to be action to form new local relationships with government that are open and responsive to the needs and ambitions of local communities.

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<sup>2</sup> Department for Communities and Local Government, *Citizenship Survey: April 2010 – March 2011, England 2011*



# Will localism deliver for women?

Charlotte Gage, Policy Officer, Women's Resource Centre

Localism presents unprecedented challenges and opportunities for greater representation of women in local decision making. The Localism Act offers promising new initiatives but in practice needs an equalities framework to ensure that women are empowered and effectively supported to participate.

Women are under-represented in local decision-making structures and women's organisations account for less than two per cent of voluntary sector representatives on current local strategic partnerships.<sup>1</sup> Women's organisations play a particularly important role as they provide a voice for marginalised women and promote analysis and action on gender inequality, which can be lacking in local debate.<sup>2</sup>

As highlighted in earlier chapters the Women's Resource Centre shares concerns regarding the protection of minority rights in relation to local decision making. Without effective analysis of the barriers and supports to women's engagement, localism policies will not empower the whole community and provide a voice for women.

## Why women?

Evidence shows women have distinct needs and often share similar experiences. Women are more likely to experience domestic and sexual violence, less likely to be involved in local decision making and are generally more economically disadvantaged than men.<sup>3</sup> Research shows the richness that their inclusion in decision making can provide and their effectiveness in addressing women's needs. For example, Oxfam's women's urban regeneration project, Regender, highlights women's positive contribution to urban planning and gendered patterns in the use of space.<sup>4</sup>

Gender inequality is an ongoing problem in society. However, some local authorities in the past have failed to treat it as a priority and meet their obligations under the previous Gender Equality Duty.<sup>5</sup> In the current economic climate it is unlikely that gender equality will be a priority and due to cuts in public spending an increasing number of women's services have been placed under threat.<sup>6</sup>

1 Women's Resource Centre (2010) *Power and Prejudice: combating gender inequality through women's organisations* [http://www.wrc.org.uk/includes/documents/cm\\_docs/2010/w/wrc\\_power\\_and\\_prejudice\\_final.pdf](http://www.wrc.org.uk/includes/documents/cm_docs/2010/w/wrc_power_and_prejudice_final.pdf)

2 Ibid.

3 Women's Resource Centre (2006) *Why Women?* [http://www.wrc.org.uk/includes/documents/cm\\_docs/2008/w/wrcwhywomenreport.pdf](http://www.wrc.org.uk/includes/documents/cm_docs/2008/w/wrcwhywomenreport.pdf)

4 Oxfam and R (2007) *A place for everyone? Gender equality and urban planning: A Regender briefing paper.* <http://www.oxfam.org.uk/resources/ukpoverty/downloads/placeforeveryone.pdf>

5 Women's Resource Centre (2010) *Power and Prejudice: combating gender inequality through women's organisations* [http://www.wrc.org.uk/includes/documents/cm\\_docs/2010/w/wrc\\_power\\_and\\_prejudice\\_final.pdf](http://www.wrc.org.uk/includes/documents/cm_docs/2010/w/wrc_power_and_prejudice_final.pdf)

6 Women's Resource Centre (2011) *Localism briefing*

As more power is awarded to local authorities there is a clear need for effective monitoring of public bodies in relation to their performance on equalities issues. Furthermore, with changes to the Public Sector Equality Duties there could be a misconception that local authorities will now need to do less to promote equality. Localism's emphasis on 'local democratic accountability' is also problematic as this places too much responsibility on residents and relies on inclination and capacity – women may often lack the latter.

### **Limitations of localism**

Focused upon geography, localism overlooks communities of interest and the transcendent nature of issues such as violence against women. Localised commissioning may lead to a postcode lottery for lifesaving essential services; thus it is essential that checks and balances are put in place in commissioning to make sure that women's services are funded at a local level.

In relation to new powers regarding the Community Right to Challenge, women may not have the ability to or interest in running public services and critics fear that this process may promote private sector dominance in service provision and lead to the loss of appropriate services for women. In light of this it is paramount that an equalities framework is embedded in commissioning to ensure that the services are designed and delivered effectively to meet the needs of women.

More broadly, an equalities framework must be embedded in localism policies to ensure equal access and uptake of opportunities. Local authorities should work in partnership with the women's voluntary sector to support the engagement of marginalised women and work with women to ensure their needs are met. Only through meaningful engagement and acknowledgement of the importance of gender equality will the potential of localism be realised.



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Shelter

