

## **The Communities and Local Government Committee Inquiry into Community Rights**

### **Submission by ACRE: 02 September 2014**

ACRE is the national charity supporting rural community action through its founder members, the Rural Community Councils (RCCs) across England. The 38 RCCs are independent local development agencies, based at county level, addressing social, economic and environmental challenges in rural areas. They provide help, support and advice for community-led action in rural areas throughout England. The ACRE Network experience of over 25 years of community development work in rural areas advocates that support for new opportunities and innovative solutions are best delivered by trusted support organisations.

#### **Summary**

- This call for evidence is welcome and has provided ACRE with an opportunity to present the views and feedback from their Network members working across rural England. The evidence represents the Network's experiences in rural communities. Generally, there has been slow uptake of the Community Rights in rural communities. Rural communities indicate that they would benefit from seeing examples of positive outcomes from other communities before embarking on projects that make heavy demands on volunteers along with associated financial risks. There is definitely more scope and opportunity for rural communities to use the Community Rights legislation but it will take time and require on the ground support from local trusted agencies.
- Rural communities have traditionally owned assets from which activities and services have been delivered. The 10,000 village halls and similar rural community buildings were acquired by endowment, built as memorials, or through the hard work of volunteers raising funds and applying for grants to provide a place to meet within their community. An increasing number are being acquired through asset transfers from local authorities. Buildings used by the community are being registered as assets of community value but our members are not reporting wide use of the Community Right to Bid.
- Only two ACRE members report Community Right to Build activity and there are few examples of the Right to Challenge.
- RCCs are increasing their general activity around helping communities to deliver Neighbourhood Plans (NP) and are currently involved with over 100. There are however, emerging issues associated with a community deciding to take the NP route. We have examples of communities becoming moribund in terms of housing enabling activity when a NP process is begun. This is impacting on exception sites being brought forward and we would suggest, from the evidence provided, that in some instances, it would be more viable and achieve the same results, if a community pursued a simple exception site route rather than a NP process.

#### **1. What evidence is there that communities are aware of these rights and are using them?**

1.1 The ACRE Network reports that their approach in working with communities is to try and support communities to achieve their objectives using the tools that work most effectively and with the fewest resources. Their experiences demonstrate that this is best done without using

the Community Rights legislation and through positive discussion and negotiation with asset owners and service providers. However, when ACRE surveyed its Network in March 2014, 31% said that they had worked with communities who used the Community Rights legislation to take over or provide assets and/or services in their community. 44% had worked directly with local authorities on community asset transfer.

1.2 The Network also reported that within communities there is an awareness of the Community Rights particularly the Right to Bid but community expectations are often blighted by lack of understanding and incorrect interpretations of legislation.

### **Example**

**Community Action Suffolk** has worked on a project to turn the Trimley Railway Station building into a community centre. An initial two year lease on a peppercorn rent has been negotiated. During that time further plans and budgeting will be undertaken. This represents a good example of stakeholders working together in their own timeframes with trusted support and without the need for the Community Rights legislation.

## **2. If communities are not using the rights, what is the reason?**

2.1 There is a general awareness of the Community Rights legislation but no clear understanding of the possibilities and opportunities that the Rights could offer. Access to guidance, advice and support is predominately delivered online, with groups being allocated to a relevant support organisation with which the community may have had no previous contact. Lack of broadband or slow broadband speed in rural areas and possibly a lack of the required skills in technology, given the age profile of volunteers, may create some difficulties with access to information.

2.2 ACRE members report that on the whole local authorities are positive about greater community activity/service provision but are fearful of the potential costs. One RCC reported that in trying to support communities to use Community Rights to secure assets or services they had encountered local authorities who had not put in place an effective Assets of Community Value Register and lacked resources to process applications.

2.3 Although information about Community Rights is readily available, communities feel it doesn't relate to them or their parish. When more examples of communities using the Rights become available, the ACRE Network would be able to demonstrate the benefits of use.

2.4 With regard to the Community Right to Bid, the six month time frame is not long enough for a community to develop a plan and have the necessary funding in place. Groups taking on assets and services are volunteers with their own personal commitments. The development of business plans and budgets, exploring funding options, preparing applications and ensuring sufficient funds are available is a time consuming process without the added pressure of a six month deadline.

2.5 Regarding Community Right to Challenge, communities believe that certain services are not their responsibility and Parish Councils do not necessarily want to take on running of services. There needs to be take-up from the wider community or more of a cultural change. ACREs long standing experience of local service delivery suggests that the Right to Challenge is one of the rights that will have less take up naturally.

2.6 The Right to Build has also not been as well received. This is largely misunderstood and creates confusion with Neighbourhood Planning. Evidence suggests that this Right requires more support and promotion of benefits to encourage groups to participate.

2.7 Rural communities will usually come across the Community Rights in the course of exploring a community initiative rather than the Community Rights being a call to action or instigator of an idea.

2.8 Community enterprise models rely heavily on volunteers. Gloucestershire RCC and the Community Council for Devon inform us that volunteer recruitment, retention and fatigue is an issue in rural communities (and probably urban ones). Community enterprises rely on volunteers to set them up, keep them running and become viable. Increasingly, community asset business models will need to generate enough income to employ paid staff to provide continuity, accountability and manage volunteers.

All communities rely on the goodwill and enthusiasm of a handful of volunteers. This presents a challenge in small communities where there is a small pool of volunteers whose tenure can be finite. In addition volunteers need professional support and guidance which creates a demand on the services that our members provide beyond that offered for the Rights.

### Examples:

- **Cambridgeshire ACRE** evidenced that Parish Councils have been keen to register assets of community value including a bus shelter and camp site. There were two cases where an asset became available for sale, but the communities concerned were unable to acquire the required funding within the six month time frame.
- A Right to Challenge application was submitted to East Cambridgeshire District Council for the sports and leisure services. After consideration it was decided that the TUPE of staff and maintaining wages at current government levels would make the service unviable and difficult to channel towards a community focus. However, **Cambridgeshire ACRE** has reported that both organisations benefitted from going through the process and a dialogue has opened to other possibilities.
- **Action in Rural Sussex (AiRS)** are supporting the Neighbourhood Planning process and hope that new Community Buildings will be provided as part of the Slaugham and Ferring Community Right to Build Orders. There are four further capital projects in Chichester District, at least one in Horsham and another in Mid Sussex which may come forward either using Community Right to Build Orders or conventional planning routes. They can access Homes and Communities Agency (HCA) funding for the professional fees, which may include AiRS services, to develop their projects to that stage but that pot is expected to run out in April 2015.

The advantages of the ACRE Network supporting projects are continuity, local and historical knowledge, training and publications, personal relationship/community development building and the ability to attend evening meetings. Support from the current providers (Locality) tends to be arms length and web based.

Community projects are intrinsically people based projects. By attending meetings with Parish Councils AiRS has persuaded them to deliver grants of £40,000 to £400,000 for a variety of projects. The support service needs to be available at the point communities need such help, including help with the HCA bid itself'

- The **Rural Community Council of Essex (RCCE)** report that has been some success around up- take of listing assets on Community Asset registers. One District Council has 50 assets registered because they have taken a pro-active approach with the support of RCCE. Other District Councils in Essex have 10 or less listed. Assets listed in Essex vary from a castle to open spaces. There has not been a successful Right to Bid in this reporting period.

RCCE also reports that there has been no uptake in rural Essex of the Right to Challenge (despite providing information and training), Right to Build or Right to Reclaim Land.

### 3. How successful communities are using them to achieve their objectives?

3.1 Community Right to Bid - ACRE notes that there are a number of high profile examples of communities taking over assets whether through the right to bid or asset transfer (Ivy House Pub in South London and Hastings Pier). These cases achieve publicity and have a wide user base which attracts support for the project. In rural communities smaller less conspicuous projects are equally important and whilst they achieve their objectives the whole process can take years with a dash at the end to pull the funding packages together.

#### Examples:

- ACRE and **Oxfordshire Rural Community Council** supported the Friends of Horspath in their acquisition of a Methodist Chapel. The Chapel had been used as a community meeting place since 2004 but the church authority decided to sell it for development into a four bedroom executive house. It was registered as an asset of community value and prefeasibility funds were awarded by the Social Investment Bank. They struggled to put together the £100,000 funding package in the six month moratorium period. The ACRE managed Defra Rural Community Buildings Loan Fund provided the final piece of funding with the rest coming from the local Parish Council, the District Council, three local charitable trusts plus personal pledges and donations. The Chapel will become the community hub accommodating a part time post office, luncheon club, education classes, a fruit and vegetable market and a film club.

The Horspath Hub succeeded because of the dedicated team behind the acquisition and the timely introduction of the Localism Act and the Community Rights. In this case without the Right to Bid the chapel would have been sold for development.

- Neighbourhood Planning - Successful neighbourhood plans have long term benefits. **Action in Rural Sussex** is the market leader in their County for support for Neighbourhood Plan groups. They are currently working on 21 plans in Sussex and one in Surrey. Arundel Neighbourhood Plan passed its examination in March 2014. The examiner was especially complimentary about the levels of community engagement and consultation undertaken throughout the process which was described as "exemplary in its nature". The plan went to examination on April 8 and was the first to do so in Sussex embedding it as part of the South Downs National Park Authority Plan.

### 4. How helpful is the guidance and assistance that has been made available to communities and local authorities to help them use and understand community rights?

4.1 The website and guidance is clear and accessible to those who have the skills to access the internet and have access to a reliable broadband connection. The documents explaining the Rights are clear and well written. However, it is the quality of support and advice that is crucial to community groups. ACRE believes that there has not been enough consistent 'on the ground' support available for communities and local authorities to fully understand and commit to extensive use of the Community Rights.

4.2 Support needs to have full geographic coverage in a real sense, i.e. not just from a national organisation that says it covers the area in question. There needs to be a demonstrable ability of an organisation to 'reach' all communities in request of advice; ACRE and its Network can demonstrate reach into 50,000 grassroots organisations.

4.3 We would advocate that support services must also be local and consistent in approach. This comment stems from our Network's vast experience of delivering community support. Using ad hoc consultants does not work well, especially with more remote and insular communities where trust plays a very large role in engagement.

## Examples:

- The **Rural Community Council for Essex (RCCE)** report that they use the guidance available and it is valuable. However, the most popular element of support to communities is the practical one-to-one support offered by them. When the RCCE worked with Planning Aid to host events, they were well attended and well received.
- Local authorities have been similar to communities in that there has been a huge difference in interest in the Rights. One District Council has been proactive and communities have responded listing the most assets. They also have an agreement with RCCE to provide support with the Rights. Where other local authorities have little or no information or will to promote, communities have not taken up the Rights so readily.

## 5. What more, if anything, might be required to encourage more widespread use of these rights?

5.1 The Community Rights are well known within the sector but could be perceived by businesses and individuals working in other sectors to be a threat, i.e. asset owners perceive less income from a sale to a community and possibly a loss of jobs because volunteers are taking over.

5.2 The high profile case of the registration of Blencathra Mountain, Cumbria as an asset of community value is an example of the value of local support organisations (registration as an asset of community value was initially suggested to the action group by our member organisation in Cumbria) and the desire of the owner to sell to a private individual.

5.3 ACRE has supported and advocated for community ownership and management since it first provided support services to village halls and similar rural community buildings in the 1930s. The value of community owned assets and delivery of services needs a higher profile across Government and in particular across other sectors. However, raising awareness and endorsing its value requires investment in the structures that provide support. Online guidance with small amounts of grant funding and no ongoing face to face support is not enough.

## Examples:

- **Rural Action Derbyshire** supported a community to bring a swimming pool under community ownership and management through negotiations with the local district council. Whilst this was not a transfer under Community Right legislation the original staff, employed by the council to manage the pool, were unsupportive as they did not want the community to succeed where they may have been seen to fail.
- Another ACRE member worked with their local Rural Housing Group who wanted to express an interest in redundant police constabulary housing for conversion. In one of the two cases the interested group managed to put a bid together. Unfortunately, neither was successful. This case highlighted the need for organisations, such as the Police Authority, to be informed of the Community Rights and consider the possibilities for redundant buildings and their social responsibility and not just the maximisation of the value of assets.

If you have any further queries or require clarification please contact Deborah Clarke ([d.clarke@acre.org.uk](mailto:d.clarke@acre.org.uk))