



CAMPAIGNING TO IMPLEMENT THE SUSTAINABLE COMMUNITIES ACT

WORRIED ABOUT

NO LOCAL JOBS OR BUSINESSES
YOUR POST OFFICE CLOSING
LOCAL SHOPS AND PUBS CLOSING
NO BUSES / OLDER PEOPLE ABANDONED
DOCTORS, DENTISTS & HOSPITALS CLOSING

NO AFFORDABLE HOUSING
NO LOCAL POLICE STATION
TRAFFIC WRECKING QUIET STREETS
POLLUTION AND CLIMATE CHANGE
LACK OF LOCAL HEALTHY FOOD

NOW YOU CAN FIGHT BACK

A NEW LAW GIVES YOU, YOUR NEIGHBOURS AND FRIENDS POWER TO TELL GOVERNMENT HOW TO HELP YOU STOP YOUR COMMUNITY DECLINING



“This is not just another consultation. This Act gives you power to protect and enhance your communities, we urge you to use it.”



Nick Hurd MP, Conservative
David Drew MP, Labour
Julia Goldsworthy MP, Liberal Democrat

On 23 October 2007 the Sustainable Communities Act became law. It is a remarkable piece of legislation: for the first time we have an Act of Parliament that discards the usual top-down decision making and also the nonsense that ‘consultation’ by the government is somehow empowering (when the opposite is the case as most people know).

This Act is special because it establishes for the first time a co-operative method of decision-making, so that all the decisions are no longer made at the centre.

It is an Act that can empower citizens and will give effect to what

the sponsors argued for the 5 years of the campaign that:

‘citizens and councils are the experts on their own problems and the solutions to them’

It is, as Government Minister Phil Woolas told the House of Commons on 15 June 2007 one of the most important such Acts in the last 40 years because as he said: ‘I genuinely believe that it will change the relationships in British politics’.

The Act gives you power over decisions which affect your life. This brief explains how it can help you fight back against the problems stated above!



For local energy – creating jobs and helping communities

HELP US TURN THE WORLD UPSIDE DOWN – APPEAL FOR FINANCIAL HELP

The new powers for citizens and communities given by this Act are only relevant if well known! We need to circulate this broadsheet, and the guides listed on p2 widely. We also intend to hold meetings in every county to inform people how THEY can drive government policy.

To do this properly requires a lot of money. We need to cover costs of printing, mailing, hire of premises etc. to enable us to fully support YOUR new rights. Please help by sending £5, £10, £20, £50, £100 or more if you can afford it to Ron Bailey, Campaigns Director, 6 Cynthia Street, London N1 9PF. Please make cheques payable to Unlock Democracy Local Works account.

SOUNDS TOO GOOD TO BE TRUE!

People everywhere will know better than us what is needed in their area. Indeed, our philosophy has been that local communities are the experts on their own problems – and the solutions to them. Not central government. It follows, therefore, that we too cannot dictate the solutions. But we can:

- give guidance on the procedure to adopt so that your ideas have the best chance of being implemented (see p 4)
- indicate some ideas that have come up at the public meetings we held when campaigning for the Act.

These ideas may apply in your area or they may not. *They are examples only:* you'll have the best answers.

SEE ALSO GUIDANCE SHEETS ON USING THE ACT

- | | | |
|-------------------------------|---|---------------------------|
| ● saving post offices | ● promoting local energy – energy efficiency | ● helping older people |
| ● saving local pubs and shops | ● promoting local food/ending food poverty | ● helping the environment |
| ● using local panels | ● promoting greater participation and decision-making | ● ending fuel poverty |

To order these or further copies of this broadsheet write to Local Works/Unlock Democracy 6 Cynthia St London N1 9PF or email: steve.shaw@unlockdemocracy.org.uk or see our website: www.localworks.org / www.unlockdemocracy.org.uk

SUSTAINABLE COMMUNITIES ACT SCHEDULE

Matters to which local authorities must have regard

- 1 The matters referred to in section 2 are—
 - (a) the provision of local services,
 - (b) the extent to which the volume and value of goods and services that are—
 - (i) offered for sale; or
 - (ii) procured by public bodies and are produced within 30 miles (or any lesser distance as may be specified by a local authority in respect of its area) of their place of sale or of the boundary of the public body,
 - (c) the rate of increase in the growth and marketing of organic forms of food production and the local food economy,
 - (d) measures to promote reasonable access by all local people to a supply of food that is adequate in terms both amount and nutritional value,
 - (e) the number of local jobs,
 - (f) measures to conserve energy and increase the quantity of energy supplies which are produced from sustainable sources within a 30 mile radius of the region in which they are consumed,
 - (g) measures taken to reduce the level of road traffic including, but not restricted to, local public transport provision, measures to promote walking and cycling and measures to decrease the amount of product miles,
 - (h) the increase in social inclusion, including an increase in involvement in local democracy,
 - (i) measures to increase mutual aid and other community projects,
 - (j) measures designed to decrease emissions of greenhouse gases,
 - (k) measures designed to increase community health and well being,
 - (l) planning policies which would assist with the purposes of this Act, including new arrangements for provision of affordable housing, and
 - (m) measures to increase the use of local waste materials for the benefit of the community.
- 2 In this Schedule the following terms shall have the following meanings—

“local services” includes, but is not restricted to, retail outlets, public houses, banks, health facilities, hospitals and pharmacies, legal services, social housing, post offices, schools, public eating places, leisure and open spaces;

“local food economy” means a system of producing, processing and trading primarily organic form of food production, where the activity is largely contained in the area or region where the food was produced;

“local jobs” mean—
 - (a) jobs in companies or organisations that in the opinion of the appropriate authority will spend a significant proportion of their turnover in the locality of the place of operation; and
 - (b) jobs which are held by people living within 30 miles of that job;

“mutual aid” means actions or initiatives by people in the community to improve services or provide for themselves and other persons in the community;

“product miles” means the total distance produce is transported from the place of growth or production to the place of consumption;

“social inclusion” means the opportunity for all people resident in any area to play an equal role in the social and civic life of the area;

“local democracy” means the ability to participate, by means of voting at elections or otherwise, in the making of decisions that is as local as practicable to people’s place of residence; and

“community health and well-being” means the degree to which persons resident in an area identify with the area and receive an increased quality of life as a result of the nature and the environment of the area.

SO HOW CAN THIS ACT HELP US PROTECT OUR POST OFFICES, SHOPS, PUBS, LOCAL JOBS, HOUSING AND IMPROVE OUR COMMUNITY?

Local jobs and housing

Let's start with two basic issues that, if dealt with, could generate the local activity needed to keep shops, post offices, pubs and other local facilities open.

1. Local jobs and economic activity: How the Act can help.

Here are some ideas you could put to your citizens' panel.

- Somewhere near you there may be a large 'out of town' supermarket (or other superstore) with perhaps 1,000 car parking spaces. Did you know that the store does not have to pay non domestic business rates on those spaces? You could compare this with the position faced by local shops of having their trade affected by yellow lines and parking costs. Point out that this is not a level playing field for trade. So why not suggest the following idea to your local panel, urging them to make it one of the suggestions to be put to the Secretary of State (SoS).

'That the Secretary of State takes the power (or gives local authorities the power) to levy non domestic rates on all those car parking spaces – with a power for the council to allow discounts (perhaps up to 100%) if the supermarket, or other store, sources a stated percentage of goods for sale locally.'

The effect of this could be enormous: a boost for local farms and small businesses creating local jobs and economic activity. If that idea was put to the SoS by a large number of councils the requirement to 'try to seek agreement' would make it even more difficult for the Secretary of State to decline to at least reach a compromise position.

- Or take the situation faced by the growing number of small brewers, in both rural and urban areas. A nearby pub (say half a mile away), that might wish to buy their products might be owned by a pub company (many are) which might require the beer to be transported 50 miles to a depot before being sent back to the pub. So the beer is traveling 100 miles when it should travel less than one. You could point out that this puts up the price of beer, causes noise and environmental damage because of extra traffic, and restricts the possibility of growth (and so jobs) by the brewery. So why not suggest the following idea to your local panel, urging them to make it one of the suggestions to be put to the SoS.

'That the Secretary of State either takes steps to prevent this kind of requirement or gives local authorities the power to take such steps themselves e.g. using the planning system or by charging the

pub company for the environmental damage their practices are causing.'

This could lead to easier expansion by small brewers and more local jobs.

- Another local job creation (and CO₂ reduction!) policy would be to remove the hurdles to local energy generation schemes.
 - Woking Borough Council have managed to do this to an extent – with the result that they have provided cheaper electricity, less CO₂ emissions, local jobs and a 'cash surplus' that has been invested in local projects. But requirements relating to 'private wires' (as distinct from the national grid) still hamper progress.
 - A report (*REvision 2020*) produced for the south-western government region and regional assembly in 2005 shows that local energy generation could produce 7,000 jobs.
 - A report (*Green Alchemy*) produced by the London Development Agency in 2003 showed that local energy generation would produce 7,000 jobs in London.

So why not suggest the following idea to your local panel, urging them to make it one of the suggestions to be put to the SoS.

'That the SoS develops a strategy to enable councils to promote local energy schemes, and in particular reviews the requirements regarding private wire systems.'

- Other ideas, some of which have been suggested by the recent report of the Rural Advocate in 2007, published by the Commission for Rural Communities, are
 - That the Secretary of State should require all Regional Development Agencies to set up a standing recovery fund to help small businesses
 - That the ceiling for rate relief for small businesses is raised by increasing the eligible rateable value
 - That the Secretary of State should help councils' local food strategies, in order to encourage the development of local food industries/ agriculture.
 - That a 'jobs from local waste' strategy should be drawn up by the government in conjunction with local authorities and implemented.

2. Protecting and creating local housing: How the Act can help.

- An idea that came up repeatedly at our public meetings when campaigning for the Act was the issue of second or holiday homes. Time and time again we were told of towns and villages where the high proportion of second homes was destroying their community and causing the decline of local shops, as the areas are, literally, Ghost Towns for most of the year. Indeed this is not only a village or small town problem. A recent survey showed that one fifth of second homes are in London. In order to combat this why not suggest the following idea to your local panel, urging them to make it one of the suggestions to be put to the SoS.

'That local authorities are given the power (e.g. via the planning system or via penal council tax) to prevent further holiday homes, thus making more local housing available for people to live in 12 months per year.'

- Or you could suggest that your local panel suggests in its submission to the Secretary of State that:

- Statutory powers are given to non profit-making Community Land Trusts, which provide low cost housing for local people,
- That the government should remove capital gains tax reduction from the sale of second homes,
- That councils are given the power to create a separate fund for the revenue raised from council tax on second homes to be used for reinvestment in local affordable housing needs.
- That the Secretary of State sets targets for investment in areas where lack of local housing is an issue. The achievement of these targets could be achieved by an increase in the funding allocations made by Regional Assemblies.
- Your local authority is given extra powers to deal with the problem of lack of local affordable housing, as it sees fit.
- Government action to help housing co-ops, self-build schemes and bringing empty property into use.

ISN'T IT ALL A HASSLE?

Why should councils get involved?

As explained above, there is no requirement on councils to 'opt in' to the processes in the Act. They simply have the power to do so.

So why should they get involved (as we strongly believe they should), when it involves setting up local panels, and then trying to reach agreement with them? Is this not just one more hassle for hard-pressed officers?

Reasons why councils should 'opt in':

- **Help from government:** Community decline is happening everywhere. This Act gives government a legal duty 'to assist local authorities in promoting the sustainability of local communities'. So by 'opting in' councils are signing up to receive that 'assistance'.
- **Power to determine that assistance:** The Act also gives local authorities (and their representative body, the Local Government Association) power to determine the nature of the assistance that they receive from government, as explained opposite.
- **New powers for local authorities:** The assistance could involve new powers being given to local authorities.
- **Strength in numbers:** By opting in, local authorities can act together to put in proposals to government supported by their colleagues elsewhere, so making it harder for the government to refuse to act on them.
- **Transferring functions and money from central to local control:** The Act also enables councils to request the transfer of functions from government or government agencies to themselves. As decisions on these requests must be made by the Local Government Association (LGA) and the SoS trying to reach agreement, this can be used to regain from government control, powers and spending that affect local areas.
- **Access to spending information:** The requirement in the Act for the government to 'open the books' re money spent locally by government departments and agencies will mean that councils will know how much extra money they can get if they push for a transfer of functions.
- **Democratic involvement:** Politicians talk about lack of public involvement in democracy. The recent *Power* report showed that the more people think that their involvement matters, the more they are likely to get involved. The very 'hassle' required by this Act (reaching agreement with local panels) empowers citizens, and so is a way of increasing citizen involvement.

What if my council decides not to 'opt in'?

Challenge this. Ask them, for instance, is their refusal because:

- There is no community decline in their area? If so – get the evidence and challenge this.
- There **is** community decline but the council does not need help to deal with it. If so – challenge this using the evidence of decline from the past few years. Remind your council that the sustainability of local communities includes rectifying democratic dis-involvement and ask them – 'are they really happy with the amount of citizen involvement in political activities?' Because if not, the Act gives them a chance to rectify this.
- It's all too much hassle? Ask them – are rectifying community decline and promoting citizen empowerment simply 'hassle'?
- They don't believe the Act provides the opportunities that we claim. If so point out that for the first time central government is **required by law** to 'co-operate' and 'try to reach agreement' with the LGA; that councils **by law** have to 'try to reach agreement' with local panels. This is NOT the language of consultation – it is entirely new language in law. It gives councils a new opportunity to involve people on a very different basis.

This Act gives citizens the chance to influence government actions to help their communities. Local authorities must not get in the way of that. Point out that the 'it won't work; it's not worth the effort' approach is a 'cynics charter' – whereby nothing new is ever tried. And that by adopting that attitude your council/councillor is part of the problem, not the solution. Tell them that they can't have it both ways: either lack of involvement **is** a problem – and so worth the effort to reverse it: or it is **not** a problem – and they are content with the current low level of public engagement in democracy (let them dare say that!).

And above all – join with other citizens to say this publicly. For whereas our campaign was sympathetic to the 'no new centrally-imposed duties' views of councils, we are NOT sympathetic to inaction re involving local people.

IF YOUR COUNCIL OR COUNCILLOR WANTS TO BE INACTIVE – MAKE THEM ANSWERABLE LOCALLY!

FROM IDEAS TO ACTION

USING THE ACT TO MAKE YOUR IDEAS WORK

On pages 2 and 3 we gave some examples of the kind of ideas that might enable people to re-invigorate their communities. You'll have many more. But ideas are not enough. The real issue is – how can you get the government to actually implement the suggestions that you make.

To achieve that, an understanding of the Act is needed. In a nutshell the Act sets up what is called a 'double devolution' process. That means that:

- The Act gives the government a legal duty to 'assist local authorities in promoting the sustainability of local communities'. Local authorities will be invited to make suggestions to the Secretary of State (SoS) – i.e. the government – as to how it can help them. So it is your council, **not the government**, that is in the driving seat as to what the government must do.
- The Act specifies that your council cannot make its suggestions to the SoS without involving 'local people.' The way this is done is also specified: councils must set up 'panels of representatives of local people' – which **must** include people from usually under-represented groups: ethnic minorities, young people, older people, tenants etc.

Getting your ideas accepted

Step 1. Ensure your council 'opts in'. As explained councils are 'invited' to submit suggestions to central government – not required to, as we did not want to put any further centrally imposed duties on councils. They should be answerable to local people – YOU – not the government. So make them answerable – see the article opposite on how to ensure that your council 'opts in' to the opportunities created by this Act.

Step 2. So you've got an idea? Check that it is covered by the Act. The Act defines promoting the sustainability of local communities as:

encouraging the economic, social or environmental wellbeing of an area and social wellbeing is defined to include 'participation in civic and political activity'.

These 4 limbs of sustainability – economic, social, environmental and participation – give wide scope for ideas. Saving post offices, shops, pubs etc are clearly included; as is promoting local jobs and businesses; reducing pollution and preventing climate change; and alleviating poverty and food or fuel poverty. But so, under 'participation', are devolving power to communities and parish councils – and promoting proportional representation!

Step 3. Use the 'schedule' for ideas and inspiration. The schedule to the Act (see page 2) 'fleshes out' the definition. If you can link your suggestions to a provision in the schedule, then your council has a duty

to consider them. But don't worry if you can't: the schedule is **NOT** exclusive. Providing your ideas are covered by one of the 'four limbs' in Step 2 you can use the Act to promote them.

Step 4. Drum up support.

- In your community: The more people and organisations support the idea, the more likely it is to influence the 'local panels' (see Step 5 below).
- Outside your community: If the same idea is put forward by many communities to their own councils it is more likely to be 'short listed' for action (see below) and it will be more difficult for the SoS to reject it.

Step 5. Lobby your local panel

for your idea to be one of those put forward to the government. Your council must allow local people to easily access the local panels.

In addition you could try to become a member of the local panel. Get other people and organisations to nominate you. Ask your council for details of how to do this.

Why bother? Isn't this another useless consultation?

NO! The Sustainable Communities Act is not another consultation! It is about a wholly new way of decision-making: co-operation. Councils have a legal duty to 'try to reach agreement' with the panels re your ideas.

Note those words – 'try to reach agreement': this is NOT consultation in which all decisions are made at the centre: instead councils have a legal duty to co-operate with panels of local people in deciding which suggestions to make to the SoS as to how s/he can help reverse community decline.

And don't worry if your ideas are not included: this is NOT a one-off process. It will be repeated, so try again next time.

What happens next?

Councils' suggestions will need to be prioritised, as there could be large numbers (if every council put forward just 5 ideas, there would be nearly 2,000). This will NOT be done by the government but by the body representing all councils – the Local Government Association (LGA) – in co-operation with the government.

And, finally, the government has to try to reach agreement with the LGA on the suggestions that will be acted on. Again: note those words – try to reach agreement. Again: the Act provides for bottom-up co-operation **NOT** top-down consultation.

Timescale

The first invitation to councils by the SoS will go out in September/October 2008. So you can start lobbying your council to opt in and set up local panels then – **or in advance to ensure that they are ready.** Good luck.

For more information please see our websites: www.localworks.org and www.unlockdemocracy.org.uk