

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....6th September 2012

1. Title of Item/Report

Independence from the Centre - A New Constitutional Settlement for Local Government

2. Record of the Decision

Consideration was given to a report on the launch by the Parliamentary Political and Constitutional Reform Committee and the Local Government Association, of a public discussion, looking into the merits of constitutional reform to make the role of Whitehall and Councils clearer to local residents. The proposals suggested providing decentralisation of power from Whitehall to Local Councils and codifying this arrangement in statute.

The recently enacted Localism Act gave effect to the government's ambitions to decentralise power away from Whitehall down to local councils, communities and individuals, to allow them to act on local priorities. The Act covered a range of key policy areas including the provision for a General Power of Competence.

This was something that the LGA had long campaigned for on behalf of Local Government. This act along with initiatives such as Community Budgets, City Deals and the devolution of power to Northern Ireland, Scotland and Wales etc signals some cross party intent to give councils the freedom to be creative and entrepreneurial, acting on behalf of their communities and in their own financial interest.

Notwithstanding these shifts, it remained a fact that Local Government in this country had no standing or protection embedded in a codified constitution or document. Legally the system of local government in England could be abolished completely at any time by government, putting through a Local Government Abolition Bill. This highlighted a constitutional weakness of local government within the system of governance.

The Political and Constitutional Reform Committee along with the Local Government Association had recently been inquiring into the relationship between local and central government. This had been widely supported

and evidence showed that concerns had been raised that centralisation had eroded local government autonomy, leaving people with less say over how their communities were run. Most western democracies enshrine and entrench the rights of local government in their constitutions but the UK's unwritten constitution provided no such protection for councils and councillors.

To support the debate and form a basis for consultation, the Political and Constitutional Reform Committee had asked an academic witness to draft up an illustrative draft code, governing the relationship between Central and Local Government in England. This draft code was based upon 9 principles, set out by the Committee. Central and Local Government could benefit from a code that clearly set out rights and responsibilities and codifies this in statute. This code was a starting point for discussion and to further explore a new vision for the future. A summary of the draft code was detailed within the report.

Through this code Parliament recognised free and independent local councils in England, accountable to local citizens. These included unitary, district, county, metropolitan district and London borough councils who would enjoy independence in both powers and finance and be entitled to do all that was required at a local level, within the law, to secure and improve the wellbeing of their citizens and communities. Local councils would have co-equal, not subordinate, status to central government and their rights and duties would enjoy equal protection in law.

The draft code contained ten articles each detailing different aspects, agreements and provided an understanding of the code. A summary of each article was provided within the report.

The key to successfully implementing codification of inter governmental relationships was Central Governments willingness to permanently devolve political and governmental power to councils. Given this intention, any negative implications of codifications should be overcome through the creation of safeguards and by negotiation and compromise. The forging of new relationships between central and local government must go hand in hand with forging new relationships between citizens, councils and councillors. The principal of codification and the draft code, provide the basis for forging these new sets of relationships and a framework within which they could be explored.

The opportunity to move this discussion forward had the support of the Local Government Association, politicians nationally and was supported by the Council of Europe charter on Local Self-Governance, which was first agreed in 1985 and signed up to unconditionally by the UK government .

The work of the Political and Constitutional Reform Committee and the Local Government Association provided a useful and timely opportunity to thoroughly examine the relationship between central and local government. It was recommended that the authority take up the opportunity that the paper provided to influence locally, regionally and nationally the constitutional and governance arrangements going forward.

RESOLVED that:-

1. the report and content be noted.
2. the proposals to actively engage in the discussions going forward be supported.
3. Reasons for the Decision  
  
To enable this authority to participate in discussions at a local, regional and national level to inform and influence this national debate.
4. Alternative Options Considered and Rejected  
  
None
5. Declared (Cabinet Member) Conflicts of Interest  
  
None
6. Details of any Dispensations  
  
None
7. Date and Time by which Call In must be executed  
  
Midnight on Friday 14 September 2012

Proper Officer  
10 September 2012