

Neighbourhood Planning

Background

The Localism Act 2011 introduces statutory neighbourhood planning in England. Neighbourhood planning is one of a host of changes currently being made to the planning system. It is intended to give communities more of a say in the development of their local area (within certain limits and parameters).

It will enable communities to draw up a neighbourhood plan for their area. These plans will be used to decide the future of the places where they live and work. They will give local people the opportunity to:

- choose where they want new homes, shops and offices to be built
- have their say on what those new buildings should look like
- grant planning permission for the new buildings they want to see go ahead.

How will it work?

Neighbourhood planning can be taken forward by a town/parish council OR a neighbourhood forum. A neighbourhood forum will be established whereby a town/parish council does not already exist. The members of the neighbourhood forum will be decided upon by the local planning authority. In their recent guidance DCLG outline the five key stages to neighbourhood planning.

Stage 1: Defining the neighbourhood

Local people will decide how they want to work together:

- Will there be a town or parish council lead or in un-parished areas a community group lead?
- What's the boundary?
- Any group must have at least 21 members and it must be open to new members.
- Collaboration with the local planning authority is vital!

Stage 2: Preparing the plan

A neighbourhood plan must be in conformity with existing planning policy, other than that, local people can decide what they want.

Stage 3: Independent check

Once a neighbourhood plan has been prepared, an independent examiner will check that it meets the right basic standards. If the plan does not meet the right standards, the examiner will recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those changes.

Stage 4: Community referendum

The local council will organise a referendum on any plan that meets the basic standards. If more than 50 per cent of people voting in the referendum support the plan, then the local planning authority must bring it into force.

Stage 5: Legal Force

Once a neighbourhood plan is in force, it carries real legal weight. All decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.

A view from the sharp end?

The willingness to engage with neighbourhood planning reflects the desire of communities to have more of a say in the planning process and thus in shaping their local area. This is something that has been evident throughout the delivery of the Supporting Communities in Neighbourhood Planning programme and is also something which our membership has been actively pursuing for a long time.

The proposals seem to have tapped into a sense of feeling distanced from decision making and are being touted as the antidote to the sense of powerlessness around planning at the local level. However these communities are not only cognisant of the debates taking place at the national level but significant players in them. Commonly, members (and communities in general) are wrestling with the following:

Processes and practices for neighbourhood planning: what are the processes and best practices necessary to deliver effective, inclusive and realistic neighbourhood development plans? The issues that need to be addressed appear to include democratic considerations, community engagement, capacity building, neighbourhood level evidence, resources, local authority issues, relationships with developers etc.

Growth and localism: there are evident tensions between the empowerment of local communities and the growth agenda. Many are questioning what place there is for truly local delivery in the neighbourhood planning agenda?

Sustainability and Sustainable Development: much of the debate about the proposed National Planning Policy Framework has focussed on the meaning of the term “sustainable development” and whether the government is placing economic growth above social and environmental considerations. Some ministers argue that the planning system is a barrier to house building (land supply), investment and growth. Others would point to the need to stoke demand and argue that the problem is rooted in the wider economy. In neighbourhood planning terms, what is the relationship between sustainable development and resilient communities?

Global issues, local solutions: discussion about climate change seems to have dissipated, yet for many communities energy and food security is key issues. There is also much discussion around issues like nuclear power, large wind farms and other renewables. But is the local dimension being over-looked, and how will it be played out in the creation of neighbourhood plans?

Final thoughts

For many the issues these debates raise, and ultimately resolve, are critical, and will affect the shape their communities will take. It is also highly likely that the resolution to these debates may determine the success or otherwise of neighbourhood planning and its ability to “put power back in the hands of local residents, business, councils and civic leaders”¹ as the government has suggested it will.

¹ DCLG (2011) “An introduction to neighbourhood planning”, <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985896.pdf>



Community Budgets

What is a Community Budget?

A Community Budget organises public spending by place, rather than by individual organisations or service.

The Government believes that there is enormous potential to give local areas freedoms over budgets and removing centrally imposed constraints leading to more local innovation and improved services.

Phase One: Community Budgets for families with multiple problems

In April 2011 the first Community Budgets were launched in 16 areas (28 authorities - 20% of English councils). These Community Budgets bring together various strands of Whitehall funding into a single fund for working with families with multiple problems. The 16 areas plan to work with at least 10,000 families over four years.

On the 28th June the Deputy Prime Minister Nick Clegg announced that around 50 more local authorities will get Community Budgets focusing on families with multiple problems this year and that there would be at least a further 60 in 2012-13. For more details you can read the government's press release: <http://www.communities.gov.uk/news/newsroom/1933560>

Phase Two: Introducing Whole-Place and Neighbourhood Level Community Budgets

On the 18th October 2011, the Community Budget Prospectus was published. This invited interested areas to apply to run one of **two new types of Community Budgets** or become one of the **ten "Challenge and Learning Networks"**. The Community budgets were set at two levels:

- **Neighbourhood Level Community Budgets** aim to give residents the opportunity to say what services they want, how they should work and whether they want to run them;
- **Whole-Place Community Budgets** which aim to bring together all funding on local public services from the area into a single pot to test how to create the right local financial set up to deliver better services that people want.

Announcing the results of the second phase on the 21st December 2011 the Secretary of State for Communities and Local Government, Eric Pickles said:

"We can no longer afford the luxury which left public investment idling to no purpose. We need a gear change that makes 'silo control' obsolete and starts a local service revolution that puts people at the heart of spending decisions and saves money."

"We're setting up more Community Budgets than originally intended - these 'pool and save' pioneers can bring about truly local services with one big local cheque that knocks out bureaucratic processes everywhere and upends Whitehall's monopoly over public money that's hemmed in frontline workers for decades."

Neighbourhood Level Community Budgets

Key points:

- The aim is to create a neighbourhood level Community Budget that is co-designed with residents.
- Applications were invited from formally constituted community-based organisations.
- A "neighbourhood" can be an estate, group of street, wards or a few wards or a parish (5,000 - 25,000 population is suggested by the guidance but it does state that the most important thing is that "local people recognise it as their neighbourhood).

- April 2012 - Launch of the Neighbourhood level Community Budgets

The 10 Pilot Areas

- **Hammersmith & Fulham (White City)** want to integrate neighbourhood service budgets including welfare, crime, social care and 'clean/green'.
- **Tower Hamlets (Poplar Harca)** want their neighbourhood services to include support for local enterprise with more spent on services than bureaucracy.
- **Bradford Trident** will co-commission parish functions, health and unemployment services with youth and sports centres run by a social enterprise.
- **Tunbridge Wells (Sherwood)** aims to devolve all appropriate service funding to the neighbourhood.
- **Kingston (Norbiton)** will extend Local Integrated Services to all neighbourhood funds looking at housing, policing and community engagement.
- **Haverhill** will devolve a pooled budget to the 'One Haverhill' partnership. This will embed local knowledge and community influence over services.
- **Birmingham (Balshall Heath, Shard End, Castle Vale)** want the pilots to become a catalyst for more pooled budgets focused on prevention. Balsall Heath Forum and Shard End will be community led approaches while Castle Vale Community Partnership will be housing association led.
- **Westminster (Queens Park)** will create a Recovery and Early Action Partnership to bring all relevant services and residents in the neighbourhood together to focus on families at risk.
- **Ilfracombe (North Devon DC)** will create shadow accounts in "Virtual bank" as the first step to co-commissioning, before moving to budgetary control. It will look at neighbourhood services, libraries and highways.
- **Newcastle (Cowgate, Kenton Bar, Montague)** will broker agreements so ward committees can invest in family-support services delivered by a community enterprise.

Whole-Place Community Budgets

Key points:

- The objective is "to thoroughly test out how Community Budgets comprising **all funding on local public services** can be implemented in two areas to test the efficiency of the approach"
- Applications from **Councils** and their **public service partners**
- **December 2012** - Possible launch of the Whole-Place Community Budgets

The four Pilot Areas

- **Greater Manchester** aims to use joint investment from a range of partners to reduce levels of dependency and support growth critical to creating 56,000 private sector jobs over the next four years. They will use local evidence to decide how best to address cross cutting priorities like unemployment, low skills and dependency to support early intervention.
- **Cheshire West and Chester** plan to review over 150 local services that have the potential to pool a single budget of £3-4 billion. They will make neighbourhoods safer and cleaner. Create new opportunities for jobs and learning as part of a 'better deal' for unemployed people. A first class children's centre will be at the heart of the community plus help for older residents to lead independent lives.

- **West London** - Hammersmith & Fulham, Kensington & Chelsea, and Westminster - have put together a 'Tri-Government Guarantee', setting out their targets these include making sure every young person under 25 has a job or is in training or education; 80 per cent of children across the three boroughs achieve five A*-C grade GCSEs; access to high-quality affordable housing.

- **Essex** will encourage residents to play a greater role in their community and in helping to shape good value public services. Local priorities include health and social care, skills for young people, economic growth and community safety.

Opportunities and Challenges

The Community Budget model offers a real opportunity to drive budgets down to a neighbourhood level. Putting local communities in the driving seat and overcoming bureaucratic silos that have hampered community organisations in the past. However, for community budgets to succeed a fundamental change in the relationship between communities and national and local government will need to take place.

Right to Bid (Assets of Community Value)

Background

The Localism Act introduces a Community Right to Bid (Assets of Community Value) which aims to ensure that buildings and amenities can be kept in public use and remain an integral part of community life.

Locality, and previously the DTA, has called for a similar piece of legislation like this ever since 2003, when the Land Reform (Scotland) Act 2003 came into force. This stimulated a series of community land buy-outs in Scotland with more than half of the Western Isles now in community ownership. The Right to Bid therefore marks an important symbolic and legislative step forward in the drive to increase community asset ownership in England.

How will the Right to Bid work?

Under the Localism legislation, voluntary and community organisations and parish councils can nominate an asset to be included in a '**list of assets of community value**'. The local authority will then be required to maintain this list. If the owner of a listed asset then wants to sell the asset a **moratorium period** will be triggered during which the asset cannot be sold. This is intended to allow community groups time to **develop a proposal and raise the required capital to bid** for the property when it comes onto the open market at the end of that period.

What is the procedure for including land on the 'assets of community value' list?

- The local authority will determine the format of the list, any modifications made to any of the entries on the list and any removal of an entry from the list.
- A community nomination must come from a parish council, a community council or a locally connected voluntary or community body. The nomination has to be made for land or buildings in the nominee's local area.
- If the local authority deems that the asset does have community value, and it is in their local area, then it will add that asset to the 'assets of community value' list.
- If the nomination is unsuccessful the local authority must notify the nominee in writing and provide an explanation as to why the nomination was unsuccessful.
- The local authority must notify the landowner, the occupier and the community nominee of any inclusion or removal of an asset to the list.
- A landowner can ask the local authority to review the inclusion of the asset from the list and there will be a process for an appeal to an independent body.
- The local authority must also maintain a list of 'land nominated by an unsuccessful community nomination'.
- If land is included in the list of assets of community value it will remain on that list for five years.

What is defined as 'community value'?

A building or piece of land will be deemed to have community value only if:

- The use of the land or building currently, or in the recent past, furthers the social well-being or cultural, recreational or sporting interests of the local community.
- This use (as described above) of the building will continue to further the social well-being or interests of the local community.
- The use of the building or land must not be deemed 'ancillary', i.e. of secondary purpose. This means that the use of the land or building to further social well-being or interests of the community must be its principle use.
- The regulations set out by the Secretary of State will provide more detail on assets that will be exempt from listing and who has the power to make this exemption.

What is the Moratorium period?

If a building or piece of land is listed as an 'asset of community value' and the owner wants to sell the asset, they must inform the local authority. This will then trigger a moratorium period. **During a moratorium period the owner cannot conclude the sale of the asset.**

There are two moratorium periods to note, both of which start from the date the owner of the asset notifies the local authority of their intention to sell the asset:

- **'Interim moratorium period'** - this is a six week period during which a community group wishing to bid for the asset must notify the local authority that they wish to be considered as a potential bidder. If this does not happen the owner can proceed to a sale.
- **'Full moratorium period'** - this is a six month period during which a community group can develop a proposal and raise the capital required to purchase the asset.

There is also a **'protected period'** of 18 months from the same start date to protect the owner from repeated attempts to block a sale.

*Please note there are some circumstances when the disposal of an asset that is listed as having community value can be exempt from the regulations concerning the moratorium period.

These include:

- If the disposal is a gift
- If the disposal is made between members of the same family.
- If the land or building being disposed of is part of a bigger estate.
- If the disposal is of a building or piece of land on which going-concern business is operating, provided that the sale is to a new owner to continue the same business (for example if an owner of a pub wants to sell the pub to a new owner, to continue running it as a pub).

Why is the Community Right to Bid so important?

In short, community asset ownership can stimulate social, environmental and economic growth and regeneration.

In neighbourhoods across the country there are buildings and amenities that are integral to the communities that use them. This could be a village shop, a pub, a community centre or a library for example. Many provide a base from which to deliver public services to the local community. The closure or sale of such buildings and amenities can create lasting damage in communities and threaten the provision of services. The Right to Bid offers greater opportunity for communities to keep such buildings in public use and ensure they remain a social hub for the community.

Evidence from the Asset Transfer Unit¹ suggests that many community assets are already used to support enterprise activities and new businesses. The recently published Portas Review²- an independent review into the demise of high streets and town centres across England- supports this view and promotes the use of the Right to Bid to empower communities to stimulate local economic growth. The report suggest that the numerous empty shops and buildings that make up many high streets in England could surely be put to better use by members of the community who have innovative ideas for enterprise ventures and new businesses. Whilst the Right to Bid will not make this happen overnight, it does lay the foundations for community groups to take their first steps towards acquiring an asset and this must surely be welcomed.

¹ See <http://atu.org.uk/> for case studies.

²Portas, M (2011) http://www.maryportas.com/wp-content/uploads/The_Portas_Review.pdf

Public Services

Background

In July 2011 the government outlined its plans to reform public services with the publication of the Open Public Services White Paper. The government believe that the reforms will increase the quality of service provision and ensure that all users have access to services. The need to reduce the national financial deficit is also clearly a driver for the reforms, with the government stating that public services will become more cost effective and better value for both service-users and tax payers.

The reforms are clearly aligned with the Localism agenda. In his speech unveiling the proposed reforms, David Cameron attacked the “old dogma that said Whitehall knows best” and stated that instead “there will be more freedom, more choice and more local control”¹. Ministers have said that they expect local, community based organisations to play a greater role in service delivery alongside private and public sector bodies as the market is opened up to providers competing to win contracts. However the backdrop of funding cuts to an already depleted public service industry has led critics to suggest that the reforms are merely a cover for further, widescale cuts and privatisation by the back door.

Key Principles

The proposals to reform public services are underlined by five key principles:

- **Increased choice by giving people direct control over the services they use:** Users should be able to choose services that meet their needs - ‘people should be the driving force, not politicians and bureaucrats.’
- **Decentralisation of services to the lowest appropriate level:** Power over the service will be decentralised to the users of the service where this is appropriate.
- **Public services will be open to a range of providers:** Service provision will be opened up to a range of providers from across all sectors.
- **Fair access to all services for all people:** Fair access will give an advantage to the disadvantaged and improve their outcomes.
- **Services will be accountable to users and taxpayers:** Public services should be accountable to their users, both directly and through elected representatives.

The reforms are scheduled to come into force over the next few years. However some of the measures outlined in the paper are already being implemented (i.e. through the letting of government contracts in the Work Programme) or due to be implemented (i.e. through the Localism Act).

“Opening up” public services

The underlying approach of the proposed reforms to public services points to a diversification of service provision with providers from public, private and the VCSE sector competing to tender and then deliver services. This is based on the belief that “opening up” public services to a competitive market will lead to users being given greater choice and access to a range of services and providers, which will in turn increase the quality of service provision overall.

Opportunities and Challenges

The reforms present opportunities for community organisations to become providers of public services. Many Locality members already deliver important services in their area and are ideally placed to play a key role in future service provision. However this ‘open market’ approach and the increased competition this brings means that many community organisations will need to

¹ BBC News (July 2011), “Cameron promises ‘people power’ in public services plan”, <http://www.bbc.co.uk/news/uk-politics-14101481>

re-assess and in some circumstances change their approach to tendering for public sector contracts if they are to become/continue to be a service provider.

The Work Programme tendering process gave a number of early indications on the potential challenges for organisations interested in delivering national public sector contracts. Only organisations with a turnover of over £20m could apply to deliver contracts as a prime provider; the decisions on who to award contracts were heavily weighted towards the cost of the proposal; the eventual role for many community organisations was to be subcontractors - many members were awarded multi-million pound contracts but far more were offered unsustainable contracts or lost all contracts to deliver.

Payment by Results

The government has stated that they are strongly committed to rolling out the payment by results model across all public services. Previous use of the payment by results model has focused on input measurements and short-term outcomes (e.g. measuring rates of re-offending after 1 year). The new approach aims to link payments to long term and sustained outcomes and/or capture wider societal value. The measurement of such long term outcomes can be difficult and costly to define and evidence and how this should be done is still being debated within some government departments. The Home Office for example has been asking for input from leading VCSE organisations including Locality, to explore what suitable measures can be used to capture the longer term outcomes of drug and alcohol work.

Opportunities and Challenges

The payment by results model has the potential to offer greater flexibility and higher financial rewards for providers able to demonstrate sustainable outcomes. Many Locality members already employ a holistic model of delivery: one that has wider social, economic and environmental benefits for the neighbourhood that it operates within.

However, the financial implications of this model will present challenges to many community organisations. Without payment being made up-front, providers will be required to cashflow the delivery of services, in some cases for a number of years. This will be a huge deterrent for smaller community organisations who may have limited access to investment or financial reserves. Even larger organisations may find the financial risk inherent in the contracts untenable. For this reason private sector providers (with larger financial reserves) will be in a much stronger position to bid for the large public service contracts on offer.

Personalisation

Personalisation means tailoring a service to the individual needs of those receiving that service and giving the service user the ability to choose the service they receive. If implemented effectively this could empower the individual rather than the service provider by giving the individual greater choice over what type of service they receive. The personalisation agenda means that citizens will become consumers of a service and providers will be required to 'sell' their services.

Opportunities and Challenges

Personal budgets offer the opportunity for the service user to build a system of care and support that is tailored to their own unique needs, giving service users greater choice and agency. This should benefit many of the Locality members who work closely with their local community and offer highly valued, 'user-centred' services that the community uses and wants on a regular basis.

With grants and 'block contracts' being replaced by an individualised services model, providers will have to adapt their services and business models to meet the changing needs of this emerging open market environment. Service users may also require support in order to access information about services on offer and how to manage these service contracts.

Right to Challenge

The Community Right to Challenge in the Localism Act gives community groups, parish councils and local authority employees the right to submit an “expression of interest” in taking over and running a local authority service. The local authority must consider and respond to the challenge. If a local authority accepts the challenge they must then run a procurement exercise in which organisations - including those that challenged the delivery of the service but also private companies - can bid to take over the running of the service.

Opportunities and Challenges

The Right to Challenge means that a community group will be able to offer alternative models of service provision and will be able to hold a service provider to account when a service is failing its users. Many Locality members are highly engaged with their community and may be in a position to represent a group of service users in a challenge after which they could bid to offer a more user-led, alternative service in its place.

The outcome of a “successful” challenge is very uncertain. Not only will it lead to an open procurement exercise but the local authority will choose the range and size of contracts to be included, these may be for a much larger or more complex package of services, then the “challenging” organisation is interested in providing. An “unsuccessful” challenge could also potentially change the relationship between the local authority and the organisation that raises the challenge.

“You’ve got to be in it to win it”

On first viewing, the reforms to public services outlined in the White Paper offer promise of a more accessible set of services driven by the needs of the service user. The emphasis on decentralisation and a payment by results model that favour long term, sustainable outcomes would provide opportunities for the community sector to play a greater role in the delivery of public services. However there are real challenges to ensuring the community sector is able to take on this greater role and there are real concerns that contracts will be taken by large, private sector organisations.

Whilst the full impact of the reforms to public services is yet to be clearly established, the Work Programme offers a cautionary example of the current government’s approach to an open market model of commissioning². What has become apparent is that the environment in which community organisations operate has changed dramatically and a wider shift towards the ‘*marketisation*’ of charities is underway. Research published by the Third Sector Research Centre³ (Nov 2011) highlights charities are becoming increasingly dependant on commercial revenue rather than the more traditional sources of revenue such as individual charity, grants and donations.

If community organisations are to continue to play a key role in the delivery of public services in the future many will have to adapt quickly in order to compete effectively in this open market environment. However there is also an important role for the sector as a whole to speak out against the cuts to highly valued, local services and to ensure that commissioners and the government focus on the right mix of outcomes and localised service delivery, rather than simply cost.

² See “Pushed to the Edge” (2011)- <http://locality.org.uk/wp-content/uploads/Pushed-to-the-edge-Locality-analysis-of-community-involvement-in-the-Work-Programme.pdf> , Locality.

³ Clifford. D, McKay. S, Moro. D & Teasdale. S (2011) “The marketisation of charities in England and Wales”, Third Sector Research Centre.



Best Value Guidance

Background

2011 saw public spending cuts hit the VCSE sector extremely hard. In an attempt to reduce the national deficit the governments stated aim was, and still is, to cut £4 in spending for every extra £1 it will raise in tax with an overall aim to close the deficit in four years¹. This resulted in massive reductions in public spending with unprecedented cuts being applied to local authorities.

The impact of these cuts has filtered through to many VCSE organisations who receive public sector funding to deliver the much needed and valued services that they deliver locally. The union backed anti-cuts website *False Economy* estimated in August that over 2,000 charities will lose their funding from a local authority during this financial year. They claim that overall the sector will lose over £110 million² in income as local authorities continue to reign in the purse strings. Clifford Singer, campaign director at *False Economy*, said: "Ministers talk up localism and say services will be better shaped locally, but the huge front-loaded cuts to councils mean that local decision-making simply gives councils the choice of which vulnerable people they should make suffer for an economic crisis they did nothing to cause."

Best Value Guidance

In August 2011 the Department for Communities and Local Government issued new Best Value statutory guidance. This came about as a result of concerted third sector lobbying, spearheaded by Locality, calling for a moratorium on 'slash and burn cuts' and a 'right to reshape'. In effect, we were calling for greater dialogue between councils and community groups and service users to explore alternatives and to co-design fresh approaches to meet community needs.

The new guidance now makes it a requirement that this should happen. The guidance is very succinct - only one page long. It will not prevent spending cuts altogether, but it should encourage more positive behaviour, and it can be used to challenge bad practice.

The statutory guidance applies to **all local authorities**, as well as to other Best Value authorities (e.g. police and fire authorities, and combined authorities established under section 103 of the Local Democracy, Economic Development and Construction Act 2009). Moreover, **all central government departments** and agencies of government departments have also signed up to the standards set out in the guidance.

Why is the Best Value Guidance good for community groups?

- The authority should not only consider price when procuring or commissioning services. It should also consider economic, environmental and social value.

- *This means that if a community group offers additional community benefit over and above the contract specification (eg because the group employs young offenders) that should be taken into account by the authority in deciding where to award a contract*

- The authority should not make disproportionate cuts to the local community sector, in comparison with in-house cuts.

¹ <http://falseeconomy.org.uk/cure/the-false-economy-guide-to-the-deficit>, False Economy

² Wiggins, K (Aug, 2011) <http://www.thirdsector.co.uk/news/Article/1083029/Sector-will-lose-110m-local-authority-funding-says-False-Economy/>, Third Sector.

- This means that if an authority cuts its own direct activities by 5% but cuts the local community sector by 20%, this can be challenged.

- The authority should give at least three months notice of any cut to the community group concerned and to the public/service users as well.

- This is in line with the Compact, but the reference to service users is helpful, and unlike the Compact has statutory force (see below).

- Before giving notice of any cut, the authority should engage the organisation and service users 'as early as possible before making a decision' on the future of the service, on implications for associated land and buildings, and on the wider impact on the local community. It should also give community groups and service users and others a chance to put forward 'options on how to reshape the service or project'.

- This is an opportunity for the community group, and service users, to set out a fresh vision of what is needed and to make practical proposals, in dialogue with the authority.

- The local authority should make available 'all appropriate information' to assist this process.

- This allows a community group to see information about what the council really is up to, including how much it is spending on running things as they currently stand (eg costs of town hall staff, or building maintenance, or service contracts), and therefore gives a community group a chance to make a competitive proposal for a different way to deliver a service.

What can community groups do if an authority ignores the guidance?

- As statutory guidance, this has legal force and if a local authority, or other Best Value authority, or a government department, ignores the guidance, a community group has every right to challenge the behaviour.
- If the problem is with a local authority, it is usually a good idea for a community group to speak to an official or councillor first, referring to the statutory guidance.
- If that does not produce a quick change of heart, a more formal step might include an email and/or letter to a senior official, copied to relevant councillors.
- Mobilising service users is an excellent way to keep the pressure on. If other community groups are affected, working in a concerted way can increase the chance of success. Coverage in the local press and involvement of the local MP can also help.

What about legal action?

If you feel you have a strong case, legal action could also be considered. Normally this would mean a judicial review, to determine whether the procedures adopted by the authority complied with the statutory guidance.

To mount a judicial review challenge it is vital to act promptly, and certainly within three months of the problem arising. A specialist solicitor will be needed and legal aid may be available. Advice is available from the Public Law Project www.publiclawproject.org.uk, and if you are a Locality member, Locality may be able to give assistance.