

NCVYS comments on the Localism Bill

Department for Communities and Local Government

May 2011

The Localism Bill was introduced to Parliament on 13 December 2010.¹ It aims to “shift power from central government back into the hands of individuals, communities and councils.”²

NCVYS supports the Real Power for Communities campaign which welcomes the Localism Bill and supports the intention to devolve greater power over decisions about local services to local communities.³ We recognise the Bill’s potential to give communities the power to change their areas, to take control of their neighbourhoods and improve the quality of life for local people.

NCVYS was asked to submit our views of the Bill to the Community Sector Coalition.⁴ In our response we raised a number of issues of concern. Many of these have been raised by organisations NCVYS works in partnership with, including NCVO,⁵ NAVCA⁶ and Children England.⁷

Equalities

The localism agenda needs to take equalities issues fully into account. The Government’s intentions to increase community empowerment and decentralisation are threatened by the reductions in government spending, particularly in areas of multiple deprivation. Young people in these areas are especially vulnerable and require support to be able to take power in their communities. Powers in the Bill will result in significant changes to local delivery of services, so it is imperative that there is wide ranging consultation with disadvantaged groups in communities. This should take account of protected groups in the Equality Act, including young people, to ensure any potential adverse impact to these groups is mitigated against in the implementation of service changes.

¹ *The Localism Bill*, Department for Communities and Local Government (December 2010) <http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/>

² For further, regularly updated, details of the Bill, please see NAVCA’s website <http://www.navca.org.uk/localism-bill-navca-briefings>

³ Real power for communities <http://www.rp4c.org.uk/>

⁴ Community Sector Coalition <http://www.communitysectorcoalition.org.uk/>

⁵ *Our response to the DCLG community empowerment consultations*, NCVO (May 2011) <http://www.ncvo-vol.org.uk/news/legislation/our-response-dclg-community-empowerment-consultations>

⁶ *NAVCA responses to consultations on the Right to Buy and Right to Challenge*, NAVCA (May 2011) <http://www.navca.org.uk/localism-bill--navca-response>

⁷ *Response to Community Right to Challenge*, Children England (May 2011) <http://www.childrenengland.org.uk/upload/Community%20Right%20to%20Challenge%20-%20response%20form.pdf>

Response to Community Right to Buy, Children England (May 2011) <http://www.childrenengland.org.uk/upload/Community%20Right%20to%20Buy%20-%20response%20form.pdf>

The Bill must ensure that by encouraging decision making outside of traditional local government structures that equality and human rights are not threatened. There may be a risk that devolving these decisions they fail to adhere to the equality and human rights obligations which would have applied to the local authority. Young people must have their views taken into account in all matters affecting them as stated in Article 12 of the UN Convention on the Rights of the Child.⁸ This means that local authorities must be committed to working with a diverse range of individuals and groups, including those that provide voice to more vulnerable and marginalised members of the community.

Local Democracy

The Bill is an opportunity to stimulate local democracy by promoting both representative and participative democracy. The Bill must recognise the role of young people in local communities, and NCVYS supports the submission from our members the British Youth Council to the Bill Committee which raised the issue of young people's involvement in local referenda. To increase young people's engagement in democracy requires investment in voluntary and community organisations, which can provide opportunities for the development of engagement.

Community Right to Challenge:

We support the principle of the right to challenge because it offers communities the potential to exert greater influence over local services; ensuring they are delivered to a high standard that reflects the needs of the local community. These measures will need time to be effective, to ensure that local authorities are best able to encourage and support community ownership of assets and services. In attempting to give communities power to take over services and assets, the needs and rights of service users should be respected. Not all sections of the community will want to participate directly in management and delivery, but all have a right to expect continuity of inclusive services and facilities of a good quality to be assured.

We think it should be possible to for a group of residents to challenge the local authority on the quality and cost of a service, without expressing an interest in running that service themselves. Groups of young people unhappy with the way careers advice is being provided to them should be able to challenge the authority as to whether it could do better with another provider, without them having to provide it for themselves.

It is also important that the social value that can be gained through a voluntary or community body or a charity delivering a service should be considered at the heart of the decision-making process for determining whether an expression of interest to run a service should succeed or not. Consideration should also be given to the voice of service users within the expression of interest.

NCVYS members and the young people they work with will need clear advice, support and guidance to be aware of the right to challenge and understand how they can use this right. There are complementary roles to play from both local and central government in providing this advice, sharing good practice, and encouraging communities to be able to exercise this right.

Community Right to Buy:

We are encouraged that the consultation document on the Community Right to Buy does not place any age limits on individuals who are able to nominate which assets are seen to be of community value. Children under the age of 18 have just as much interest in assets remaining community owned as adults. This power would be a small step towards enfranchising those who are not of voting age.

We are worried that if the list of assets which are to be considered of community value is up to local authority discretion, this risks missing off those assets used by children and young people, who are unable to exercise democratic accountability. Assets which should be listed include children's centres, youth clubs, parks, bowling greens, children's playgrounds, tennis courts, football pitches and public toilets.

⁸ See the Children's Rights Alliance for England website <http://www.crae.org.uk/rights/uncrc.html>