

# European and International Board

Agenda

Thursday 11 July 2013  
11.00am

Westminster Suite (8<sup>th</sup> floor)  
Local Government House  
Smith Square  
London  
SW1P 3HZ

**To:** Members of the European and International Board  
**cc:** Named officers for briefing purposes

[www.local.gov.uk](http://www.local.gov.uk)

This meeting is



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## European & International Board

11 July 2013

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A sandwich lunch will be available after the meeting.

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**Labour:** Aicha Less: 020 7664 3263 email: [aicha.less@local.gov.uk](mailto:aicha.less@local.gov.uk)  
**Conservative:** Luke Taylor: 020 7664 3264 email: [luke.taylor@local.gov.uk](mailto:luke.taylor@local.gov.uk)  
**Liberal Democrat:** Group Office: 020 7664 3235 email: [libdem@local.gov.uk](mailto:libdem@local.gov.uk)  
**Independent:** Group Office: 020 7664 3224 email: [independent.group@local.gov.uk](mailto:independent.group@local.gov.uk)

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### LGA Contact

Frances Marshall (Tel: 020 7664 3220, email: [frances.marshall@local.gov.uk](mailto:frances.marshall@local.gov.uk) )

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## European & International Board

08.05.13

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### European & International Board - Membership 2012-2013

<b>Councillor</b>	<b>Authority</b>	<b>Role</b>
<b>Conservative (8)</b>		
Gr. Uff. Marco Cereste OSSI OMRI <b>[Vice-Chair]</b>	Peterborough City	
Gordon Keymer CBE	Tandridge DC	Rural Commission
Keith Glazier	East Sussex CC	
Sandra Barnes MBE	South Northamptonshire DC	
Liz Eyre	Worcestershire CC	
Neil Clarke	Rushcliffe BC	
David Shakespeare OBE	Wycombe DC	
<i>Vacancy*</i>		
<b>Substitutes:</b>		
Joanne Beavis	Braintree DC	
Phil Grove	Malvern Hills DC	
Ranil Jayawardena	Basingstoke & Dean BC	
Mike Wilcox	Lichfield DC	
<b>Labour (6)</b>		
Dave Wilcox OBE <b>[Chair]</b>	Derbyshire CC	Councillors' Forum
Sir Albert Bore	Birmingham City	
Guy Nicholson	Hackney LB	Economy & Transport Board
Sherma Batson MBE DL	Stevenage BC	
Roger Lawrence	Wolverhampton City	
Sue Murphy	Manchester City	
<b>Substitute:</b>		
Dave Allan	Sunderland City	
Sue Whitaker	Norfolk County Council	
<b>Liberal Democrat (3)</b>		
Richard Kemp CBE <b>[Deputy-Chair]</b>	Liverpool City	
Lord Graham Tope CBE	Sutton LB	
Sian Reid	Cambridge City Council	
<b>Substitute:</b>		
Nigel Mermagen**	South Somerset DC	
<b>Independent (1)</b>		

Shirley Flint* <b>[Deputy Chair]</b>	North Kesteven DC	
<b>Substitute:</b>		
Roger Dennison	Lancaster City Council	
Linda Gillham	Runnymede BC	

<b>*stood down 02.05.13</b>		
Sir Simon Day	Devon CC	

## LGA European & International Board Attendance 2012-2013

Councillors	18.09.12	9.11.12	07.02.13	21.05.13	
<b>Conservative Group</b>					
Gr. Uff. Marco Cereste OSSI OMRI	No	Yes	Yes	Yes	
Gordon Keymer CBE	Yes	Yes	No	Yes	
Keith Glazier	No	Yes	Yes	No	
Sandra Barnes MBE	Yes	No	Yes	Yes	
Liz Eyre	No	Yes	No	Yes	
Neil Clarke	Yes	Yes	No	No	
Sir Simon Day	Yes	No	No	-	-
David Shakespeare OBE	Yes	Yes	Yes	Yes	
<b>Labour Group</b>					
David Wilcox OBE	Yes	Yes	Yes	Yes	
Sir Albert Bore	No	No	No	Yes	
Guy Nicholson	Yes	Yes	Yes	Yes	
Sherma Batson MBE DL	Yes	No	Yes	No	
Roger Lawrence	Yes	Yes	Yes	Yes	
Sue Murphy	Yes	Yes	No	Yes	
<b>Lib Dem Group</b>					
Richard Kemp CBE	Yes	No	Yes	No	
Lord Graham Tope CBE	Yes	Yes	Yes	Yes	
Sian Reid	Yes	Yes	Yes	Yes	
<b>Independent</b>					
Shirley Flint	Yes	Yes	Yes	No	
<b>Substitutes</b>					
Joanne Beavis	Yes	Yes	Yes	Yes	
Phil Grove	Yes				
Nigel Mermagen		Yes			
Sue Whitaker			Yes	Yes	
Dave Allan			Yes	Yes	
Roger Dennison				Yes	





## Agenda

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### European and International Board

11 July 2013

11.00am

West Minter Suit (8<sup>th</sup> Floor), Local Government House, Smith Square, London, SW1P 3HZ

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	FOR DISCUSSION		
1.	<b>EU Funds and Local Enterprise Partnerships</b>	<b>3</b>	<b>11.00am</b>
2.	<b>International Trade and Cooperation Activities</b>	<b>11</b>	
3.	<b>Local – Central Relations on EU work and Government’s EU Review on Balance of Competencies</b>	<b>31</b>	
	Cat Evans, the Deputy Head of the Balance of Competences from Foreign and Commonwealth Office will speak about the review.		
	FOR INFORMATION		
4.	<b>European and International Board Annual Review: 2012/13</b>	<b>37</b>	
5.	<b>Round-up of activity: Board EU lobbying priorities, institutions and international activities</b>	<b>41</b>	
6.	<b>EU Fines: Independent Advisory Panel – Local Government Nominations</b>	<b>47</b>	
7.	<b>Note of the last meeting</b>	<b>59</b>	
8.	<b>Date and Time of Next Meeting: Tuesday 15 October 2013</b>		



## **EU Funds and Local Enterprise Partnerships**

### **Summary**

Local authorities through Local Enterprise Partnerships (LEPs) are to play a central role in shaping the future direction of EU funds. Funds will be worth up to £5.3 billion across England between 2014 and 2020, funding a mix of economic development, skills and social inclusion activity; which must be match funded.

Local partners are getting on with the job of preparing for the future programmes, for which Government has recently released 'notional allocations' for each LEP area linked to the Spending Review.

Progress is welcome and responds to the Board's long standing call for locally responsive EU spending. There still remain issues of detail that could have a profound impact on the actual influence local partners have over spending.

### **Recommendation**

Members are asked to comment on the report.

### **Action**

Officers to progress proposed next steps subject to Members comments.

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## **EU funds and Local Enterprise Partnerships**

### **Background**

1. Local authorities through Local Enterprise Partnerships (LEPs) are to play a central role in shaping the future direction of EU funds. Funds will be worth up to £5.3 billion across England between 2014 and 2020, funding a mix of economic development, skills and social inclusion activity; which must be match funded.
2. Local partners are getting on with the job of preparing for the future programmes, for which Government has recently released 'notional allocations' for each LEP area linked to the Spending Review.
3. Progress is welcome and responds to the Board's long standing call for locally responsive EU spending. There still remains, however, key issues of detail to establish that could have a profound impact on the actual influence local partners have over spending.
4. This paper summarises the current state of play and makes some recommendations for LGA next steps.

### **LEP responsibilities in EU funds 2014-2020**

5. On 12 April 2013, the Minister wrote to all LEPs inviting local partners to develop a local investment strategy for EU funds for 2014 – 2020, and providing initial guidance to support the process.
6. LEPs will play a central role, each receiving a seven year notional allocations for 2014-2020. They will be responsible for:
  - 6.1. coming up with an investment strategy for spending their allocation;
  - 6.2. finding projects to deliver that strategy, using a mixture of commissioning;
  - 6.3. bidding and co-financing as best meets local need;
  - 6.4. finding match funding for those projects;
  - 6.5. ensuring those projects deliver their targets;
  - 6.6. making sure their allocations are spent on time;
  - 6.7. monitoring how well they are delivering against their strategies; and
  - 6.8. programme priorities.
7. Government have also made it clear to LEPs that they must properly engage all partners in their area, including local authorities, the third sector, businesses, universities and others.

### **Successful outcomes**

8. EU funding announcements during the Spending Review announcements on 27 June include:
  - 8.1. **Notional allocations to local LEP areas** were announced as part of the Spending Review. A breakdown by LEP area can be found in the **Appendix A**. This is welcome given almost the entire European Regional Development Fund (ERDF) and European Social Fund (ESF) spend will be channelled through the LEP model. However, we have sought clarity over the formula used to establish the notional allocations between places.
  - 8.2. **Top-slicing has been minimised** to just over 4 per cent. This is much less than previously estimated c.10 per cent. The Government has retained the EU funds for Technical Assistance and to use ESF to support national reintegration of ex-offenders.
  - 8.3. **European Social Fund** traditionally difficult for local areas to access due to a nationally controlled programme, which was driven by national rather than local priorities, has been devolved. Alongside that £170 million ESF match skills funding was put forward by Ministers into the Single Local Growth Fund for 2015/16.
9. This represents a real success for the sector and for the work of the Board which has made a sustained long-term case for devolving 2014-2020 EU funds. It has the potential to give all local partners the kind of influence that it did not have in the 2007-2013 programmes.
10. A more equal relationship between national and local government during the UK/EU negotiations has been fostered by the appointment of two local government secondees to the UK negotiating team within the Department for Business, Innovation and Skills (BIS), and supported by the LGA. This is a model that the LGA may want to replicate elsewhere.
11. Despite these major positive developments, we regretted the Ministerial decision in February to re-allocate £784 million from the England programme into the Devolved Administrations, thereby reduced LEP allocations by around 13 per cent.

### **Achieving locally relevant EU programmes**

12. Over the next few months, significant work is needed to ensure arrangements for the new programme work in practice. These include:

#### Local levers

13. While it is welcome that EU funding will be integrated and devolved through LEP strategies, in practice, three different Government Departments (Department for Communities and Local Government, Department for Work and Pensions and Department for Environment and Rural Affairs) will be administering three separate national programmes each funding projects from separate national pots.

14. Furthermore, Government is likely to ensure large proportions of potential match-funding sit with national agencies, like Skills Funding Agency and Technology Strategy Board. Other than the £170 million match funding for ESF skills activity, the Single Local Growth Fund pot offers very little eligible funds for matching with ERDF or ESF.
15. With this in mind, it is critical LEP areas have tangible levers to properly undertake the responsibilities set out in paragraph 6 and that the activity in their area is not determined by the functioning of the nationally administered programmes, or by narrow restrictions of what national agencies are willing to match-fund.
16. This is why some areas have sought to negotiate an Integrated Territorial Investment, which Government should award where a strong case is made by places.
17. In essence, there are three areas where local partners should have strong leverage in order to ensure the right activity for their area is funded:
  - 17.1. Project selection: whereby local partners should appraise and fund projects, and design provision, based on local need, value for money, and risk, and where departments would only appraise based on eligibility to EU rules.
  - 17.2. Match-funding: whereby local partners are empowered to draw down match-funding, or co-fund activity, with national agencies to address key local opportunities.
  - 17.3. Technical Assistance: enabling local partners to boost their own capacity in a way that enables them to make best use of the EU funding opportunity.
18. Greater detail will be set out in Government guidance expected on 10 July, before the Board meets. Officers will provide a summary of this guidance on the day, although the date may slip. To feed into the guidance, officers submitted a response on 3 July on how ESF should support local efforts.
19. It would be difficult for local partners to fulfil their responsibilities without these levers. This has a number of repercussions, for the local economy and residents if poor quality projects are funded, and for the size of local programmes, as Government has said it intends to reallocate money out of local areas that are under spending.

#### Capacity of local partnerships

20. The European Commission (EC) is particularly risk averse, audits spending heavily, and officials are nervous about LEPs and the model for devolved decisions on EU spending.
21. In reality, while it is too early to draw conclusions on the preparedness of individual LEPs, it is becoming clear that different LEPs are progressing at different speeds. The majority are progressing well and submitted preliminary ideas to BIS for the May deadline.
22. Those LEPs progressing fastest are doing so because of strong local authority involvement and leadership at the political and official level. And it will be important local authorities in all LEP areas are able to play this role, supporting partnerships and demonstrating to Government and the EC that they can succeed.

### **Looking ahead**

23. The Board are invited to steer on next steps, which are proposed to:

- 23.1. Continue to work with Government, at the political and official level, to ensure local authorities and LEAs have the levers to ensure the new programmes deliver maximum growth for their areas.
- 23.2. Consider making support offer to local authorities and LEAs to develop effective EU investment strategies, as part of the wider LGA support offer, learning from good practice to demonstrate effective working to the EC and to support those LEAs struggling.
- 23.3. A National Growth Board (NGB), in effect a Programme Monitoring Committee for all EU funds, is being established. It will be formed of the Government and stakeholders. The LGA is invited to nominate three Members; more are likely on its sub-committees. Local government representation on the NGB will ensure the sector is involved at an early stage in decisions affecting the way EU funds support local areas deliver growth, and that Ministers are delivering their commitment to devolve spending decisions. Group Leaders will shortly be asked to nominate LGA representatives. The LEP Network has been asked to nominate four representatives.



**APPENDIX A: LEP ALLOCATIONS FOR ERDF AND ESF 2014 TO 2020**

<b>LEP</b>	<b>Allocation €m</b>
Black Country	177.4
Buckinghamshire Thames Valley	13.9
Cheshire and Warrington	142.2
Coast to Capital	67.3
Cornwall and the Isles of Scilly	592.9
Coventry and Warwickshire	136.0
Cumbria	91.4
Derby, Derbyshire, Nottingham and Nottinghamshire	249.7
Dorset	47.3
Enterprise M3	45.7
Gloucestershire	38.3
Greater Birmingham and Solihull	255.8
Greater Cambridge & Greater Peterborough	75.5
Greater Lincolnshire	133.5
Greater Manchester	415.6
Heart of the South West	118.3
Hertfordshire	69.5
Humber	102.4
Lancashire	266.3

Leeds City Region	391.2
Leicester and Leicestershire	126.3
Liverpool City Region	221.9
London	748.6
New Anglia	94.5
North Eastern	539.6
Northamptonshire	55.0
Oxfordshire LEP	19.4
Sheffield City Region	203.4
Solent	43.1
South East	185.9
South East Midlands	88.3
Stoke-on-Trent and Staffordshire	161.6
Swindon and Wiltshire	43.6
Tees Valley	202.6
Thames Valley Berkshire	28.7
The Marches	113.7
West of England	68.6
Worcestershire	68.1
York and North Yorkshire	97.5

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## **International Trade and Cooperation Activities**

### **Purpose of report**

For information and comment.

### **Summary**

This report provides an update on the LGA's international cooperation work.

### **Recommendation**

Members are invited to note the progress of work and to provide comment and direction as necessary.

### **Action**

Officers to take actions as directed.

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## International Trade and Cooperation Activities

### EU, Commonwealth and Global Policy

1. There is growing recognition both internationally and within the UK that councils are important partners in tackling underdevelopment and promoting economic growth. This is becoming particularly pertinent at a time of global economic downturn as many governments begin to shift functions down to local government in this area. British local government still enjoys a strong reputation abroad and there is increasing demand upon the skills and expertise of our councils from around the world.
2. In May, the LGA was represented at the recent biennial conference of the Commonwealth Local Government Forum (CLGF). As part of the event, the United Nations Development Programme (UNDP) conducted a consultation with local government on the future of development policy post-2015 when the Millennium Development Goals (MDGs) expire.
3. The conference produced the Kampala Declaration on Developmental local government, as well as the Munyonyo Statement on Local Government, both emphasising the important role that local government plays in development across the Commonwealth, as well as the importance of its recognition as a key partner in any future development goals at the global level (see [Appendix A](#)).
4. It is a significant time for local government development cooperation on a number of policy levels and the EU Commission has also recently published a communication which clearly recognises local government as a critical partner in delivering the EU's future development commitments (see [Appendix B](#)).
5. This is a considerable achievement for the development cooperation programme, Platforma, a network of European LGAs in which the LGA has participated in. For many years we have been collectively lobbying for greater recognition of local government as a key development actor, separate to civil society and NGOs.
6. The LGA's lobbying work is making a difference within European and international development policy making, particularly around our experience of local government peer review. The message that practitioners, rather than consultants, are best placed to deliver development programmes is increasingly resonating with partners across Europe and beyond. It is clear from the feedback we are receiving that peer review provides development donors with a tried, tested, cost-effective and ground-breaking opportunity to demonstrate their commitment to supporting and improving local government.
7. This is not only an opportunity for donors to develop new improvement programmes, but to also demonstrate more broadly the value of locally led development cooperation. As EU policy shifts, so too are the demands from our development partners. LGAs across Europe and beyond are now thinking creatively about how local government can respond

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to this shift in policy. Over the coming months, local government partners across the EU, as well as regional and national networks in developing countries will be discussing opportunities for delivery of these aims. The LGA will therefore be working closely with a number of partners from across Europe, the Commonwealth and Africa.

**Conclusion of the Africa Peer Review project**

8. In light of these developments, UCLGA has approached the LGA with a view to commissioning a scaled up peer review programme across the African continent which is entirely externally resourced, self-sustaining and responsive to the learning coming from the current pilot programme. UCLGA is in dialogue with the EU and other partners about the programme and the LGA is also engaging relevant contacts within Europe and beyond.
9. For two years the LGA and United Cities & Local Governments Africa (UCLGA) have been pioneering a local government pan-African peer review programme with the financial support of the Grand Duchy of Luxembourg. Based on British local government's track record of using peer review to drive improvement, the programme has promoted cooperation, learning and organisational improvement across Africa.
10. The current programme is concluding and an evaluation is being carried out. As part of this process, earlier this month the LGA hosted the Secretary General of UCLGA, Jean Pierre Elong Mbassi in London. The visit was an opportunity for Jean Pierre to meet with the UK peers who participated in the African peer reviews, as well as hold wider discussions with the LGA about future opportunities.

**Council's role in supporting International Trade and Investment**

11. This section provides an update on the work to promote local government's important role in supporting inward investment and export activity and developing existing "local to local" relationships, into new international trade and investment relationships. This is being led as part of the local growth workstream through the LGAs' European and International Board and Economy and Transport Board.
12. The Board will recall that UK firms have been given access to new Mexican markets as a result of close working between Mexican councils, the LGA and UKTI. Officers will update on this work at the Board.
13. Our work with Mexico has created strong interest from UK Trade and Investment (UKTI), the government body responsible for the UK's international trade and investment promotion, to work with us on this issue
14. Sir Merrick Cockell met with Lord Green of Hurstpierpoint, Minister of State for Trade and Investment on 25 June, to discuss developing a more strategic relationship between the LGA and UKTI.

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15. This was a very positive discussion, which provided an opportunity to showcase council's unique role in supporting the government's ambition of increasing the UK's export and attracting more inward investment.
16. The Chairman highlighted the high regard held for English local government amongst its international peers, as strong innovators and exemplar practitioners of local public service. The LGA's work with Mexican local government, plus our direct contact with influential senior politicians via international forums such as Commonwealth Local Government Forum (CLGF) were cited as examples of where UKTI could use local to local relationships to introduce trade and investment discussions and open new opportunities for UK firms.
17. The Minister explicitly recognised the value of UKTI supporting the local government sector in a more systematic manner. In particular, support and advice for local partners to:
  - 17.1. Understand where the sensible links are with established and emerging markets (particularly in 2<sup>nd</sup> cities).
  - 17.2. Evolve traditional civic twinning agreements in more meaningful commercial partnerships between localities.
  - 17.3. Help steer inward investment into areas and encourage local small medium enterprises (SMEs) to become exporters.
18. Part of UKTI's remit is to find overseas investment for infrastructure and regeneration projects. There is scope therefore to support local government and its partners to identify specific opportunities' that might interest overseas private equity and sovereign wealth fund managers.
19. It was agreed that LGA and UKTI will follow up this discussion and itemise a six-point action plan for council/UKTI collaboration. Copies of this action plan will also be circulated at the Board meeting. The Minister was keen to use the LGA annual conference and exhibition on 2 – 4 July 2013 in Manchester as a platform to promote this collaboration; a speaking slot for UKTI representative was secured.







Commonwealth Local Government Conference

**Developmental local government:  
Putting local government at  
the heart of development**

14-17 May 2013 Kampala, Uganda



# Kampala declaration on developmental local government

The seventh Commonwealth Local Government Conference and General Meeting of the Commonwealth Local Government Forum, Munyonyo, Kampala, 14-17 May 2013, addressed by HE President Yoweri Kaguta Museveni, CLGF Honorary Patron and hosted by the Government of Uganda and also addressed by HE President Mahinda Rajapaksa, HE President Paul Kagame, Rt Hon Helen Clark, Dr Joan Clos and Dr Richard Sezibera:

**AWARE** of the current debate about the future of the Millennium Development Goals (MDGs), the post-2015 Development Agenda and the desire to ensure that global goals regarding democratic governance, growth and employment, inclusive development, the environment, food security and fragile and conflict environment supplement the existing goals relating to poverty reduction and basic services;

**CONSCIOUS** of the changed international environment resulting from the financial and economic crisis of 2008 which has had severe impact in many countries, especially on the job prospects of young people, and has resulted in reduced commitments to international cooperation, including reductions in development assistance;

**MINDFUL** of the impact of global market integration, food and fuel shortages, political instability and climatic factors on many countries, especially fragile and small states;

**WELCOMING** the new *Charter of the Commonwealth*, agreed by Heads of Government and signed by HM Queen Elizabeth II, setting out core Commonwealth political values, and affirming in particular, the validity of and commitment to the 2005 *Aberdeen Agenda on Local Democracy and Good Governance*;

**TAKING INTO ACCOUNT** the validity of and commitment to other policy frameworks relating to local government, which have been endorsed by Commonwealth Heads of Government, notably the 2007 *Auckland Accord: Delivering Development through Local Leadership*, the 2009 *Freeport Declaration on Improving Local Government* and the 2011 *Cardiff Consensus on Local Economic Development*;

**RECALLING** other key international policy statements underlining the role of local government in development, including the outcomes of the 2010 UN Global Forum of Local Development, Kampala, the 2011 Fourth High Level Forum on Aid Effectiveness, Busan, the 2012 Rio +20 Summit and the 2013

European Commission Communication on Empowering Local Authorities;

**ENCOURAGED** by the emphasis UNDP, UNCDF, UN Habitat, the EU and other development partners, notably those part of the DeLoG network, are placing on the role of Decentralisation and Local Governance (DLG) in the formulation of the post-2015 Development Agenda and in preparations for Habitat III, as well as the resources they are providing to CLGF, its members and other local government partners in pursuit of the objectives of DLG and to strengthen local government capacity, including of national and regional associations of local government;

**NOTING** the deliberations of the UN High Level Panel of Eminent Persons on the post-2015 Development Agenda and the recommendations of the Global Task Force of Local & Regional Governments for Post-2015 and Habitat III;

**HIGHLIGHTS** the role of Developmental Local Government, which entails:

- local democratic governance that is inclusive, transparent and participatory;
- democratic development and public participation;
- innovative, sustainable, people-sensitive local economic growth and social development;
- integrated and coordinated developmental activities of public and non-state agents;
- human rights, gender equality, cultural diversity and opposition to discrimination;
- leadership and building of social capital, peace and stability and dialogue.

**UNDERLINES** growing urbanisation, its impact on cities and the resulting pressure on infrastructure and service delivery and the importance of ensuring that local government can properly plan and manage a response to this urban challenge;



**UNDERLINES FURTHER** the need to reach out beyond the formal and informal sectors to promote inclusive development;

**EMPHASISES** the importance of the post-2015 Development Agenda embracing a **New Development Agenda** for all countries, developing and developed, which comprises goals, targets and indicators relating to:

- democratic governance, including community governance;
- basic service delivery;
- growth, employment and wealth creation;
- inclusive development and addressing inequality;
- climate change and environmental sustainability;
- food security;
- fragile and conflict/post-conflict environment.

**STRESSES** the critical relevance of DLG to the successful implementation of the post-2015 Development Agenda and in particular for local governments and their associations to have responsibility for setting local/sub-national targets and indicators and overseeing their realisation;

**CALLS ON** national governments, development partners and in particular the UN, UNDP, UN Habitat and other Specialised Agencies to ensure that DLG is fully integrated into the post-2015 development agenda and local government is properly acknowledged as a global partner at the 2013 UN General Assembly and in subsequent negotiations;

**REQUESTS** that Commonwealth Heads of Government at their 2013 meeting in Colombo to formally endorse the outcomes of the CLGF Kampala Conference and provide a leadership role in taking forward the *New Development Agenda* at the UN and elsewhere;

**FURTHER CALLS ON** all CLGF members to commit themselves to the realisation of the objectives set out in this Declaration;

**MANDATES** the CLGF Board to develop a **Plan of Action** in support of the promotion of *Developmental Local Government* and realisation of the *New Development Agenda*, in partnership with the Commonwealth Secretariat, UNDP, DeLoG, PLATFORMA and other development partners, academia, the private sector and civil society;

#### **The conference agreed:**

Strong local government is critical for nation building. Resilient and effective governance and development at the local level provides the foundation for a strong nation. Active engagement and support of individual citizens and communities, and partnerships at various levels, underpin successful social and economic development strategies. The environment to enable developmental local government is created through strengthening partnerships among central government, local governments and civil society organisations, and the private sector, and ensuring that equitable and inclusive participation is embedded in legislative frameworks.

Effective developmental local government is premised on the mandates and legitimacy of local government being respected

at all levels. Local government has a clear comparative advantage in knowing and advocating the real needs of the community and can best take advantage of opportunities in the areas of equity and social inclusion in service delivery. Local government can access communities which are outside the normal reach of other parts of government to facilitate development.

Democracy and development are mutually reinforcing. Democratically elected leaders are in a unique position to give voice to community needs and application of the *Aberdeen Agenda: Commonwealth Principles on Local Democracy and Good Governance* can facilitate creation of the right environment for local development. Citizen-led approaches to home grown local democracy are essential and should be enhanced through embedded civic education processes.

Decentralisation and a clear legislative framework sets out the role and functions of local government. True decentralisation involves putting local government at the heart of development through commitment and participation of all stakeholders in the devolution process. Capacity of local government institutions and civil society, together with availability of adequate resources that follow function, is critical. Quality leadership that demonstrates committed political will and the ability to encourage positive change also strengthens local development. A heightened focus on quality and capacity across these critical areas is required.

Genuine engagement and innovation in local democratic processes cannot be achieved without meaningful participation of women and young people. The environment must be conducive to the voices of women and youth. They represent communities which are often under-represented and bring unique perspectives to enable local governments to respond effectively to the needs of all sectors of society.

Access to quality and affordable basic services is a primary requirement and right of all citizens, as well as being a foundation for socio-economic opportunities and growth. Minimum service delivery levels for mandated responsibilities need to be established and implemented. Sustainability is created by people willingly paying for services they genuinely need and which are delivered at a level that meets expectations. Creative, consistent, sustainable and equitable financing mechanisms need to be explored and applied. Knowledge sharing on the vast range of innovative revenue generation options should be scaled up.

The particular challenges faced by smaller states in supporting developmental local government, such as isolation, capacity and dependency, need to be addressed through effective ICT, institutionalising and better empowering traditional structures, and local government autonomy, to manage their affairs and resources.

Local government associations and regional forums have an important role in supporting and influencing developmental local government at several levels, including providing channels for consolidated inter-governmental dialogue, capacity building



and collaboration. Clearer legislative frameworks and mandates, together with adequate resources, are required in order to optimise the value of these institutions.

Mainstreaming local economic development (LED) approaches in local government policy and service delivery will enhance living standards and wellbeing through promotion of growth, employment and wealth creation. The influence of local government at the micro economic level should be maximised. Methodologies based on successful experiences in LED policy approaches and frameworks, coordination, community participation and private sector partnerships should be promoted as a key component of developmental local government.

Emphasis on the challenges and opportunities for local government presented by rapid urbanisation was identified as a key issue. Potential exists for development where urbanisation is planned, well governed and supported. Challenges should be addressed through national and local governments, together with communities, working alongside each other under the developmental local government approach.

Local government efficiency and citizen engagement can be enhanced through maximising available information and communications technology. Opportunities remain for local government to access available ICT, and research on good practices should be undertaken by CLGF to make a business case for further investment in such technologies.

**DECLARED** their will to see 2014 designated as the year of Developmental Local Government by CLGF and all its members.

**LOOKS FORWARD** to the 8th Commonwealth Local Government Conference, New Delhi, 2015, being hosted by the Government of India;

**EXPRESSES** warm appreciation to the Government and People of Uganda, especially HE President Yoweri Kaguta Museveni and Hon Adolf Mwesige, Minister of Local Government, the Uganda Local Governments Association (ULGA) for hosting the CLGF Conference and their kind hospitality, and to all speakers, resource persons, development partners, sponsors and exhibitors for their participation and support.

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## MUNYONYO STATEMENT ON

# Local government's role in the post-2015 development agenda

Six hundred local government representatives, including ministers of local government, local government leaders, senior officials, academics and representatives of civil society, the private sector, international and development partner organisations, met at the Commonwealth Local Government Conference: *Developmental Local government: putting local government at the heart of development*, Kampala, May 2013, and emphasised that the voice of local government must be heard in shaping the post-2015 global development agenda.

They recalled the progress made to date in achieving the Millennium Development Goals (MDGs) and discussion about the new Sustainable Development Goals (SDGs) and that much can still be done in the remaining two years, including at the local level. They welcomed the growing recognition and acknowledgement of the role for local government in development, including the outcomes of the UN Global Forum, the Busan Partnership, Rio+20 and the European Communication on Local Authorities and the preparation for Habitat III. They endorsed the Communique of the Global Taskforce of Local and Regional Governments for post-2015 and Habitat III: *The local and Regional Governments' Development Agenda*, Istanbul, March 2013, and called for one global development agenda recognising the role of local government as a key stakeholder in poverty reduction and development to address poverty and sustainable development. They agreed

that the global post-2015 development agenda should relate to both developed and developing countries.

### 1. Local government: a key stakeholder in development

Local government is a key part of the state and draws its mandate from its local democratic accountability. Local government works at the front line, is closest to the people and can therefore identify and respond to development needs and gaps. It has a range and reach of functional responsibilities, including strategic planning and service delivery, as well as legal and moral legitimacy, and should be recognised as a key stakeholder in development.

Participation in national planning processes, national committees or similar mechanisms, bringing together local

governments, national associations of local government and other relevant national stakeholders in development are key to facilitating dialogue between local and central government to ensure participation in the laws and policies that relate to the local level and can contribute to the good governance of the post-2015 process.

Good governance is fundamental to the credible role and voice of local government in shaping and implementing the post-2015 development agenda. Principles of participation in decision making, service delivery and budgeting, transparency, accountability, and inclusion must underpin local government's meaningful role in development.

## 2. Role of local government in post-2015 – key thematic areas for local government

Local government has a central role in ensuring democratic values, basic service delivery, economic growth, resilience, wealth creation and employment generation through local economic development, promoting inclusive development and addressing inequalities, promoting environmental sustainability, protecting local environmental resources, climate change adaptation and mitigation, food security, and managing fragile and conflict/post-conflict environments.

Rapid urbanisation presents opportunities for growth and development. Good urban governance and planning, with a strong focus on local economic growth and development is essential. Where appropriate, local government should have the legal responsibility to design, manage and implement urban planning.

Local governments are agents of change and innovation, and new global development targets should be flexible enough to be localised, so that planning and delivery can be aligned at the local, national and global level. Local governments are well placed to play a role in defining and monitoring local targets in their communities, and should also be part of the monitoring systems at the national level. In this regard it will be important to establish solid baseline data and benchmarking which properly reflects recent progress by local governments towards achieving the MDGs. Good intergovernmental processes involving, where appropriate, an oversight role by national ministries, are essential.

## 3. Priorities to enable local government to play a full role in development and to implement post-2015 targets

To enable local government to contribute fully to the new global development agenda, emphasis should be placed on:

- ensuring a clear legal mandate for the role and functions of local government. Decentralisation of responsibilities to local government must be accompanied by the requisite financial resources (transfers from central government, access to own-source revenue and other finance mechanisms), technical and human capacity;
- removing the barriers to decentralisation to promote a bottom-up approach, which should include building local skills, staff and leadership capacity, which should reach out to the large population beyond the formal and informal sector, to boost the achievement of localised targets and goals;
- building and sustaining strong partnerships with other spheres of government, civil society, the private sector, traditional leaders, young people, women, marginalised and vulnerable groups to ensure effective, coordinated and sustainable local development;
- ensuring that development partners continue their support to strengthen local government and decentralisation, and that local government has direct access to development funding: decentralised cooperation among local governments and associations is a key mechanism to strengthen the capacities of local government;
- continuing to build the global partnership of local, regional and international local government organisations, development partners and multi-lateral institutions to advocate strongly with local and national stakeholders in support of local government's role in the post-2015 global development agenda;
- recommending that local government should advocate to their national delegations at the UN and elsewhere to ensure recognition of local government's role in shaping the post-2015 development agenda and implementing the targets which are agreed;

CLGF should take forward the recommendations of the consultations to the forthcoming Commonwealth Heads of Government Meeting, Colombo, November 2013 and to work with the Commonwealth Secretariat, UNDP and the Global Taskforce to ensure that the voice of local government is reflected in the UN General Assembly process.

Appreciation was expressed to the Rt Hon Helen Clark and UNDP for their support for and participation in the Kampala consultation on the post-2015 development agenda.



Brussels, 15.5.2013  
COM(2013) 280 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Empowering Local Authorities in partner countries  
for enhanced governance and more effective development outcomes**

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
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**Empowering Local Authorities in partner countries  
for enhanced governance and more effective development outcomes**

**1. BACKGROUND**

Centrally-led, top-down development policies and programmes cannot alone succeed in addressing the complexities of sustainable development and fighting poverty. Public and private actors have their role to play especially at local level. In the last two decades, many central governments in developing countries have attributed responsibilities to Local Authorities<sup>1</sup> in country development processes, with a view to allow for the definition of public policies and service delivery on local realities.

However, this political recognition has not always been accompanied by an adequate level of autonomy, capacity development and financial resources, leaving their empowerment incomplete. In many EU partner countries, funding directly channelled through Local Authorities still represents a marginal part of national public sector expenditure and of international development aid.

A certain number of obstacles have to be overcome in order to unlock the development potential of Local Authorities. It is with this purpose that the European Commission reaffirms the importance of Local Authorities in partner countries, in achieving development objectives and proposes a more strategic engagement for their empowerment.<sup>2</sup>

This Communication integrates the results of *the Structured Dialogue on the involvement of Civil Society Organisations and Local Authorities in EU development cooperation*,<sup>3</sup> the EU renewed approach to poverty reduction and sustainable development defined by the Communication *Increasing the Impact of the Development Policy: an Agenda for Change*<sup>4</sup>

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<sup>1</sup> In this Communication, the term «Local Authorities» will refer to public institutions with legal personality, component of the State structure, below the level of central government and accountable to citizens. Local Authorities are usually composed of a deliberative or policy-making body (council or assembly) and an executive body (the Mayor or other executive officer), directly or indirectly elected or selected at local level. The term encompasses different tiers of government, e.g. villages, municipalities, districts, counties, provinces, regions, etc. Within this wide context, the focus of this Communication is however put on the municipal level, which is generally the lowest government tier of the public institutional system and the closest to citizens.

<sup>2</sup> In continuity and complementarity with the Commission Communication *Local Authorities: actors of development* COM(2008) 626 final (8.10.2008).

URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0626:FIN:EN:PDF>, with the annexed *European Charter on development cooperation in support of Local Governance*  
URL: [https://webgate.ec.europa.eu/fpfis/mwikis/aidco/index.php/European\\_charter\\_on\\_development\\_cooperation\\_in\\_support\\_of\\_local\\_governance\\_paper\\_P65](https://webgate.ec.europa.eu/fpfis/mwikis/aidco/index.php/European_charter_on_development_cooperation_in_support_of_local_governance_paper_P65).

<sup>3</sup> URL: [http://ec.europa.eu/europeaid/who/partners/civil-society/structured-dialogue\\_en.htm](http://ec.europa.eu/europeaid/who/partners/civil-society/structured-dialogue_en.htm).

<sup>4</sup> COM(2011) 637 final (13.10.2011).

and related Communications and Council Conclusions,<sup>5</sup> as well as the results of the stakeholder consultation carried out on the basis of the Issue Paper *Local Authorities in Development*. Furthermore, the Communication takes into account the international aid and development effectiveness agenda, as lastly shaped by the *Busan Outcome Document*.<sup>6</sup>

### **The importance of Local Authorities in development**

The participation of citizens in decision-making processes that affect their lives and access to accountability mechanisms is fundamental to the promotion of sustainable development and poverty reduction. This is particularly relevant at the local level, where citizens live and work, where basic services are provided and where enterprises are established. Citizens have, therefore, common interests at stake, to set objectives and work together in identifying solutions particularly aiming at improved access to services, a more balanced distribution of available resources, greater social cohesion and enhanced accountability and transparency of public authorities, including to accountability mechanisms.

Being closer to citizens than other public institutions, Local Authorities hold responsibility in mobilising local societies' opinions while acting as catalysts for change. This is particularly true in terms of more efficient public administration, more inclusive development processes, in cooperation with Civil Society Organisations<sup>7</sup> (CSOs), and solutions to urgent challenges faced by local communities. Such challenges include social exclusion, migration, food security, limited infrastructures, rapid urbanisation, depletion of resources, public safety and violence, environmental and social impact of extractive activities, climate adaptation and mitigation, rule of law and access to justice.

Good governance<sup>8</sup> at local level is necessary to achieve sustainable development and equitable outcomes. It creates the conditions for inclusive, responsive and effective development processes.

The quality of local governance is primarily linked to the political willingness of central governments to create a conducive environment at local level, through legal and regulatory instruments,<sup>9</sup> allowing Local Authorities to benefit from a sufficient level of autonomy in exercising power and acquire specific capabilities. Hence, the quality of local governance is also related to the way Local Authorities manage and implement public policies and services on the basis of local policy-making processes and interactions with other public institutions, citizens and private sector and through the allocation of available resources.

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<sup>5</sup> COM(2011) 638 final (13.10.2011), COM(2011) 865 final (7.12.2011), COM(2012) 446 final (20.8.2012), COM(2012) 492 final (12.09.2012) and Council Conclusions (15.10.2012), COM(2012) 586 final (3.10.2012), JOIN(2012) 27 final (3.10.2012), COM(2013) 92 (27.2.2013).

<sup>6</sup> URL: [www.aideffectiveness.org/busanhlf4/images/stories/hlf4/OUTCOME\\_DOCUMENT\\_-\\_FINAL\\_EN.pdf](http://www.aideffectiveness.org/busanhlf4/images/stories/hlf4/OUTCOME_DOCUMENT_-_FINAL_EN.pdf)

<sup>7</sup> "The EU considers CSOs to include all non-State, not-for-profit structures (include community-based organisations, non-governmental organisations, faith-based organisations, foundations, research institutions, trade unions, women's organisations, cooperatives, professional and business associations, and the media) through which people organise to pursue shared objectives and ideals". COM(2012) 492 final.

<sup>8</sup> URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF>.

<sup>9</sup> Governance is related to rules, processes, and behaviours by which interests are articulated, resources are managed, power is exercised in society by the institutions in charge of public affairs and participation of all relevant actors is allowed for. COM(2003) 615 final (20.10.2003).

<sup>9</sup> E.g. institutional arrangements, separation of powers, electoral and party systems, appropriate decentralisation policies, intergovernmental fiscal systems, respect of the rule of law.

In natural resource--rich countries, Local Authorities could give their advice on the ways extractive industries operate and on how revenues from the extractive sector are shared between local communities, central government and private operators.

In fragile, crisis and risk-prone situations, Local Authorities have a key role to play to safeguard vulnerable populations and communities, by steering the set-up of local resilience strategies and by enabling the delivery of basic social services. In disaster-prone areas, they can be crucial in prevention, mitigation and preparedness, in addition to managing early responses and delivering basic services to populations. Moreover, they often play an important part in early warning and thus contribute to de-escalating the first stages of violence, through local and traditional dispute resolution mechanisms.

The realisation of Local Authorities' comparative advantage can nevertheless be undermined by negative political factors, particularly related to a lack of effective leadership, high levels of corruption and maladministration, clientelism, and illegal economy, as well as by institutional weaknesses, such as dysfunctional institutional arrangements, limited financial resources, low levels of administrative capacity, inadequate planning procedures and public finance management.

Thus, depending on the country context, linking the public sector at local level to development processes may imply efforts to increase the capacities of Local Authorities and to strengthen local governance structures. It is fundamental to simultaneously empower local public authorities and citizens, to ensure both that the latter have the ability to demand transparency and accountability<sup>10</sup> and that Local Authorities have the means and incentives to respond to citizen demands for effective, transparent and accountable governance, an equitable allocation of resources and access to services.

## **2. UNLOCKING THE DEVELOPMENT POTENTIAL OF LOCAL AUTHORITIES**

Support to the public sector in partner countries towards more effective and efficient design and implementation of national development policies and plans should take into account the important role of the local public sector. Assistance to Local Authorities should aim at enhancing their capacities and means to execute their institutional mandate as defined by law and consequently to exercise their power of initiative as full-fledged policy-makers.

Adhering to the principle of subsidiarity,<sup>11</sup> the EU aims at promoting the role of Local Authorities as policy and decision-makers, in favour of transparent and accountable policy-making and service delivery at the local level. This is likely to empower them, and to boost local development via increased democratic participation, justice, human rights, active citizenship, participation of women and youth in the public sphere, and multi-level accountability.

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<sup>10</sup> Local CSOs may play an important role in keeping local politicians and officials accountable for the responsive and efficient delivery of public services at local level. Furthermore, the interaction between LAs and CSOs contributes to the creation of a local polity where political and developmental processes take place.

<sup>11</sup> According to the principle of subsidiarity, public responsibilities, regulatory functions and spending are transferred to the lowest institutional or social level, closest to citizens, that is able and entrusted to complete them.



Stakeholder partnerships and dialogue mechanisms, made up of representatives of Local Authorities, other actors operating locally and citizens, should be encouraged at local level, as a way to engage in dialogue with relevant central authorities to ensure their needs and concerns are known and taken into account.

It is in this framework that a territorial approach to development should be promoted. Tailored to territorial characteristics and needs, the territorial approach to development is characterised as a dynamic bottom-up and long-term process based on a multi-actor and multi-sector approach, in which different local institutions and actors work together to define priorities, and plan and implement development strategies. Through the guidance of Local Authorities and the mobilisation of additional private and community capacities and resources, the territorial approach to development could trigger a change in the quality of citizens' life and wellbeing, ensuring a balance between socio-economic growth, equity and environmental quality and increasing the resilience of the most vulnerable. Furthermore, this approach could reinforce local political processes, transparency and boost democratic ownership of development, via a continuous monitoring of progress towards sustainability.

### **3. SHAPING EU SUPPORT FOR IMPROVED GOVERNANCE AND MORE EFFECTIVE DEVELOPMENT OUTCOMES AT LOCAL LEVEL**

The EU should work in favour of democratically legitimate, accountable and representative Local Authorities and local leaders in partner countries with a particular focus on municipal authorities in rural and urban areas. The EU should also explore the opportunities for coordination with regional authorities.

In situations of fragility, EU cooperation with Local Authorities is particularly relevant in parallel to wider state-building processes, which are essential to the path out from fragility towards stability. As stated in the Agenda for Change, this is particularly relevant in countries where gross human rights violations take place. In these cases the EU may suspend cooperation with central governments and continue channelling assistance through Local Authorities and CSOs.

Likewise, the EU should support the efforts of governments to create a conducive environment, so that Local Authorities can be empowered in the definition and implementation of local policies and plans and fully participate in sustainable development processes. Together with central governments, the EU should invest in capacity development activities to ensure that Local Authorities, particularly in remote areas with limited capabilities and resources, are able to lead the development of their territories in cooperation with other local actors.

From an operational point of view, the new EU approach would promote enhanced political, administrative and fiscal autonomy of Local Authorities through decentralisation reforms, capacity and institutional development.

#### **3.1. Decentralisation processes**

Decentralisation constitutes a particular aspect of public sector reform. It involves the transfer of a range of political authority and powers including revenue-raising, responsibilities in service delivery and financial, human and administrative resources from higher levels in the political system to public authorities at lower level.

Decentralisation is inherently a political question that affects the overall organisation of a state. It aims at better efficiency, equality and social cohesion and can only be decided by a sovereign country. Hence, support to decentralisation from development partners should be envisaged only where there is a political will to initiate and support decentralisation or where decentralisation reforms have already been put in place. At the same time, EU should adapt its sector operations to already decentralised environments, where this is the case.

EU support to decentralisation processes will be based primarily on the understanding of the political economy of the reforms in relation to territorial assets. Moreover, EU support to decentralisation should focus on the establishment of a conducive legal and policy environment for decentralisation and on institutional and capacity development, in order Local Authorities to enjoy a certain degree of autonomy to fulfil their functions as mandated by law.

The expected results should be the allocation of sufficient financial resources to Local Authorities according to national legal frameworks, improved public financial management and mobilisation of revenues at the local level. In parallel, EU assistance should aim at enhancing the capacities of central authorities, deconcentrated public services as well as local political and administrative staff, together with the establishment of mechanisms of political accountability, transparency and mechanisms for monitoring municipal policies.

**Example of EU support to decentralisation process: the case of Cambodia**

The EU co-funded Programme "Strengthening Democratic and Decentralised Local Government" was implemented in partnership with UNDP from 2006 until December 2011, in support to the Cambodian Government's "Deconcentration and Decentralisation Strategy". At commune level, the Programme has built horizontal cooperation amongst communes, while improving citizens' perceptions of Local Authorities and citizens' well-being. At provincial level, the Programme has encouraged the establishment of 24 legally independent Associations of Local Authorities. At national level, the action has aimed at improving intergovernmental financial transfers. Local Authorities have started using financial resources in an autonomous way.

In this context, the EU should consider fiscal decentralisation as a strategic entry point to progressively build an accountability culture, as it defines the generation and distribution of resources that are used to fulfil citizens' demands. Particular attention should be paid to mechanisms that allow combining of external and domestic resources into fiscal transfer facilities, to support local tax revenue and development planning, budgeting and spending processes of Local Authorities.

### **3.2. Capacity development of Local Authorities**

In order to enhance Local Authorities' ability to contribute to good governance and consequently to achieve development goals at local level, local elected officials and administrative staff have to overcome capacity constraints, such as managing and mobilising public sector resources, leadership skills, public financial management, revenue raising and expenditure, transparency, participation and interaction with other actors.

Capacity for local good governance is affected by factors that operate at three levels: individual, institutional and organisational. At the individual level, local capacity is affected by the skills, training and attitude of local politicians and administrative staff. At the institutional level, capacity depends on structures, operating procedures, which frame and govern the activities of the personnel. At the organisational level, capacity is affected by the policy and legal environment, and by the rules and practices that govern the relations with other actors.

Support to capacity development of Local Authorities will be defined on the basis of a long-term and demand-driven approach, with emphasis on leadership building, inclusive service delivery and sound financial management. This approach will entail the promotion of country-led Local Authorities capacity development within the sectors in which they operate, particularly through the involvement of national Associations of Local Authorities and schools of administration, horizontal cooperation among Local Authorities consisting for example in big municipalities offering technical assistance to smaller ones, and the inclusion of more adequate central-local authorities linkages.

### **3.3. Sustainable Urbanisation**

Because of the rapid growth in urban population, *urban governance* has become another important aspect of good local governance. Local Authorities in urban areas have a decisive role to address the challenges related to urbanisation, such as the needs of citizens living in unauthorised settlements without adequate services and facilities, impoverished quality of life, criminality and social dysfunction.

By the year 2025, approximately two-thirds of the world's population will live in urban areas, with 95 per cent of the urban population growth taking place in partner countries and concentrated in the lowest income groups. Urbanisation has different causes including the migration of people from small towns and rural areas to major metropolitan areas and the rural-to-urban migration to the intermediate towns, as well as the natural increase of existing populations in metropolitan cities.

In its cooperation with partner countries, the EU will seek to promote sustainable strategies to promote non-discrimination and break down the barriers that exclude various groups from access to resources and opportunities offered by urban development, with the view to promote social inclusion, territorial cohesion and environmental protection.

Special attention should be paid to land access as a pre-requisite to sustainable urban development. Urbanisation has a profound effect on land values, so it is important to ensure that municipal finance can benefit from the increased values of land in order to be able to finance services and facilities.

In particular, the EU should encourage the definition of city policies for slum upgrading, to gradually improve, formalise and incorporate slums into the city itself by extending land, services and citizenship to slum dwellers. Furthermore, the EU should seek to improve the administrative ability of Local Authorities to register land rights and interests, to the effective and efficient management of urban land (cadastres, urban property registers). Improving urban land will open property markets. Property and transactions will become more transparent and fiscally taxable, increasing fiscal capacities of Local Authorities, which is a prerequisite for developing urban infrastructure and improving overall quality of life.

### **3.4. Associations of Local Authorities**

Associations of Local Authorities<sup>12</sup> can be instrumental in achieving good governance and development outcomes at local level. Their main functions include (i) advocacy of members' interests in national policy dialogues with central governments and other national stakeholders as well as in international fora; (ii) lobby for decentralisation policies leading to more autonomous and empowered Local Authorities; (iii) coordination and platform for discussion among members; (iv) experience and knowledge sharing with the view to enhance Local Authorities' capacities; (v) quality supervision of Local Authorities performance in matters of local policy-making processes and service delivery; (vi) promotion and coordination of participative local development plans.

In many partner countries, Associations of Local Authorities are still weak. In some other countries national Associations of Local Authorities do not exist.

In the last two decades, international Associations of Local Authorities have started advocating for their participation in the formulation of development policies and in the delivery of international aid at local level. International Associations of Local Authorities have also reaffirmed the importance of local governance and decentralisation reforms in the creation of a conducive environment to play an effective role in local development.

#### **Supporting Associations of Local Authorities in the ACP Countries**

Since 2010, in the framework of the Cotonou Agreement, the EU-funded Regional Programme "Supporting and strengthening Local Government Associations at ACP national and regional levels" (ARIAL) has aimed to enable Associations of Local Authorities to take part in the definition and implementation of development policies, through capacity and institutional development activities. During its three-year implementation period, ARIAL has worked towards the strengthening of Associations of Local Authorities at national, sub-continental and continental level. Key outcomes have been: (i) the support of five national associations, namely in Gabon, Chad, Swaziland, Kiribati and Vanuatu, through the Emerging Local Government Association Facility; (ii) the production of a series of capacity development toolkits, tailored on the demand of Associations of Local Authorities, in order to identify funding opportunities, to survey Local Authorities on their needs, to manage projects, to draft communication, advocacy and lobby plans.

The EU should seek to involve Associations of Local Authorities in the programming of national and local priorities as well as in the implementation of related EU-funded programmes, particularly those related to decentralisation. Furthermore, the EU should facilitate the establishment of partnerships between Associations of Local Authorities in partner countries and the EU.

## **4. A WAY FORWARD: MORE EFFICIENT AND FLEXIBLE MODALITIES OF SUPPORT**

The EU should adapt its support to the growing role, potential, and needs of Local Authorities and Associations of Local Authorities in partner countries.

The use of innovative funding modalities facilitating flexible, transparent and cost-effective access to resources at local level should be explored. In the context of support to

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<sup>12</sup> The term «Associations of Local Authorities» is to be understood as umbrella organisations based on membership and representativeness at sub-national, national, sub-continental, continental and international level. They may be organised as an autonomous entity in accordance with the legislation in force in the country of registration. Associations of Local Authorities may be composed of a representative body elected by its LA members and a permanent secretariat.

decentralisation processes this could include performance-based grants for local service delivery based on the results of annual assessment of Local Authorities institutional performance. The EU should also support initiatives allowing citizens to identify, discuss and prioritise public spending projects (e.g. participatory budgeting).

The EU uses budget support operations, particularly Sector Reform Contracts, to support improved service delivery. These could to be decentralised in order to better reach the target population or institutions, for example in health, education, water, sanitation, agriculture, or the process of decentralisation itself.<sup>13</sup> In the design and implementation of budget support, the EU should take into account both central and sub-national government levels. During the implementation, the EU should support systems to monitor the extent to which funding is transferred through government treasury to the most appropriate level of local administration. This may contribute to the improvement of intergovernmental fiscal transfers, strengthening of Local Authorities institutional capacity, procedures and systems in the areas such as planning and financial management, and consequently contribute to the quality of service delivery.

The EU should moreover pay special attention to policy coordination, complementarity and coherence between national and sub-national and sector policies targeted for budget support and to the complementarity with decentralisation reforms and devolution of powers, raising possible concerns in policy dialogues with central authorities.

The EU should continue to support and coordinate decentralised and cross-border cooperation between Local Authorities from Europe and partner countries based on long-term and equal institutional partnerships. Decentralised cooperation between EU Local Authorities and their counterparts in third countries can bring added value to the implementation of development actions, through continuous peer-to-peer learning, transfer of know-how and enhancement of local actors' participation in the public space at local level.

Recognising that many European Local Authorities have started acting as donors, the EU calls on these actors to bring together their expertise to engage in more systematic cooperation activities, in order to enhance the impact of this cooperation at local level, in respect of the principles of aid and development effectiveness. The Committee of Regions, which provides European Local Authorities with a political space for exchanging experiences and good practices as well as for establishing inter-regional relations, could play a key role in this respect. Likewise, European Local Authorities also have an important role to play in promoting Development Education and Awareness Raising (DEAR) among citizens.

Upstream support to public sector reforms should be coordinated with downstream support, to reinforce Local Authorities' roles in policy dialogue and decision-making at national level. The EU should also ensure sufficient flexibility to support Local Authorities' and Associations of Local Authorities' own initiatives.

It is proposed to implement the principles outlined in this Communication to support Local Authorities in partner countries and their Associations at country, continental and international levels. The EU should particularly engage in favour of the empowerment of these actors, to enable them to better respond to citizens' demands and in redistributing more equitably socio-economic benefits at local level. These ambitions should be accompanied by

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<sup>13</sup> EuropeAid's Budget Support Guidelines (2012). URL: [http://ec.europa.eu/europeaid/how/delivering-aid/budget-support/documents/bs\\_guidelines-part\\_ii-programming.design\\_management\\_en.pdf](http://ec.europa.eu/europeaid/how/delivering-aid/budget-support/documents/bs_guidelines-part_ii-programming.design_management_en.pdf).

the promotion of a conducive environment at national and local levels and efforts to reinforce the capacities of Local Authorities.

At the international level, the EU should continue to support the role that Local Authorities and Associations of Local Authorities play in raising awareness about local and urban development issues and in shaping the international development agenda with a focus on the interests of local communities. In view of the definition of the Post-2015 Development Agenda and the preparation of Habitat III, the international community should better recognise the responsibilities and solutions that different governmental tiers could bring in addressing global and local challenges.

**Item 3**

**Local – Central Relations on EU work and the Government’s EU  
review on balance of competences**

**Purpose of report**

For decision.

**Summary**

This paper has two aims, to:

1. Support a Board discussion on the Government’s major review to assess the impact of EU law on the UK. A Government representative will present an overview of the Government’s review.
2. Update Members on LGA plans to improve central-local relations on EU lobbying.

**Recommendation**

Members are asked to make a decision at paragraphs 9 and 18.

**Action**

Officers to progress any actions arising as appropriate.

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**Item 3**

**Local – Central Relations on EU work and the Government’s EU review of the balance of competences**

**Summary**

1. This paper has two aims:
  - 1.1. To provide background for a Board discussion on the Government’s review to assess the impact of EU law on the UK. Cat Evans, is Deputy Head for the Review and works within the Future of Europe Unit at the Foreign and Commonwealth Office. She has been invited to present the background, context and aims of the Government’s review. Members are asked to make a decision at paragraph 9.
  - 1.2. To update Members on LGA plans to improve central-local relations on EU lobbying.

**The Government’s Balance of EU competences review**

2. The Balance of EU competences review was launched by the Foreign Secretary in July 2012. It will conclude in Autumn 2014, and aims to develop an audit of what the EU does and how it affects the UK. It is broken down into 32 specific areas. Relevant Government Departments are consulting with key stakeholders to look in depth at how the EU’s competences work in practice and then produce public reports based on the evidence submitted.
3. In each policy area, the review asks questions such as:
  - 3.1. what evidence is there that EU competence in a given area has benefited/ disadvantaged the UK or the sector?
  - 3.2. where should decisions be made? How might the national interest be better served if decisions currently made at EU level were instead made at a national, regional or international level? What measures, if any, would be needed in the absence of EU legislation?
  - 3.3. to what extent are EU standards (e.g. on environment) necessary for the proper functioning of the EU internal market?
  - 3.4. to what extent is EU legislation focused on outcomes (results) and based on an assessment of risk and scientific evidence?
  - 3.5. how could EU competence in a given area be done differently (e.g. better ways of developing proposals, recognition of national circumstances, alternatives to legislation)?
  - 3.6. are there any alternative approaches the UK could take to the way it implements EU Directives?

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- 3.7. what advantages or disadvantages might there be in the EU having a greater or lesser role in entering into agreements internationally or with third countries?
- 3.8. how important is it for the UK to be part of “Team EU” at international events?
4. The review focuses on several areas which are relevant to local government to a greater or lesser extent. These include:
  - 4.1. environment and climate change;
  - 4.2. transport;
  - 4.3. culture;
  - 4.4. internal market-services;
  - 4.5. social;
  - 4.6. competition;
  - 4.7. energy;
  - 4.8. workplace health and safety and consumer protection; and
  - 4.9. subsidiarity and proportionality - cross cutting.
5. It will examine the extent to which EU action affects the UK, how EU laws are put into place in the UK, what effect they have and where more EU activity could be to the national benefit or where less would be appropriate. A similar exercise has recently been launched in The Netherlands, in which the Dutch LGA (VNG) will be participating.
6. For more information on the review: [www.gov.uk/review-of-the-balance-of-competences](http://www.gov.uk/review-of-the-balance-of-competences)

**The LGA response**

7. It is proposed that the LGA responds to the review given the significant number of EU competence which affect the local government sector. It is also important given the introduction of the Localism Act EU Financial Sanctions provision, which enables a Minister to seek to pass on to a local authority a fine from the EU for failing to comply with a European obligation if it can prove it contributed to non-compliance (see item 6).
8. It is suggested that the LGA submit a single response which captures broad principles of how we approach EU legislation and its implementation into UK legislation.
9. Set out below are broad, and previously agreed principles on the LGA approach to EU legislation and policy, its implementation in the UK, and impact on local authorities. Members' views are sought on whether or not these remain relevant, and / or require some refresh.
10. Principles relevant to the Government:
  - 10.1. **Identifying challenges early:** as the sole UK negotiator for EU laws affecting local authorities, the Government needs to understand the challenges councils may face in delivering it. It must engage with the LGA and our member authorities at two crucial stages: firstly: before and during negotiating the UK's line on a draft piece of EU law which could affect local services; and secondly: when UK Parliament transposes an EU directive into UK law.

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10.2. **Effective transposition:** the LGA urges the UK government to implement new EU rules in the lightest possible way, making it clear where it is responding to EU legislation, as it is not always clear which EU law translates into which UK statutory instrument. Systematic, timely and coordinated communication by the Government to inform and alert local authorities of new EU laws and UK implementing measures is critical if local authorities are to apply rules in a timely manner.

11. Principles relevant to the EU:

11.1. **The EU should legislate only when necessary:** we acknowledge that ‘good governance’ is not ‘no governance’, and there are some policy areas where it makes sense for EU countries to collaborate and set a level playing field. The LGA suggests that the EU legislates only when absolutely necessary and with a minimum of bureaucratic rules and a maximum of consultation, forewarning and financial assistance, leaving it to local councils and the UK government to work out the detail.

11.2. **Light touch EU legislation:** we urge ‘light touch’ EU legislation, and that it should be for the government, in consultation with local councils and the LGA, to work out the detail of how we achieve EU objectives.

11.3. **Seek alternatives to EU law:** we urge the EU to seek alternatives to legislation, to introduce time limits and review periods (‘sunset clauses’), to accelerate the repeal and simplification of existing rules.

11.4. **Strengthen democratic legitimacy:** we call on EU decision-makers to better involve councils, through the LG Association and local government representatives in the CoR, to strengthen the democratic legitimacy of EU decisions and ensure all new EU laws are necessary, proportionate and workable on the ground.

**Local – Central partnership working with Whitehall**

12. The Localism Act and the possibility that EU fines led to a commitment from lead Whitehall departments including the Foreign Office (FCO), Cabinet Office, and DCLG that a more systematic approach is required to gather intelligence and evidence on the local implications to inform the developing UK position on EU proposed law.

13. When negotiating EU proposals and agreeing “UK lines” for Brussels negotiations, Ministers need a better appraisal of the impact of individual EU proposals on councils, our ability to deliver new regulation, and any future liability to fines. The LGA should be in a position to provide this on our priority EU issues. This is working since we initiated a process whereby information is shared between UK Government and LGA on a more systematic basis.

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14. However, we cannot assume Whitehall will act always on LGA advice, so further work is required with DCLG and FCO to ensure Whitehall is acting consistently on these issues.
15. To cement principles of better working together, we propose to coordinate and host an event on **11 November at Europe House (Westminster)** involving leads from the LGA and Whitehall Departments.
16. The event is timed to coincide with the publication of the Commission legislative and policy work programme for 2014 and beyond. This would build on the successful Brussels Office coordinated EU summits. The agenda for the day is in development. It aims to identify the most important 2014 legislative proposals for local government and set out the optimum UK response from a local government perspective.
17. Principles of sharing relevant information, working together in compiling a shared evidence base to further our mutual priorities, and to ensure maximum influence on shared priorities as appropriate, could be drafted for agreement.
18. Members' views are sought on the key objectives and outcomes of the event to enable officers to start planning.

**Brussels dimension**

19. As regards the balance of competences exercise the LGA, through its representatives on Committee of the Regions (CoR) and staff in Brussels, already promotes the fundamental principles outlined above, in the context of the EU better regulation strategy and in general lobbying on specific directives. For example, Lord Tope is the CoR representative on the EU High-Level Group on Administrative Burdens, whilst he and Cllr Keymer have both authored CoR opinions on 'smart regulation' and subsidiarity which have pursued these principles.
20. As regards the local-central partnership, the LGA Brussels Office already has good working relationships with UK civil servants (UKREP) for intelligence-gathering and influence. These routine contacts are supplemented by UKREP attendance at meetings of the UK Delegation to CoR (2-3 times annually) and an approximately annual 'Summit' event in Brussels.

## **European and International Board Annual Report: 2012/13**

### **Purpose of report**

For information.

### **Summary**

Each LGA Board has been asked to set out its headline achievements in 2012-13. This report sets out the headlines for the European and International Board for Members' consideration.

### **Recommendation**

Members are asked to note the report which will be submitted to the 18 July LGA Executive.

### **Action**

As directed by Members.

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## **European and International Board Annual Report: 2012/13**

### **Background**

1. Each LGA Board has been asked to set out its headline achievements in 2012-13. This report sets out the headlines for the European and International Board for Members' consideration.

### **Supporting Local Economic Growth**

2. One of the big concerns expressed by councils over many years was that national control over EU structural funds in England was a barrier to local growth and hampered partners ability to develop innovative projects and support the most vulnerable in society. With the current funding regime ending in December 2013, the Board prioritised lobbying for a localist approach to delivery in the 2014-20 EU funding programmes.
3. While there is still much to do to finalise arrangements, the Board has delivered a significant lobbying success in the 2013 spending review. The Government announced that the majority of EU allocations (approximately £6 billion) have been localised to LEP areas, with minimal funding kept nationally (4.3 per cent).
4. Key to the Board's success has been a significant and concerted evidence based campaign to influence Whitehall, Parliament and EU decision makers which set out what local partners could achieve at the local level (and what would be lost through a national approach). We also ensured that there was a more balanced and equal relationship with Government. Through the appointment of two local government secondees to the UK negotiating team within the Department for Business, Skills and Innovation (BIS), we ensured that the direct negotiations between the UK and the EU had a distinct local voice. This is a model that we may want to replicate elsewhere.

### **Successful EU Influence**

5. Through the appointment of councillors to formal European bodies - such as Committee of the Regions (CoR) and CEMR (the European LGA) - and direct lobbying by leading Members, the Board exerts much influence in Brussels. Each year, the Board agrees lobbying priorities from the EU annual work programme to ensure that any new local financial or administrative burdens are challenged and new opportunities supported.
6. Board, CoR and CEMR Members have worked collaboratively on priorities. The EU funding issues above are a good example of the Board seeking to maximise new opportunities for councils.
7. Members also led a successful lobby to challenge new financial burdens from a proposed EU target to enforce a 3 per cent annual renovation of public sector buildings to minimum energy efficiency levels. A conservative figure for all social housing to be renovated was £752 million. Whilst the principle behind the EU work was a good one, reduced council budgets could not afford the proposed EU standards. Thus members successfully worked to remove local councils from the scope of this Directive, notably through CoR

11 July 2013

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and the synchronised lobbying of national governments by LGAs across Europe, co-ordinated by CEMR.

8. Another example was the changes we achieved to EU procurement rules, making local environmental and social conditions easier to apply and ensuring that council-to-council collaboration was outside the remit of EU rules.

**Better Value from Practitioners in Delivering Aid**

9. There is much demand upon English local government from LGAs and councils in the developing world. One of the big messages from councils abroad is that they prefer to be supported by peers rather than expensive consultants. Whilst the LGA has often made these lobbying points, in 2012-13 we were commissioned to deliver a programme of work which allowed us to speak with a voice of authority on these issues.
10. Our African peer review programme, commissioned from the African LGA, with the support of resources from an external donor, exemplified how local practitioners in the UK could support the public service abroad in a very cost-effective way. The comments back from African politicians was that the programmes provided a model of support where improvement models were being offered by peers (rather than consultants offering off-the-shelf solutions) and they led to a transfer of expertise (rather than an aid organisations setting up an office in the developing nation).
11. Through this work, we have demonstrated the range of work that could be led by local government and highlighted the demand and standing of UK expertise in the developing world.

**Councils Providing New Markets Abroad For Business**

12. We have long argued that in developing new markets for British firms, the local-to-local role is unvalued in the UK. In 2013, we developed a programme with UKTI and its Mexican arm after an approach to the LGA by Mexican local government. Under new policy directives, Mexican Mayors were developing a commercialisation programme and wanted an introduction to UK firms who had a global reputation in developing public/private partnerships, whilst maintaining the public service ethos. Mexican politicians wanted to meet firms through their UK political peers in local government as a "safe passage" to the private sector. This demonstrated to UKTI the worth of local-to-local relationships in trade. As a result, Lord Green, the BIS Trade Minister, asked for a local action plan to be developed at the LGA conference in July.



**Item 5**

**Round-up of activity: Board EU lobbying priorities, institutions and international activities**

**Purpose**

For information.

**Summary**

At an earlier meeting, European and International Board (E&I) Members requested a regular update on recent developments on each of our key priority topics. In addition, the Board routinely receives an update of recent developments in the European and international bodies to which it nominates members and on the LGA's international activities.

**Recommendation**

Members are asked to comment on the report and make any recommendations for officers to action.

**Action**

Officers to take action as directed by Members.

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## **Round-up of activity: Board EU lobbying priorities, institutions and international activities**

### **A: BOARD EU LOBBYING PRIORITIES**

#### **EU Funds (Brussels)**

1. The EU regulations governing all aspects of the 2014-20 funds are scheduled to be agreed in the Autumn 2013. Negotiations are drawing to a close, but one sticking point has been the idea of holding 5 per cent of the funds back in a 'performance reserve', which will be issued as a reward to programmes which are spending efficiently. Another issue is the Commission's proposal that it would have a new ability to suspend structural funds to countries with excessive national deficits: this could cut the flow of funds to local projects because of national borrowing decisions. LGA and local and regional government across Europe have been vocal in opposing these two proposals.

#### **Assisted areas**

2. The Department for Business, Innovation and Skills (BIS) is expected to publish a draft map showing the UK's 'assisted areas' in the Autumn, accompanied by a consultation. Assisted areas will not receive any extra funding. They will simply be allowed to give a higher level of grant support (higher intervention rates) to SMEs and will also be able to give grants to support large companies, above 250 employees, in certain circumstances.
3. The map and associated EU rules have the potential to affect both EU and domestic funding including the Regional Growth Fund and, potentially, the new Single Local Growth Fund due to be announced by Government.
4. Around a quarter of local areas in the UK will be classed as 'assisted' by BIS based on socio-economic statistical data. The EU published the final version of its rules which govern the process (Regional Aid Guidelines 2014-20) in June 2013. The LGA and others lobbied successfully to overturn the EU's proposed ban on all investment aid to larger companies in assisted areas. The LGA argued that in tough economic times the need to support investment and job creation needed to remain open in assisted areas whether the beneficiary was an SME or a larger company.

#### **Public Procurement**

5. Following LGA lobbying, the latest version of the future procurement rules is set to include, for the first time, an exclusion to allow local authorities to pool their public service delivery activities without always having to go out to tender. Such 'public-public cooperation' will be allowed in certain circumstances when two public bodies have a common task and common objectives to deliver. Securing the exclusion is a significant victory for LGA work in Brussels and will help councils to deliver efficiency savings.

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6. The new Directive will also place even greater emphasis on considering environmental and social issues in public procurement, including considering the life cycle costs rather than the up-front costs of assets purchased. Simply considering price, rather than quality, as the only criteria will also be discouraged. The latest text will also include rules on subcontracting and tougher provisions on 'abnormally low' bids to guarantee respect for labour laws and collective agreements.
7. A new ability to negotiate more closely with suppliers will also be introduced. This should help councils to ensure they are getting best value from their contracts.
8. Finally, bidding will be simplified for companies via a standard European 'Single Procurement Document', which public authorities EU wide will have to accept from the bidder. This will save companies a lot of initial paperwork, with only the winning bidder, rather than every bidder, having to provide documentation. The latest text also encourages the division of contracts into lots to allow SMEs a greater possibility to bid for public contracts.
9. Both the European Parliament and the Member States are expected to endorse the deal early in the autumn 2013. The new rules will then come into force in the UK in 2015 at a date to be set by Government.
10. The LGA will soon begin early discussions with Cabinet Office as regards implementation. The LGA may work with Government, for example, to produce appropriate e-learning tools for councils. Implementation is likely to be a substantial piece of work in its own right. The LGA has reminded Government of several practical and resourcing issues for councils. Councils are individual legal entities with their own individual standing orders. Councils will need to take time and need to follow due process to amend their internal procedures ahead of the 2015 deadline.

**Revision of EU environment laws**

11. The EU is currently reviewing its laws on air quality and waste management and is expected to launch new rules once the new Commissioners are in post from late 2014. These are important areas for local councils, where strengthened targets can be welcomed on environmental grounds, but could be costly to implement and may increase the risk of fines for non-compliance. This is particularly the case with air quality, where existing targets are proving difficult to achieve.
12. In this area, the CEMR (the European LGA) has a well-functioning committee and specific officer working groups on both waste and air quality; it is consulted directly by the European Commission and is well-regarded by MEPs. Therefore, in this initial phase, LGA actions are focused on contributing to CEMR position papers.

**B: INSTITUTIONS**

**Congress of the Council of Europe**

13. LGA Group offices are currently preparing nominations for the following vacancies:

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- 13.1. Labour: 1 full member (to replace Liz Staples, Conservative, Staffordshire); and
- 13.2. Independent: 1 full member (to replace Vanessa Churchman, Independent, Isle of Wight).
14. The main item on the Congress work programme with particular relevance to LGA is the ongoing peer review of local democracy in the UK. This was debated at length at the last meeting of this Board. Subsequently, the Congress conducted its first fact-finding visit to the UK, including a successful half-day visit to the LGA where they met leading Members and technical experts. There will be an oral update on the progress of the review at the next meeting.
15. The next steps are that the Congress rapporteurs will draw up draft recommendations, which will form the basis for discussions with UK Ministers, civil servants and Devolved Administrations during a second visit this Autumn. The Congress is expected to adopt its report in March 2014.

**EU Committee of the Regions**

16. LGA Group offices are currently preparing nominations for the following vacancies:
  - 16.1. Conservative: 2 full members (to replace Sir Simon Day, Devon; David Parsons, Leicestershire); 1 alternate (to replace Alan Melton, Cambridgeshire); and
  - 16.2. Liberal Democrats: 1 full member (to replace Doris Ansari, Cornwall).
17. Following the election of Cllr Gordon Keymer as President of the CoR European Conservatives and Reformists (ECR), the UK Delegation conducted an election to replace him as CoR Vice-President (UK), which carries with it a full place on the CoR Bureau. Cllr Kay Twitchen was elected unopposed.
18. In parallel, an election was held for UK Delegation Leader. Cllr Gordon Keymer was elected.

**Council of European Municipalities & Regions (CEMR)**

19. The current CEMR three-year term ends in December 2013. Monday 4 November is the deadline for the reception of the candidacies for office (President, Co-Presidents etc.), and Monday 25 November for nomination of national delegations to the Policy Committee. The UK has seven full and alternate places on the Policy Committee, of which the LGA nominates four and by convention nominates the Delegation Leader who sits on the Executive Bureau (currently Cllr Gordon Keymer). There is a gender quota, which is a minimum of three places for each sex, both as full member and as alternate. Other UK associations and LGA Group Offices will be asked to submit their nominations over the summer.
20. The CEMR has now transferred its headquarters and most staff from Paris to Brussels. As small number of Paris-based staff chose to accept redundancy rather than move to Brussels, amongst them the Director of Finance, whose successor has now been

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appointed with effect from 1 September 2013, after which the transfer will be complete. This has been a long-term goal of the LGA, which we believe will raise the profile and influence of CEMR, whilst making it more efficient and cost-effective.

21. At a recent meeting of the CEMR Executive Bureau, in which Cllr Keymer participated, there was debate on restructuring the basis on which CEMR fees are calculated. Although a definitive system has not been agreed, it was recorded that it would not lead to an increased call on UK subscriptions, which have been frozen at a reduced level for the last three years. Several countries are currently in arrears with their subscriptions and have submitted informal requests for reductions. The Bureau agreed Cllr Keymer's proposal that there should be a structured procedure for submitting requests for deferred or reduced fee payments for LGAs with budgetary difficulties. This will be considered at the CEMR Financial Management Committee on 19 September 2013.

**United Cities and Local Governments (UCLG)**

22. There will be an update on nominations to the UCLG nominations at the meeting.

**Roma Communities**

23. Councillor Roger Stone (Leader of Rotherham MBC), who addressed the May Board meeting on the work he had undertaken on Roma policy, has been appointed the Committee of the Regions' Rapporteur on Roma; thus Cllr Stone has a position of influence in Brussels on this issue. Cllr Stone will be supported by the LGA in his work over the next six months, to pursue the issues raised at the last Board.

## **EU Fines: Independent Advisory Panel – local government nominations**

### **Purpose of report**

For information.

### **Summary**

The Localism Act contains the requirement that, before an EU fine can be passed to local authorities, Ministers must seek, and take heed of the advice of an independent advisory panel on EU fines adjudication. The LGA is responsible for nominating local government experts to the panel in cases which involve an English local authority.

Local authorities implement a vast range of regulations which derive from EU Directives once the UK Government has agreed and transposed them on to the UK statute book. The LGA has focused on establishing the pool based on those service areas which have to implement a significant amount of EU derived legislation.

The list of service areas and local authority experts is attached at **Appendix B**. This pool will be refreshed on an annual basis and is before the European and International Board for oversight and corporate ownership.

### **Recommendation**

Members are asked to note the pool of experts from within the sector to be drawn upon in the event that an independent advisory panel on EU fines is required, which will be refreshed on an annual basis.

### **Action**

Officers to progress any actions arising as appropriate.

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## **EU Fines: Independent Advisory Panel – local government nominations**

### **Background**

1. The LGA had significant concerns about the original proposals to enable Ministers to arbitrarily pass on a European Union (EU) fine to one of our member authorities. This proposal could have landed our member authorities with a fine of millions of pounds, with no recourse. We called for the proposals to be scrapped on the grounds they were unfair, unworkable, dangerous to their budgets and unconstitutional. Once it was clear the proposals would not be deleted, the LGA worked to ensure sufficient safeguards were in place to protect local authorities should a Minister seek to pass on all, or part of an EU fine. The LGA's successful lobbying resulted in a fairer, more transparent policy than previously proposed
2. The Act requires Ministers to lay before both Houses of Parliament details of every local authority they intend to pass on a fine to, on a case-by-case basis. Each case will be subject to a vote in both Houses. If the intention to pass on all, or part of an EU fine, is supported by both Houses, the Minister must establish an independent advisory panel.
3. The panel will include representatives from local government and its function will be to advise and make recommendations to the Minister on: the parties involved; the split of responsibilities and culpability; and to ensure that the case for both the apportionment and recovery of costs is fair and robust. The Minister is required to consider the panel's advice and recommendations, which will be publically available.
4. In cases involving a local authority in England, the LGA is responsible for nominating local government experts to the panel. Given the safeguard has been secured by the LGA, we have sought to secure nominations to ensure we are one step of any developments which might arise. The Greater London Authority will arrange its own nominations separately.

### **EU Financial Sanctions:**

5. The Government rightly points out that an EU fine has never been imposed on the UK. However, by introducing this policy, it suggests that there is a real risk. A minimum EU fine to the UK would be £10 million plus daily/periodic penalties for non-payment/fulfilment of EU obligations.
6. Once transposed into UK regulation, EU Directives have a significant, administrative, financial and regulatory impact on the way local authorities are run, and the services they provide or procure, costing time and money to implement. The following EU Directives affect councils in various ways:
  - 6.1 energy efficiency affects municipal buildings and housing stock;
  - 6.2 recycling/waste frame all council environmental and waste services;

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- 6.3 procurement frame the way councils buy goods, works and services;
  - 6.4 working time significantly affect shift patterns in Fire and Rescue Authorities and residential care homes;
  - 6.5 renewable energy enable councils to generate alternative energy; and
  - 6.6 consumer policy affect trading standards.
7. The sector must be prepared should a fines issue ever arises. The LGA is committed to working with Government to avoid the incurrence of an EU fine:
- 7.1 Developing a more positive relationship with Whitehall on EU issues so the Government and Whitehall engage us at an early stage on EU policy development which once transposed, could significantly impact on local authorities (see Item 3).
  - 7.2 Established a standing pool of local authority representatives for those service areas most likely to be affected by EU derived legislation. This will enable the sector to respond swiftly and effectively should a Panel ever be required.

**Independent Advisory Panel – ‘pool of experts’**

- 8. This report updates members on the establishment of this standing pool of experts.
- 9. The terms of reference for the panel are broad, stating only that the panel must consist of one or more people with legal, topical, and sector expertise and that all nominations will be subject to the Minister’s approval. To ensure local government expertise is adequately represented, the LGA, together with Society of Local Authority Chief Executive’s (SOLACE), have proposed that each panel will include an elected Member, an officer and chief executive expert from within the sector.
- 10. Six service areas were identified as most likely to be affected by EU derived legislation: environment and energy efficiency; local government finance; procurement; regulatory services; waste and recycling; and employment law. A ‘miscellaneous’ category is included in case a fine may arises which falls outside the six identified service areas.<sup>1</sup>
- 11. The pool has been compiled in conjunction with SOLACE, Lead Members from the relevant LGA policy Boards, relevant professional officer networks and the LGA political group offices. **Appendix A** provides further details of the nomination process undertaken, with the completed list of elected Member, officer and chief executive experts nominated to the pool attached at **Appendix B**.
- 12. Given an EU fines case is likely to be technical, high profile, and time consuming, appointments will need to be reviewed on a case by case basis by the LGA Chief Executive and Chairman, in conjunction with advice from relevant policy officers.

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<sup>1</sup> Appointments to this category will be sought on a case by case basis once the details of the fine are known.

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**Next Steps**

13. It is proposed that the pool of service areas and local authority experts is reviewed on an annual basis and that for continuity and efficiency, this process be brought in line with the LGA's appointments to Outside Bodies procedure.

**Financial Implications**

14. There are no financial implications for the LGA, other than officer time and resources in maintaining and reviewing the vulnerable service areas and the pool of experts. Expenses and allowances for Panel members, along with provision of a secretariat to the Panel, will be covered by DCLG.

**Background reports**

15. For further information, Terms of Reference for the independent advisory panel and further detail on the proposed role of the panel is detailed in the Policy Statement on the DCLG web page <https://www.gov.uk/government/publications/policy-statement-for-part-2-of-the-localism-act-2011>.



**Item 6**

**APPENDIX A**

**Nomination process**

1. The approach undertaken to establish this standing pool of local authority experts was as follows:

**Elected Members**

- 1.1 The four political lead Members of the relevant LGA policy Boards and Panels were asked to nominate the elected Member experts for their specific service area(s). Political balance has not been reflected in the pool as the role of a member on the panel is apolitical, therefore appropriate expertise and skills is the primary concern. Additionally, in the event that a Panel is required, only one member would be involved at any one time. Political oversight has been maintained through the lead Members of the Panels/Boards approval process and through the LGA political group offices having advanced sight of the appointment process and final list of nominations.

**Officers**

- 1.2 The primary professional officer networks for each of the six service areas were approached and asked to nominate officer representation.<sup>2</sup>

**Chief Executives**

- 1.3 SOLACE has agreed to nominate a chief executive from within their network for each of the identified service areas as and when a fine arises.

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<sup>2</sup> For those areas where the professional network is not easily identifiable, an individual has been identified who will advise on a case by case basis which professional body to seek a nomination from.



**Item 6, Appendix B**

Service Area		Elected Member		Chief Executive	Officer expert	
Specific issue	Role	Name	Name	Professional Network	Role	Name
Employment law	Workforce Board Chair	Sir Steve Bullock		Regional Employers Organisations.	Principal Solicitor, Leicester City Council	Paul Atreides
	Workforce Board Deputy-Chair	Cllr Roger Phillips			Principal Solicitor, Barking&Dagenham LB	Chris Pickering
	Workforce Board Vice-Chair	Cllr Stephen Knight			Section Leader: Employment Dispute Resolution Department, Essex County Council	Emma Thomas
	Workforce Board Deputy-Chair	Cllr Norman Murphy			Assistant Chief Executive, Central Bedfordshire Council	Deb Clarke
					Solicitor, Employment Law and Policy Manager, Redcar and Cleveland BC	Steve Newton
				Lead HR Business Partner, Northumberland BC	Janice Barclay	
				Employment Adviser, LGA	Philip Bundy	
				Employment Adviser, LGA	Samantha Lawrence	
				Employment Adviser, LGA	Kelvin Scorer	

**Item 6, Appendix B**

Service Area		Elected Member		Chief Executive	Officer expert		
	Specific issue	Role	Name		Professional Network	Role	Name
<b>Environment and Energy efficiency</b>	Energy Efficiency Air quality Environmental Noise directive Water efficiency	Environment & Housing Board Deputy-Chair  Environment & Housing Board Deputy-Chair	Cllr Keith House (Environment)  Cllr Andrew Cooper (Energy Efficiency)	SOLACE	Association of Directors of Environment, Economy, Planning and Transport (ADEPT)	Chair of ADEPT Environment Board Currently: Director of Economy Transport & Environment East Sussex County Council	Rupert Clubb
<b>Waste and recycling</b>		Environment & Housing Board Vice-Chair (Portfolio holder for waste).	Cllr Clyde Loakes	SOLACE	Association of Directors of Environment, Economy, Planning and Transport (ADEPT)	Chair of ADEPT Waste Panel Service Director, Waste Management, Wiltshire Council	Tracey Carter
<b>Local government finance</b>	Treatment of VAT Invest public funds Level of charges set for access to public data, (environmental or property searches) Level of licensing fees Cooperation with other councils across Europe to recover unpaid taxes Liquidity requirements for credit unions	Finance Panel Vice-Chair	Melvyn Caplan	SOLACE	LGA Head of Local Government Finance to advise on professional network on a case by case basis.	-	-



Item 6, Appendix B

Service Area	Elected Member		Chief Executive	Officer expert		
	Role	Name		Professional Network	Role	Name
Procurement	Improvement & Innovation Board Deputy Chair (Portfolio holder for Productivity)	Cllr Ruth Cadbury	SOLACE	National Advisory Group (NAG) on procurement  Local Partnerships	Manager of National Advisory Group. To arrange nomination on a case by case basis.  Legal Services Director, Local Partnerships. To arrange nomination on a case by case basis.	-  -
Regulatory Services	Licensing	Stronger & Safer Communities Board Chair	SOLACE	LGA Environmental Health Policy Forum	Chair of Environmental Health Policy Forum Head of Planning and Health, Christchurch and East Dorset Councils	Steve Duckett
	Trading Standards	LGA Licensing Champion	Cllr Mehboob Khan	LGA Licensing Policy Forum	Chair of the LGA Licensing Policy Forum Senior Licensing Officer	Alan Tolley
		LGA Regulatory Champion	Cllr Nilgun Canver  Cllr Paul Bettison		National Trading Standards Board Association of Chief Trading Standards Officers.	Discussions are currently taking place. Discussions are currently taking place.

**Item 6, Appendix B**

Service Area		Elected Member		Chief Executive	Officer expert		
	Specific issue	Role	Name		Professional Network	Role	Name
Miscellaneous		TBC on a case by case basis.	TBC on a case by case basis.	SOLACE	TBC on a case by case basis	TBC on a case by case basis	TBC on a case by case basis

**Note of decisions taken and actions required**

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<b>Title:</b>	European & International Board
<b>Date and time:</b>	Tuesday 21 May 2013, 11.00 am
<b>Venue:</b>	Smith Square 1&2, Local Government House, London

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**Attendance**

<b>Position</b>	<b>Councillor</b>	<b>Council</b>
Chair	Dave Wilcox OBE	Derbyshire CC
Deputy Chair	Gr. Uff. Marco Cereste OSSI OMRI	Peterborough City
Members	Guy Nicholson	Hackney LB
	Roger Lawrence	Wolverhampton City
	David Shakespeare OBE	Wycombe DC
	Joanne Beavis	Braintree DC
	Sandra Barnes MBE	South Northamptonshire DC
	Lord Graham Tope CBE	Sutton LB
	Sian Reid	Cambridge City Council
	Dave Allan	Sunderland City
	Sue Whitaker	Norfolk County Council
	Sir Albert Bore	Birmingham City
	Sue Murphy	Manchester City
	Gordon Keymer CBE	Tandridge DC
	Liz Eyre	Worcestershire CC
	Roger Dennison	Lancaster City Council
Apologies	Keith Glazier	East Sussex CC
	Sherma Batson MBE DL	Stevenage BC
	Richard Kemp	Liverpool City
	Cllr Shirley Flint	North Kesteven DC
Speakers	Jeremy Smith	Advocacy International
Officers	Ian Hughes, Ivor Wells, Nick Porter, Drago Djekovic, Russell Reefer, Juliet Whitworth, Stephen Richards and Frances Marshall	

Item	Decisions and actions	Action by
1.	<p><b>Welcome and Introductions</b></p> <p>The Chair opened the meeting by welcoming everyone present and noted the apologies that had been received.</p>	
2.	<p><b>Council of Europe review of UK Local Democracy</b></p> <p>The Chair briefly introduced the report which summarised the planned Council of Europe (CoE) peer review of local democracy in the UK which would be taking place at the end of the month. In advance of this review, the European and International Board had commissioned Mr Jeremy Smith (Director of Advocacy International) to produce an independent report on UK compliance with the Charter of Local Self-Government. Copies of this report and a summary of its main conclusions had been circulated to Members.</p> <p>In introducing his independent report, Mr Smith gave a brief summary of his Article-by-Article analysis, drawing attention to those issues which were of particular interest to local government. He explained that in his judgment, the UK was broadly in compliance with the large majority of the Articles with regards to local government in England; however, there were a number of important areas which required action in order to come into compliance, such as legal recognition of the principle of local self-government; and adequate financial resources. Additionally there were several border-line areas where action would enhance the degree of compliance.</p> <p>In considering the report, Members discussed a number of specific areas, including consultation duties, planning regulations and long term sustainable funding. Members thanked Mr Smith for his report, endorsed the key messages with it, and highlighted the value of the report as a tool for future LGA's lobbying. They asked that the findings of a similar evaluation Mr Smith had undertaken in 1998 be shared with Members as a means of comparison and as an indication of progress.</p>	
	<p><b><u>Decision</u></b></p> <p>That the Board <b>noted</b> the forthcoming peer review by the Council of Europe to scrutinise UK compliance with the Charter of Local Self-Government and <b>agreed</b> the independent report on UK compliance for submission to the Delegation.</p>	

### **3. EU Funding 2014 – 2020**

Nick Porter (Advisor) presented the report which updated Members on a number of significant developments in the process for establishing the 2014 – 2020 EU funding programmes. In doing so, he summarised the outcomes from a recent meeting with the Minister for Business and Enterprise and invited Members to update on ways in which their local authority was working with its Local Enterprise Partnership (LEP) to influence forthcoming thinking on investment strategies.

In discussing the report, Members welcomed the inclusion of local authority representatives on the National Growth Board, however raised a number of concerns relating to: the disparity in skills, capacity and accountability of LEPs across the country; the level of local authority engagement in investment strategies across the piece; the role of the LGA in supporting LEPs with performance challenges; the need for further clarity on process and procedures around ITI's and financial instrument; and the impact of central government control of funding on councils' ability to integrate funds. Members asked that a report be brought to a future Board meeting capturing LEP's performance across the country.

#### **Decisions**

That the Board:

- i. **noted** the report;
- ii. **asked** that their comments inform the development of the work programme; and
- iii. **asked** that a report be brought to a future Board meeting capturing issues relating to LEP capacity.

#### **Action**

Bring a report to a future Board meeting.

Nick Porter

### **4. LGA Lobbying**

The Chair moved the report, which at the direction of the LGA Executive, tasked the Board with investigating the possibility of closer working between English local government offices in Brussels.

With reference to the Dutch model of local government representation in Brussels, Members highlighted the opportunity to maximise the influence of English local government in Brussels through a more joined up approach to

use of local authority resources.

**Decision**

That the Board **noted** the report and **agreed** to investigate possible closer working between English local government offices in Brussels and to report back to the Executive.

**5. International Development Opportunities and International Trade and Development Update**

Due to time constraints, the item was deferred to the next meeting.

**Decision**

That the item be **deferred** to the July Board meeting.

**6. Round-up of activity: Board EU lobbying priorities, institutions and international activities**

The item was moved without further comment.

**Decision**

That the Board **noted** the report.

**7. Notes of the last meeting**

The notes of the last meeting were **agreed** as a correct record.

**8. Date and Time of Next Meeting**

Thursday 11 July 2013 at 11am, Local Government House, London, SW1P 3HZ.

**INFORMAL SESSION**

<b>Item</b>	<b>Decisions and actions</b>	<b>Action by</b>
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**9. Informal Board discussion on European policy on Roma communities and accession states to the European Union**

In introducing the themed session, the Chair explained that at the February Board meeting, Members had requested a more detailed discussion on the lobbying work that the Board could undertake at EU level in light of proposals from the EU on the rights of Roma children.

Cllr Roger Stone (Leader of Rotherham Council) spoke about local government's role in addressing the challenges facing Roma communities at a national and European level. In doing so, he drew on his own experiences at a local level as well as through the National Roma Network. With reference to the failings of many member states to provide basic standard of living and access to education, housing and health care for Roma communities, he emphasised the importance of having a united pan-European approach to the issue.

Councillor John Warminsham (Salford Council and Leader of the UK Delegation to the Congress of the Council of Europe) spoke about the work of Congress to promote inclusion of Roma populations. He drew on his experiences as a thematic Rapporteur on Roma/Travellers and underlined the important role of local and regional government in promoting Roma inclusion, particularly around education.

The Board thanked Cllrs Stone and Warmisham for their valuable contributions and discussed the issue at length. In doing so, Members provided examples from their own local areas and highlighted the role of local authorities in providing a duty of care to communities. Particular emphasis was made to providing training and education to Roma population both in "emitting" and "receiving" countries. Whilst Members were in agreement that it was important the sector be proactive in addressing the issue, they also indicated that funding should be sought from both national and European sources. With this in mind, Members were united in their view that the LGA play a role in raising the profile of the issue on a national and a European level. In terms of next steps, it was agreed that the LGA organise a lobbying visit to Brussels to: develop a better understanding of the existing EU activities initiatives and programmes regarding Roma population; see how UK local authorities could benefit from those programmes; and to share challenges and experiences of UK councils in dealing with issues related to Roma population. The outcomes from this lobby would be reported back to a future Board meeting.

### **Decision**

The Board **agreed** that the LGA organise a fact-finding and lobbying visit to Brussels and report back to a future meeting.

### **Action**

Organise a fact-finding and lobbying visit to Brussels.

# LGA location map

## Local Government Association

Local Government House  
Smith Square  
London SW1P 3HZ

Tel: 020 7664 3131

Fax: 020 7664 3030

Email: [info@local.gov.uk](mailto:info@local.gov.uk)

Website: [www.local.gov.uk](http://www.local.gov.uk)

## Bus routes – Millbank

- 87** Wandsworth - Aldwych
- 3** Crystal Palace - Brixton - Oxford Circus

For further information, visit the Transport for London website at [www.tfl.gov.uk](http://www.tfl.gov.uk)

## Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at Local Government House. Please telephone the LGA on 020 7664 3131.

## Public transport

Local Government House is well served by public transport. The nearest mainline stations are:

Victoria and Waterloo: the local underground stations are

**St James's Park** (Circle and District Lines), **Westminster** (Circle, District and Jubilee Lines), and **Pimlico** (Victoria Line) - all about 10 minutes walk away.

Buses 3 and 87 travel along Millbank, and the 507 between Victoria and Waterloo stops in Horseferry Road close to Dean Bradley Street.

## Bus routes – Horseferry Road

**507** Waterloo - Victoria

**C10** Canada Water - Pimlico - Victoria

**88** Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

## Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park  
Horseferry Road/Arneway Street. Visit the website at [www.westminster.gov.uk/parking](http://www.westminster.gov.uk/parking)

