

**Lessons from the English Experience:  
Is there a future for the decentralization of social policies?  
Insights from European research and experiments  
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## Characteristics of English Local Government: 1

- Creature of statute
- No independent or constitutionally protected right to exist
- Boundaries, shape, size, structure, powers, roles, responsibilities and functions set by central government
- *Ultra-vires*
- Funded locally and by central government
- largest units of local government in Europe; technocracy over democracy
- Synonymous with service provision, rather than political representation and government
- Not seen as a competitor to central government, more as an agent  
Dominated by the three main parties
- Run on party lines

## Characteristics of English Local Government:2

- Council boundaries do not reflect natural (or any) communities of place; rather they are administratively convenient lines on a map
- Points of the compass councils:
  - East Staffordshire
  - North East Derbyshire
  - South Norfolk
  - North Shropshire
  - East Hampshire
  - West Berkshire
  - West Lindsey
  - Mid Suffolk

## Characteristics of English Local Government:3

- 'AND' councils
  - Redcar and Cleveland
  - Kings Lynn and West Norfolk
  - Basingstoke and Deane
  - Brighton and Hove
  - Bath and North East Somerset
  - Shrewsbury and Atcham
  - Oadby and Wigston
  - Blackburn with Darwen

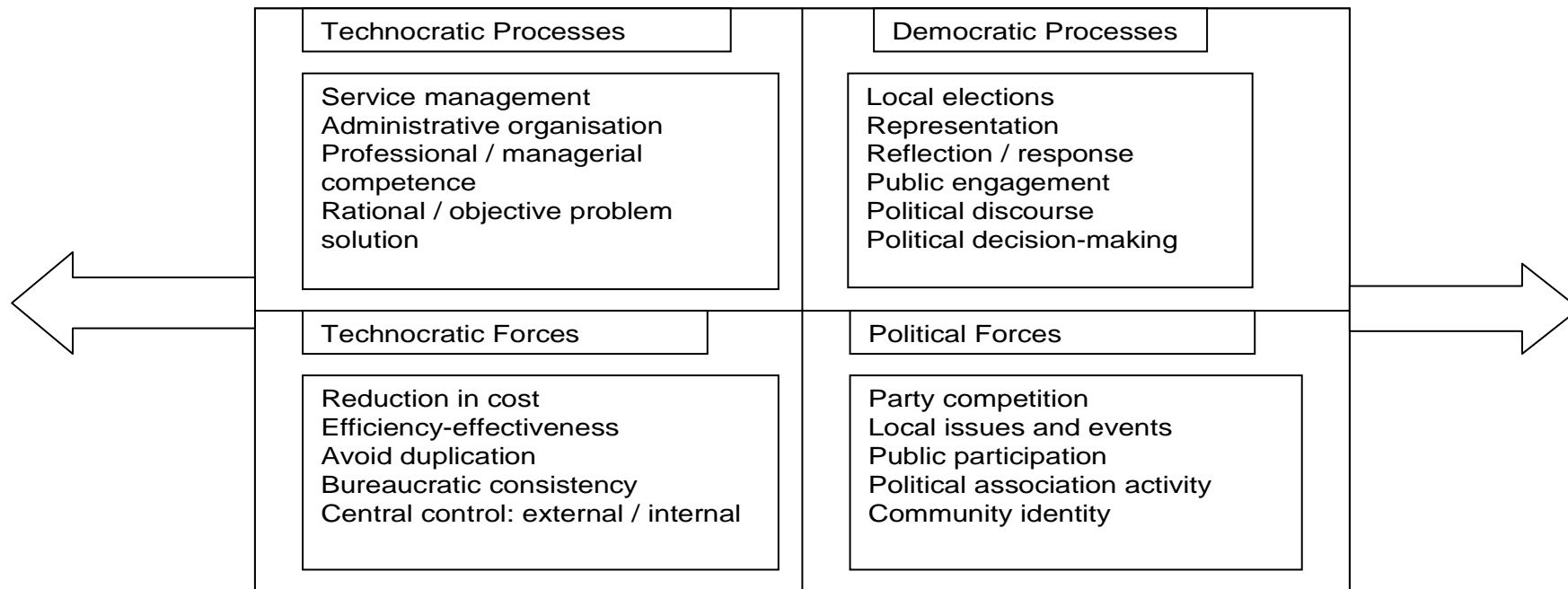
## Characteristics of English Local Government:4

- And these places just don't exist
  - Three Rivers
  - Sandwell
  - Newham
  - Kirklees
  - Tendring

## Post Code Lottery

- Demands by government for public services to be of equal standards wherever they are based
  - Undermines local diversity and local choice
  - Focuses on local government's service role rather than its governing and representative role
  - The case for efficiency based on the folk-lore that:
    - Bigger local government is more efficient and effective
    - Private sector more efficient and effective than the public sector

## Tensions for Local Government



## Central Controls: For Policy Shaping and

- Financial
- Legislative
- Legal
- Detailed Administrative Oversight and Control
- Political
- Constitutional
- Nationalised by the party system
- The bad press local government receives results in timidity at the local level – some exceptions



## Greg Clark Minister of State 7<sup>th</sup> November 2011

- For the best of a century, most Acts that have passed through this House have **taken power from communities and councils and given more power to Central Government**, or in some cases to European government. This is an historic Act, not just for the measures it contains but for what it represents. It is about striking out in a different direction. **Power should be held at the lowest possible level.** We want this to be the **first Parliament for many years that, by the end of its Sessions, will have given power away.**
- That is true for many of the Act's provisions—the community right to challenge; the community right to bid for assets of public value; the abolition of regional spatial strategies; the introduction of neighbourhood planning—but **nowhere is it more significant than in clause 1, which deals with the general power of competence.** The general power of competence changes the default position. Currently, local government exists to do the things that central Government require it to do. Clause 1 turns that default position upside down. **Local government can do the things that it thinks are right, unless they are positively banned. What is not forbidden is permitted.** The question for councils is not, “Can we do this?” but, “How can we make it happen?”

## Defining and Understanding Localism

- Prioritising the local over the central
- Local control, production, development and delivery
- Local culture identity and distinctiveness
- Communities free to organise, govern, conduct political business, take decisions, develop policy and take action as best for those communities
- Should communities be able to identify themselves?

## Defining and Understanding Localism: A more limited even cynical view

- Communities being told they are a community, but linked to...
- ...Community empowerment, devolution of some decision-making and policy-setting with ...
- ... some powers for communities over, or, in relation to the council, but, ...
- Local government still subservient to central government and localism over-ridden by central policy and priorities

## Key Points of the Localism Act

- General power of competence (Secretary of State can alter)
- Devolution of power
- To embed localism in the policy landscape
- Community Right to challenge / bid / build
- Neighbourhoods and neighbourhood plans
- Developer consultation before planning applications

## Civic Devolution: 1 Challenge, Bid, Plan, Build

- Expressions of interests to run a service/ protect an assets
  - Part of the Big Society
  - Provides councils with a way of filling service gaps
  - Equalisation issues
  - Developing social capital and community cohesion in some areas to free resources for others
  - Key will be developing a working relationship with community groups that may submit an expression and developing capacity in other areas for such expressions
  - The council will need to maintain a much broader governing and co-coordinating role if asset sale and service transfer captures the public attention
    - Thus, emphasis is placed on the community leadership role of the council, even though the community has new rights and powers

## General power of competence: 1

- Does it change the default position
- ‘What is not forbidden is permitted’
- The council becomes a person
  - Provided there is no legal prohibition
  - Doesn’t remove existing duties
  - Political creativity and imagination
  - Secretary of State can remove restrictions – so, make the case
- Will the courts accept this or will they fight to protect *Ultra Vires*?

## General power of competence: 2

- A reappraisal of the relationship between the centre and the localities and a rebalancing of the relationship between Westminster / Whitehall and local government.
- Underpins a localist presumption in central / local relationships. Central government would be faced with alternative centres of governing capacity that could act on their own merits.
- ... But, the secretary of State can change the remit of GC, so is it really GC?
- General competence rests on central government willingness to cede some power – will it do so and do so permanently?

## **Conclusions: Conditions for Successful Devolution**

- Need to decide to whom power devolved: Councils or Communities
- A reconfiguration of local-central relationships
- Central acceptance of varying service standards
- Public acceptance varying service standards
- Financial, constitutional and political autonomy
- Recasting council / councillor and community relationships
- Recognising the austerity effect
- Bringing participative and community power together in a representative framework?
- Central and local visions for local development to be the property of communities