

Council of Europe review of UK Local Democracy

Purpose of report

For discussion.

Recommendation

That the Leadership Board note the forthcoming peer review by the Council of Europe to scrutinise UK compliance with the Charter of Local Self-Government and consider an independent report on UK compliance which has been commissioned by the LGA.

Action

LGA officers to take forward Member recommendations.

Contact officer: Ian Hughes
Position: Head of Programmes
Phone no: 020 7664 3101
E-mail: ian.hughes@local.gov.uk

Council of Europe review of UK Local Democracy

Summary

1. This report summarises a planned Council of Europe (CoE) peer review of local democracy in the UK in late May 2013.

Background

2. The Council of Europe (CoE) has forty nine member nations and was founded in 1949 at the initiative of Sir Winston Churchill to build democracy and good governance. Its local government arm, the Congress, is responsible for the effective monitoring of local democracy in member states by assessing the application of the European Charter of Local Self-Government, which was adopted in 1985. Congress is made up of a 49 nation assembly of local councillors to whom the LGA nominates 14 members

UK Monitoring visit

3. There is a five year cycle to monitor member nations' compliance with the Charter. The only report on the UK was in May 1998 and a new review has been commissioned for mid-2013.
4. The review involves a small fact-finding visit comprising two Congress politicians (the rapporteurs), an independent academic expert in constitutional matters, and staff of the Congress. The UK review team is set out in **Appendix A**.
5. They will meet LGA leaders, CLG ministers, the London Mayor, individual councils and the local government associations in Scotland, Wales and Northern Ireland. The Chairman and Group Leaders have meetings with the review team on Wed 29 May.
6. After the visit, the leading members will deliver a report on UK Charter compliance in the UK to the Council of Europe.

Independent Report on UK compliance with the Charter

7. In advance of the review, an independent report on UK compliance has been commissioned by the LGA European and International Board, with specific reference to English local government. This will help ensure that the situation of English local government is given due consideration in the Congress report. The report has been commissioned from Jeremy Smith, a barrister by profession, who has held Chief Executive positions in both English and European local councils and associations. Mr Smith prepared a similar evaluation from the UK review in 1998.
8. A copy of this independent report will be circulated separately to the Leadership Board.

APPENDIX A

Congress delegation to UK

Rapporteurs:

Mrs Angelika KORDFELDER , Mayor of Rheine (Germany, Socialist Group)
Mr. Alexander USS, Chairman, Krasnoyarsk Regional Legislative Assembly (Russian Federation, Christian Democrat Group)

Expert:

Mr Jens WOELK , Associate Professor in Comparative Constitutional Law at the Law Faculty of the University of Trento (Italy) Dept. of Legal Sciences

Congress Secretariat:

Mr. Jean-Philippe BOZOULS, Executive Secretary of the Chamber of Local Authorities.
Ms. Sedef CANKOÇAK, Co- Secretary of the Monitoring Committee of the Congress

The Charter of Local Self-Government

The purpose of the European Charter of Local Self-Government is to identify common European standards for measuring and safeguarding local democracy. The Charter commits central governments to applying basic rules guaranteeing the political, administrative and financial independence of local authorities.

The Charter has two main parts:

- Part I sets out the principles of local self-government. It defines the concept and establishes principles governing the nature and scope of local authorities' powers; ensures that they have autonomy as regards their administrative structures and access to competent staff and defines conditions for the holding of local elective office. Two major articles aim at limiting administrative supervision of the activities of local authorities and ensuring that they have adequate financial resources at their disposal on terms which do not impair their basic autonomy.
- Part II relates to the scope of the obligations entered into by the signatories. To take account of the legal and institutional peculiarities of the various member States, it permits them to exclude certain provisions of the Charter from those by which they consider themselves bound. In the case of the UK, although it signed up to all of the matters of principle, the main exclusion is territorial as the Charter currently does not apply in Northern Ireland.