

A response to the Commission on the Future of Localism from communities across the London Borough of Southwark

On Tuesday 30th May 2017, a number of active citizens representing communities from across Southwark (and beyond in a couple of instances) came together for a workshop to

- consider their experiences of Localism and Devolution within the borough,
- share knowledge and expertise around their areas of specialism, and
- identify ways forward that they considered might enhance onward devolution and ensure greater levels of neighbourhood-level governance and community empowerment.

This paper outlines the background to this approach, provides a brief introduction to relations between the voluntary and community sector and statutory public bodies in the borough, as well as the key issues identified and now provided to the Commission in response to the questions they posed.

Background

The workshop was organised by Community Southwark in partnership with the Southwark Planning Network in order to provide the opportunity for collective views to be aired; and to then coordinate a response to the Commission that reflected perspectives of a diverse range of people, groups, and networks across the range of communities across the borough.

Local groups that attended included:

- Bankside Residents Forum
- SE5 Forum
- Peckham Vision
- Peckham Society
- Elephant Amenity Network
- Rye Lane Traders Assoc.
- Southwark Friends of the Earth
- Walworth Society
- Community Southwark

And from a sub-regional and/or regional level:

- South East London CAMRA
- London Voluntary Service Council

A number of others who could not attend the workshop submitted their written views, perspectives and ideas. Southwark Law Centre also attended, their developing work around community involvement in planning being especially relevant in this field at this point in time.

The Southwark Context

A/ A Focal Point for Increasingly Dense Development

Southwark is a borough of stark contrasts, with the north of the borough being the focus of increasing waves of development and regeneration the density of which reduces ever further the lack of access to green and/or open spaces. These waves have been sweeping ever southward where areas of the Council's social housing have been a particular target for modern and increasingly high-rise buildings: this has given rise to a number of highly publicised cases where existing communities and the Council are in conflict.

There is a general community perspective that they are not engaged in the principal decision-making that affects their localities and their lives, and that processes around planning discourage residents from actively being involved in shaping the places in which they live and work.

As a consequence, there are many active citizens, groups, networks, forums, amenity societies, and other community-led bodies across the borough seeking to protect the interests of their respective areas and particularly of existing residents whose voices seem to be least heard.

B/ Demographics

Southwark has seen unprecedented churn in the makeup of its population in recent years, but it is perhaps the sheer scale of increases in population that particularly have concerned existing communities. At the time of the 2001 census it was predicted that by 2021 the population of Southwark would have risen by 11.1% (27,100) from the census figure of 244,900 to 272,000: the reality has been very different.

- 2001 census provides 244,900 base-line
- 2011 census showed 288,300 (16.1% increase)
- 2015 estimates showed 306,700 (20.1% increase)
- 2021 now predicted to be 325,000 (32.7% increase)
- 2026 is currently estimated to reach 347,000 (41.7% increase)

Local people are especially concerned about the affordability for existing communities of the housing stock that the new developments provide, and what is seen is increasing gentrification of areas which were previously very diverse.

C/ The Southwark Planning Network (SPN)

SPN was created in 2009 by residents who were active in borough and local planning matters. It is run by its members most of whom represent the active local neighbourhood community groups (referred to in A above) across the borough who handle planning and related matters in their neighbourhood. The focus is primarily to share information, understanding and good practice; support each other in the local planning work and coordinating collaborative action where appropriate.

SPN's membership represents the accumulated knowledge, experience and expertise of many active citizens who've been involved in the often very complex world of planning and regeneration over many years; and increasingly is seeking to utilise this huge asset to improve planning processes, especially around community involvement/engagement, to secure real opportunities for local people to play their role in influencing decisions that affect them.

Also, SPN are aware of London wide activity on planning issues, and would particularly highlight the work on community assets by the Reclaim Our Spaces network; with whom the Commission could make useful connection.

D/ Common Purpose, Common Cause

In 2015 an Early Action Commission, independently chaired by Margaret Hodge MP and supported by the New Economics Foundation, was set up in Southwark to look at the potential for prevention and early intervention activities to both reduce social/health problems, the pressures on local public services, and of course to use financial (and other) resources more effectively for more successful outcomes. The resulting report recognised the very significant effect the day-to-day activities within the Community Sector had on influencing behaviour, improving wellbeing, and preventing deterioration of situations: this in turn led to a number of recommendations about service design and better commissioning, but most importantly the need for an updated strategy to shape a more co-productive approach in relationships between the Council and the Clinical Commissioning Group with Southwark's Voluntary Sector and Community Sector.

The resulting strategy (Common Purpose, Common Cause) was adopted in November 2016, and a number of work-streams have been developing; all with a focus upon considering how best to

engage and involve local people and their groups in better services, or in shaping future strategies.

This includes links to local people being involved in “place-shaping”, so incorporating the work of planning and regeneration; and provides a positive basis for real change to strengthen local civil infrastructure’s ability to collaborate. Detailed analysis of the existing barriers to this, and design of new approaches will be essential if this is to be made meaningful in practice

E/ Support to Community/Social Action

Since 2015/16, Southwark Council has been recognising the growing understanding of the importance of the Community Sector and the activities that local people undertake to improve the lives of their families, their communities, and their neighbourhoods; initially with a one-year contract looking at increasing engagement of communities across the borough, and currently with a three-year contract with one of the three key elements being on supporting Social Action.

Community Southwark is currently delivering this work through a range of activities ranging from supporting volunteering (in all its forms) and volunteer management, helping individuals to identify the best path to succeed with their ideas for change; linking people up with groups, campaigns and networks through whom they might best achieve what motivates their actions; encouraging networking, providing support to strengthen this where appropriate; reaching out to those communities whose voices are seldom heard (or who people don’t bother to try to reach); and also by creating Community Action Networks to provide the space, opportunity and time for local people to come together for informal discussions on issues of concern to them, and focused upon identifying courses of action to address those issues.

Whilst this is a significant step in the right direction, and such resources need to be continually evolving to identify and support the very diverse activities that local active citizens undertake (on an entirely voluntary basis); it is the tip of a very large iceberg which will require greater coordinated action with our public sector institutions to ensure that “the door is open” for greater joint-action with local people.

The Response

Within the specific context of any London borough, not all of the questions that the Commission is seeking answers to are relevant. Accepting that, so far as possible discussions remained focused on the Commission’s three key themes:

- 1. The Localism Act and Community Rights**
- 2. Devolution**
- 3. Civil society and community infrastructure**

and this is reflected in the manner in which responses to the Commission are set out below.

1/ Localism and Community Rights

Commission’s Questions:

- 1. In your view, how far have the goals of decentralisation and localism been met?*
- 2. How successful have communities been in using the Community Rights?*
 - How successful has the Right to Challenge been to drive improvement in local services?*
 - How successful has the Community Right to Bid been in supporting communities to take on assets of community value?*
 - How successful has Neighbourhood Planning and Community Right to Build been in enabling communities to shape local planning and development?*
- 3. Do you have recommendations for how the current Community Rights could be strengthened or improved and how use of the Community Rights could be increased?*
- 4. If we were to imagine a new wave of powers, rights and levers for local communities, what might these look like?*
- 5. What are the current and future risks and opportunities for localism and decentralisation?*

1. Consistency is needed in application of the Act, not just within the borough but across boroughs: may need putting in updated legislation, creating a clear framework that ensures this happens but is still flexible enough to reflect the different issues from locality to locality.
2. That framework could embody a set of unambiguous values that underpin localism that would help to support consistent application.
3. The planning framework needs to be more than just about the physical land and building, but also about the people who live and work there.
4. Local Authorities need to develop, maintain, and service a public on-line register of interested parties where Community Assets are concerned; that quickly sifts through who needs to be informed whenever the Authority is contacted regarding potential development affecting any such (and not just when planning applications are made).
5. Especially where ACVs are concerned; early consultation with, and involvement of, the community is vital; **a better process to resolve this is set out as Annex 1.**
6. Annex 1 includes an important principle that all council owned land is public land and therefore should automatically be viewed as ACV: public land is not, and should not, be constrained by high land values and there remains a great deal of public land in Southwark (and other boroughs) which communities should have more influence over.
7. More resources are needed to raise awareness of localism powers and responsibilities, about ACVs, about community rights; to help ensure that these can be best utilised for the benefit of localities across the borough.
8. Borough resource (maybe some kind of TOOLKIT?) is needed to support people/groups in both nominating and later potentially bidding for an ACV; including planning legalities, information on capacity building groups/resources, developing social capital, etc.
9. A need to highlight what has (and hasn't) worked on ACVs and other powers, identifying the success factors (and things to avoid), and explaining how and why it worked.
10. There needs to be tougher regulation where planning permission is granted but then the site sits vacant for a number of years, blighting the locality: this includes places where vacant sites are adopted by communities but then "bought out" without recognition of how the community has used the space for its wider benefit.
11. Further to this we need to stop property 'squatting' by developers, who just hold on to sites (and in some instances delaying completing developments), awaiting the price going up simply to maximise profit to the detriment of local communities, and reducing affordability.
12. There should be early conversations between councillors with their residents on what the challenges are for the borough, and what consequently is proposed in local/neighbourhood plans; and so properly develop a community-led plan, with clear planning standards to guide its implementation. An end to top-down imposed solutions.

2/ Devolution Deals

Commission's Questions

6. *What is the scope of devolution deals to build on the localism agenda and empower communities?*
 - *For example, what opportunities are there for 'onward devolution' to communities?*
7. *What are the risks and opportunities of devolution?*

In particular, in terms of:

 - *Public service transformation and commissioning.*
 - *Democratic engagement*
 - *Local economies*
8. *What is the potential role of civil society organisations in the devolution agenda?*
9. *Have communities and citizens been engaged and involved in the design and implementation of devolution deals?*

10. What more needs to be done to maximise the role of local people in devolution?

1. Very little is known by the voluntary sector or the community sector about Devolution Deals to London; more is known about how cities like Manchester now have a much-enhanced range of devolved responsibilities to help secure more collaborative approaches, better outcomes and less “silo mentality” in provision of statutory services.
2. A lack of clarity on what powers are being devolved from Government to The Mayor of London/ Greater London Authority and little sharing of factual information on both this and on the consequences of this devolution; at least, certainly not coming down the chain to communities/localities.
3. Needs to be a better citizens’ information exchange; City Mayors must pass intelligence about devolution onto city wide community networks and CVS – type organisations in each Local Authority
4. Needs to be a register of local resources like Community Southwark, who could provide integral support service to citizens/groups alongside the information/intelligence sharing.
5. Consequently, the Government needs to be encouraged to ensure there is involvement of both the voluntary sector and the community sector in devolution negotiations: currently these are non-existent.
6. There should be some form of local consent to devolution agreements being made, with regulations requiring meaningful and innovative consultation.
7. Community rights should be an important part of devolution discussions, so community needs to be identified within devolution frameworks, its views understood and taken account of, its knowledge and expertise recognised and used, alongside all ideas linking social and economic discussions concerning localities.
8. In London, we have devolution deals on health and well-being which should be opened up to community input. These devolution deals should recognise the significance of Health and Wellbeing as fundamental to any development (planning/regeneration or service improvements) and especially the close connection with housing need and areas of deprivation.

C/ Civil Society and Community Infrastructure

Commission’s Questions:

11. *What is the role and capacity of civil society in supporting community empowerment?*
 - *What further resources, powers and infrastructure are needed?*
12. *What models of neighbourhood governance, community decision making and community infrastructure are successful?*
 - *What has contributed to their success?*
13. *What role do neighbourhood forums, Parish and Town Councils have in localism?*
14. *What other practical opportunities are there for the ‘future of localism’ at a national and local level, for example through future legislation or government activity?*

1. Understand existing community infrastructure, which is a huge resource; don’t impose new structures. Recognise the distinction between self-initiating citizens’ groups and the established voluntary sector, and ensure that there is a clear policy within local authorities and other public institutions that recognise, and respond to these differences. An illustration of these differences can be found in the paper ‘Community Engagement in the Social Eco-System Dance’ <http://goo.gl/kpbBro> .
2. Networks should be helped to support individuals and their groups and build capacity to make change happen: similarly, funders need to fund people and their networks on this basis and value the impact it brings.

3. Similarly, need to recognise that there are different audiences for different issues, and different/more effective ways of engagement relevant to each.
4. On equalities issues, working with community interest groups is particularly effective in reaching people who may otherwise be excluded because of language or cultural issues (for example).
5. Because of lack of regular “conversations” between Councils and their communities, participation often arises from protest: Councils shouldn’t be afraid of their constituents and their action groups, and should act to serve them, and engage with them, rather than being over-protective of the Council as a corporate body.
6. Consultation with residents is usually on an individual basis, known in this borough as community conversations. People are not presented with enough information to make informed decisions, and results of individual consultations will tend to be disparate, and the results difficult to analyse into cohesive recommendations. Better to adopt a collective approach which helps local people to discuss together issues to clarify views and identify common areas of concern, before expressing their views, and to enable those views to be brought into the policy making process in a transparent way.
7. Difficult to identify any current models that work well; Community Councils have contracted in Southwark and become a mechanism to deliver Council information. They can be poorly chaired, and autocratic in approach.
8. The most frequent model of engagement happens where individuals come together on a particular issue of concern, and this relies on involvement of a few key people and sustainment is difficult: structural and focused support is needed e.g. umbrella group working to support community action, and possibly an independent neighbourhood planning unit?
9. Community should have rights at pre-formal consultation phase where developments of local significance are to take place: Localism Act provides for this, at least in part, but not clear who makes decisions as to which developments this should include.
10. Further to 9 above, the key issue for local communities is that the developer has months of private discussion with the planning department to deal with all the planning officer’s concerns; yet when it goes to the public for consultation including those directly affected they have just 3 weeks to comment. Also, it is felt that as the proposed development has often been discussed in detail with the planning officer, the public’s comments are brushed aside. Communities need rights to see the plans before they get to the formal consultation stage and to have an influence before it gets to that formal proposal: Could there be a stage where there is notification that a developer is in discussion with the planners and that people can register their wish to be consulted on the proposals and the officers’ response?
11. Aarhus Convention and right to information to be explored more (The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and transboundary environment. It focuses on interactions between the public and public authorities – **See Annex 2.**)
12. Given that the UK is signatory to the Aarhus Convention and presumably seeks to reinforce its principles, one way forward might be a Monitoring Centre which collects the latest intelligence and promotes examples of good practice about the use of Aarhus at a local level.

Changes that could be made to strengthen things here could include:

- a. Power to vote on important matters, relevant to their localities, communities, etc.

- b. Improved and supported processes for community involvement in all stages leading to decision making.
- c. Petitions securing greater/broader discussions.
- d. Reforming Southwark's Community Councils, their purpose, and how they operate. (**NB** These are what Southwark calls Community Councils, as in other places that name is given to bodies "owned" by the Community).
- e. Developing, publishing and maintaining accessible directories of borough resources/groups, at neighbourhood level so far as this is possible/relevant.
- f. Council grants schemes being devolved to local CVS; creating direct links between strengthening, developing, and promoting collaboration between groups for more innovative processes that deliver real results.
- g. The Council and the local CVS should have an agreed policy and approach to the involvement of local community groups in decisions which affect them, an approach which is discussed and agreed with the community groups.
- h. More public information should be made available about Community Infrastructure Levy and Section 106, and what its purpose is in developers contributing back to communities for being given permission to build in their area: similarly, there should be proper conversations about how communities want this money to be used, rather than the current process of presenting a "fait accompli".
- i. More grass roots suggestions/proposals in general to be encouraged, and "real" regular conversations of Council (and others) with local people to enable this to happen.
- j. Co-design/co-production is the basis for the new Southwark Council/CCG/VCS strategy (Common Purpose, Common Cause). This has some useful links to place making incorporating the work of planning and regeneration and so is a positive basis for real change to strengthen local civil infrastructure's ability to collaborate. But it needs much more detailed analysis and design to be made meaningful in practice. (Close links here with points b and g above).

NB Many believe that much of this will not work whilst land values are so high and the system seems to favour developers to the detriment of communities. The current planning system in London encourages developers to maximise land values through residential development, even when not in the interest of local housing needs, or of the needs of other land uses including community services and industrial purposes.

12th June 2017

Co-ordinated and written by:

Ian Redding (Community Southwark)

Email: ian@communitysouthwark.org

In partnership with:

Eileen Conn (Peckham Vision)

Richard Lee (Elephant Amenity Network)

And with special thanks to:

**the many active citizens of Southwark who
contributed to these collective views.**

Annex 1 - ANNA PLODOWSKI proposals to improve ACV process

In order to optimise the opportunities for local regeneration, innovation and community-based economic and social development that the ACV process offers, I suggest that the following changes need to be made:

- the role of councils needs to be modified so that potential conflicts of interest do not occur
- the amount of time for communities to develop viable plans and raise funds to purchase assets needs to be very significantly increased

Abbreviations used:

ARACV – application to register an asset of community value

ACV – asset of community value

PACV – potential asset of community value

RG – registering group

PRG – potentially registering group

OO – owning organisation (i.e. any body that wishes to sell an asset for which an ARACV may be made)

Details of suggestions

1 The role of councils

As I understand / have experienced it, a group of people who wish to register an asset as being of community value have to apply to their local council for this; it is the responsibility of the local council to decide whether an asset is of community value or not. Unfortunately, this process includes some serious potential conflicts of interest.

1.1 Non-council owned assets

In order to meet their statutory obligations, local authorities necessarily engage in a range of commercial and procurement activities with a wide range of businesses, charities and other types of organisations. This means that they may sometimes, unwittingly or not, be subject to pressure from such an organisation if and when that organisation wishes to sell a PACV.

In order to

- safeguard the integrity of the reputation of local authorities
- safeguard trust in the community asset registration process
- prevent council-owned assets being sold to the existing or past suppliers of local authorities without the knowledge of communities
- safeguard the reputation of those purchasing assets for which community asset of value applications were received:

all local authorities should be required:

a/ In all the documents responding to, confirming or rejecting requests to register an asset of community value, to state explicitly whether or not they have, or have had, a commercial, procurement or other relationship with the organisation that wishes to sell the asset within the last 10 years, and to provide dates (start, end) for that relationship. Where that relationship started more than 10 years ago, a start date for it must be provided.

I see no reason why such a requirement would contradict the needs of commercial confidentiality and FOI legislation since this would not reveal any commercially sensitive information.

b/ To conduct, and to allow sufficient time to conduct, all FOI requests about their relationships with the relevant OO that PRGs may make. Given that 21 days are allowed

for FOIs, and PRGs are most likely to include volunteers working in their spare time, a minimum of 63 days from the date of the first letter confirming the existence of such a relationship should be allowed for this process.

c/ The Day One of any timings for community-based activity in relation to the PACV should date from the first date at which the local authority states that a current or past relationship with the OO exists; should a local authority deny or not mention any current or past relationship with the OO until the decision letter, then the 'clock' of the process shall be re-started at Day One.

1.2 Council-owned assets

Local authorities do not own any assets independently of their statutory requirement to provide services and amenity for the local community. Therefore, local authorities' 'ownership' is already on behalf of the local community.

All existing council assets are therefore in spirit and principle already assets of community value, and any proposal to sell or otherwise dispose of council-owned assets should include an automatic registration of the asset as being of community asset in the first case. This recognises the right of local authorities to sell such assets from time to time, but provides for new routes for localised community-based ownership so that such sale is not automatically a conflict of interest with the local community on whose behalf the local authority 'owns' the asset.

Should no group of local people come forward to work to purchase the ACV within one year of the public notification of sale by the local authority, the registration of the asset shall end. However, a new ARACV may still be made on this asset within 21 days of the ending of that registration.

2 Time for purchase of ACVs

Groups of local people wishing to register and purchase an ACV may have very limited expertise or experience in developing viable business models, and very significantly lack financial resources of their own for purchase. Nonetheless, the registration and purchase of an ACV may be a genuine opportunity for new community-based economic activity or development, providing unique and non-replicable assets that contribute very significantly to local well-being and the local economy.

In addition, groups of local people will be working as volunteers.

Finally, the desire to sell an asset suggests that past attempts to run a viable activity or service using that asset – whether by businesses, the local authority or other organisation - have failed, indicating that developing a new financially viable model for the asset under community ownership is likely to take some time.

All of this puts groups of local people at highly significant disadvantage compared to any business that is also working to purchase the (P)ACV.

As a result, once an asset has been registered, there should be a two-year period for the group to develop a viable business plan and raise the necessary finance to purchase it, with an option to extend that period for a further 6 months where 50% of the necessary funds have been raised.

© Anna Plodowski 2017

Annex 2 – Brief introduction to the Aarhus Convention

The Aarhus Convention is a multilateral environmental agreement through which the opportunities for citizens to access environmental information are increased and transparent, and reliable regulation procedure is secured.

It is a way of enhancing the environmental governance network; introducing a reactive and trustworthy relationship between civil society and governments, and adding the novelty of a mechanism created to empower the value of public participation in the decision making process and guarantee access to justice.

It was drafted by governments, with the highly required participation of NGOs, and is legally binding for all the States who ratified it; becoming Parties. Among these is the EC who has the task to ensure compliance not only within the member States but also for its own institutions, and all those bodies who carry out public administrative duties.

“The Three Pillars”

Access to information: any citizen should have the right to get a wide and easy access to environmental information. Public authorities must provide all the information required and collect and disseminate them and in a timely and transparent manner. They can refuse to do it only under particular situations (such as national defense);

Public participation in decision making: the public must be informed over all the relevant projects and it has to have the chance to participate during the decision-making and legislative process. Decision makers can take advantage from people's knowledge and expertise; this contribution is a strong opportunity to improve the quality of the environmental decisions, outcomes and to guarantee procedural legitimacy.

Access to justice: the public has the right to judicial or administrative recourse procedures in case a Party violates or fails to adhere to environmental law and the convention's principles.

In Summary

The Aarhus convention is a "proceduralisation of the environmental regulation", focusing more on setting and listing procedures rather than establishing standards and specifying outcomes; thus permitting the parties involved to interpret and implement the convention on the systems and circumstances that characterize their nation.

The model represents a good example of multi-level governance.