

Localism Bill

Second Reading Briefing

The Localism Bill is a wide ranging piece of legislation which, at the same time as giving more freedom to local authorities, will give communities more ways to be involved in local decision making. This includes new powers for neighbourhood planning, to call local referendums and the chance to bid to run local services. We believe there are both opportunities and risks in this new approach.

Key Calls

- Parliamentarians must examine the powers available to the Secretary of State under general power of competence (Clause 5 (2)) of the Bill closely as in their current form they are wide ranging and may need to be limited.
- Localism must mean that there are no barriers for people in later life to engage, particularly those that are socially excluded, so that they have a greater say in their neighbourhood and shaping the services they rely on.
- The implementation of the Equality Act 2010 should be promoted to adopt 'age friendly' policy making and service delivery. Authorities should also have to consider whether an expression of interest as part of the community right to challenge would promote or improve equality.
- Some level of national oversight will still be needed to ensure local agencies meet public duties set at national, European and international levels. There needs to be a way to provide context and the ability to compare data so that people can assess the suitability and quality of services not simply the cost.
- New housing developments need to take in to account the varied needs of an ageing population.

Age UK believes Localism presents the chance to ensure there are no barriers to people in later life to have a greater say in their neighbourhood and shape the services they rely on. In order for this to be achieved, however, Localism must meet the needs of the socially excluded. The Government needs to identify and support vulnerable communities to ensure that Localism is for everyone, not just those who wield the most influence. This necessitates ensuring that the whole community is represented, and engagement and inclusion are at the heart of new systems. The Duty to Involve, Consult and Inform and the Public Sector Equality Duty are key levers for this.

Age UK will be judging the effective implementation of change through the Bill by whether it delivers improved outcomes for older people. This means improvements in local services, planning and housing, adult social care and support and access to volunteering. The Bill needs to deliver a framework for age friendliness, whether it is in cities, towns, or local communities. We believe

some level of national oversight will still be needed to ensure local agencies meet public duties set at national, European and international levels.

The Bill has major implications for all parts of the planning system, but it is difficult at this stage to judge the fairness and efficacy of the proposed new regime and much will depend on forthcoming regulations, as well as the new National Planning Policy Framework.

Reform of the planning system also has significant implications for housing, sustainable development and climate change and we hope that the Bill will help deliver homes that are future proofed, built with features that will enable people to live independently across the lifespan. New housing developments need to provide older people with realistic options for their accommodation needs, taking into account the impact of ageing and disability across the private and rented sectors.

We are particularly concerned about the powers given to the Secretary of State within the general powers of competence section of the Bill, and the effect this may have on community care legislation and safeguarding.

Local authority's general power of competence

This measure is designed to give councils more freedom in running services, giving local authorities the ability to do anything an individual can do, rather than only being able to do things that Parliament specifically authorises. Whilst in isolation this appears to maintain adequate safeguards, requiring local authorities to act in accordance with statutory limitations or restrictions, we are concerned with Clause 5, subsection 2, which gives the Secretary of State power to 'amend, repeal, revoke, or disapply any statutory provision (whenever passed or made)'. This power is limited by:

- a) A requirement to consult local authorities, representatives of local government and other persons the Secretary of State considers appropriate and,
- b) By a requirement to lay a draft order before parliament.

Despite these safeguards, the wide ranging nature of the Secretary of State's powers do present concerns. Statutory requirements currently placed on local authorities include:

- The requirement to assess the needs of people asking for social care support;
- The requirement of local authorities to have due regard to public equality duties;
- Requirements relating to the safeguarding of vulnerable adults.

These are very important statutory duties providing a clear legal framework for people at some of the most vulnerable times in their lives. A similar power granted to the Secretary of State in the Local Government Act 2000, the 'wellbeing' power, has not been used to influence primary legislation but this power was subject to much greater constraints.

We ask parliamentarians to examine these powers closely as the Bill progresses as we believe in their current form they are very wide ranging and may need to be limited.

Community right to challenge

We welcome the new community rights contained in the Bill which will give many people an opportunity to shape their local services and the future of their neighbourhoods. The community right to challenge allows voluntary and community groups, charities, parish councils and local authority employees to express an interest in running any local authority service. There are also measures in the Bill to allow communities to produce neighbourhood plans and neighbourhood development orders, which will allow them to permit certain development without the need for planning applications.

Age UK will be judging the effective implementation of these changes by whether they deliver improved outcomes for older people. This means improvements in local services, planning and housing, adult social care and support and access to volunteering. The Bill needs to deliver a framework for age friendliness, whether it is in cities, towns, or local neighbourhoods.

Examples

The Newcastle Elder's Council provides a good example of successful engagement with a view to improving services. Their Working Group has put together a study in which older people themselves assess the streets, the buildings and the amenities of the city through direct observation, using a checklist of the points of interest. They have used their evidence to influence planning policy and to get the city council to recognise the changes needed for older people in their town centre.

Age UK Rotherham provides a similar example of the benefits of user engagement in service design, supporting the implementation of Rotherham Borough Council's 'Home from Home' Quality Scheme by running sessions in residential homes to support residents and their families to express their views about the care they are receiving.

Age UK Milton Keynes holds annual discussion forums for local older people to ask what help and activities they might want in the future. Sharing this kind of information and supporting other organisations to connect with the whole community is vital to provide truly locally prioritized services.

Representing the whole of the neighbourhood

The Equality Act 2010 will require all public bodies to promote equality between different age groups from 2011 and we believe the implementation of it should be promoted to adopt 'age friendly' policy making and service delivery. Regarding the 'Community Right to Challenge', Clause 68, subsection 5, states that 'A relevant authority must, in considering an expression of interest, consider whether acceptance of the expression of interest would promote or improve the social economic or environmental well-being of the authority's area', we would like clarification on what this will involve and we believe it should be extended to include equality. Local agencies should have to consider the equality impact before taking forward expressions of interest in providing a local service and when approving neighbourhood plans.

The Bill will allow individuals to trigger referendums on any local issue. The results will not be binding, but local authorities will have to consider them when making decisions. The Government has stated that this will help people make their views known and influence decisions and it could be seen as helping to ensure that public concerns are not dismissed as the work of isolated agitators.

Alternatively, the emphasis on community-led approaches could mean that the loudest voices dominate, without recognising the impact they may have on other people within their community. The Bill proposes that a local authority must hold a referendum if they receive a petition signed by just 5% of eligible electors in that area. We are concerned that the Government's own Citizenship Survey 2009-10 showed that older people were less likely than younger groups to feel they could influence decisions locally and nationally. In particular, the rights and services for socially excluded older people therefore need to be protected as they may find it difficult to engage and influence the political and planning process.

It should also be noted that the Bill repeals the duties of local authorities to promote democracy, leaving them to individually decide how best to do so on a local basis. This is surprising given that the aims of this Duty are to increase people's awareness and understanding of local democracy, as well as their opportunities to get involved and increase their level of civic participation.

Transparent local accountability

In the Localism Bill, and the accompanying guide, the provision for accountability and transparency focuses on spending, in the Bill specifically on senior officers' pay. Access to raw data, often provided on-line, is not enough, however, to provide transparency. There needs to be a way to provide context and the ability to compare financial data so that people can assess the suitability and quality of services not simply the cost. Publishing vast quantities of raw data with no accessible analysis will reduce transparency for the vast majority rather than enhancing it. This is particularly important with potentially more risk to the financial and managerial sustainability of local services, especially for those that become community owned.

We believe there needs to be continued oversight and inspection of the performance of services commissioned and delivered by local authorities. To ensure transparency and accountability, a form of performance management system is essential, although this should be more locally, rather than nationally, determined. Some level of national oversight will still be needed to ensure local agencies meet public duties set at national, European and international levels. Assessment of performance management should involve a wide group of stakeholders including local older residents and results should be publicly reported, in print form as well as online. Throughout the Bill there is an emphasis on providing information online, including spending data and for local referendums. However, in the UK 60 per cent of people over the age of 65 have never used the internet. Whilst progress is being made on digital inclusion, there are still a number of barriers to overcome. In the meantime, alternative communication methods should always be provided. As a minimum, information about local referenda must be made available in hard copy through local authority offices.

If you would like further information on any of the issues discussed in this briefing please contact Camilla Williamson, Public Affairs Adviser (Parliamentary) at camilla.williamson@ageuk.org.uk or by phone on 020 8765 7274.