

Item 1

Independent Local Government: Political and Constitutional Select Committee Report on codifying the position of local government

Purpose of report

For information and orientation.

Summary

The Political and Constitutional Select Committee of the House of Commons undertook in 2010 a long running Inquiry into the prospects for codifying the position of local government. The LGA directly associated itself with the Inquiry's second phase, in which the Committee consulted on a proposed Code text.

The Committee's final report was published on 29 January. The key recommendation is that the government take the Committee's draft Code as "the start of a national conversation...on how greater autonomy for local government could be achieved in a lasting and meaningful way". It is clear that the LGA is expected to pick up the baton in the wider debate and in conversations with government.

Recommendations

That the LGA:

1. continue to work with the Chairman and members of the Select Committee as we take forward our own campaigning on the theme of Independent Local Government;
2. take up the Committee's recommendation that we work with it on a conference in the Summer;
3. consider how the key freedoms councils are seeking might be constitutionally entrenched in a legally effective way; and
4. pursue discussions with the Government as it prepares its response to the Select Committee.

Action

As directed by Members.

Contact officer: Paul Raynes
Position: Head of Programmes
Phone no: 0207 664 3037
E-mail: paul.raynes@local.gov.uk

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Background

1. The Political and Constitutional Select Committee of the House of Commons undertook in 2010 a long running Inquiry into the prospects for codifying the position of local government. The LGA gave evidence to this Inquiry on a number of occasions, and last year directly associated itself with the Inquiry's second phase, in which the Committee consulted on a proposed Code text. This was – we think – an unprecedented collaboration between the LGA and a Parliamentary Select Committee. It included holding joint events and roadshows around the country, some of them hosted by regional local government bodies. The LGA encouraged councils to respond to the consultation, and 70 did.
2. The Committee's final report was published on 29 January. A copy of its recommendations is attached at **Appendix A**. The key recommendation is that the government take the Committee's draft Code as "the start of a national conversation...on how greater autonomy for local government could be achieved in a lasting and meaningful way". The Committee says it hopes to see the debate on independence for local government continue, taking its report as a milestone. It is clear that the LGA is expected to pick up the baton in the wider debate and in conversations with government, although the report commits the Committee to hold a conference on the central-local relationship later this year and work on ways in which its draft Code might be expressed as legislation. The report expresses the hope that the main political parties will reflect the debate on the central-local relationship as they develop their policy platforms ahead of the next general election.
3. The Minister for Local Government, Brandon Lewis, attended the report's launch and said he wanted the Government to continue to engage in this debate. He suggested though, that the Government had reservations about some elements of the Committee's approach, including the principle of codification.
4. The Committee's desire to see the debate on autonomy continue as the next election approaches aligns completely with the ambition of our own Independent Local Government campaign. Many of the broad ambitions of the Committee's draft Code are also in line with the LGA's headline policy positions, particularly:
 - 4.1. a reduction in the burden of statutory duties and central compliance regimes;
 - 4.2. removal of Westminster interference in boundary and governance issues;
 - 4.3. unfettered general competence to provide public services;
 - 4.4. financial autonomy combined with continuing redistribution; and
 - 4.5. a constitutional entrenchment of local government's freedoms, proof against future central government tinkering.

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5. In detail, however, LGA members are likely to wish to see many of the Committee's specific ideas further developed and debated. There is also an open question about how the text of the Committee's Code – which could not be enacted with statutory force as it stands – might best be translated into provisions that have legal effect.

Next steps

6. At the recent informal meeting of the Leadership Board and LGA Board Chairs, Members agreed that they wished to pursue our campaigning work on Independent Local Government over the next few months. We suggest that we take up the Select Committee's invitation to local government to keep the debate on autonomy going as a part of that work, and in particular that we:
 - 6.1. continue to work with the Chairman and members of the Select Committee as we take forward our own campaigning on the theme of Independent Local Government;
 - 6.2. take up the Committee's recommendation that we work with it on a conference in the Summer;
 - 6.3. consider how the key freedoms councils are seeking might be constitutionally entrenched in a legally effective way; and
 - 6.4. pursue discussions with the Government as it prepares its response to the Select Committee.

Financial implications

7. If pursued as part of our Independent Local Government work, this is a core call on LGA policy and lobbying budgets.