

Written evidence submitted by the Building and Social Housing Foundation (BSHF) [CRS 33]

1 Introduction

- 1.1 The Building and Social Housing Foundation (BSHF) is an independent housing research charity committed to ensuring that everyone has access to decent and affordable housing, and holds Special Consultative Status with the United Nations Economic and Social Council.
- 1.2 Since 1994 BSHF has organised an annual series of in depth consultations at St George's House, Windsor Castle, on a range of housing issues. Our consultation of May this year focused on increasing the contribution of community-led housing solutions to housing supply in the UK.
- 1.3 Participants from a range of sectors including community-led housing practitioners (from both the UK and internationally), academics, central and local government, and the mainstream housing sector met to discuss this important issue. This submission is based on the discussions held at this consultation and the conclusions reached. A full list of the participants in attendance is provided at the end of this submission for information. The points raised in this submission do not necessarily represent a consensus of opinion of all those present.

2 What evidence is there that communities are aware of their rights?

- 2.1 By definition the community sector is bottom up, fragmented and often run by non- or semi-professional voluntary groups. Resources (financial, human etc.) are limited. As a result of this, the capacity to research, detect and respond to consultations such as this, funding opportunities or other such 'Community Rights' interventions is not the same as in established 'professional' sectors operating in equivalent fields. The time it takes to mobilise and respond to such opportunities may not match the resources available to these groups.
- 2.2 Organisations like Locality¹ and the My Community Rights² website have helped to increase awareness, but more work is needed to do this among communities who are not already proactive, to demonstrate the potential of these opportunities and how they can benefit them. What is needed is a strategic approach considering how communities can be made aware of these rights and supported to use them, which will require proactive engagement at the local as well as national level.
- 2.3 Urban Forum carried out some research in 2012 which looked at awareness levels among communities in relation to their rights and perceptions about their impact³.

3 If communities are not using the rights, what is the reason?

- 3.1 Feedback about the Community Right to Build at our Windsor 2014 consultation suggested the tool was ineffective at achieving its desired aims, as the accompanying funding was fundamentally not fit for purpose. The inflexibility of both Community Led Project Support Funding⁴ and its predecessor, in relation to the objective being to help communities achieve planning permission (rather than supporting community groups to establish themselves and develop skills, amongst other possibilities), was highlighted as the primary flaw.
- 3.2 Some participants felt that the processes currently in place at the Homes and Communities Agency, with particular reference to public land disposal precluded community-led groups from gaining access. Specifically, the HCA development and land disposal strategy⁵ sets out that developer procurement for site disposals of the HCA's own land will be carried out in many cases using the established Delivery Partner Panel (which was set up via an OJEU process).
- 3.3 In addition, it was suggested that the processes currently in place at the Homes and Communities Agency which require 'investment partner' status in order to access funding (within the Affordable Homes Programme) act as a barrier to community-led groups. In some cases community-led groups are able to partner with a Housing Association with investment partner status, but as not all communities have access to Housing Association partners the fact that this currently appears to be the only (or most straightforward) option for accessing AHP funding was felt to be a 'postcode lottery'.

- 3.4 Access to land was a further issue which arose repeatedly during the event. Specifically, and similarly to the finance issue, the ability to access public land is dependent on: a) there being land of this type in the relevant development area, and b) the level of engagement of the local authority in disposing of this land according to the Social Value Act. Participants felt that a broader approach to gaining land for community-led projects is required, exploring **all** public sector landholdings, as well as other sites such as those held by the Crown or the Church. The potential for increased use of Compulsory Purchase Orders to enable developments to move forward was also discussed. Compulsory Purchase powers are already included on the guidance for Community Rights.⁶
- 3.5 We have also been advised that Community Rights have the potential to create an adversarial relationship between communities and local authorities, rather than a collaborative one. This is not seen as desirable for many community groups as it is not conducive to long-term partnership working. The asserting of rights in the face of opposition, whilst an important principle and sometimes necessary, is not seen as the optimal way of achieving positive change for the community when working with a local authority, and we did not hear any accounts of local authorities being particularly resistant to community driven projects or the prospect of community ownership. The majority of anecdotal evidence we have come across with regard to relationships with local authorities indicates that they are generally supportive (in varying degrees) rather than resistant to community-led projects.
- 3.6 It was also keenly felt that the potential and success of self-help housing projects which make use of existing buildings should receive equal attention and support. For example the Empty Homes Community Grants Programme, whilst focusing on existing properties, enables community-led projects to improve properties in their area and provide housing without the complications covered above⁷.

4 How successful are communities in using these rights to achieve their objectives?

- 4.1 In some cases it was felt that time constraints and bureaucratic processes create an environment in which community groups with limited experience and resources find it extremely challenging to operate. A greater network of support (time and skills) for community groups is needed to achieve any increased impact, as essentially many community groups are made up of members who do not initially possess the necessary skills to bring a project forward, and are often working on such projects in their spare time.
- 4.2 The process can be facilitated through initiatives like the Empty Homes Community Grant Programme. BSHF has been involved in informing this funding programme and highlighted the importance of intermediary support.⁸ While some support is available through Locality, greater intermediary support would be helpful in assisting community groups to make better use of their rights.

4.3 An additional point is that it is not known with any certainty how many community-led projects exist – by their nature they do not report to any central body (though there are networks in place, not all projects are necessarily members). Local authority planning/housing departments are not required to itemise this type of project (for example within ELASH reporting) so they do not form part of local or national statistics. Measuring the scale and success of the sector is very difficult, though, by definition, the community-led sector itself cannot (and should not) be centralised.

5 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?

5.1 The feedback we received suggested that community groups find it difficult to operate in the current environment. There were mixed views about the solution to this being greater partnership with Housing Associations. While most participants agreed that Housing Associations have the skills, capacity and ethos to support community-led projects, some voiced concerns that working with Housing Associations has on occasion resulted in a loss of community control or a ‘rubber stamp’ exercise which does not represent genuine engagement. It is also notable that there was no particular issue raised with regard to working with local authorities. In fact the issue that prevailed was access to land and buildings outside of local authority asset holdings and how this could better be facilitated. In particular it was suggested that the current compulsory purchase mechanism is not fit for purpose and the idea of replicating ‘eminent domain’ (as used in the U.S.)⁹ was considered worthwhile.

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

6.1 There is scope for greater co-operation across the existing community sector which may lead to increased momentum, increased awareness at grass-roots level, better knowledge transfer and co-ordination¹⁰. There is also a need to increase awareness amongst all audiences (public, professional, local and national political representatives, corporate etc.) about the possibilities and benefits of this form of solution. Government might help to scale the community-led sector through:

6.1.i Introducing some form of incentive for local authorities and housing associations/developers to engage effectively with communities, seek out existing community groups and encourage the formation of new community groups in their areas of operation. For example, greater weight attributed to planning applications where communities have been significantly involved in shaping a development; greater weight attributed to applications for funding where communities have been involved in shaping a bid; increased new homes bonus where homes are provided as part of a community-led project.

6.1.ii Introducing a target for planning authorities to ensure community led schemes are considered and (potentially) allocated a sufficient number of units to deliver (possibly to be incorporated into the self-build requirement).

6.1.iii Providing guidance or access to expertise for community groups applying for AHP funding who are unable to partner with a Housing Association, to give them greater support in navigating the pre-qualification process.

6.1.iv Exploring how to improve the system of compulsory purchase on behalf of communities, how this works, how it is funded, and how communities are assisted in this process (there is minimal guidance for communities on this issue). This could include explicitly suggesting use of compulsory purchase orders to local authorities where there is the local will to deliver development, using the existing measures for justification; cite longer term social value/social return on investment.

6.1.v Requiring statutory consultations (e.g. regarding planning applications or local plans) to include advice to communities about their rights and how to exercise them – ensure advice is standard, simple, clear and does not differ from community to community. Use statutory consultations to encourage community groups to approach planning authorities and make their requirements known (land allocations or other resources to support community-led projects may be forthcoming through Local Plans or Section 106 agreements).

6.1.vi Requiring the process of brownfield site delivery through Local Development Orders to include communities in determining the detail of the permissions (with a presumption in favour of development).

7 List of participants (Scaling Up Community Housing Solutions, May 2014)

Name	Job title	Organisation
ALAFAT, Terrie (Ms)	Director of Housing Growth and Affordable Housing	Department for Communities and Local Government
ALCOCK, David (Mr)	Senior Associate	Anthony Collins Solicitors
ALI, Mansoor (Dr)	Head of International Programmes	BSHF
ASHFORD, Isobel (Mrs)	Head of Communications	BSHF
BARTON, Kay (Ms)	Deputy Director, Housing Supply	Scottish Government
BEST, Richard (Lord)		House of Lords
BLISS, Nic (Mr)	Chair	Confederation of Co-operative Housing
BRAND, Anthony (Mr)	Strategy Officer	Homes and Communities Agency
CRITCHLEY, Emma (Ms)	Development Officer - Neighbourhood Planning	Locality
DAVIS, John (Dr)	Partner	Burlington Associates in Community Development, LLC
DAY, Cammy (Councillor)	Councillor	The City of Edinburgh Council
FITZMAURICE, Jon (Mr)	Director	Self-Help Housing.Org
GOODING, Jo (Mrs)	Coordinator	UK Cohousing Network
GRACE, Noel (Mr)	Group Finance Director	Trident Housing Association
HAGGERTY, Rosanne (Ms)	President and Founder	Community Solutions
HARRINGTON, Catherine (Ms)	National Coordinator	National CLT Network
HASAN, Arif (Mr)	Chairperson	Orangi Pilot Project - Research and Training Institute
HILL, Stephen (Mr)	Director	C20 Futureplanners
IRELAND, David (Mr)	Director	BSHF
JONES, Mike (Councillor)	Chair	LGA Environment and Housing Board
JONES, Sean (Mr)	Senior Policy Adviser	Department for Communities and Local Government
KEAR, Anna (Ms)	Regional Development Director (Hampshire and Wiltshire)	Aster Group
KNORR-SIEDOW, Thomas (M.A.)	Partner	Urban Plus
LINE, Jenny (Ms)	Senior Researcher	BSHF
MICHAEL, David (Mr)		Springhill Cohousing Community
MOORE, Tom (Dr)	Research Fellow	University of St Andrews
MULLINS, David (Professor)	Professor of Housing Policy	School of Social Policy, IASS
NEWMAN, Martin (Mr)	Director	Giroscope
PALMER, David (Mr)	Manager, Cooperative Housing Project	Wales Co-operative Centre
PARRY, Liza (Ms)	Executive Director	Housing People, Building Communities
PATCHETT, Mark (Mr)		Mark Patchett Consultancy Services
PATERSON, Robert (Dr)	Director	Community Land and Finance

PEARCE, Jennifer (Mrs)	Researcher	BSHF
PEARSON, Alan (Mr)	Trustee	BSHF
SMEE, Anna (Ms)	Director of Ventures	The Young Foundation
SMYTH, Judith (Ms)	OPM Associate	OPM
STEVENS, Jon (Mr)	Community Housing Consultant	HACT
STEVENS, Ted (Edward) (Mr)	Chair	National Self Build Association
THORRINGTON, Simon (Mr)	Regional Director, North	The Charity Bank
VERONESI, Mariangela (Ms)	International Programme Officer	BSHF
WILSHAW, Roger (Mr)	Head of Policy and Public Affairs	Places for People
YAFAI, Silvia (Mrs)	Head of International Programmes	BSHF
ZERBONI, Fernando (Mr)	Secretary General	FUCVAM

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¹ <http://locality.org.uk/>

² <http://mycommunityrights.org.uk/>

³ Website no longer operational but we hold electronic copies of the report and can provide a copy on request

⁴ <https://www.homesandcommunities.co.uk/community-led-project-support>

⁵ http://www.homesandcommunities.co.uk/sites/default/files/our-work/hca_development_and_land_disposal_strategy.pdf

⁶ You've got the power guide to community rights refers to Compulsory Purchase Orders on page 4.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244635/130924_You_ve_got_the_power_accessible.pdf

⁷ The impact and benefits of self-help housing as a form of community-led provision are covered in greater depth within the submission to this inquiry by Self-Help Housing.org

⁸ <http://www.bshf.org/published-information/publication.cfm?lang=00&thePubID=44C468D5-15C5-F4C0-991E05880EB99869>

⁹ See The Community Land Trust Reader (Chapter 1) http://www.lincolnst.edu/pubs/1766_The-Community-Land-Trust-Reader

¹⁰ We also refer you to the Confederation of Cooperative Housing; UK Cohousing and National CLT Network submissions which outline further reflections on how greater impact could be achieved.