

LGA Executive

Agenda

Thursday 9 February 2012
2.15pm

The Westminster Suite (8th floor)
Local Government House
Smith Square
London
SW1P 3HZ

To: Members of the LGA Executive
cc: Named officers for briefing purposes

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LGA Executive
9 February 2012

There will be a meeting of the LGA Executive at:

2.15pm on Thursday 9 February 2012 in the Westminster Suite (8th floor), Local Government House, Smith Square, London, SW1P 3HZ.

Attendance Sheet

Please ensure that you sign the attendance register, which will be available in the meeting room. It is the only record of your presence at the meeting.

Apologies

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting, so that a substitute can be arranged and catering numbers adjusted, if necessary.

Labour: Aicha Less: 020 7664 3263 email: aicha.less@local.gov.uk
Conservative: Luke Taylor: 020 7664 3264 email: luke.taylor@local.gov.uk
Liberal Democrat: Evelyn Mark: 020 7664 3235 email: libdem@local.gov.uk
Independent: Group Office: 020 7664 3224 email: independent.group@local.gov.uk

Location

A map showing the location of Local Government House is printed on the back cover.

LGA Contact

Lucy Ellender Tel: 020 7664 3173; Fax: 020 7664 3232;
e-mail: lucy.ellender@local.gov.uk

Carers' Allowance

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LGA Executive

Updated: 6.10.11

LGA Executive - Membership 2011/2012

Councillor	Authority	Position/ Role
Conservative		
Sir Merrick Cockell	RB Kensington & Chelsea	Chairman
Gary Porter	South Holland DC	Vice-chairman/Group Leader
Robert Light	Kirklees Council	Deputy-chairman
Andrew Lewer	Derbyshire CC	Deputy-chairman
Robert Gordon DL	Hertfordshire CC	Deputy-chairman
David Simmonds	Hillingdon LB	Chairman, CYP B
David Parsons CBE	Leicestershire CC	Chairman, Env & Housing B
Paul Bettison	Bracknell Forest Council	Chairman, LGR
Peter Fleming	Sevenoaks DC	Chairman, Improvement B
Labour		
David Sparks OBE	Dudley MBC	Vice-chairman/Group Leader
Sharon Taylor	Stevenage BC	Deputy-chairman
Steve Reed	Lambeth LB	Deputy-chairman
Mayor Sir Steve Bullock	Lewisham LB	Chair, Workforce B
Peter Box CBE	Wakefield Council	Chair, E&T B
Mehboob Khan	Kirklees Council	Chair, SSC B
Dave Wilcox OBE	Derbyshire CC	Chair, E & I B
Liberal Democrat		
Gerald Vernon-Jackson	Portsmouth City	Vice-chairman/Group Leader
Mayor Dorothy Thornhill MBE	Watford BC	Deputy-chairman
David Rogers OBE	East Sussex CC	Chair, CWB B
Chris White	Hertfordshire CC	Chair, CTS B
Jill Shortland OBE	Somerset CC	Member
Independent		
Marianne Overton	Lincolnshire CC	Vice-chairman/Group Leader
Regional Representatives (10)		
Peter Martin (Cons)	Essex CC	East of Eng. LGA
Paul Carter (Cons)	Kent CC	SE Eng Councils
Angus Campbell (Cons)	Dorset CC	SW Leaders
Philip Atkins (Cons)	Staffordshire CC	WM Councils

Martin Hill OBE	(Cons)	Lincolnshire CC	EM Councils
Mayor Jules Pipe	(Lab)	Hackney LB	London Councils
Paul Watson	(Lab)	Sunderland City	NE Councils
Ian Greenwood	(Lab)	Bradford MDC	LG Yorks & Humber
Sir Richard Leese CBE	(Lab)	Manchester City	North West Regional Leaders' Board
Robert Dutton OBE	(Ind)	Wrexham County Borough	Welsh LGA
Named substitutes			
Simon Henig		Durham CC	NE Councils
Gordon Keymer CBE		Tandridge DC	SE Eng Councils
Paul Watkins		Dover DC	SE Eng Councils

Non-voting Members of LGA Executive

Cllr/Local Authority	Political Group	Representing
Lord Peter Smith (Wigan MBC)	Labour	LG Leadership
Stephen Castle (Essex CC)	Cons	Resources Panel
Neil Clarke (Rushcliffe BC)	Cons	District Councils Network
Stephen Houghton CBE (Barnsley MBC)	Labour	SIGOMA
Roger Phillips (Herefordshire CC)	Cons	County Councils Network
Edward Lord OBE JP (Corporation of London)	Liberal Democrat	Local Partnerships

LGA Executive Attendance 2011-2012

Councillors	15.09.11	13.10.11	10.11.11	8.12.11	12.01.12	9.02.12	15.03.12	17.05.12	14.06.12	12.07.12
Conservative Group										
Sir Merrick Cockell	Yes	Yes	Yes	Yes	Yes					
Gary Porter	Yes	Yes	Yes	Yes	Yes					
Robert Light	Yes	No	Yes	Yes	No					
Andrew Lewer	Yes	Yes	No	Yes	Yes					
Robert Gordon DL	Yes	Yes	Yes	No	Yes					
David Simmonds	Yes	Yes	No	Yes	Yes					
David Parsons CBE	Yes	Yes	Yes	Yes	Yes					
Paul Bettison	Yes	Yes	Yes	Yes	Yes					
Peter Fleming	Yes	Yes	Yes	Yes	Yes					
Labour Group										
David Sparks OBE	No	Yes	Yes	Yes	Yes					
Sharon Taylor	Yes	Yes	Yes	No	No					
Steve Reed	Yes	Yes	Yes	Yes	Yes					
Mayor Sir Steve Bullock	Yes	Yes	Yes	Yes	Yes					
Peter Box CBE	Yes	Yes	Yes	No	Yes					
Mehboob Khan	Yes	Yes	Yes	Yes	Yes					
David Wilcox OBE	Yes	Yes	No	Yes	Yes					
Lib Dem Group										
Gerald Vernon-Jackson	Yes	Yes	Yes	Yes	Yes					
Mayor Dorothy Thornhill MBE	Yes	No	Yes	Yes	Yes					
David Rogers OBE	Yes	Yes	Yes	Yes	Yes					
Chris White	Yes	Yes	Yes	No	Yes					
Jill Shortland OBE	Yes	Yes	Yes	Yes	Yes					
Independent										
Marianne Overton	Yes	Yes	Yes	Yes	Yes					
Regional Representatives										
Peter Martin MBE	No	Yes	Yes	Yes	Yes					
Paul Carter	Yes	No	Yes	No	No					
Angus Campbell	Yes	Yes	No	Yes	Yes					
Philip Atkins	Yes	No	No	No	Yes					
Martin Hill OBE	Yes	Yes	Yes	Yes	Yes					

Agenda

LGA Executive

Thursday 9 February 2012

2.15pm

The Westminster Suite, 8th Floor, Local Government House

	Item	Page	Time
1.	Safer and Stronger Communities	3	2.15pm
2.	Regional Report – London Councils – Mayor Jules Pipe – tabled		2.45pm
3.	Local Government Finance	9	3.00pm
4.	Academies Top-Slice and Capital	17	3.30pm
5.	Making the case for adult social care reform	23	3.50pm
6.	Note of LGA Leadership Board - tabled		4.10pm
7.	Note of last LGA Executive meeting	29	

Date of Next Meeting: Thursday 15 March 2012 - 2.15pm, Local Government House

Safer and Stronger Communities

Purpose of report

For discussion.

Summary

This paper summarises the current work of the Safer and Stronger Communities Board and sets out proposed areas of activity for 2012/13 in line with the business plan priorities.

Recommendation

Members are invited to consider and comment on the proposed Safer and Stronger Communities Board activity.

Action

Officers to take account of any comments and actions arising out the discussion.

Contact officer: Helen Murray
Position: Head of Programmes
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Safer and Stronger Communities

Background

1. After the economy, crime and the fear of crime remains a key concern for many local communities and their councils. Improving community safety is also one of the most of visible areas of partnership working, and one on which the public judges the success of councils. Councils have a strong track record on working with the police and other partners to deliver strong reductions in crime although as a consequence of the economic situation, some types of crime are now indicating statistically significant increases and holding on to gains remains challenging.
2. The Board has a wide remit, covering crime and anti-social behaviour, policing, domestic violence, alcohol licensing, sex establishment licensing and emergency planning. Over the past year Safer and Strong Communities Board Members have been involved in lobbying activity across this whole agenda, securing some hard fought successes such as changing the veto threshold for Police and Crime Panels; legislation to bring forward locally set licence fees; the implementation of gang injunctions for under-18s; and allowing councils to conduct enhanced Criminal Records Bureau checks on taxi and private hire vehicle drivers applying for licences. On the improvement side, we have supported Community Safety Partnerships to make efficiencies, designed a desk top peer review and refreshed the fire peer challenge. This activity is supported by a range of materials and regular events which have been very popular and profitable.
3. Now that the Police Reform and Social Responsibility Act is on the statute book, a significant proportion of this year's work around policing and alcohol licensing moves naturally into a new phase for 2012/13, advising councils about the implications of the legislation and supporting them to make the necessary preparations for changes.
4. Board Members discussed the priorities for the year ahead at the Board meeting on 16 January. Members considered the Government's planned legislation for 2012/13, particularly the lobbying we may wish to do in relation to anti-social behaviour legislation and community payback reforms; further work arising from Darra Singh's final report on last year's civil disturbances which is due in March; and the profile now accorded to metal theft. There are now further indications that crime levels, particularly acquisitive crime, are starting to rise and work to counter that will be of the utmost important to Community Safety Partnerships (CSPs) and communities. The Board also considered the new

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consumer landscape and how the Government's drive to reduce health and safety regulation will impact on councils.

5. Given this context, this paper sets out proposals for a Safer and Stronger Communities programme of work against the six priorities identified in the draft LGA Business Plan. Links will be maintained with the other relevant boards on a range of cross-cutting issues.

Public Service Reform

6. Supporting councils and CSPs to **prepare for Police and Crime Commissioners** (PCCs). The election of PCCs in November 2012 brings radical changes for councils and their work to reduce crime and disorder. Councils in England are responsible for establishing Police and Crime Panels and there is a Government imperative to have these arrangements in place by July. Work has already started through LGA seminars and publications but it is clear that dedicated bespoke advice, support and guidance is an area where the LGA can add real value. Over the next year the Board will be in a strong position to broaden and deepen this engagement with our member authorities through work on rules of procedure, and developing training and leadership packages. We also have an important role to play in mapping out interdependencies and debating how other Whitehall reforms, such as elected mayors, join up at the local level.

Growth and Prosperity

7. Working with councils to **strengthen community resilience**. Crime and disorder can impact both directly and indirectly on businesses and town centres, and can significantly affect the viability of enterprises. At a time when nurturing economic growth and helping businesses to develop is an important priority for communities, the Board will be helping councils and Community Safety Partnerships tackle crimes that can hinder such economic development and affect the economic prosperity of areas. Working with other public services such as Fire and Rescue Authorities (FRAs), the Board will focus on preventing and tackling priority crime types such as metal theft, gang related violence, anti-social behaviour and alcohol related crime and disorder to clearly promote the economic as well as the social benefits of tackling crime. Close links with the work on families with complex needs, work on re-offending and tackling the corrosive effects of violence against women and girls will be important here.
8. An important strand of this work will be understanding the **underlying causes of the civil disturbances** in the summer of 2011 and supporting councils to tackle these issues. Following the disturbances in August 2011 an initial analysis of factors which led to the disturbances and recommendations to prevent further incidents was set out by Darra Singh and the Communities and

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9. Working to ensure that **regulatory services** can remain flexible and proportionate to the needs of businesses and communities. We will continue to influence policy through a number of advisory groups on a wide range of issues to ensure that communities are afforded proportionate protection through regulation.

Efficiency and Productivity

10. Working with CSPs to make them **more efficient and effective** so they are able to deliver safe and secure communities. CSPs saw grant funding from the Home Office reduce by 20 per cent this year and it will fall by a further 40 per cent in 2012/13 before being handed to PCCs the year after. The LGA will continue to work with CSPs to examine their structures and provide advice on alternative models such as merged partnerships, shared services and outsourcing. Support will be provided by paid for community safety peer reviews, conferences and events and through low-cost sector-led support through the peer mentor approach established over in 2011.
11. The Ministry of Justice are currently undertaking work to better understand **payment by results** in the crime reduction arena. Sharing the outcomes of the pilots and translating this and expanding this into other geographical areas is an area where the LGA can help.
12. Supporting councils to respond to **civil emergencies**. The LGA will continue to take a visible role in civil emergencies, and the Board will work with the LGA's 2012 Olympic and Paralympic Games Task and Finish Group on councils' preparations for the 2012 Games.

Sector-led Improvement

13. A refreshed peer support programme for FRAs is now in place with one free Peer Challenge available to all FRAs every three years. The community safety sector-led improvement offer is more limited, although we continue to provide the Community Safety Peer Challenge on a paid-for basis, and have developed a free national mentoring programme and desk top reviews for member authorities, and a range of other support work which will continue.

The LGA's own effectiveness and efficiency

14. With partnership working being vital to reducing crime, and the risk that existing partnership arrangements fragment with the election of Police and Crime Commissioners (PCCs), bringing together councils and PCCs at a national level offers significant advantages in sustaining and developing collaborative work on

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tackling crime and anti-social behaviour. Under the direction of the Leadership Board, we are developing a compelling offer for PCCs which would see the LGA establishing a shadow national representative body for PCCs from the summer.

Financial Implications

15. Budget allocations for 2012/13 will be discussed in the context of all the Boards' proposed priorities.

Local Government Finance

Purpose of report

For discussion and direction.

Summary

This report provides an update and overview on key local government finance issues.

Recommendations

Members are asked to provide general direction on the LGA's work on the significant local government finance issues described in this report.

Action

Finance Task Group; Director of Finance and Resources.

Contact officer: Stephen Jones
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Local Government Finance

Background

1. The December meeting of the Executive received a report on the implications of the Chancellor's Autumn Statement. This report noted that further cuts were likely in local government funding in 2013-14 and 2014-15, because HM Treasury now proposed to remove 'savings' attributable to pay restraint. In addition, the Autumn Statement's outlook for the public finances beyond 2015 suggested that potential continuing cash cuts in local government funding in 2015-16 and 2016-17 were possible.
2. After the Executive had met, the Government made announcements just before Christmas on how it proposed to take forward the relocalisation of business rates, and the localisation of council tax benefit, in the light of the consultations on these changes that had taken place over the summer of 2011.
3. The Government has also set out its detailed proposals for local government formula funding for 2012-13. Over the last few weeks, individual local authorities and the LGA have been making representations to Ministers about the finance settlement numbers, and it is likely that final figures will be approved by Parliament either before or around the time of the Executive meeting.
4. This report therefore aims to summarise the implications of these developments, and set out a possible approach to LGA work on behalf of member authorities over the next 12 months or so. The detail of this work will be taken to the newly established Task Group on Local Government Finance.

The 2012-13 Local Government Finance Settlement

5. The provisional local government finance settlement for 2012-13 was published shortly after the 2010 Spending Review. The figures now under discussion are not materially different from the original ones. The funding for the 2011-12 council tax freeze has, though, now been consolidated into the figures.
6. The LGA submitted a response to the consultation on the settlement, and the Chairman and Group Leaders met with Bob Neill MP on 11 January. The key points we sought to make covered:
 - 6.1. the sheer scale of the budget cuts combined with mounting spending pressures - meaning that services for vulnerable people will inevitably face a funding squeeze;

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- 6.2. the academies funding transfer – a separate report to the Executive deals with this issue;
 - 6.3. the opportunity for the Government to help alleviate these pressures at modest additional cost is by raising the threshold at which the transitional grant is paid from an 8 per cent loss in total spending power to a 5 per cent loss;
 - 6.4. the inappropriateness of making local government funding subject to adjustment in future years because of the pay cap; and
 - 6.5. the need to ensure that all the proceeds of growth from business rates go back to local government, rather than the Treasury using some of the money to set against other funding cuts.
7. The finance settlement has very recently been published in its final form, for the approval of the House of Commons. It appears to be unchanged from the settlement published for consultation.

Council tax freeze

8. Most councils appear to be planning to freeze their council tax for 2012-13 and will therefore receive the Government's grant to support this. We are aware of around 15 authorities that have announced proposed increases in council tax. The Chairman has commented, in relation to the grant, that it is important to understand that it is a one-off grant, and that councils need to consider the long-term interests of their residents before deciding whether to take up the offer of the freeze grant.

The Business Rates localisation proposals

9. The Government published a detailed document on 19 December 2011 setting out how it proposed to implement the localisation of Business Rates following last summer's consultation. In the document we issued setting out our immediate response to these proposals, we noted that:
- 9.1. the proposals went some way to addressing local government's concerns about business rates relocalisation, but many detailed points remain unresolved;
 - 9.2. the design of the new arrangements now incorporates more safeguards to help authorities that raise relatively low amounts of business rates, and is likely to deliver a more even level of incentive for growth across the full range of local authorities; and

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- 9.3. the 'set-aside' arrangements remain in place, but now return a proportion of business rates income fully to local government.
10. The new proposals are therefore an improvement on the original ones, and the movement in the direction of a number of key changes we had sought is welcome; but more needs to be done.
11. The way that business rates localisation will now work is in summary as follows:
- 11.1. every authority will have a starting point position calculated reflecting the result of a Formula Grant calculation rolled forward to 2014-15 – that will be the **funding baseline**;
- 11.2. every authority will also have allocated to it a share (less than 100 per cent) of the business rates raised in its area – that will be the **business rates baseline**, and the percentage share will remain fixed until the system is reset;
- 11.3. going forward, if an authority's business rates baseline is **more** than its funding baseline, then its future funding will be the fixed percentage share of actual business rates raised less a tariff equal to the RPI indexed difference between the two baselines, and possibly also less a levy designed to ensure that rewards for business rates growth are proportionate between different authorities;
- 11.4. if on the other hand an authority's business rates baseline is **less** than its funding baseline, the authority's future funding will be the fixed percentage share of its actual business rates raised, plus a top-up amount equal to the RPI indexed difference between the two baselines;
- 11.5. safety net arrangements will apply to protect any authority that sees its funding decrease by more than a set percentage below its baseline funding level, uprated in line with RPI.
12. A graphic will be available at the Executive's meeting that may help to illustrate how this new system will work.
13. In two tier areas, the proposals now published are significantly different from the original ones, which found little support. The Government has now decided to split the business rates share on a roughly 80:20 basis between Shire Districts and Counties. This will provide districts with a high degree of incentive to grow their business rates (and higher risk if growth is not achieved), and give counties more stability in their funding, as they will be more likely to be 'top-up' than 'tariff' authorities.

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14. Single service Fire and Rescue Authorities will come within the scope of the scheme, as will the GLA, the revenue elements of whose general grant will be funded from business rates. The Government response notes that further consultation will be needed with London authorities about how this is achieved.
15. Many detailed parts of the scheme remain to be determined, but on the important area of resets the Government has set out an 'aspiration' that the reset period should be ten years. A number of authorities have questioned whether this would allow authorities sufficient funding to cover increases in the need for services caused by changes in demand, particularly in relation to social care. The LGA proposal was that resets should be triggered by evidence that they were needed.
16. The Local Government Finance Bill legislates for the framework of the new scheme, but leaves all the detail to be covered in secondary legislation or by Ministerial decisions allowed under the legislative framework. The LGA is actively working to brief Parliamentarians and inform the debate, for example by suggesting possible amendments.
17. As noted above, the new proposals incorporate many of the changes the LGA had sought in our consultation response. Indexed tariffs and top-ups and the 'proportionate' option for the levy are key design features of the new scheme that we advocated. The Government's approach to transitional relief on revaluation makes a significant concession, in terms of sharing overall risk of loss, as compared with the original proposals. And, most importantly, the new approach on the percentage sharing of business rates income between local and central Government is a major change from the original proposals, where the predetermined 'set-aside' guaranteed reward for the Treasury while leaving the downside risk with local authorities.
18. Whilst the new approach on set-aside is an improvement, it only gives local government partial access to business rates growth rather than the full proceeds of growth that we sought. Furthermore, the new forecasts announced in the Autumn Statement imply that the Government will continue to take 'set-aside' money until at least 2016-17, through the retention of strong controls over local government spending. Maintaining controls over spending through what is, in effect, a Government tax on local growth, is not true localisation of the business rates funding stream.
19. These proposed arrangements will have significant implications for the design and operation of the scheme over the four years from 2013-14. The Government has yet to set out exactly how the new arrangements will work, but we believe that, in order to be able to operate spending controls, the Government will set the local authority share of business rates relatively low – some very tentative calculations suggest a figure of around 70 per cent would fit

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with what the Autumn Statement appears to imply about spending control between 2013 and 2017. In the first few years of the scheme, the business rates share retained by Government would be used to provide additional core funding to local authorities, but the level of that funding would fall year by year as public spending was reduced.

20. An alternative approach would be to transfer fully within local control more of the services that are now delivered through local government, but funded centrally through specific grants. One specific grant which the Government might see a case for transferring into the rates-funded portion, for example, could be the subsidy for localised council tax benefit. There may also be potential for the devolution of new responsibilities through this route. Transport and skills funding lend themselves particularly to this kind of approach as they fits naturally with the wider economic development that business rates retention aims to incentivise. It could therefore be consistent with the LGA's policy on business rates localisation to explore this kind of change.

Council tax benefit localisation

21. Alongside its proposals for business rates relocalisation, the Government also published its response to the consultation on localisation of council tax benefit.
22. The Government's document does not much help to clarify the likely financial implications for councils, beyond confirming a headline subsidy cut of 10 per cent. Ministers still wish to provide absolute protection for pensioners, and for vulnerable groups, but have left it up to councils to decide which groups they will treat as vulnerable. Preserving the provisions of the current system for pensioners alongside new protection for locally-defined groups risks making council tax support more complicated and possibly more expensive to administer. The Government's consultation response makes minimal acknowledgement of the need for financial risk attributable to increased demand to be shared. The Government document says that funding will be provided in 2013-14 and 2014-15 in line with the Office for Budget Responsibility's forecasts of demand for council tax benefit (less the 10 per cent cut) but thereafter funding will be determined as part of Spending Review decisions. However, there has been helpful confirmation that the additional costs of setting up new localised support schemes will be funded, in accordance with the New Burdens Doctrine. How future funding will be distributed between authorities is still under discussion: there is a tension between mimicking current patters of spend on Council Tax Benefit and anticipating a future scheme whose cost may be principally driven by the number of pensioners. Discussions are also under way about the shape of any national "model" scheme.
23. All this means that, with barely a year to go until the introduction of the new scheme, councils and their IT suppliers still have very little of the detailed

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information needed to plan for the effective introduction of this major change which is likely to have a significant impact on large numbers of relatively poor people, particularly those of working age. Some progress is being made through engagement with the reference group set up by the Department for Communities and Local Government, but councils feel that more rapid impetus is needed.

Overall financial outlook

24. The factors discussed in this report combine to paint a picture of an exceptionally challenging financial outlook for local authorities over the next few years. Officers believe that it is essential that the overall picture is fully understood, and its implications properly debated and communicated. This is of particular importance in relation to decisions that will be taken in the next Spending Review. Having regard to the need to progress Community Budgets, a programme of LGA work is therefore proposed that will:
 - 24.1. construct a projection of the likely sustainable level of local public service provision by councils over the medium term if their revenue base were to be constrained within the spending levels implied by the Autumn Statement; this projection would look at the likely evolution both of levels of service and the balance in priority between services, delivery models, and councils' use of non-tax sources of revenue to fund services; it will also consider the ways in which any different future service model might be negotiated between councillors and their local electorates, and between councils and Government departments with oversight responsibilities for local services;
 - 24.2. provide an account of the possible level of service provision and delivery models on the same funding assumption but on the hypothesis that local public service budgets were pooled and services were to be commissioned across organisations on the community budget model; and
 - 24.3. develop support for member authorities both in assessing levels of future financial stress and in taking action to reduce future financial risk.
25. Alongside this, a campaign on the theme of sustainable funding for local government is suggested, and proposals for this campaign have been put to the LGA Leadership Board.

Financial implications

26. This is core work for the LGA which is funded from existing budgets.

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Academies Top-Slice and Capital

Purpose of report

For information and discussion.

Summary

This report provides an update on:

1. **The Academies Top-Slice** – including the LGA’s response to the consultation issued in December and further member and officer contact with Department for Education (DfE) ministers and officials.
2. **Schools Capital** – including the latest discussions following the James report which have been taking place in the Capital and Revenue Task and Finish Group of the Ministerial Advisory Group.

Recommendation

Members are asked to comment on the analysis in the paper.

Action

Officers to proceed as directed by the LGA Executive.

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Academies Top-Slice and Capital

Academies top-slice

1. As reported previously, £148 million in 2011-12 and £265 million in 2012-13 is being removed from local authority formula grant through a top-slice to pay for central education functions for academies. 29 authorities commenced legal action, which they agreed to stay following Department for Education's (DfE) agreement to consult on the issue afresh. The LGA and around three quarters of affected authorities responded to this July 2011 consultation. Following four months of deliberation, the DfE issued a further consultation in December 2011 which closed on 12 January 2012.
2. This consultation included a 'minded to' decision on the way forward, and proposed no change to the top-slice for 2011-12. For 2012-13, a calculation based on the number of pupils in academy schools in January 2013 would determine whether authorities receive a grant repayment for the amount already deducted. Those councils with low numbers of pupils in academies would receive the grant. But the DfE's proposed methodology continues to use the section 251 data return from councils which the LGA has said is not adequate for this purpose. The DfE is not now proposing to increase the top-slice for either 2011-12 or for 2012-13, as suggested in the July consultation.
3. The LGA's response to the consultation, signed off by leading members of the Children and Young People Board and the LGA Leadership Board, says that although the proposed way forward is an improvement on the July 2011 proposals, the methodology the Government proposes is not yet a basis for fairness and is not in accordance with the Government's own New Burdens Doctrine. We propose that the Government, in consultation with the LGA, commission an independent exercise to assess the savings that authorities can reasonably be expected to make when schools convert to academy status and the time period over which those savings can be realised. This should be applied for a grant in 2011 - 12, 2012 - 13 and to inform any long-term adjustments for 2013 - 14 and later.
4. As stated, the DfE consultation proposed no change to the position for 2011-12. Members will recall that it was that year which was the subject of the legal action. If the Secretary of State confirms the 'minded to' decision and there is no change in the 2011-12 top-slice the authorities involved in the legal action will have to consider whether continuation of the legal action is likely to achieve a satisfactory resolution of the situation.
5. On the position for 2013-14 and later, we understand that there will be a further consultation later this year. The approach suggested in the consultation

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document is to remove the funding for the services from CLG to DfE; which will then pay a grant to local authorities and academies. Our response said that we would expect that in any proposed transfer the Government would meet its obligations under the New Burdens Doctrine. There is also an implication for setting the baseline under the business rates retention proposals, which will provide further difficulties.

6. Since the closure of the consultation there have been further member and officer discussions. Sir Merrick Cockell and Cllr David Simmonds met Lord Hill on 18 January and that has been followed by a further meeting between LGA officers and DfE officials. The need for an independent assessment of the savings was pressed in those meetings. We understand that the DfE plans to respond to the consultation in the next month or so. Contacts with officials suggest that they are not taken with the idea of an independent costing exercise but they might be open to further arguments on the methodology for working out the appropriate unit cost. Any updates will be reported to your meeting.

Schools Capital

7. Members will be aware that the James Report on the future of Schools Capital reported in April 2011. The Government held a consultation on its own response from July to October 2011. This has been the subject of regular debate in the Capital and Revenue Task and Finish Group of the Ministerial Advisory Group which is chaired by Cllr Simmonds.
8. There has also been no Government response to the consultation on the James Review although one is promised in late January or early February. Allocations for the Priority Schools Building programme have also not yet been announced. Other 2012-13 allocations have been announced on the lines of the existing system, with separate pots for academies and free schools as opposed to a single capital pot. Local authorities have been allocated £800 million for basic needs funding and £686 million for maintenance capital.
9. The following key themes have emerged:
 - 9.1. The future shape of **local planning arrangements** at a local level; the LGA has pressed for there to be a local authority led process at local level involving all key stakeholders. We have said that local authorities should be able to set up their own structures to consult with partners and there should not be a single model imposed. If the Schools Forum were to be involved it should be in a purely consultative capacity. DfE appear to be taking a gradual approach to implementation.
 - 9.2. How **procurement** should be carried out, bearing in mind that the original James Review recommendation was for a centralised procurement function. We have suggested that this is something which the sector

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should take on itself using existing arrangements. We would support regular feedback of such data and good practice. The LGA would be happy to facilitate this – the sharing of good practice in this way is at the core of the LGA's offer to its member authorities. Barrie Quirk and Andrew Smith (Chief Executives of Lewisham and Hampshire) are already involved in mechanisms advising the Department and are addressing these issues.

10. Any updates will be reported to your meeting.

Financial Implications

11. There are no specific financial implications associated with this report.

Making the case for adult social care reform

Purpose of report

To inform the LGA Executive on the proposals developed by the Community Wellbeing Board to continue the LGA's campaign for a reformed and properly funded adult social care system.

Summary

With just a few months to go before the publication of the Government's care and support White Paper it is important for the LGA to be proactive and visible on the debate about funding and reform.

This paper provides some brief background on the events over the last eighteen months that will culminate with the Spring White Paper. It also sets out the LGA's headline positions on funding and reform, and details five pieces of work that will be completed and published in the weeks leading up to the White Paper, as agreed by the Community Wellbeing Board on 18 January 2012.

Recommendation

The LGA Executive confirms the proposals for the LGA's campaign work on adult social care reform and funding.

Action

LGA officers to action as necessary.

Contact officers: Andrew Cozens/Sandie Dunne
Position: Strategic Adviser/Head of Programmes
Phone no: 07917 831 704/020 7664 3070
E-mail: andrew.cozens@local.gov.uk
sandie.dunne@local.gov.uk

Making the case for adult social care reform

Background

1. Following a number of key developments over the last eighteen months a White Paper on the future of adult social care looks set to be published in Spring 2012. Chief among these developments is the work of the Law Commission, the Dilnot Commission on Funding of Care and Support and the Caring for our Future engagement exercise.
2. Respectively, the two Commissions explored how to make the adult social care system simpler in terms of its legal framework, and fairer and more sustainable in terms of its funding arrangements. The engagement exercise, which concluded in December 2011, sought to bring the recommendations from both Commissions together, alongside the Government's Vision for Adult Social Care, to help shape the priorities for care and support reform ahead of the White Paper.
3. The engagement exercise was based around six themes which the Government believes have the greatest potential for improving the care system. These are set out below and it is likely that they will form the basis, at least in part, of the White Paper:
 - 3.1. Quality and workforce.
 - 3.2. Personalisation.
 - 3.3. Shaping local care services.
 - 3.4. Prevention.
 - 3.5. Integration.
 - 3.6. Role of financial services.
4. Whilst it will be interesting to see what the White Paper says on the above we do not anticipate anything fundamentally new from Government in terms of policy or messaging. This reflects the broad consensus across the sector that these are the right foundations on which to base a reformed system. What will be of real interest – particularly to councils – is what the White Paper says on three issues:
 - 4.1. Funding reform.
 - 4.2. Funding the system.
 - 4.3. The balance between local and national.

The LGA position

5. The LGA has been heavily involved in debates about reform of care and support during the last eighteen months, working closely with both the Dilnot and Law Commissions to share the sector's views and influence the final recommendations. We have also been heavily engaged with Parliamentarians and stakeholders, giving a range of evidence and briefings. Our views feature prominently in the recent Health Select Committee report on Public Expenditure, and much of the evidence of the LGA is endorsed by the Committee. We have joined forces with other stakeholders including Age UK, the Association of Directors of Adult Social Services (ADASS) and the Care and Support Alliance.
6. Our headline positions can be summarised as follows:
 - 6.1. There are four 'pillars' to reform:
 - 6.1.1. **Fairness:** fairer funding arrangements for individuals meeting the cost of their care and support needs.
 - 6.1.2. **Simplification:** a simpler legal framework for social care and support to make the system easier to understand and navigate.
 - 6.1.3. **Integration:** making the right links with health and public health to improve services for individuals and efficiency for the taxpayer.
 - 6.1.4. **Funding:** adequate resource for the system (separate to the resources needed for reform) and recognition that funding and reform go hand in hand.
 - 6.2. We have been consistently clear that the current climate presents the best opportunity for meaningful reform, with workable proposals from both the Dilnot and Law Commissions to make funding fair and the system simpler.
 - 6.3. We are pleased that cross-party talks on the future of care and support have resumed. Reform and funding are both urgently needed to address the triple pressures of insufficient funding, growing demand and escalating cost.
 - 6.4. There is no magic bullet solution to the care and support question based on changing who is responsible for commissioning care. When care was last nationally funded prior to 1993, the budget was wildly out of control and if there is a problem now it is arguably because councils have managed an underfunded system too well and the lid has consequently remained on for too long.
 - 6.5. We want to see a part national, part local system with a national, portable assessment of need that is acknowledged anywhere in England but with

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local decisions about the services to meet need and the amount to pay for them.

- 6.6. The emphasis should be on the portability of outcomes and the local response must look both ways; drawing down from universal services (such as health, leisure and transport – those that support a focus on prevention and wellbeing) but including, where appropriate, more specific care and support interventions.

Maintaining momentum up to the White Paper

7. With just a few weeks to go before the White Paper we want the LGA to be highly visible in the run-in. The Community Wellbeing Board has endorsed five separate pieces of work that, together, allow us to set out a clear overall message on the need to reform and fund adult social care and support. These pieces of work include:
 - 7.1. A 'spotter's guide' to the White Paper

This publication will set out what we hope to see in the White Paper and in so doing will identify 'tests' against which we will judge its effectiveness. This will be a useful vehicle for disseminating all of our main messages and, coming before the White Paper, will provide Parliamentarians and the media with an easy route back to the LGA to get our reaction.
Audience: Ministers, MPs, Whitehall, media.
Success measures: Significant media exposure with positive coverage.
 - 7.2. Understanding the finances

There have been numerous recent stories at national and trade level on the adequacy of funding for adult social care. This is a complicated subject with several leading organisations quoting a different funding 'gap' and the Government denying the existence of any funding problems. We therefore propose doing some detailed analysis of the current funding situation facing adult social care along with projections of future costs. This information will be invaluable in discussions with both Government and the media.
Audience: Ministers, MPs, Whitehall, media, stakeholders.
Success measures: Media coverage and use of figures by stakeholders.
 - 7.3. The cost of reform

Much has been made in the press about the Government's willingness to fund the recommendations made by the Dilnot Commission (a cost of about £2 billion depending on the calibration of one of the Commission's central proposals – a cap on the amount individuals are required to pay towards their care costs). Given our long-standing and in-principle support of the cap we propose doing some work comparing the cost of reform to other areas of wasteful public spending. Our central message is that the

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cost of reform is a cost worth paying.

Audience: Whitehall, media, general public.

Success measures: 'Must have' elements of reform fully funded.

7.4. The economic case for reform

We are aware of the Treasury's hesitancy on funding the Dilnot proposals and believe work that highlights the economic benefits of reform could be a very useful contribution to the debate and the more conventional messages that simply advocate urgent reform. We propose commissioning, or working with, Skills for Care on this work and focusing on workforce (with links to quality) in terms of current/future numbers and potential job creation and market development.

Audience: Whitehall, Ministers, MPs, media.

Success measures: Media coverage and use of findings by stakeholders.

7.5. Raising awareness amongst the public

Linking to activity '7.3 – The cost of reform' above we propose conducting some simple polling of the general public to gauge their understanding of how the system works, where they think spending should be prioritised and what they think would be a 'fair' system.

Audience: General public, Ministers, MPs.

Success measures: Media coverage and use of findings by stakeholders.

8. As much of this work is about being highly visible in the run up to the White Paper, we propose holding briefing meetings with journalists to discuss our work and findings before publishing. Given we have five specific pieces of work we are considering giving exclusivity to particular media outlets to maximise impact.
9. Once the White Paper is published, and we have a clear understanding of its strengths and weaknesses, we will develop a further programme of work to lobby for a Bill and legislation.

Financial implications

10. The exact detail of the activity outlined above is currently being worked out. Some elements will almost certainly be commissioned externally (such as the public polling) incurring a cost for the Community Wellbeing Board. We anticipate this being in the region of £10,000. The issue has profound implications for council finances, as adult social care is the largest controllable budget of all top tier councils.

Note of decisions taken and actions required

Title:	LGA Executive
Date and time:	Thursday 12 January 2012, 2.15pm
Venue:	The Westminster Suite, Local Government House

Attendance

An Attendance list is attached as **Appendix A** to this note.

Item	Decisions and actions	Action by
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Members asked that their best wishes be passed to Councillor Robert Light, whose son had recently been injured in Afghanistan.

1 The Barnett Formula

Paul Raynes, Head of Programmes for finance and localism, introduced this item. He informed the Executive that the Barnett Formula was population based and did not measure relative need. It was noted that the Treasury put spending per head of population at about 20 per cent above the UK average in Scotland and Northern Ireland, about 10 per cent above in Wales, and about 3 per cent lower than the average in England. Though the formula was not in itself responsible for the higher levels of spending per head in each of the devolved administrations it maintains them in a system not measuring need.

He then outlined two further models of funding; one, equalising funding in each territory on a common per head basis; and another sample model of a needs-based allocation.

Members welcomed the report and agreed that the formula was outdated and not based on current needs. Members agreed that they favoured needs based funding and asked that the issue be taken forward by the proposed Finance Task Group. Some members raised the issue of cross-border working as a potential barrier to effective delivery of services.

Decision

Members:

- 1. agreed that the LGA would take forward work on needs based funding. To be considered as part of the Finance Task Group.*

Action

Officers to proceed in line with members' comments.

**Paul
Raynes**

2 Public Health in Local Government: update on the implications of the Health and Social Care Bill

Cllr David Rogers OBE introduced this report outlining the key developments on the transfer of responsibility of public health to local government. It was noted that there had been significant progress on confirming the detail of the reform although clarity was still needed around the distribution formula and the public health grant.

Some members raised concerns about the proposed timescales for the transfer in light of the uncertainty around funding. Cllr Rogers replied that the Community Wellbeing Programme Board had made this point to the Department of Health, and it had been acknowledged. However, it was noted that the delay had been due to the complexity of finalising the base line.

Members asked about the lines of accountability for Directors of Public Health and the pay scales on which they would be appointed as well as emphasising the importance of local determination over public health structures. Carolyn Downs answered that the LGA had been lobbying to ensure that reporting lines were a matter for local discretion.

Decision

Members:

- 1. confirmed that the LGA's position reflected the priorities of councils and endorsed the current and proposed LGA activity on public health;*
- 2. asked for further information to be sent out to members of the Executive regarding funding as soon as it was available.*

Action

Officers to send out further information on funding to the Executive.

**Andrew
Cozens**

3 Troubled Families

Following Louise Casey CB's presentation to the Councillors' Forum on

Troubled Families, the Chairman introduced this item for discussion. Members welcomed Louise Casey's attendance at Councillor's Forum especially as local government was at the heart of this work. Some members felt that this work may carry a risk for local government, and that the level of support for the work across Government departments was not consistent.

Members raised concerns about the Government's current 3 year timescale for tackling troubled families, as engagement with troubled families was often more long-term and involved complex issues. These issues often needed a cross-cutting approach and there was a need for linkages between the Programme Boards.

Members questioned how the role of the judiciary in cases involving troubled families could be improved and Carolyn Downs said that the Secretary of State for Education had been actively promoting the idea of speeding up the court processes in this area.

Decision

Members:

- 1. noted the leadership councils are showing in addressing the troubled families issue and the results they have been achieving;*
- 2. endorsed the proposed LGA approach to supporting councils working on this issue in future, and to working with the government's new Troubled Families Unit.*

Actions

Officers to invite Louise Casey to give feedback from the discussion and to research past national initiatives aimed at troubled families.

**Paul
Raynes**

4 Local Authority Bonds

Cllr Chris White declared a personal but non-prejudicial interest in this item.

Cllr Edward Lord OBE JP, Chairman of the Local Authority Bonds Task and Finish Group, introduced this item for discussion setting out the recommendation of the Task and Finish Group for a local authority owned collective agency. The agency would rely on capital not cross guarantees. It would lend funds at about 0.7 per cent above "gilts" and it was expected to take around 2 years to establish at a cost of approximately £2 to £4 million to operate. The collective agency would be run on clear principles of transparency, collectivity, efficiency and simplicity. It would also benefit the sector with less expensive funds, and it would be managed by the sector for its benefit.

Members welcomed the proposal and agreed that it showed the value of the LGA and the collective strength of the sector. Members were keen for the agency be established quickly, with the first councils identified promptly. Members asked about the credit rating of the collective agency and how it would be ensured that this was better value than using the open market to raise funds. Councillor Lord replied that the credit rating of the agency would be based partly on the credit rating of the councils within membership of the agency. However, it was noted that further work was currently being undertaken on the collective agency's credit rating.

Members questioned whether the collective agency could be restricted to local authorities in membership of the LGA.

Decision

Members:

- 1. authorised the Task and Finish Group to publish the outline business case for the development of a collective agency, on behalf of the LGA;*
- 2. extended the remit of the Task and Finish Group to oversee work on the pre-implementation stage of the project, reporting back in 6 months' time. This work will include undertaking detailed testing of this proposal with Local Authorities (including seeking their commitment to financial support for implementation), Government and other agencies and the finance sector; and the commissioning of preparatory work in order to put an implementation team in place;*
- 3. authorised the LGA to contribute a further £150,000 in the 2011-12 financial year to support this preparatory work with any further contributions in 2012-13 considered as part of that year's budget review.*

Action

LGA officers to contact the local authorities that have expressed an interest in being involved in this work.

**Mark
Luntley**

5 Regional report – LG Yorkshire and Humber

Cllr Peter Box CBE introduced this item outlining the workplan and priorities of LG Yorkshire and Humber. He said one of the key challenges for the LGA was to represent all the diverse needs and interests of the regions effectively. It was noted that the Chairman would be visiting LG Yorkshire and Humber shortly.

Decision

Members noted the report.

Action

Officers to continue working with the regions on updates to the Executive.

**Ian
Hughes**

6 LGA Vision and Priorities

The Chairman introduced this item for discussion, saying that the business plan was a working document and that it would be going on next to the regional representatives and the Programme Boards for their full involvement particularly in providing focused & outcome related actions to support the agreed priorities.

Decision

Members agreed the high level priorities for the LGA for 2012/13 as:

- 1. Public Service Reform*
- 2. Growth and Prosperity*
- 3. Funding for local government*
- 4. Efficiency and Productivity*
- 5. Sector-led Improvement*
- 6. The LGA's efficiency and effectiveness*

Action

LGA officers to amend the Business Plan following further discussions by the Programme Boards and regional representatives.

**Helen
Platts**

7. Review of Governance – roles of the Leadership Board, Executive and Programme Boards

The Chairman introduced this item for discussion setting out the main proposals from the Governance Review. Cllr Martin Hill OBE, welcomed the continuing role of the regional representatives on the Executive.

Decision

Members agreed:

- 1. That a new interim Finance Task Group would be established with responsibility for Finance Policy, and for the National Fraud Framework. This Task Group would report to the Executive and Sir Merrick Cockell would be Chairman of the Group.*
- 2. That the roles and responsibilities of the Executive, Leadership Board and Programme Boards are amended to reflect the new integrated LGA.*

3. *That the Programme Boards are renamed Boards.*

Action

Officers to implement changes in line with members' decision.

**Claire
Holloway**

8. Independent Remuneration Panel: Review of Members' Allowances 2011

As all members of the Executive receive a Special Responsibility Allowance and/or expenses from the LGA, all members of the Executive declared an interest.

Cllr Jill Shortland OBE asked the LGA to raise again with the Government that under current regulations LGA allowances cannot be pensionable. Members also requested that the next review of remuneration should be a full and comprehensive review with a robust evidence base.

Decision

Members agreed that:

- 1. Responsibility Allowances may be withdrawn permanently or temporarily if a councillor, without good reason or the express consent of the chairman, misses two successive meetings*
- 2. The LGA commits to a system of annual review for all members who receive an allowance, through an annual 1:1 with the relevant chair.*
- 3. Clause 22 of the Scheme of Allowances is amended to read that "mileage will be paid at the nationally agreed HMRC mileage rate".*
- 4. The next review of remuneration should be a full, comprehensive and evidence based review.*

Action

Officers to raise with Government the issue of pensionable allowances

**Carolyn
Downs**

9. Note of the LGA Leadership Board

Members **agreed** the note of the last LGA Leadership Board meeting held on 11 January 2012.

10. Note of last LGA Executive

Members **agreed** the note of the last LGA Executive meeting held on 8 December 2011.

Appendix A

Attendance list

Position/ Role

Chairman
Vice-chairman
Vice-chairman
Vice-chairman
Vice-chairman
Deputy-chairman
Deputy-chairman
Deputy-chairman
Deputy-chairman

Councillor

Sir Merrick Cockell
Gary Porter
Marianne Overton
Gerald Vernon-Jackson
David Sparks OBE
Andrew Lewer
Robert Gordon DL
Steve Reed
Mayor Dorothy Thornhill MBE

Authority

RB Kensington & Chelsea
South Holland DC
Lincolnshire CC
Portsmouth City
Dudley MBC
Derbyshire CC
Hertfordshire CC
Lambeth LB
Watford BC

Position/ Role

Members

Councillor

Paul Bettison
Dave Wilcox OBE
Angus Campbell
David Rogers OBE
Peter Martin
Stephen Castle
Roger Phillips
Chris White
David Simmonds
Mehboob Khan
David Parsons CBE
Mayor Sir Steve Bullock
Martin Hill OBE
Edward Lord OBE JP
Neil Clarke
Peter Fleming
Jill Shortland OBE
Philip Atkins
Paul Watson
Peter Box CBE
Robert Dutton OBE

Authority

Bracknell Forest Council
Derbyshire CC
Dorset CC
East Sussex CC
Essex CC
Essex CC
Herefordshire CC
Hertfordshire CC
Hillingdon LB
Kirklees Council
Leicestershire CC
Lewisham LB
Lincolnshire CC
Local Partnerships
Rushcliffe BC
Sevenoaks DC
Somerset CC
Staffordshire CC
Sunderland City
Wakefield Council
Wrexham County Borough

Position/ Role

Substitutes

Councillor

John Merry CBE
Sue Murphy
Gordon Keymer CBE
Ann Lucas

Authority

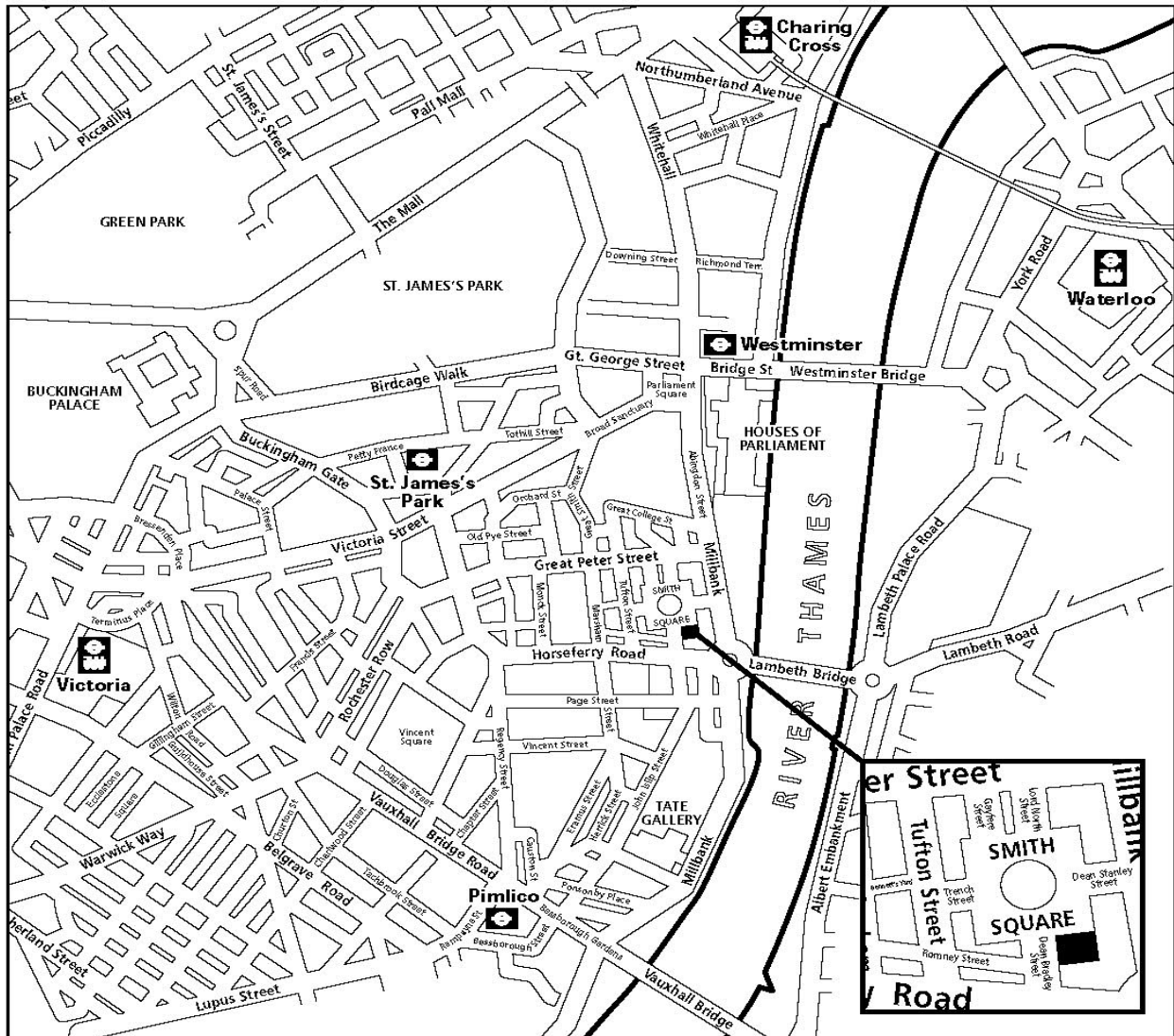
Salford City
Manchester City
Tandridge DC
Coventry City

Apologies

Robert Light
Stephen Houghton CBE
Mayor Jules Pipe
Sharon Taylor
Paul Carter
Ian Greenwood
Sir Richard Leese CBE
Lord Peter Smith

Kirklees Council
Barnsley MBC
Hackney LB
Stevenage BC
Kent CC
Bradford MDC
Manchester City
LG Leadership

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
Website: www.local.gov.uk

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** (District and Circle Lines); **Westminster** (District, Circle 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 goes close by at the end of **Dean Bradley Street**.

Bus routes - Millbank

87 Wandsworth - Aldwych **N87**
3 Crystal Palace - Brixton - Oxford Circus

Bus routes - Horseferry Road

507 Waterloo - Victoria
C10 Elephant and Castle - Pimlico - Victoria
88 Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

Cycling Facilities

Cycle racks are available at Local Government House. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

Local Government House is located within the congestion charging zone. For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car Parks

Abingdon Street Car Park
Great College Street
Horseferry Road Car Park
Horseferry Road/Arneway Street