

# Sub-national and local government

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# Sub-national and local government in context - 1

## The State

Community created for the purpose of government

Delineated territory

Legitimate government

Sovereignty within territory

Recognition by other States

Name/personality

Control over entire area, consistency of government

Right to use force against citizens

(Kingdom: *Government & Politics in Britain*)

# Sub-national and local government in context - 2

## **'State' and 'society'**

State is different from society

The State is based on law

Society is a free association of citizens

# Sub-national and local government in context - 3

## Government

May involve one person (Monarchy); a small number (Aristocracy) or all (Democracy)

Different models, eg  
constitutional, absolutist, pluralist

Risk that any form may degenerate towards tyranny, oligarchy, or anarchy

Issue of self-interest and corruption  
- Need for checks and balances

# Sub-national and local government in context - 4

## Politics and political parties

Government will involve politics and possibly political parties

Politics not unique to the operation of government

Reconciles different interests

Other influences: the market; expert opinion; interest groups; political disorder

# Sub-national and local government in context - 5

## The State and the government

Each distinct from the other

Queen as Head of State – embodies State but not part of government

The State consists of a wide range of institutions, eg: the PM and Cabinet; civil service; quangos (appointed bodies); nationalised industries; police, armed forces, judiciary and sub-national + local government

# Sub-national and local government in context - 6

Most States include an element of regional and/or local government

Federal systems: 'State' or provincial level plus local

Unitary systems: local government

UK contains elements of both

# Sub-national and local government in context - 7

## Characteristics of sub-national and local government:

Enshrined in national 'Constitution' (not UK)

Control of unit of government by elected representatives

Power to raise taxation

Defined territory

Own bureaucracy (local 'civil service')

Legislative powers to deliver services

# Theoretical justifications for sub-national and local government

**Democratic pluralism:** power handled at more than one level

**Participation:** elections at sub-national and local levels allow far wider participation

**Identity:** allows people to express their territorial identity/loyalty through government of the area

**Economic efficiency:** use of public resources more efficient where government closer to the governed

# The constitutional basis for sub-national and local government

There is none: **no written constitution**

UK system of sub-national government is **an artefact of history**

**England's** emergence as a single country

- Anglo-Saxon kingdoms
- then forms of 'local government'

**Wales, Scotland and Northern Ireland**

- nations added to England to form 'UK'
- origin of pressures for devolution

# Evolution of the UK and systems of local government

Conquest of Wales; Act of Union (Scotland); conquest of Ireland (subsequent separation of Republic)

Not, however, a constitutionally-driven creation of a single polity, nor constitutionally-based local government

Within the UK, local government evolved organically

- Shire-based justice
- Parish-based services, eg, Poor Law

# Sub-national/local government is part of the constitutional set-up

Scotland, Northern Ireland have long been governed (to some extent) separately

- Scottish laws; Stormont
- Wales latterly separated from 'E&W'
- Now significantly devolved

Local government evolved, subject to Parliamentary 'universalisation' and reform into larger units

# Wales, Scotland, Northern Ireland

There have been long-established arrangements for the (partly) separate government of Wales, Scotland, NI

**Wales:** Welsh Office; Secretary of State; Grand Committee

**Scotland:** own laws, Scottish Office, Secretary of State, Grand Committee

**Northern Ireland:** Stormont rule/direct rule; Northern Ireland Office, Secretary of State, some separate laws

# Devolutionary pressures

Irish Home Rule: Northern Ireland left with separate government arrangement

Periodic pressure in GB for 'devolution' of power to Cardiff, Edinburgh

- Kilbrandon Report, 1973
  - Legislation published, failed in Parliament
- 1997 Labour government's devolution policies
  - 1999 reforms: Scotland, Wales, London

# Wales

## Devolution of most domestic policy

- NHS, education (not HE), social care, local government
- Quasi-legislative powers now in place

## Assembly

- elected every 4 years by AMS

## Government, First Minister

- inherited Welsh Office civil service

## No fiscal (tax-raising) powers

- Holtham Commission, Silk Commission have proposed devolved taxation powers
- Proposals for some tax devolution, eg Stamp Duty, Landfill Tax

# Scotland

## Legislative power over most domestic policy

- Parliament in Edinburgh
- NHS, education (inc HE), social care, local government

## Government, First Minister

- inherited Scottish Office civil service

## Capacity to vary basic income tax rate – never used

- Calman Commission proposed taxation powers
- Stamp Duty, Landfill Tax and Income Tax to be devolved

Smith Commission now examining proposals for further devolution to Scottish Parliament

# Northern Ireland

Devolution of most domestic policy

- NHS, education, social care, local government

Assembly

- elected every 4 years using STV
- Unique, power-sharing, administrations

Government, First Minister

- inherited NI Office civil service

No fiscal (tax-raising) powers

# London

A 'regional' government was created in 2000

- the only one in England
- quasi-devolutionary; quasi-local government
- Mayor (directly elected); Assembly (elected by AMS)

Powers over transport, police, planning, fire & emergencies

Limited tax-raising powers (also fares)

# Funding for devolved nations

Devolved administrations receive a 'block grant' from UK government

Grant is based on the 'Barnett Formula'

- Linked to changes in spending in England, adjusted to reflect population change
- Scotland and now Wales have pursued tax-raising powers

Scotland and Wales have pursued a number of policies that differ from England, eg

- University tuition fees, prescription charges, fees for care for the elderly

# A 'federal' UK?

Scotland, Wales and NI resemble 'states' or 'provinces' in federal systems

- though little tax-raising power (yet)
- Law-making powers in Scotland, to some extent Wales, NI

However, UK Parliament retains sovereignty – no constitutional protection for devolved nations

- abolition possible by an Act of Parliament
- NB: London-wide government abolished in 1986

# What to do about England?

England has no devolved 'regional' government

- London has a 'quasi-constitutional' city-wide government
- 2004 referendum in North East rejected regional government

The 'West Lothian' problem

- Scots and Welsh MPs vote on 'England-only' laws
- Cabinet Office has considered 'England-only' Commons votes
- Scotland's referendum has re-kindled interest in this issue

An English Parliament?

Devolved powers to city regions?

# Local government

City of London was first given a charter by William I In 1067

Shires (counties) as the basis of civil justice

Important cities and towns evolved councils, sought Parliamentary powers to provide legal basis for action

Parishes became the basis of some local provision, notably following the passage of the Poor Law, 1601

Also, Parliament created ad hoc authorities, trusts etc to provide local roads, water supplies etc

# The Industrial Revolution

The growth of major cities (Manchester, Birmingham, Sheffield, Glasgow, Leeds) led to the creation of new 'municipal corporations'

- Business leaders' 'enlightened self-interest'
- Joseph Chamberlain as acme civic leadership

During the 19<sup>th</sup> century, cities became the basis of most UK domestic government

# The creation of 'universal' local government

At the end of the 19<sup>th</sup> century, Parliament legislated to ensure all parts of the country (separately for Scotland) had a one or two levels of local government

- One in cities and other urban areas; two in rural 'shire' areas

With modifications, this system remains

- Periodic reforms to reduce the overall number of councils



# Powers and duties – England, Wales, Scotland

Schools and adult education (part)

Social care

Housing (part)

Highways & public transport

Libraries

Waste collection/management

Planning

Consumer protection

Premises licensing

Cemeteries and crematoria

Local tax collection

Police and fire (Generally joint authorities covering several  
councils)

# Finance

Local government is the only institution apart from Parliament/Government that can set taxation

- But UK sub-national government determines only 5% of tax

## Current revenue sources (England):

	Inc schools	Exc schools
Council tax [£23.4bn]	23%	33%
Non-Domestic rates [£10.8bn]	11%	15%
Central grant [£66.8bn/£35.5bn]	65%	50%
Reserves [£1.8bn]	1%	2%

# The decline of local government (England)

Local government has declined from being 50% of UK public expenditure in 1914 to 25% total

1940s: transfer of hospitals to NHS

1950s and 1960s: major growth of central grants as % of revenue

1970s: removal of public health, ambulance service, start of transfer of housing to Housing Associations

1980s: removal of higher education; rate capping, council housing sales and transfers, nationalisation of non-domestic rates

1990s: removal of further education, removal of some schools

2000s: removal of some schools, transfer of more council housing

# Reform and its consequences

Reform has always reduced the number of councils and councillors in all parts of the UK

Desire for 'efficient' units conflicts with local identity/representation

Question of LG's role as an 'agency' of CG or as separate political power-base

LG's role as basis of Parliamentary democracy, parties

# Size of UK local authorities

France [62m]	c36,650 communes
Sweden [9.5m]	290 municipalities
Germany [82m]	c13000 municipalities
UK [62m]	434 councils

# A typology for comparative analysis of UK and other systems (Stoker, 2010)

<b>Societal function</b>	<b>Identity</b>	<b>Economic development</b>	<b>Welfare</b>	<b>Lifestyle co-ordination</b>
<b>Social base</b>	Among citizens in general	Among power holders relevant to the project and those kept in by incentives	Providers of services and also clients of services	A broad and changing mix of individuals and groups in the community and those who lead community governance
<b>Countries where function is prominent</b>	Italy France	United States China	Sweden Brazil South Africa	Australia United Kingdom

# Key questions

Does the fact that the UK has no written constitution leave sub-national government susceptible to reform and the removal of powers?

- If so, what does devolution tell us?

Are UK municipalities too large to allow the expression of identity?

Can sub-national/local government be autonomous if it has very little fiscal freedom?

Do comparative analyses suggest the UK is an outlier in terms of devolution and decentralisation?

How will Scotland's position affect devolution within England?

What are the implications for the core of central government of this system?

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