



# On the Ground: the Localism Act in Practice

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## Purpose of this project

The Localism Act 2011 contains many new concepts to give power back to communities and individuals but it is not clear how these concepts will operate in practice on the ground with real communities.

This project focuses on how the measures outlined under the theme '*new Rights and powers for communities and individuals*' such as the Community Right to Challenge, Right to Bid and Right to Build are working on the ground in Yorkshire and Humber.

This research focused on six community organisations who were undertaking innovative projects within the spirit of localism and its associated 'Rights' within their community in Yorkshire and Humber.

It should be noted that the organisations may not necessarily be utilising the 'Rights' directly – but may potentially use them in their effort to secure an asset or service for their community. One of the key findings of this project has been that the Rights are to be used as a last resort when conversations with third parties deteriorate and there is no other option to challenge the local authority, service provider or asset owner.

## Acknowledgements

A big thank you to Mandy Wilson (Involve Yorkshire and Humber Trustee) who initiated this project from the very start and to the communities who came forward with their projects as learning case studies for this project. Without you this project wouldn't have happened!

Thank you to the Yorkshire and Humber Network\* partners – Involve Yorkshire, Humber and Wolds Rural Community Council and Rural Action Yorkshire for their input during the project and the Big Lottery BASIS fund for its financial support.

\*The YHRN seeks to strengthen communication and collaboration to support an informed and influential rural VCS voice in Yorkshire and Humber by briefings, research, information and networking and gathering evidence of the special needs and issues facing rural VCS groups. This work is then used to inform and influence the policy, practice and understanding of government, agencies, the media and other bodies in Yorkshire and Humber and further afield.

## Foreword

People and communities being able to determine their own futures is something the voluntary and community sector has long held as an important principle.

So, the advent of the Coalition's commitment to the devolution of power was widely welcomed when it came into office. The Localism Act was the expression of that commitment. We know from briefings we did in 2011 that rural organisations were excited by the prospects of the changes the legislation might enact. However, whilst they were encouraged they were also nervous about how these new rights would be supported-after all, running a building or a service, for example, is a major undertaking.

It was in order to find out what these new rights meant in practice that this project was set up. I believe that nothing can replace actually talking to people and learning from their experience if you want to have anything sensible to say about policies and practice. The "On the Ground the Localism Act in Practice" project did just this and has generated much interest-partly because very little of this sort of investigative work has been done so far.

The findings, both with the projects and with the local authorities research, do not present definitive trends - it may just be too early. But they do show three things: first, the extraordinary capacity of people to work on something they believe in - with or without the Rights; second, the continued need to explain what localism is about; and third, the importance of on the ground support and intelligence, linking to what's already there.

We hope you will be inspired by the example of these projects and that localism, in every sense, will flourish in Yorkshire and Humber.

*Judy Robinson – CEO Involve Yorkshire and Humber*

## Introduction

In November 2011, the Yorkshire and Humber Rural Network held an all day conference titled 'Small Community – Big Society' with a focus on forthcoming legislation around localism and community rights. Despite being a Saturday and right on the western fringe of the region (Todmorden), the event was fully booked.

As I listened to the conference participants, it was apparent that there was real interest in the potential of the community rights, though participants lacked confidence that they would be able to maximize the opportunities for community benefit. Many of these groups are built around the passion and voluntary commitment of their members to improve their communities in which they live. What many of them lack is the support to take up such opportunities and the awareness of how others are approaching them.

As a trustee of Involve Y&H, I was keen to help make what then seemed quite abstract more real, to take the Localism Act at its word and to test out what this might look like in practice. During 2012, the Yorkshire and Humber Rural Network took on the challenge with its partners Involve Y&H, Humber and Wolds Community Council and Rural Action Yorkshire to find out how localism was working on the ground. This report provides a contextual description and analysis of six projects driven forward by a range of organisations. I hope that the top tips and learning points will encourage and inform others at the grassroots to shape their own communities.

*Mandy Wilson - Community Development Practitioner*

## Executive summary

It was evident at the beginning of the project that many organisations knew about the Localism Act but did not really understand the detail involved especially in regard to the Rights. Several organisations contacted the Rural Network initially wanting to take part in the project didn't really know what the Rights entailed, how to go about utilising them and even whether the projects they were initiating or progressing could be supported by the new Rights. Examples of misconceptions of the Rights included utilising the Community Right to Challenge to stop housing developments, and assuming that the Community Right to Bid would give a community group the first refusal if a building came up for sale –clearly illustrating peoples lack of knowledge about the Rights.

Support available to community organisations has improved since the project started. Organisations such as My Community Rights (Locality) offer advice and feasibility grants, Planning Aid with support around neighbourhood planning and the Right to Build, National Council for Voluntary Organisations, and the Yorkshire and Humber Rural Network in giving support and signposting organisations where to go for further information. There is real need to connect groups to information about the Act and its Rights as many are still unaware of the support available especially when Local Authorities are at mixed stages with providing information on their websites and advising people directly.

It is still early days in terms of localism and the associated Rights set out within the Act. Interest received by the various Local Authorities from community groups wanting to utilise the Rights has been limited to 11 cases across Yorkshire and Humber. Of these 11 cases they have mainly been related to the Community Right to Bid and the listing of assets on the Local Authorities community assets register.

*“The concept of localism is brilliant – the application is a nightmare. It may take a generation to get it working, but it will be worth it.”* Roy Horobin – Grimsby Ice Factory Trust.

Many of the projects featured in this report were started before the Rights became live (Summer 2012) and therefore demonstrate that the Rights are not necessarily needed to ensure successful projects - such as the devolvement of services from a parent authority or the acquisition of a private asset into community ownership. The Rights do however act as an extra lever to obtaining an asset / service when conservations deteriorate.

*“So far the Right to Challenge hasn't been necessary for us as we have a good working relationship with our parent authority, but if we didn't then we wouldn't hesitate. I think the mere knowledge that we can use it is normally sufficient to make them engage in dialogue”*  
David Jackson, Clerk, Immingham Town Council.

### Key learning points arising from the project include:

- Community groups are being savvy in how they approach Community Asset Transfer, rather than trying to take-on a loss making asset or asset in a poor state of repair which would need thousands of pounds worth of investment and potential of having to hand the asset back to the local authority if the venture failed. Groups are approaching the local authorities to obtain the management of profit making assets (car parks) to fund the loss making ones such as public toilets and libraries making them sustainable long term.
- The localism agenda is time and resource intensive and is focused predominately on volunteers who can give their time for free, however this can be unsustainable in the longer term. There is also the danger that there is a reliance on those of a retired age, people with professional backgrounds and those in more affluent areas filling this role.

*'The localism agenda provides an immense opportunity for contained communities such as Settle to create long lasting localised employment and entrepreneurial opportunities. There is an initial expectation that the work will be done purely by volunteers, which is not in itself sustainable in terms of the complexity of the work involved. This volunteering can then be used as the catalyst to look at the very real public/private/commercial community development which has a lasting effect on the wellbeing and longevity of the local population.'* Ann Harding, Sustainable Settle

- Tensions can arise between the community and parish / town councils where the community feels that the town or parish council is failing to take forward perceived opportunities provided through the Localism Act. This can result in a fraction of the community going their own way and setting themselves up as a legal constituted organisation to utilise the Rights to their benefit.
- Community initiated projects in line with the localism agenda may not be liked by everyone and projects may be disputed by particular fractions of the community. Those with monetary power or established powers have the 'power' to step in and try and block a proposal or get it closed down once built / established. What support can be offered to these groups who may need to pay for legal fees etc?
- The amount of information about the Rights that local authorities are providing through their websites and in person varies. Some community groups cited that their local authority had been very supportive, where as others were less complementary.



## Key policy recommendations

### *Parish and Town Councils*

Parish and town councils need to be aware that community members are keen to take on opportunities associated with the Localism Act. It is important that parish and town councils are seen to be listening to their electorate and taking forward proposals put forward if suitable. Parish / town councils can do this through hosting consultation evenings looking in detail at the Localism Act, what it entails and asking what the community would like to do in respect of it.

### *Local Authorities*

Information provided by local authorities about the Rights varies considerably – a postcode lottery! Local authorities need to at the very least provide a minimum amount of information (if they haven't already done so) on their website about the Localism Act and each of the Rights (after all the local authority plays a significant role in the application of all of the rights). Information should include any processes that groups need to adhere by, times in which to submit expressions of interest and key contacts within the authority to contact for help. Information on the website needs to be easily found and searchable through the local authorities' website search engine.

It is understandable that local authorities are under severe financial constraints however groups found that local authorities were slow to respond to questions often due to capacity issues. To reduce this frustration, local authorities should set a time period in which to respond to information requests to avoid frustrations building.

Local authorities need to consult fully (with documented records) with their community when disposing or closing an asset or imposing car parking charges. The local authority needs to take on board the full views of local business and the public which longer term can save valuable time through complex discussions and arguments.

### *VCS Infrastructure Organisations*

There is a real need for infrastructure organisations to have a basic knowledge about the Act and the associated Rights. In doing so they will provide a support mechanism in that they will be able to signpost groups to sources of information about the Act, provide a first line of one to one support and advice about the funding channels to support groups interested in undertaking projects related to the Rights.

VCS organisations need to take a lead role in lobbying local authorities and holding them to account in providing information about the Rights through their websites.

### *Government*

At a time of severe spending cuts with local authorities looking to close local services such as libraries, public toilets, swimming baths due to their financial drain on their budgets. It must not be forgotten that these facilities are what people within the community rely on to meet friends, conduct exercise etc. The Localism Act provides the opportunity for communities to take over these services if they so wish, but in its very nature those communities which are middle class with members of the community with professional degrees and ex professionals

with final salary pensions are much better placed to grasp the opportunities associated with localism. Government policy makers need to recognise this fact and understand that those areas which need greatest help are those that are least equipped to take on the opportunities associated with localism.

Central government departments need to understand the impact of the Localism Act and the Rights within communities away from the South East of England. Local intelligence has dwindled since the coalition came to power and more needs to be done by Civil Servants and Ministers to understand how their policies are affecting people on the ground – support for projects such as the On the Ground the Localism Act in Practice is essential to gain this intelligence.

Recognition by all public bodies that the localism agenda is resource and time intensive for communities and that longer term this is potentially not sustainable. What happens to localism once the initial hype has ended and the reality hits? What support will be available when initial expertise is lost or funding grants end (Community Organisers programme and the feasibility grants offered by My Community Rights) – will we be in a better position than we were before?

### Top tips from localism projects

The case studies included within this project show a great deal of good practice in relation to localism. Each case study includes a top tips section and to list them again here would be too onerous but there were some comments that were repeated in more than one case study or tips that stood out above the rest. A list of ten of the top tips have been created to help anyone wanting to take on localism and get involved in delivering a service, obtaining an asset or building a venue for the benefit of their community.

1. Gaining local support is key – is it a small group or the whole community that want to keep the asset / challenge a service? Consult well initially.
2. Build initial relationships early on with your local authority, local councillors and MPs. Explain what you intend to do – you may need them to help you later.
3. Working in partnership with the local authority / asset owner is normally the key to the success of the project. See them as partners rather than barriers.
4. Utilise the skills and professionals you have in your community and if possible recruit them onto the board. This ensures you have the skills for success (business knowledge, accounting, business plan writing, legal knowledge etc).
5. Civic pride – make sure in your business plan you can show the added value that the community offers by delivering a service or running a building. Show clearly the increased social value to the community.
6. If you are wanting to challenge a service (Right to Challenge) consider running the service as a pilot to build confidence with your local authority that you really can do it well.



7. Use the local press to gain support – only portray the facts.
8. Utilise the resources that are out there such as the internet and search for a project like yours, someone somewhere will have done something similar and learn from their mistakes. Use the support and funds available from Locality.
9. Utilising the Rights is the last resort. Try to come to an agreement without using them. Use them as your last card in trying to obtain an asset, service or getting permission to build.
10. Speak to those who are already doing it. We can put you in touch – speak to Ed Poulter who led the On the Ground the Localism Act in Practice project – tel: 0113 394 2300 / email [ed.poulter@involveyorkshirehumber.org.uk](mailto:ed.poulter@involveyorkshirehumber.org.uk)

Links to further support around the Rights and the Localism Act can be found in Annex 4.

## The Localism Act

The Localism Act is designed to give local authorities and communities additional powers and flexibility. The Act contains five headline themes under which there are a number of additional measures.

Headline themes include:

- 1 New freedoms and flexibilities for local government
- 2 New Rights and powers for communities and individuals
- 3 Reform the planning system to make it more democratic and more effective
- 4 Reform to ensure that decisions about housing are taken locally
- 5 Empowering cities and other local areas

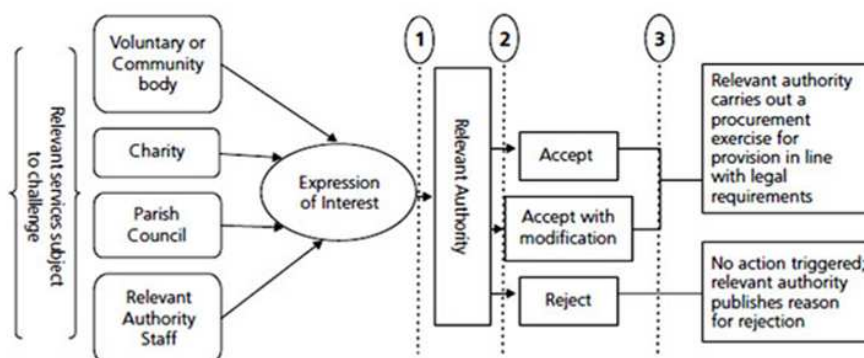
This project focuses particularly on the measures under the theme related to the Rights and powers for communities and individuals and tracks how community groups and individuals are undertaking projects in the spirit of these Rights.

### The Rights include:

#### Community Right to Challenge

The Community Right to Challenge came into effect in June 2012. This allows voluntary and community groups, parish councils or two or more members of local authority staff, an opportunity to run local services currently commissioned or delivered by a local authority if they think they can run it better with a focus on local need and added value. An expression of interest is submitted and where the expressions of interest are accepted, the local authority must run a competitive procurement exercise.

The diagram, below shows the process in more detail. It appears most local authorities will have a set time period to accept expressions of interest to take over a service. It should be noted that there is no guarantee that the organisation that initiated the procurement process will necessarily be awarded the contract to deliver the service.



Source: North Yorkshire County Council

#### Community Right to Bid

The Community Right to Bid came into effect in October 2012. The aim of this right is to keep valued land and buildings in community use by giving local people the chance to buy them, if and when they come onto the market at market value. It should be noted that this is different to Community Asset Transfer which is the transfer of public land or buildings to a community based organisation at less than market value.

The Community Right to Bid allows communities to nominate buildings and land that they consider being of value to the community to be included on a local authority maintained list. If any of the assets on the register are put up for sale, the community is given a window of opportunity (six weeks) to express an interest in purchasing the asset, and another window of opportunity (six months) to bid.

### **Community Right to Build**

The Community Right to Build came into effect in April 2012. The Localism Act allows for community organisations to bring forward a 'community right to build order' that allows certain community organisations to bring forward smaller-scale development on a specific site, without the need for planning permission. Development must further the social economic and environmental well being of individuals, living or wanting to live in a particular area.

It is mainly used for small scale housing in rural areas (20 houses max) but also for shops, businesses, community facilities, playgrounds and small scale power generation. It should be noted that Community Right to Build orders are subject to a community referendum. If more than 50 per cent of people voting support the order then the Local Planning Authority must approve the order. If 50 per cent or fewer of the people voting support the order then the Local Planning Authority must refuse the order.

*Throughout this project the Rural Network has been asked to contribute to various workshops in relation to this project and has held events about localism and the new Rights. We have compiled a list of the questions that we have been asked whilst at these events with answers and links to more information. This information can be found in Annex 3 of this report.*

## The Project – On the Ground the Localism Act in Practice

This longitudinal research project lasted for approximately 10 months (starting in May 2012 and finishing in Feb 2013) over which time the Network was able to work with six community groups to understand fully the issues that these groups were experiencing while undertaking innovative projects within the spirit of localism and the associated 'Rights'.

### The project was split into four key phases:

Phase 1: Recruitment of community groups engaged in the localism agenda.

This part of the project took quite a while. A flyer was produced and circulated through the Yorkshire and Humber Rural Networks mailing list, Involve Yorkshire and Humber's mailing lists and through our various partners. Many of the community groups who came forward knew a bit about the Localism Act but did not know about their application in any great detail. Therefore not all those groups who came forward were carrying out projects where the Rights could be utilised.

Phase 2: Pre visit telephone call and online Survey Monkey questionnaire.

Each group that was interested in the project was called initially to discuss their project and suitability for the project. If the group was deemed suitable for the project they were sent a questionnaire to complete that was designed to establish how much they knew about the Localism Act.

Phase 3: Initial visits.

Each group deemed suitable for the project was visited at their location to gain information on what they were trying to achieve as well as capture their experiences about localism. Questions asked during these visits are included in each of the case studies.

Phase 4: Final visit / phone call.

This phase took place roughly three months after the initial visit and the aim was to see how the group had progressed with its project and overcome any barriers.

## Pre Visit Questionnaire

Each community group before being visited was asked to complete a quick online survey (see Annex 1) to establish how much they knew about the Localism Act and its associated Rights.

In total five community groups responded. The questionnaire showed:

- 1 60% of those interviewed knew the 'basics' and 40% knew 'a lot' about the Localism Act
- 2 Respondents knew most about the Right to Challenge and least about the Right to Build. This was also reflected in people's ability to utilise the Rights.
- 3 The majority saw the new Rights as an opportunity but needed more support to utilise them.
- 4 Only 40% of respondents thought that there were barriers to taking up the new Rights, these consisted of; lack of financial resources, political barriers / local authority attitudes and insufficient skills / capacity of their group.
- 5 All respondents highlighted that they needed more support to utilise the Rights, which included access to one to one advice being the most popular, followed by hearing from other people who have put these sorts of Rights into practice and practical written materials in the form of case studies.

## Local Authority Survey

In addition to the pre interview questionnaire a telephone survey of local authorities in the region was conducted in January 2013 to establish:

1. What interest local authorities had received from community groups and town / parish councils in utilising the Rights.
2. To see what provisions the local authority had put in place to support the Rights.

In summary the findings showed:

### Right to Bid

10 assets have been registered by organisations in Yorkshire and Humber on three local authorities asset registers. Around half of local authorities had information on their website about the Right to Bid and how to register an asset of community value.

### Right to Challenge

There had been no formal expressions of interest to challenge services in the region. This may change relatively quickly as many of the local authorities have a set time period that they will accept expressions of interest. Around a third of local authorities had information about the Right to Challenge on their website.

### Right to Build

Only one request around the Right to Build has been submitted in the region. No information on this Right was available any of the local authority's websites at the time of the survey.

## Case Studies

### Sustainable Settle - visited 12/09/12 and 09/01/13

A new Social Enterprise set up to grasp the opportunities of Localism, initiating sustainable, financially viable projects for the benefit of the local community.



Settle – car park in the Market Place

*'The localism agenda provides an immense opportunity for contained communities such as Settle to create long lasting localised employment and entrepreneurial opportunities. There is an initial expectation that the work will be done purely by volunteers, which is not in itself sustainable in terms of the complexity of the work involved. This volunteering can then be used as the catalyst to look at the very real public/private/commercial community development which has a lasting effect on the wellbeing and longevity of the local population.'* Ann Harding, Sustainable Settle

#### Background

Settle is a Market Town situated on the South Western edge of the Yorkshire Dales National park. It is somewhat isolated from other from other large towns, 28 miles from Lancaster and 17 miles from Skipton.

In early 2012 as part of Craven District Council's (CDC) efficiency savings it was looking to close down or transfer ownership of its assets to parish and town councils. In Settle CDC was looking to close the public toilets and offered the Town Council the option to whether they would like to take on their upkeep.

At about the same time a local community group who had played a key part in some of the high profile initiatives within Settle (Settle Hydro, Vibrant Settle) had heard that Settle Town Council was liaising with CDC about the possible transfer of the public toilets. The community group saw this as an opportunity and proposed that the local car parks within Settle could fund the public toilets, as annually they produce roughly £100K or revenue for CDC. Any surplus after the upkeep of the public toilets and car park could be reinvested into



other town initiatives. In addition if the Town Council were to acquire the car parks they could actively manage the charges to attract shoppers and tourists into the village and waive parking charges on particular days to coincide with town events.

There has been a mixed response from the Town Council in pursuing the idea put forward by the group. The Town Council has liaised with CDC about the public toilets and an agreement has now been made that CDC will improve the lighting around the toilets and a honesty box will be installed. It is envisaged that this will keep the toilets open for the immediate future until its effectiveness can be measured.

No progress has been made by the Town Council on the acquisition of the car parks.

### **How did Sustainable Settle form?**

The local community group didn't feel that their proposal was being taken seriously by the Town Council and started to become increasingly concerned that Settle would miss out on the opportunities around localism.

In response the group felt that if they formed a social enterprise (Sustainable Settle) they could engage with and capitalise on the opportunities around localism. Sustainable Settle envisage that if further opportunities arise under localism or other governmental / private initiatives that the Town Council doesn't want to deliver (due to capacity issues or otherwise) but the community does, Sustainable Settle will be set up to take the lead.

The community group feel that by setting up Sustainable Settle with a carefully written constitution it allows its members to choose exactly what they want to get involved with but also be able to look at a project pragmatically from both a financial and social angle.

Sustainable Settle is currently looking to potentially utilise the Right to Bid and register interest on all of the Craven District Council owned assets in the town. The intention is that if any of these assets come up for sale on the open market they will have a six month window of opportunity to buy them.

### **What are the issues that you have faced?**

Town / Parish Councils not being very receptive to ideas from the community about the town and failing to take them forward.

The localism agenda is very resource intensive (time and money) especially for those in employment. Sustainable Settle is establishing itself to become financially viable so as to become sustainable long term in utilising the opportunities afforded by the localism agenda.

The localism agenda can create conflict and often those with 'power' whether that is monetary or otherwise, can often overpower small community groups.

The Localism Act assumes that all people care about their community and assumes everyone is an activist. In reality most people have little interest about taking over buildings, services etc and often do not want to engage in conflict, only a few do.

Localism is putting further demands on people's time. Most people have already committed their free time for example to their football team, local church or social club.

As an individual or group you need to be to understand the localism agenda which requires a certain skills set before you can start utilising its opportunities.

**Do you intend to use the Rights set out within the Localism Act?**

Sustainable Settle is looking to use the Community Right to Bid longer term in Settle.

**Have you accessed any support?**

Sustainable Settle recieved support from Locality around the Right to Bid and what to do in terms of listing an asset of community value.

**Do you have any top tips for others?**

Use of the internet is a powerful tool in researching what others have done – i.e. search public toilets for examples of what other local councils have done with theirs.

Having a track record is key and the right knowledge. Not always needing to know everything, but needing to know what you don't know!

## Great Grimsby Ice Factory Trust - visited – 28/08/12, re-visited 29/01/13

*A disused Ice Factory in Grimsby which The Great Grimsby Ice Factory Trust would like to turn into a mixed use development.*



Grimsby Ice Factory Trust Board Members

*“The concept of localism is brilliant – the application is a nightmare. It may take a generation to get it working, but it will be worth it.” Roy Horobin – Great Grimsby Ice Factory Trust*

### Background

The Ice Factory is situated on the edge of Grimsby Docks. Built in 1901 its purpose was to supply ice to the fish trade in Grimsby. The Ice Factory closed in 1990 and in the same year became listed to Grade II\*. It is the last surviving example of a type of industrial ice-making equipment which remains in its original surroundings.

The Ice Factory is now in a state of near dereliction. The current owners, Associated British Ports (ABP) inherited the building when it was already in a poor state and attempted to get permission from English Heritage to knock it down. Its requests were rejected and the status of the building was raised from Grade II to Grade II\*.

### What is the project doing?

The Great Grimsby Ice Factory Trust (GGIFT) was formed in July 2010, following public meetings organised by the Grimsby and Cleethorpes Civic Society. GGIFT is a registered charity and a company limited by guarantee and is made up of a committee of six and has 128 members each paying £10 each for their membership.

The Trust’s aim is to save the Ice Factory and turn in into mixed use development as set out in their vision. GGIFT were helped by SAVE Britain's Heritage to create a ‘vision’ of what uses

the Ice Factory could support. The Trust also conducted a community planning workshop with support from the Prince's Regeneration Trust which attracted 30 members of the public to discuss vision and potential business uses.

Through the visioning process GGIFT has come up with a range of combined uses for the disused Ice Factory that include an art gallery, climbing wall, micro brewery, performance arts space, heritage attraction and restaurant. Estimates to get the Ice Factory back into use would be circa £10 million.

It is envisaged that the regeneration of the Ice Factory would have a positive effect on the surrounding area which is one of the most deprived wards in the country. The Ice Factory would attract tourists from afar, helping to also regenerate the nearby Kasbah area and smoke houses.

The big task now is to sell the vision to the people of Grimsby.

### **At what stage are you at now?**

The land that the Ice Factory lies on is owned by Associated British Ports (ABP). GGIFT has not yet approached ABP directly in purchasing the site but has started engaging in talks about what GGIFT's intentions for the site are. In early 2012 North East Lincolnshire Council asked GGIFT to carry out an options appraisal for its proposed uses. GGIFT was able to fund raise £18,000 (in four months) for the appraisal. In addition to this ABP has written a letter of intent, stating that if the trust can identify a viable new use for the buildings, and assure funding for its conversion and continued maintenance, they will be willing in principle to transfer ownership to the trust

As of February 2013 the options appraisal and market research has been completed and outlines the proposed profitable uses of the Ice Factory. The options appraisal shows that the Ice Factory had the potential to create 50 full time jobs and 72 part time jobs.

A series of consultation events are taking place in early 2013 with the people of Grimsby, North East Lincolnshire Council and ABP to gain further support and look at how the project can progress further.

### **What are the issues that you have faced?**

The project is in its early days but there has been a mixed response from the people of Grimsby about the Ice Factory. Some see it as an eye sore and want it demolished whereas others love it and want to preserve it.

GGIFT has not yet been able to engage fully with young people about its proposals. GGIFT is hoping to obtain funding to consult with the young people of Grimsby about its vision.

### **Do you intend to use the Rights set out within the Localism Act?**

GGIFT would potentially be looking at the Rights and the Right to Bid although more information about its specifics would be needed. GGIFT see it as another tool in obtaining the Ice Factory, however the project is still in its early stages.

GGIFT feels that the localism agenda has helped gain enthusiasm for the project.

### Have you accessed any support?

Yes lots.

Prince's Regeneration Trust (PRT) helped GGIFT by facilitating a community planning workshop about GGIFT's vision of the Ice Factory. They have also provided expertise around registering as a charity, writing business plans, legal advice etc.

English Heritage have been incredibly helpful. GGIFT were awarded a £10k grant for an initiative called the 'ICE project' to help increase young peoples support for the project.

GGIFT has also received other support from the Architectural Heritage Fund, The Victorian Society and the Council for British Archaeology.

North East Lincolnshire Council's support for the project has been mixed and depends on who they speak to some council employees very supportive others not as much.

### Do you have any top tips for others?

Don't give up.

Don't be bullied by people who claim expertise which they don't have eg, opinionated chap who claims Ice Factory falling down whereas structural engineers say otherwise.

Get your message out using every medium possible.

Listen to your critics and use their arguments to test out your own ideas and make them stronger.

There will be differences, arguments within your group, keep talking and keep gathering people together. This is a truly democratic process.

Politely build your arguments based on evidence.

Use experts when you don't have the knowledge.

## Immingham Town Council - visited 02/10/12, updated 16/01/13

*The transfer of services from North East Lincolnshire County Council to Immingham Town Council without utilising the Right to Challenge!*



Immingham Town Council - Street Cleaning Employees

*“It is fantastic to see how the Town Council is reshaping the way the town looks. We have built a new skate park, took on services from our parent authority and improved the street scene to the extent that we have recently won “Best Kept Town” in the county. It demonstrates how far we have come”* Councillor Neil Castle – Immingham Town Council.

### Background

Immingham is a geographically isolated town, located 8 miles North West of Grimsby and 1 mile inland from the Humber Estuary. It comprises of 1 ward containing 3 areas: the town of Immingham and the two villages of Habrough and Stallingborough. Immingham is home to the largest UK port by tonnage and substantial heavy industry including two oil refineries and several power plants. As a result the population of Immingham boomed in the 1960's growing from a population of only 2000, to over 12,000 in the 80's due to the growth in container shipping and North sea oil.

Immingham Town Council (ITC) is establishing itself as a key provider of many different services and facilities with the vision of having 'Immingham run by local people'. ITC has a working budget of circa £500K of which £250K comes from precept and employs 12 full time equivalent support staff. There are a total of 15 Councillors on the Council.

### What is the project doing?

ITC has been responsible for devolving services from its parent authority North East Lincolnshire Council (NELC) over the last three years. The devolving of particular services to ITC has resulted in a cost saving for NELC and a more tailored and higher quality services to Immingham's residents.

Local Councillors created a vision that the Town Council would deliver its own services rather than the parent authority. The transfer of the Kennedy Way public toilets was the start of this process. The NELC owned public toilets on Kennedy Way attracted anti social behaviour, were difficult to maintain and lowered the visual amenity of the area which resulted in them getting very little use but costing NELC approximately £20K a year to run. Approximately 50 metres from the Kennedy Way toilets was Immingham Civic Centre (operated by Immingham Town Council) which housed another set of toilets. Although they were not 'public' the general public used them instead of those on Kennedy Way as they were well maintained, warm and clean.

ITC saw this as an opportunity and approached NELC to enquire how much it cost to run the existing Kennedy Way toilets. At first NELC were hesitant about releasing this information but eventually let ITC have the information after the Clerk approached the Chief Executive of NELC explaining what their intentions were. Once ITC had established how much the Kennedy Way toilets were costing NELC, they approached NELC with a proposal of ITC taking over the running of the public toilets in Immingham by using the toilets situated in the Civic Centre instead. ITC's business plan stated that the devolving of the public toilets to ITC would improve service standards, create an additional income stream to ITC and deliver substantial cost savings to NELC (approx £9k). NELC were initially pessimistic and reluctant to go forward with the idea and saw it as a potential risk. The Clerk again approached the Chief Executive about the idea and explored the idea that the scheme could be run as a pilot. Eventually NELC agreed to devolve the service under a year's pilot contract in 2009 to test whether ITC had the capacity and resource to run the toilets. The service worked well and has since been extended on an open and ongoing basis.

The running of the public toilets by ITC was very successful. ITC was able to prove to NELC that it had the capacity to run the services for the community and to a high standard. The cleanliness of the facility has since won a national award.

After the success of the public toilets, ITC was looking to take over the running of the street cleaning services. In November 2010 ITC put together a business plan of how they could deliver the local street cleaning services and worked out they could save NELC approximately £10K per annum in the process. NELC had seen that ITC had the capacity to deliver services and after various discussions NELC decided to devolve the street cleaning services in April 2011 to ITC, under another pilot scheme. Through ITC delivering this service they are able to react quickly to any road sweeping incidents and when the sweepers are unable to operate in the winter months for example due to snow and ice the workmen can then grit the streets. ITC have also been able to invest some of the surplus made from running this contract into obtaining some equipment, ITC has now bought its own road sweeper that it maintains and operates.

ITC has again built on the success of the devolvement of the public toilets and street cleaning services and took on the grounds maintenance contract from NELC. This again was devolved on a one year pilot contract. ITC are currently awaiting confirmation of an extension to the contract but the current austerity measures are causing funding problems.



Through the devolvement of services to ITC from NELC (public toilets, shared service centre, street cleaning services and the grounds maintenance), ITC estimate they have saved NELC roughly £80k. The devolving of services has resulted in a 'win win' situation as NELC makes cost savings and ITC is able to provide higher quality, better tailored services to its residents and build up a range of assets from ride on lawn mowers to a road sweeper that they can maintain and loan out to other parish / town councils.

### **What are the issues that you have faced?**

Initially NELC were apprehensive about the devolvement of services, but through conversations between the Clerk and NELC's Chief Executive these apprehensions were overcome. ITC has shown their competency to NELC and NELC are now very much on board with how ITC is delivering services.

Officers / staff at NELC can initially stand in the way of the proposals as they may see the devolving of services as a potential threat to their job. However this is not the case as TUPE law applies. Staff who were employed at NELC and were delivering the now devolved service have been transferred to ITC on a one year trial basis to see whether they like it and then have the option to either stay with ITC or take redundancy.

Logistics can be a problem. When ITC took on the grounds maintenance contract it became apparent that they needed to keep equipment such as lawnmowers stored somewhere secure.

### **Do you intend to use the Rights set out within the Localism Act?**

We didn't utilise the Community Right to Challenge because it wasn't available when we were taking over the services. Even if the Right had been available we would not have used it due to the good relationship between NELC and ITC.

### **Have you accessed any support?**

Only that from NELC.

Currently ITC has two staff on secondment to NELC and two staff from NELC are working at ITC. This is a great method of sharing knowledge and expertise and understanding how each organisation works.

### **Do you have any top tips for others?**

In order to devolve services from the parent authority you need to have an understanding and co operative council / officers / CEO that understand what you are doing and why you are doing it in order to get your proposals through successfully.

A key strength is that by ITC delivering services it incorporates civic pride (that brings with it added value) and this is normally missing if a private / share holder type company took over the service. Civic pride is about the people delivering a service taking responsibility for their areas as well for example combing civic pride with the mowing of grass you will get more

than just mowing the grass but also the dead heading of flowers, removing of litter from within flower beds etc. When large councils tender for services they need to take into account the civic pride that small community groups, parish and town councils can offer.

Ensure funds follow function in that the service can be delivered with the amount of money available.

Can parish councils cluster to bring economies of scale to deliver services / share resources i.e. lawn mowers etc?

Explaining to the local people that you have saved them X amount of pounds and that their council tax will not rise as a result, really helps to get people on board on what you are doing. Using the local press to communicate this is a good tool.

### **What has aided your success?**

A responsive unitary council that is receptive to proposals from the ITC combined with a proactive town council that has a vision to bring services down to the third tier and an informed and business minded clerk.

## The Station, Richmond, North Yorkshire - visited 28/09/12, updated 19/01/13

*Richmondshire Buildings Preservation Trust is seeking to secure ownership of the car park in front of The Station from Richmondshire District Council in order to control and limit or avoid parking charges, thus helping to sustain visitor numbers to The Station. Therefore protecting a volunteer-created local amenity, and the employment created through offerings which attract local people and tourists alike.*



The Station and upper car park

*'A shared pursuit of an agreed goal is a much more productive way of using everyone's time than hard-pressed councils feeling they must produce all policies on their own and then face debilitating challenges from community groups who often have strong specific knowledge not used in the initial formulation.'*

*Working together in the spirit of the Localism Act should mean that the rights enshrined in it should never have to be demanded.' Jim Jack - RBPT*

### Background

Richmond Station is a £2.7million restored grade 2\* historic Victorian railway station in Richmond run by the Richmondshire Buildings Preservation Trust (RBPT) which is a charitable trust limited by guarantee. RBPT was set up in 2004 and currently leases The Station building from Richmondshire District Council (RDC)

Access to The Station is currently free to all from 9.00 am – 10.30 pm, 364 days per year. The Station contains a contemporary café bar and restaurant; a modern, two-screen cinema; six artisan food producers and an art gallery. On average, The Station attracts over 350,000 visitors a year.

The Station itself is a not-for-profit community enterprise opened in 2007. Although over 80% of users arrive by car, RBPT has never had any control over the car parking outside the building. The parking areas are owned and controlled by RDC. Historically, parking has always been free within a three hour limit. In 2010, RDC proposed charging for the parking outside of The Station.

### What is the project doing?

RBPT opposed RDC's decision about the scale of the proposed pay and display charges outside of The Station from the outset. It was felt by the RBPT that a pay and display car park would erode the customer base and therefore affect The Station's long term viability.

There are 138 spaces within the car park and RDC initially want to implement a charging system of £1.10 for the first hour, £1.60 for 2 hours, £3.10 for 4 hours with three free short stay bays. This was reduced to 60p for the 1<sup>st</sup> hour, £1.10 for 2<sup>nd</sup> hour, £2.10 for 3<sup>rd</sup> hour after initial pressure by RBPT.

The current car park exists to support business and local services such as The Station and leisure centre nearby. The Trust (and a Leisure Trust responsible for the adjacent public swimming pool and gym) felt strongly that, by applying a parking charge as proposed, it would have a negative affect on visitor numbers. Over 80% of the 350,000 visitors who visit The Station come by car and use the car park.

RBPT has used the democratic route to oppose the proposed scale of parking charges such as petitions, lobbying individuals and unofficial meetings with District Councillors but with only limited success.

With the continuing saga of the parking charges continuing into a third year and with tenants becoming increasingly worried what a pay and display car park would do to their customer base, RBPT in February put a proposal to the council to buy the whole car park containing 138 spaces.

RDC after consideration did not accept the full proposal but instead offered the car park directly outside of The Station (36 car parking spaces) for £108,000, together with acceptance of the Trust's offer to purchase the freehold of The Station for £44,000. After consideration, RBPT accepted this offer in late 2012 and the sale is now progressing with an intermediary organisation preparing the terms on behalf of the Council. In addition to the purchasing of the top car park the Council has offered the remaining car park (102 spaces) to RBPT and the nearby Leisure Trust on a joint lease agreement.

### What are the issues that you have faced?

Lobbying against the parking charges has lasted three years. RBPT feel that this could have been reduced if RDC had conducted a proper consultation exercise with the input of businesses and the public. In doing so they would have realised the impact of these charges on the customer base of the surrounding businesses.

RBPT, through being pro-active, put their views forward about the scale of the parking charges when they were released but were never directly invited by RDC to put forward their views. Lobbying individual councillors provided challenge to proposals in the debating chamber which, on four occasions, led to the deferral or abandonment of the resolutions

proposed by the governing independent coalition. However, at no stage prior to the public debates was the Trust formally invited to join the discussions which led to the formulation of policy or the proposals coming before the Council.

Localism is a catch 22 situation for local councils and local authorities. RBPT can understand that, in theory they want to support it, but it is difficult for them to embrace it when they face severe financial constraints. For an effective localism agenda to work, local authorities need to have the confidence (and humility) to work in genuine partnership with local groups towards shared long-term objectives - which is hard for them to do as they are focused on short term strategies.

### **Do you intend to use the Rights set out within the Localism Act?**

RBPT did explore the Right to Bid but it was not 'live' until mid 2012 so would not have been of any use as the car park conversations were starting to come to a head at this time. RDC set a deadline of Summer 2012 for an agreed solution or unilateral imposition of charges.

If RBPT was embarking on the project afresh from this point in time onwards, RBPT would like to think that that it could still have come to a decision with the Council without exercising the Right to Bid.

### **Have you accessed any support?**

RBPT approached Locality for some support around the car parking issue. They mentioned that they could list the asset on RDCs asset register once the Act became live in 2012.

### **The current position (January 2013)**

The three part resolution driving the current agenda was passed by RDC by 14 votes to 13 in September 2012. The sale of The Station and the sale of an area of parking immediately outside to RBPT were both agreed with RBPT and are proceeding. However, the third part around leasing of the remaining areas jointly to RBPT and the Leisure Trust was passed by the council but there had been no previous discussion between RBPT and the Leisure Trust about how this concept would work with RBPT being financially sound and the Leisure Trust being in challenging financial circumstances. The fact that the discussions on this are still ongoing to find a way of making a joint lease work over four months after the resolution was passed is, for the Trust, further confirmation of the need to work with interested parties in planning resolutions.

### **Do you have any top tips for others?**

Don't see the Local Authority as opponents but as partners with the aim of securing a mutually beneficial solution to securing an asset. However, the Council needs to share this partnership view. The community will probably be delivering something that a local authority would like to deliver but cannot due to lack of resources or a failure to secure unanimous backing at council level.

Play by the rules and keep records so if conversations start getting heated, you have something to back yourself up. Some key unofficial meetings we held with individual councillors were unrecorded and therefore did not find their way into the back up papers for decisions.

Use the press to portray incontrovertible facts or agreed positions only.

Try to ensure that the individual councillors and officers understand that disagreement with their views does not mean that their integrity is being challenged or they are the subject of personal attack through disagreeing with their ideas.

Look at your evidence, try to put yourself in the Council's shoes and develop a solution which occupies the reasonable middle ground. Communicate it directly to all 'stakeholders' and do not rely on other bodies to do it for you.

Ensure that all board members know and understand the position and why it is held.

Be prepared to put in the hard miles talking to individual officers and councillors.

Alongside all of the above, work to understand the wider 'political' agendas running.

'We are strongly aware of the immense financial pressures faced by local authorities and see an honest and open localism agenda as a way in which the community can share the load of sustaining and developing their own services which they value.' Jim Jack - RBPT

*The next two examples are of Community Asset Transfer. This is where an asset that belongs to a Local Authority is transferred at less than market value, normally on a peppercorn lease to a community group.*

*Although Community Asset Transfer is not a new Right outlined within the Localism Act it is still another method for communities to take over an asset of community value and therefore supports the notion of Localism.*



## Shadwell Library, Leeds - visited 11/09/12, updated 07/01/2013

*The Community Asset Transfer of Shadwell Library from Leeds City Council to Shadwell Independent Library Limited.*



Shadwell Library - Leeds

*'The idea of controlling a local asset locally is very attractive and can give a major boost to bringing people together. We have already noticed that many people have made friends. Enthusiasm is infectious and there is no doubt that if our Project "works" Shadwell will be an even better place in which to live than it was a year ago!'* Robert Dyson – Shadwell Independent Library

### Background

Shadwell is a small village situated approximately 6 miles to the North East of Leeds city centre with a population of 1,864 (approx 750 households). It could be classed as being on the rural urban fringe.

The local library - Shadwell Library is a grade II listed building built in 1813 and has been used as a library since the 1920's. Leeds City Council (LCC) announced in 2010 that it was intending to close Shadwell Library in May 2012 due to a proposed reorganisation of the Library Service and replace it with a mobile scheme.

The Council had offered their assistance to groups wishing to take over the running of their community library if there was the desire.

As of September 2012 the library although currently functional required approximately £90K worth of repairs to make it viable in longer term.

### What is the project doing?

In Spring 2011 two public meetings were called by Shadwell Parish Council to establish the feelings of the Community in relation to the proposed closure, linked to a replacement mobile operation. At both meetings there was overwhelming opposition to the City Council's proposals, and it was clear that a library on a fixed site was the preferred choice. Over 700 people signed a petition opposing the Council's plans and many others wrote directly to the Council stating their opposition to the proposals. The campaign to keep Shadwell Library was featured on local radio, TV and local press.

The Parish Council took on board the residents comments and set up Shadwell Independent Library (SIL) in late 2011. SIL is a company limited by guarantee with the remit of taking forward the proposal about securing the library through an asset transfer from Leeds City Council. SIL if successful would oversee the operation and management of the day to day running of the library once in community ownership.

Negotiations started between LCC Asset Transfer Department and SIL about the proposed Community Asset Transfer and how the community would run the library in late 2011. LCC asked SIL to provide them with a business plan outlining the services that the library would deliver, how it would be staffed and costs per annum.

SIL intend to maintain and increase the level of service offered by the LCC run library - currently open 15 hours per week. The range of books available for loan – currently around 2500 in the library will be maintained. Interest in developing new services for the local community include:

- 1 Book clubs, play readings, and other literary activities
- 2 Using the library space for educational, children's and other activities
- 3 Increased community activity for meetings, displays, presentations, and generally serving as a community hub for the village
- 4 Café
- 5 Providing books to other book reading and play reading clubs
- 6 Provision of a flexible arts space for a community cinema, music recitals and small drama performances
- 7 Implement a car transportation service

LCC accepted SIL's Business Plan in June 2012 and based the transfer of the Library to SIL on a 99 year lease. LCC and SIL are still in the process of agreeing the Heads of Terms but the transfer is due to take place early 2013. The terms of the lease have in fact been agreed, but finalisation is going to be delayed until such time as a Schedule of Condition has been prepared. In the meantime the parties are entering into a Tenancy at Will.

#### **What are the issues that you have faced?**

One of the main problems with the transfer of the library has been with LCC being unable to underwrite any repayable loans or grants taken out by Shadwell Independent Library Limited to repair the building. This was important because one possible source of finance would be a Grant from Shadwell Parish Council. The Parish Council would itself have to borrow the money from the Public Works Loan Board. In the event of the failure of the Project, the Parish Council would need to be assured that it could recover the money which it in turn had borrowed. An Officer from Leeds City Council did indicate that they were agreeable to repay

any loans in such circumstances. We still await formal confirmation and so this issue is still in the air.

All of our negotiations were protracted and frustrating, largely because of lack of experience of the Council staff in the asset transfer department. In addition the Legal Department has been incredibly slow in issuing a draft lease and then agreeing the final terms of the draft lease (which are still up in the air).

The other issue has been around not being able to use LCC's library system to check books in and out due to data protection issues. SIL therefore have to design and implement their own system to check books in and out. Fortunately SIL have been given £3000 from LCC to develop a new system. However it still means that SIL need to start from scratch and get Shadwell residents to sign up to the library and for volunteers to data input the information onto the new system.

SIL found working with LCC asset transfer department quite taxing at times and they often took sometime to respond to queries around particular issues around repayable grants and loans.

#### **Do you intend to use the Rights set out within the Localism Act?**

SIL are aware of the Rights but do not intend to use them as we have been able to secure the building from LCC through Community Asset Transfer. In hindsight if SIL had utilised the Right to Bid and been offered to buy the building at market value, SIL would not have been able to afford to buy the building as they have very little funds in reserve.

#### **Have you accessed any support?**

SIL didn't require any support in putting together the business plan as it had various board members who were able to offer their expertise around finances, costings and business strategies.

SIL approached Rural Action Yorkshire regarding advice on how it can utilise the library as a better resource for the community in terms of a rentable space for community events and coffee mornings etc.

#### **Do you have any top tips for others?**

Try and tie down the Community Asset transfer Department to a timetable.

Insist on speaking to people within the Community Asset Department who have some authority. Insist on quick responses to your issues and ask for help from Ward Councillors when you hit it a wall.

## Bramley Baths - visited – 14/08/12, updated 12/12/12

*Community Asset Transfer of Bramley Baths by Leeds City Council to the Friends of Bramley Baths*



Bramley Baths - Leeds

*“I see lots of unique opportunities under the Localism agenda for groups to come together and run local services/ buildings for the good of the local community and for groups to make a real difference in deciding what is beneficial to them in their locality”*

*“It worries me that the process of the localism agenda will put smaller groups off and also that people will feel that they are not supported to enable them to succeed. There are lots of support feasibility grants currently available to enable you to get the help that you need and create a good business plan for whatever project you decide to take up”*

Cathryn Chrimes, Board Member Friends of Bramley Baths

### Background

Bramley Baths are located in Bramley, Leeds. Bramley is an old industrial area with an array of 19th century architecture combined with 20th century council housing in the east and private suburban housing to the west. Bramley Baths are an example of an Edwardian swimming baths, built in 1904 incorporating a 25 metre pool, gymnasium and Russian steam room.

In September 2011, Leeds City Council (LCC) faced making £90m of savings from its 2011/12 sports budget due to government funding cuts. Opening hours were cut from 90 to 48 a week. The move to cut the opening hours and potential closure of the baths in the long term prompted BARCA to help establish the Friends of Bramley Baths to secure community ownership of the baths.

The Friends of Bramley Baths is a Ben Com Industrial Providence Society (not for profit) which allows the group to register as a charity and sell community shares and therefore raise revenue for the baths. The group has the ability to apply for grants through charitable status,

which a Community Interest Company wouldn't be able to do.

### **What is the project doing?**

The reduced opening hours and looming closure of Bramley Baths sparked community frustration and finger pointing initially as to why the baths were closing. Through a series of public meetings organised by BARCA and RT Hon Rachel Reeves, the community slowly started to take action and decided overwhelmingly that they would like to take the baths into community ownership. Councillor Ted Hanley and Councillor Caroline Gruen became involved and helped raised public awareness further.

In total, eight consultation events were held with the community in Bramley, attracting over 30 residents. The events demonstrated that the people of Bramley were against the closure of the baths and the Friends of Bramley Baths group was set up with eight volunteers to make a shadow board.

In June 2011 LCC announced that organisations could apply to take over the lease from the council through a Community Asset Transfer scheme. The Friends of Bramley Baths with the help of BARCA responded to this call and submitted an Expression of Interest (EOI) in August 2011. The EOI outlined that the Friends of Bramley Baths would initially run the baths at 49 hours a week and up this to 60 in the longer term. The EOI was successful and Friends of Bramley Baths were then invited to make a full submission in January 2012.

Since August 2011 the group has been working to do a full market research appraisal on what activities the people of Bramley want to do at the baths, what the pricing structure should be and what other uses could the building be used for. The finance team have been looking at staffing structures, income and expenditure, risk, implications of possible transfer (TUPE) of staff and whether the project is sustainable. There has been a team looking at what the governance and legal status the group should form and a group looking at vision and mission.

LCC supported the writing of the business plan and the Friends of Bramley Baths group have had many meetings with the council to ensure that any issues, queries or concerns were talked through and resolved.

Friends of Bramley Baths had to work with the council in order for them to sign off the asset transfer. Lots of meetings were held with LCC and Rachel Reeves which created a sense of mutual trust between all parties. The councils support has been critical in getting the business plan signed off and transfer near completion.

The asset transfer of the Baths took place on 1st January 2013.

### **What are the issues that you have faced?**

The biggest challenges were holding a series of consultation events across Bramley to empower the people to put forward their views and decide whether they wanted take over the ownership of the baths.

Recruiting a shadow board and asking for a two year commitment from potential volunteers.

### **Do you intend to use the Rights set out within the Localism Act?**

The Friends of Bramley Baths know about the Localism Act through attending a Locality workshop focusing on the Right to Bid and Right to Challenge, but do not intend to use any of the Rights for this project. The reason being that they have been successful in securing the building through LCC's Community Asset Transfer scheme instead.

Friends of Bramley Baths see the new Rights as positive but sense that the Right to Bid is the only Right that seems to be the most effective.

### **Have you accessed any support?**

Friends of Bramley baths received help from Co-operatives UK in the form of a £800 grant to set up and register the organisation.

### **Do you have any top tips for others?**

The setting up of the Ben Com Industrial Providence Society (not for profit) took longer than anticipated.

The shadow board benefited from several of its members having good business knowledge, one had experience of setting up gastro pubs in Leeds, one was a marketing consultant, and another was a consultant to third sector organisations and an expert in vision and mission. Without this expertise the Friends of Bramley Baths would not have been able to create a 'vision' of the baths futures – and ultimately would have had to pay for consultants, which the group didn't have money for.

Groups who lack expertise (financial, business skills etc) would potentially struggle with an asset transfer. The help in the form of a grant (like that which Locality are offering) to commission consultants would be the key to form a vision and develop a robust business plan.

Work with the community and consult as much as you can with residents – it's up to them what they do with the asset, let them decide – the wider you go out to consultation the better it is in the longer term.

Recruit the right shadow board / steering group.

Get as much help as you can from Locality and from other sources such as Co-operatives UK to advise you on your options.

Working in partnership with the council is key, so too is building relationships with key MPs and councillors.

## On the Ground – the Localism Act in Practice

### What's it all about?

The Coalition Government wants to give power back to local communities and people. Are you working with your council in running or taking over a building or advising them on how services can be improved? Or are you wondering how the measures set out within the Localism Act could benefit your community?

The Yorkshire and Humber Network is interested in hearing about your experiences (as a voluntary or community organisation/group) of how localism is working on the ground.

Opportunities within the Localism Act include:

- 1 **Community right to challenge** – are you thinking of challenging your local council over a service they provide and expressing an interest in taking over the running of that service?
- 2 **Community right to bid** – are you interested in developing a bid or currently in the processes of buying an asset of community value that is on the open market?
- 3 **Community right to build** – are you intending on creating a building that will benefit the community?
- 4 Are you aware of the power to **veto excessive council tax** increases?

In particular we want to find out if localism is working: what's positive and what stops change happening. With this information we will feed back your experiences from the ground to inform and influence government and policy makers.

This is your chance to get your views heard.

### What do you get in return?

- 1 You will have the chance to say what you think about the opportunities in the Localism Act.
- 2 You will be able to hear from other organisations that are involved in doing similar things in their area.
- 3 You can join in with other community or voluntary groups in Yorkshire and Humber to influence key politicians and government departments.
- 4 We will try to put you in touch with support or contacts if we can.

### Interested?

We are looking to recruit four rural groups and one urban group across Yorkshire and Humber to take part in the project. If you are a rural or urban voluntary or community organisation / group within Yorkshire and Humber please do get in touch.

### What's involved?



The project will last over a year to fully explore what's happening and capture your experiences. We would like to meet your group first hand to hear your experiences and whether your community or group intend to make use of the opportunities set out within the Act.

After this initial meeting we will visit your organisation or group again later in the year to find out how you are progressing.

**To register your interest (or for more information) please contact Ed Poulter and provide:**

1. The name and type of your organisation - for example is it a charity or a community group?
2. The location of where your group is based?
3. Are you working with your local council – for example in running a service or taking over a building?
4. Are you hoping to utilise any of the opportunities from the Localism Act?
5. Why you would like to take part in this project?
6. Whether you are happy to share your ideas with similar groups and government?

#### **Contact Details**

Ed Poulter – Rural Policy Officer

Tel: 0113 394 2300

Email: [ed.poulter@involveyorkshirehumber.org.uk](mailto:ed.poulter@involveyorkshirehumber.org.uk)

**The Yorkshire & Humber Rural Network** is a partnership between Involve Yorkshire, Humber and Wolds Rural Community Council and Rural Action Yorkshire.

The Network aims to bring together all voluntary and community organisations that have an interest in rural issues in Yorkshire and Humber together. The purpose is to raise awareness among organisations and networks whose primary focus is not rural of the special needs and interests of front line groups working in rural areas and therefore improving the representation of the voluntary and community sector in rural areas.

**Involve Yorkshire & Humber** supports the voluntary and community sector (VCS) to create a strong society and fair communities, with opportunities for all, throughout Yorkshire and the Humber.



## Annex 2 Pre Interview Questionnaire – sent using Survey Monkey

**On the Ground – the Localism Act in Practice**

Thank you for taking the time to complete this survey, there are nine questions to answer and it will only take five minutes of your time to complete.

The survey is part of the 'On the Ground – the Localism Act in Practice' project which aims to investigate how localism is working on the ground. The answers from this survey will be used to inform and influence government and policy makers.

---

**\*1. How much do you feel you know about the Localism Act?**

Lots  
 The basics  
 Nothing

**\*2. How much do you feel you know about each of the Rights?**

	Lots	The basics	Nothing
Right to Build	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to Bid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to Challenge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**\*3. Do you feel there are any barriers preventing you or the people you work with from taking up any of the new Rights?**

Yes  
 No

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**4. What are the barriers preventing you or the communities you work with from taking up any of the new Rights?**

	Lack of information / awareness	Insufficient skills / capacity	Lack of financial resources	Political barriers / local authority attitudes	Other
Right to Build	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to Bid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right to Challenge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you ticked 'Other' please specify what this is below

**\*5. How likely is it that you will be involved in taking up the Right to Build?**

- Very likely
- Quite likely
- Unsure
- Not likely
- Very unlikely

Why is this the case?

**\*6. How likely is it that you will be involved in taking up the Right to Bid?**

- Very likely
- Quite likely
- Unsure
- Not likely
- Very unlikely

Why is this the case?

**\*7. How likely is it that you will be involved in taking up the Right to Challenge?**

- Very likely
- Quite likely
- Unsure
- Not likely
- Very unlikely

Why is this the case?

**\*8. How do you see the new Rights in your community?**

	Right to Build	Right to Bid	Right to Challenge
As an opportunity but I need more support to utilise them	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I don't know enough about it to judge its value	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I see it mainly as an opportunity and feel able to make use of it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I don't see anything changing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It will have limited added value because we have made progress without it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I see it mainly as a threat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**\*9. What sorts of support do you think could help you understand the Localism Act and its Rights better?**

- Access to one to one advice when you need it
- Hearing from other people who have put these sorts of rights into practice
- Practical written materials in the form of case studies

Other (please specify)

Thank you for taking the time to respond to this survey. If you would like to know more about the Yorkshire and Humber Network please see our webpage:

<http://www.involveyorkshirehumber.org.uk/our-work/rural-network/>

## **Annex 3 - Question and Answers that have been asked about the 'Rights' during workshops hosted by the YHRN.**

### **Right to Challenge**

#### **Does the application go to the county of the district in a two-tier area?**

The application goes to the authority who offers the service. So in North Yorkshire, it could be either the County Council or the District Council. It is important to approach them informally first. In many cases they are willing to discuss the service informally and in some cases there might not be a need to use the Right to Challenge.

#### **Are all the application windows of opportunity the same?**

Each local authority will have different timescales and deadlines, so you need to contact them directly.

#### **Who are the contacts for the Right to Challenge at the district/local authority?**

This depends on what service you are challenging. If the service is run by the district authority then you should contact them. If it is provided by the county council then you should contact them.

*Note: the Right to Challenge has only recently been implemented. Many local authorities do not have a process/contact person organised yet.*

#### **Is the National Park a local authority?**

National Parks are currently not listed as a 'local authority' within the Act. However, there is talk of this being changed.

### **Right to Build**

#### **Who pays for the local referendum?**

The local authority pays for the referendum; however the community group would need to pay for any work leading up to the referendum for example, consultation exercises, specialist help from solicitors, surveyors and architects.

#### **What's the quorum for the referendum?**

If more than 50% of those voting say yes in the referendum then the Community Right to Build Order will obtain consent.

#### **What about National Parks – conservation areas/heritage areas?**

The Right to Build law does not permit development on green-belt land and if the land falls within a National Park or area of historic interest, relevant bodies must be consulted, for example, the National Park Authority and English Heritage.

### **Could they do a PFI development?**

All profits deriving from a Community Right to Build Order must be used for the benefit of the community, so it is highly unlikely investors would support a PFI arrangement. Only residents that live or work in a community can apply for the Right to Build Order.

### **Neighbourhood Plans (NP)**

#### **What is the key difference between a neighbourhood plan and a local plan?**

Neighbourhood planning is not entirely new. Some communities are already involved in planning for their area through community led parish plans. Community led parish plans cover all things important to a community and are not directly linked to the planning system. Neighbourhood plans relate to the use and development of land. Community led parish plans remain valid tools for parish councils to use and provide a more informal basis on which to undertake neighbourhood planning. East Riding has 171 parish councils of which over 50 have been involved in the community led parish planning process.

#### **Who can vote in the referendum – can businesses vote?**

The finished plan must be accepted by a majority of votes in the neighbourhood area before it can be adopted. Assuming that the examiner recommends that your draft Neighbourhood Plan can proceed, then the local planning authority will organise and pay for a referendum. The rules for the referendum are set out in the Neighbourhood Planning (Referendums) Regulations.

Anybody registered to vote in the area covered by the Neighbourhood Plan will be entitled to vote. A simple majority of votes (over 50% of those voting) in favour of the Neighbourhood Plan is sufficient for it to succeed.

The only exception is in Business Areas where two separate referenda will be held in parallel. The first will be for residents and a second referendum will be held for businesses (or more specifically non-domestic rate payers). Each business will have one vote. In this instance the outcome of the business and residents' referenda will be considered separately. If both are in favour of the Neighbourhood Plan it will be adopted. If both reject the Neighbourhood Plan it won't be adopted. Where the two outcomes conflict with each other the decision about whether or not to adopt the Neighbourhood Plan will rest with the local planning authority. (Unitary authorities are not included as 'relevant councils' to run a referendum (Para 14 (3), schedule 10).

#### **Why would you do a plan when the costs involved are so high?**

There is no legal requirement to do a neighbourhood plan, so a parish council or other relevant body may decide that the costs outweigh the actual benefit. There are other ways of getting the community involved in neighbourhood planning, for example, carrying out a parish plan. These are some reasons why a neighbourhood may choose to do a plan:

<http://www.communityplanning.net/aboutcp/aboutcp.php?tab=4>

#### **Who pays for the neighbourhood plan?**

Either the parish council or the neighbourhood forum would have to pay for the plan. This would include any consultation activity, distributing information, holding community meetings and specialist planning consultant fees etc. The local authority would pay for the referendum and should provide some support with the process.

### **What is the cost of doing a NP?**

The Government suggests a Neighbourhood Plan (NP) will cost £17k upwards. It has been suggested by other sources that £40k-£250k is more realistic. However, in reality it is impossible to say exactly what the cost will be as it depends on the size of the area, number of households and the amount of detail required in the plan.

This link gives a breakdown of costs -

<http://democracy.leeds.gov.uk/documents/s68649/neighbourhood%20planning%20indicative%20costs%20appendix%202%20110612.pdf>

### **Does it have to be kept to just one local area?**

A neighbourhood plan could incorporate several villages and cross over parish boundaries if two or more parish councils wished to do a joint plan.

## Annex 4 – Sources of Further Information

### Advice

My Community Rights - <http://mycommunityrights.org.uk/>

Yorkshire and Humber Rural Network – [www.involveyorkshirehumber.org.uk](http://www.involveyorkshirehumber.org.uk)

Rural Action Yorkshire – <http://www.ruralyorkshire.org.uk>

Humber and Wold Rural Community Council – <http://www.hwrcc.org.uk>

Planning Aid - <http://www.rtpi.org.uk/planning-aid/>

NCVO - <http://www.ncvo-vol.org.uk/policy-research/localism>

### Funding

My Community Rights - <http://mycommunityrights.org.uk/>

Key Fund - <http://www.thekeyfund.co.uk>

Social Investment Business - <http://www.sibgroup.org.uk/communityrights/>