



The Draft Legislative
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Date: 5th August 2008

Dear Sir

**PREPARING BRITAIN FOR THE FUTURE
THE DRAFT LEGISLATIVE PROGRAMME 2008-9 CONSULTATION**

The East Midlands Rural Affairs Forum (EMRAF) is both enthusiastic and pleased to be able to respond to this consultation.

EMRAF is a partnership of some 60 organisations across the statutory, public and voluntary sectors within the region and has established over its lifetime a number of thematic sub-groups together with specific task and finish groups, which are charged with sharing and promoting good practice and delivering activities in light of the opportunities provided by the East Midlands Rural Action Plan 2007-2013, which has an overall vision of *the rural East Midlands being a vibrant place for people to live, work and visit.*

Following on from a workshop organised by EMRAF at the end of July, we have taken a collective view across EMRAF's membership to secure a snapshot response to the above consultation, as detailed in Annex 1. You will note that a list of organisations that attended our workshop is indicated within Annex 2 and the specific responses made by workshop delegates is included as Annex 3.

As an overall statement, it can be stated that delegates who attended the workshop strongly supported the opportunity to provide feedback and welcomed the process used, though a longer consultation period would have been advantageous. However, there was a wish that, mindful of the length and cost of document downloading and printing (especially in those rural environments with poor broadband availability), these types of consultation documents should be made available on a low or no-cost basis to the Voluntary and Third Sectors, at the very least.

It was noted that depending on the consultation document considered, there was a variety of consultation questions posed and we have used as a basis for our response those referred to in the "Your Voice" leaflet. However, as these questions are fairly open ended, we have taken the opportunity to provide additional commentary as appropriate throughout this response. Delegates felt that a more structured set of questions would have helped to develop a more consistent response.

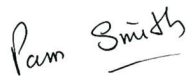
We recognise that the aim of new legislation is to propose solutions to the challenges that we face, through the enabling of government and other partners to work together to help

maximise environmental, social and economic benefit in all areas of the country. This is especially true in our rural areas where deprivation and inequalities often remain hidden.

In relation to securing the best outputs for our rural communities, we strongly endorse the application of rural proofing, or indeed rural mainstreaming, within the legislative decision making and allied processes which should be subsequently monitored, measured and challenged to ensure suitable equitable rural consideration has been taken into account during a Bill's parliamentary life-cycle. There was some concern raised by some delegates as to how well this process had been embedded within the drafting of a number of these Bills to date.

We look forward to promoting the results of this consultation process through our Forum in due course, though in the meantime, we hope you find these comments of value and if you require any clarification of the points made, do not hesitate to contact us.

Yours sincerely



Pam Smith OBE – EMRAF Chair



Peter Orban – EMRAF Co-ordinator

cc – Phil Hope MP, Regional Minister for the East Midlands
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cc – Jonathan Shaw MP, Minister for Marine, Landscape and Rural Affairs
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Annex 1

Q1 Overall, what do you think about the themes, bills and other actions outlined in the Draft Legislative Programme? How much do they match your own priorities for what you think the Government should be doing?

It was recognised by delegates that as the social, economic and environmental agenda is constantly evolving, the nature, priority and scope of suggested Bills will constantly change. As such, the proposals as outlined are a fair reflection of some of the challenges we face. Within the East Midlands, our Rural Action Plan details seven key priority areas for attention, some of which are considered within this draft legislative programme;

- 1 Improving Access to Affordable Rural Housing
- 2 Increasing the Quality of the Region's Green Areas
- 3 Improving Enterprise, Innovation and Employment
- 4 Improving Accessibility to Jobs and Services
- 5 Developing Active Communities
- 6 Supporting Land-based Rural Businesses
- 7 Addressing Climate Change

Taking each of the four legislative core themes in turn;

Economic Stability

Banking and Reform Bill

- This was viewed by a number of delegates as essential in restoring confidence in light of the current climate across all economic sectors, including rural communities and businesses

Savings Gateway Bill

- Concern was expressed by delegates as to the potential effectiveness of this Bill within a rural environment. Whilst these concerns are detailed more fully within the response to Question 3, the main points were;
 - The inability of the poorest in society to save, when living costs such as food and fuel are increasing, especially within a rural environment
 - Much of rural employment is found within lower paid jobs
 - The lack of physical and electronic accessibility to rural financial services
 - The lack of financial and IT literacy within rural communities

Business Rates Supplement Bill

- Some delegates suggested that the rural economy as a whole would benefit more from the better promotion and continuation of the existing 50% rate discount for small rural businesses
- The developing Multi Area Agreement economic development agenda must not wholly focus on the urban centre to the exclusion of rural communities
- Continued reference to “upper tier authorities” within this and other Bills was a concern. Much of the rural East Midlands retains the tiered system of local governance and continued sole reference to “upper tier authorities” could significantly disadvantage both rural areas and communities

Marine and Coastal Access Bill

- The implementation of this Bill could increase stresses between the designation of conservation zones and the need for coastal defences to protect low lying areas, especially within rural environments
- Furthermore, conflicts could arise between those offering public and private sector coastal tourism opportunities and rural communities including local farming and land based industries. Certainly access, parking and land ownership issues could all be a substantive issues

Heritage Protection Bill

- One delegate suggested that there an opportunity within this Bill to improve protection for ancient and veteran trees, which are not currently fully protected by the Tree Preservation Order system

Making the Most of Your Potential

Education and Skills Bill

- Basic education was recognised as being fundamental to all improvements at a personal and spatial level and that a prompt review was supported
- Comments made within the response to the Welfare Reform Bill were equally valid in this section. In addition, there was a strong view that to fully engage the rural community in the uptake of increased learning, the provision of better transport and childcare infrastructure is major importance. There was also support for the extended schools concept, particularly within the rural environment, as it was felt by some delegates that the concept of “distance learning” was not appropriate for rural communities
- Rural businesses do need special support to address more local issues, such as in the employing and up-skilling of migrant workers
- Apprentice schemes must be made more suitable and sufficiently simple for small rural business to offer subsequent employment opportunities

Welfare Reform Bill

- There was general agreement between delegates that the positive provision of better access to skills and services is the key to helping the rural less well-off and the means to support this would be supported. However, factors such as the changes to the Post Office network has been a real substantive blow to this target rural audience and in particular the elderly. Research into and the subsequent implementation of new methods of outreach would be welcomed

Personalisation and Improvement of Public Services

Communications Data Bill

- Whilst this Bill deals with the security of data, delegates wished to recognise that the provision of broadband within the rural residential and business markets remains poor relative to urban areas.

Handing Power Back to the People

Community Empowerment, Housing and Economic Development Bill

- Delegates recognised the priority importance of the recent consultation concerning the Sub-National Review (SNR). Whilst EMRAF’s response to this consultation (facilitated through a separate workshop with other delegates) is available through the East Midlands Rural Knowledge Network,

www.ruralaffairs.org.uk, particular concern was raised through this current workshop in relation to the importance of;

- The need for Regional Development Agencies to fully consider environmental and social as well as economic outputs and benefits
- The proposed Leaders Forums need to be fully inclusive in order to reflect the needs of rural local authorities and partners, including the voluntary and private sectors and be able to fully scrutinise RDA outputs
- The duty on local authorities to carry out an economic assessment should extend to environmental and social factors
- As mentioned earlier, any structure or process used within the SNR will need embed rural proofing
- Delegates recognised the huge importance of local community led planning processes, such as through parish plans, and the vital duty of statutory agencies to fully engage within this process
- Strong built and natural environmental considerations were emphasised by delegates, such as;
 - Focus should be on improving the environmental standards of existing housing stock and not just on making new houses “zero carbon”
 - Public Sector construction contracts should encourage use of wood and other low carbon materials, rather than plaster etc, to assist reducing carbon emissions and tackling climate change
 - The release of surplus public sector land, both in an urban and rural setting, for the provision of affordable housing
 - Ensuring that the location of new eco-towns do not conflict with existing sites of public benefit and natural habitats whilst offering adequate public access to green open space, including woodland

Q2 Looking at the themes on pages 2 and 3, which of them should the Government’s focus on in the year ahead?

There was no consensus offered as to a priority list. Indeed many of the proposed Bills could be viewed as a priority and it is recognised that the Government's own priorities may alter over time. Comments that were made in this section have been embedded, where possible, into the response to Question 1.

Q3 Are there any proposals in the Draft Legislative Programme which you believe are unnecessary?

As mentioned within the response to Question 1, concern was raised by delegates as to the effectiveness of the Savings Gateway Bill in relation to those who live within and work within a rural environment. Issues that may compromise its suitability include;

- For those who are the poorest in society and are on benefits, the need to cover current and future expenditure is often greater than the need to save, which is being increasingly impacted upon by the likes of raised fuel charges, especially within a rural environment where alternative choices are not always available
- Whilst employment within the rural economy remains relatively strong, a large proportion are within lower paid jobs, which may well be just above the benefits threshold which would qualify for the support proposed
- The lack of physical and electronic accessibility to rural financial services, as demonstrated by the reduced provision of post offices services within

some rural communities following the implementation of the Post Office Network Change Programme and the lack of rural broadband services

- Due to the inherent remoteness of rural communities, financial and IT literacy within rural areas are often not as developed as in an urban communities, due to lack of easily accessed training opportunities

Q4 Are there important issues which are not covered by the Draft Legislative Programme that you would like to see included?

Delegates provided a number of general themes that they would wish to see included in the draft legislative programme, including;

- The impact of the results of the Matthew Taylor Review of Rural Economy and Affordable Housing
- The impact of the results of the Pitt Review: Lessons Learned from the 2007 Floods
- Climate Change. Indeed this may be expanded further to include rural transport issues in relation to the accessibility to rural services and employment
- The environmental, social and economic benefits of promoting woodland creation in both urban and rural areas. Indeed this could be expanded to include further opportunity to encourage children to have access to and experience of the natural environment, such as through the eco-schools concept
- The rural proofing of the benefits system to reduce rural inequalities. For example, in terms of housing benefits, rural residents could well be discriminated against as there is significantly less availability of smaller dwellings for single people
- The development of sustainable agricultural policy and the preservation of rural traditions, such as food manufacture

Other Specific Comments

A couple of delegates provided a list of other specific comments, for consideration.

- Adult Learning
 - Mental health needs and support across sectors and communities
 - Choice of provision, engagement with some employers
 - Supportive infrastructure ie: childcare, transport, sensitivity to cultural variation
 - Framework infrastructure to support third sector organisations and the development of local community activities
 - Development of the QCA to include a range of assessment tools ie: initial assessment, entry and exit assessments and qualifications
 - Welcome right to time off to train, will require infrastructure support and equal access to choice and opportunity
 - Funding methodology to support learners to persist, progress and achieve in a non-linear fashion
 - Citizenship and immigration bill, right to ESU provision, right to a range of assessment routes
 - Equality of access, equality of opportunity
 - Informal and formal
 - Worked based provision – Train to Gain and apprenticeship opportunities

- ESOL provision for migration communities
 - Banking/savings, financial literature skills
 - Range of learning opportunities – distance learning, blended learning, face to face learning
 - Access to IT skills, training to use IT skills, access to internet – cost of connection and connectivity
- Voluntary and Third Sector considerations, offered through a page by page reference (though slightly edited to assist in its comprehension);
- **Page 15 – Education & Skills**
Time to train – generally in favour but should it be right to ask or right to obtain? But employee must have parameters of time to be resourced (eg: 1% of wage)
 - **Page 16 - Agency Workers**
Do not lose the benefit for employers of quick employment solutions and corresponding quick terminations
 - **Page 18 – Neighbourhood Policing**
“Neighbourhood” is not a particularly well applied term to the rural agenda whereas “community” or “local” is much better understood. Minimum standards are to be welcomed but will be different in rural areas, such as response times?
 - **Page 19 – Policing**
Directly elected reps are mentioned, though what does this mean in practice? Does it refer to elected or selected representation? What are the criteria? How does this differ from councillor representations? Will there be backfill of time?
 - **Page 22 – NHS Reform Bill**
Dentistry seems to run different for the rest of the provision and its needs consistency within the remainder of the NHS. From a rural perspective, its provision is more patchy, expensive and not as transparent
 - **Page 23 – Health (though relevant generally)**
Primary Care Trusts, Police, Connexions, DWP etc, are all statutory agencies who should be required to engage with local communities. Within a rural environment, community led planning processes, such as through parish plans, are the most comprehensive empowerment capacity building consultation progress available and its use is encouraged
 - **Page 23 – Sport England**
Community Sport Infrastructure, delivered through the likes of Sport England and county Playing Fields Associations, must consider the needs of rural communities as well as those within an urban environment
 - **Page 35 – Environment (though relevant generally)**
There is a huge potential benefit from the mapping of and subsequent feasibility studies within this field and its enabling through the likes of local authorities and Rural Community Councils
 - **Page 36 – Heritage (though relevant generally)**
If natural and built heritage protection is to be led by Third Sector organisations, full cost recovery and backfilling of time should be provided to enable its delivery
 - **Page 45 – Welfare Reform Bill**
There is great potential to engage Rural Community Councils to disseminate policy and raise awareness of benefits
 - **Page 71 – Reducing Regulation Burdens**
The Third sector would welcome 25% reduction, as stated, but welcomes clarity around how this is to be achieved

Annex 2

List of organisations engaged within the consultation workshop

Derbyshire Dales District Council
East Midlands Rural Affairs Forum
Government Office for the East Midlands
National Institute of Adult Continuing Education
Northamptonshire ACRE (Action with Communities in Rural England)
Northamptonshire County Council
Small Business Owner
The Woodland Trust
Travel Watch East Midlands

Annex 3



Delegate responses to joint EMRAF Workshop posed questions, noting that with a process of this nature, transcription errors do occur and errors and omissions are expected.

Question 1

Overall, what do you think about the themes, bills and other actions outlined in the Draft Legislative Programme? How much do they match your own priorities for what you think the Government should be doing?

Community Empowerment

- Ensure that eco-towns give people access to green open space including woodland. Include woodland trust's access to woodland standard as part of the criteria for open space in eco-towns.
- Eco-towns should not be sited anywhere which would damage ancient woodland or other important semi natural habitats.
- Focus should be on improving environmental standards of existing housing – not just making new houses “zero carbon”.
- Danger that new leaders forum will be urban dominated.
- Concern that SNR is handing planning powers to RDA's which are economically focused and lacking in democratic accountability. RDA's should be refocused to become “Regional Sustainable Development Agencies”.
- Duty on local authorities to carry out an economic assessment should extend to all three aspects of sustainable development.
- Ensure that the range of voluntary sector bodies which operate in rural areas continue to have a voice in new structuring eg: by being represented on the new leaders forum for each region.
- Government construction contracts should encourage use of wood and other low carbon materials, rather than plaster etc, to assist reducing carbon emissions and tackling climate change.
- Needs to be effective and responsive to community need. Community priorities – housing, jobs, access to services.

Housing Bill

- Need to ensure rural proofing is entered in plan development and SNR structures.
- The release of surplus public sector land for housing is a must in times economic decline and this is just as important in rural areas.

Heritage Protection BSK

- Is an opportunity to improve protection for ancient and veteran trees (not adequately protected by TPO system).

Communications

- More than the date enabling who wish to do so access communications through broadband etc.

Business Rates Bill

- Not timely.
- Better help to rural if continued existing business rates benefit of up to 50% discount for small rural businesses.
- Action – Multi area agreement focus on economic development should not focus on purely the urban centre to the exclusion of rural communities.

Welfare Reform

- Spatial issue again recognition that rural poverty is very significant – could make the poorer people not always able to access services.
- Access is the key to helping poor people living in rural areas. The lost post office network has been another blow to particularly the elderly, new methods of outreach should be researched.

Marine Bill

- Tension in Marine Bill between designation of conservation zone and need for coastal defence to protect low lying areas.
- The coastal has many benefits to the tourism industry, but has draw-backs to the farming and land based industries. This needs to be solved.

Education

- In order for quality of services, transport and childcare infrastructure is paramount. The other issue is the school role and sustainability.

Economic Stability

- Access is key and the use of resources already in rural areas would like to see more on strengthening rural economy.

Other comments relating to this question

- Missing Issues - Matching skills to local and/or regional needs.

- All bills etc should through their stages be examined against the Rural Proofing requirement.
- It is unclear whether rural considerations have been taken into account in the preparation of the DCP.
- Focus on actual needs of any group or area and how to ensure that they are reached. This might include finance interaction and all local authorities relevant groups.

Question 2

Looking at the themes on pages 2 and 3, which of them should the Government's focus on in the year ahead?

Education and Skills Bill

- Basic education is fundamental to all improvement ie: personal, local, regional, national.
- Needs review and quickly.
- Rural businesses do need special help with small schemes of help – migrant workers etc.
- Ensure provision for rural is accessible/required and keeping an adequate breadth of provision. Apprentice schemes must be made suitable and sufficiently simple for small business to offer opportunities.

Rural Health Issues

- Do need to have a more proactive approach to the needs of the area.

Community and Individual Empowerment

- Need to make sure that resources for housing and regeneration should be available to all communities.
- There must be a robust system of scrutiny.
- Getting new regional strategies right is crucial, so community empowerment bill should be given priority.

Business Rate Supplement Bill

- Giving upper tier authorities only this power is a mistake and will mean that rural market towns will find it very difficult to access funds.

Banking and reform

- Essential, restore confidence across all business including rural.

Marine

- Focus on environmental side, business benefits may take much longer, also issues of land ownership requiring lengthy debate.
- Access also problematical.

Other comments relating to this question

- Handing back power to people – making the most of your potential.

Question 3

Are there any proposals in the Draft Legislative Programme which you believe are unnecessary?

- Savings/Practicality if suggestion for people on benefits.
- Not touching low paid who just miss benefits but who make up a large percentage of employed rural areas.
- Also issue how access point of savings.

Question 4

Are there important issues which are not covered by the Draft Legislative Programme that you would like to see included?

- Impact of Matthew Taylor Review of Rural Housing and Economy should be built into DLP.
- Impact of Pitt Review on DLP needs condensing and reflecting.
- Government should do more to promote woodland creation in urban and rural areas. Woods bring social and economic as well as environmental benefits.
- Government should do more to provide access to public transport in rural areas, both for social reasons but also to help combat climate change.
- Government education policy should encourage children to have access and experience of natural environment eg: eco-schools
- Priority should be given to a whole simplification and examination of the practicalities of benefits eg: housing, rural may be discriminated against as less number of small dwellings for single people.

Important Issues

1. Climate Change
2. Agricultural policy and preservation of rural traditions ie: food manufacture.

Other Comments Offered during the workshop

Adult Learning

- Mental health needs and support across sectors and communities.
- Choice of provision, engagement with some employers.
- Supportive infrastructure ie: childcare, transport, sensitivity to cultural variation.
- Framework infrastructure to support third sector organisations and the development of local community activities.
- Development of the QCA to include a range of assessment tools ie: initial assessment, entry and exit assessments and qualifications.
- Welcome right to time off to train, will require infrastructure support and equal access to choice and opportunity.

- Funding methodology to support learners to persist, progress and achieve in a non-linear fashion.
- Citizenship and immigration bill, right to ESU provision, right to a range of assessment routes.
- Equality of access, equality of opportunity.
- Informal and formal.
- Worked based provision – Train to Gain and apprenticeship opportunities.
- ESOL provision for migration communities.
- Banking/savings, financial literature skills.
- Range of learning opportunities – distance learning, blended learning, face to face learning.
- Access to IT skills, training to use IT skills, access to internet – cost of connection, connectivity.
- Generally the focus was not relevant to rural issues.

General

- Community empowerment/ec reg bill – query scrutiny, rural engagement consideration, especially in relation to Leaders forum.
- Reference to upper tier authorities, unfortunate for rural, much of rural has a tired system, this should be taken into consideration.
- Consultation was too rushed, not given time to consult all stakeholders.
- Government should publish responses to consultation and show how they have influenced the final legislative programme.
- Regional ministers should do the job full time, (not have departmental portfolios) to save them more time to go out and visit local groups in their region,
- Appreciate opportunity to comment but the questions could be made more relevant to the text to encourage responses.

Page 15 – Education & Skills

Time to train – generally in favour but should it be right to ask or right to obtain? But employee must have parameters of time to be resources (eg: 1% of wage).

Page 16 - Agency Workers

Do not lose the benefit for employers of quick employment solutions and yet can terminate quickly too.

Page 18 – Neighbourhood Policing

NB Neighbourhood not a rural term, why not community or local, minimum standard to be welcomed but will be different in rural areas eg: response times.

Page 19 – Top Bullet Point – Policing

Directly elected reps – what does that mean? Elected or selected? What are criteria? Difference from councillors? Will there be backfill of time?

General Points – Page 23 on Health

PCT's, police, Connexions, DWP – all statutory agencies should be required to engage with local community – LED planning eg: Parish Plans, which is the most comprehensive empowerment capacity building consultation progress.

Page 22 – NHS Reform Bill

Dentistry seems to run different for the rest of the provision – more patchy, more expensive, not clear – needs consistency with rest of NHS.

Page 23 – Sport England

Community sport needs direct contribution and involvement from Sport England and other agencies, especially in rural areas, eg: county playing fields associations.

Page 35 – Environment

Massive potential for mapping and feasibility studies and enabling process through local authorities and RCCs in rural areas (relevant to all bullet points).

Page 36 – Heritage and General Pont

If any protection are to be led by Third sector full recovery and backfull of time should be provided for VCS/Third Sector.

Page 45 – Welfare Reform Bill

Use this opportunity to engage RCCs to disseminate policy and raise awareness of benefits.

Page 71 – Reducing Regulation Burdens

Third sector would welcome 25% reduction but needs clarity around how? (consult us).