

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*)

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'State' and 'society'

State is different from society

The State is based on law

Society is a free association of citizens

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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

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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

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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

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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

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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 AV

Government, First Minister

- inherited Welsh Office civil service

No fiscal (tax-raising) powers

- Holtham Commission, Silk Commission have proposed devolved taxation powers

Scotland

Legislative power over most domestic policy

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

Assembly

- elected every 4 years by AV

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

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; Assembly

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

An English Parliament?

Local government

City of London was given a charter by William the Conqueror

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 19th century, cities became the basis of most UK domestic government

The creation of 'universal' local government

At the end of the 19th 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)

Societal function	Identity	Economic development	Welfare	Lifestyle co-ordination
Social base	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
Countries where function is prominent	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?

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

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