



The Legislative Framework of Local Government in England



INVESTOR IN PEOPLE



The legislative framework – an overview

- ❖ Local Government Act 1972
- ❖ Local Government (Access to Information) Act 1985
- ❖ Local Government and Housing Act 1989
- ❖ Local Government Act 2000
- ❖ Local Government & Public Involvement in Health Act 2007
- ❖ Localism Act 2011
- ❖ Police Reform & Social Responsibility Act 2011
- ❖ Health & Social Care Act 2011





The sovereignty of the council

The Council is the sovereign body

It determines:

- ❖ Committee Structures
- ❖ Terms of Reference of Committees
- ❖ Scheme of Delegation
- ❖ Scheme of Political Proportionality
- ❖ Size of Committees
- ❖ Membership of Committees



SEE Local Government Act 1972

- ❖ S.101 gives local authorities general power to:
“arrange for the discharge of any of their functions... by a committee, a sub-committee or an officer of the authority”

- ❖ Some functions may be reserved to full council either by law or by the council’s constitution and cannot therefore be delegated



The Council may also appoint:

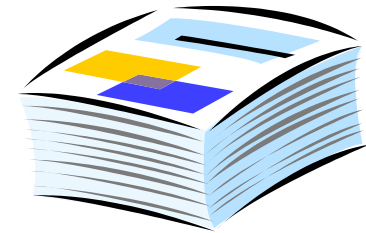
- ❖ Advisory Committees (S.102 (4))
- ❖ Joint Committees with one or more other authorities
- ❖ Area Committees





Local Government (Access to Information) Act 1985

- ❖ Public access to meetings
- ❖ Public access to agenda and reports
(the 5 day rule)
- ❖ Inspection of background papers
- ❖ Exclusion of the public & press
 - Confidential information
 - Exempt information
- ❖ Public access to minutes





Local Government & Housing Act 1989

- ❖ Rules on political proportionality
- ❖ Roles of statutory officers
- ❖ Rules on the appointment of staff
- ❖ Politically restricted posts
- ❖ Members' allowances
- ❖ Members' interests





Local Government & Housing Act 1989

- ❖ Total number of seats on committees allocated in proportion to the size of groups on the council
- ❖ Number of seats on each committee allocated in proportion to the size of groups on the council
- ❖ All seats on a committee cannot be allocated to same group
- ❖ Majority group has a majority of seats on each committee





Local Government Act 2000

- ❖ Strengthen the leadership capacity of local government
- ❖ Promote the community leadership role
- ❖ Improve the efficiency of decision-making through smaller, more powerful executives with more extensive delegated decision-making
- ❖ Regulate member conduct through a new ethical framework





Local Government & Public Involvement in Health Act 2007

- ❖ Amended form of executive arrangements:
 - Elected Mayor and Cabinet
 - Executive Leader and Cabinet

New Style 'Strong' Leader –

- ❖ Determines size of Cabinet
- ❖ Appoints members of Cabinet (max 9)
- ❖ Allocates executive functions
- ❖ Serves a 4-year term of office



SEE Council & Executive functions

Council functions

- ✓ Whole council – e.g. sets Budget & Council Tax
- ✓ Delegates powers - e.g. planning, licensing, appointment of staff etc.



‘Local choice’ functions

Executive functions – the rest!



SEE Council functions

Council functions include:

- ❖ Approval of Policy Framework - and any policies within it
- ❖ Approval of Budget and Council Tax
- ❖ Appointment of Civic Mayor (or Chair of the Council), Leader of the Council, and Head of Paid Service
- ❖ Approval of Council's Constitution
- ❖ Determination of Planning & Licensing applications





Executive functions

- ❖ Provides political leadership
- ❖ Proposes policy framework and budget to full Council
- ❖ Takes executive decisions within policy framework
- ❖ Allocates resources and priorities
- ❖ Oversees delivery of services





Who May Exercise Executive Functions?

- ✓ Executive Mayor or Executive Leader
- ✓ The Cabinet as a whole
- ✓ A Committee of the Cabinet
- ✓ An individual Cabinet Member
- ✓ An Area Committee
- ✓ Joint Arrangements
- ✓ An Officer



SEE Overview & scrutiny

Statutory powers to:

- ❖ Review or scrutinise decisions or actions taken in respect of any:
 - ✓ executive functions; and
 - ✓ non-executive functions
- ❖ Make reports or recommendations to council or the executive on any of these matters, or on any matters which affect the council's area or its inhabitants.





Scrutiny can be different...

“Scrutiny has a completely different atmosphere to other council business.”

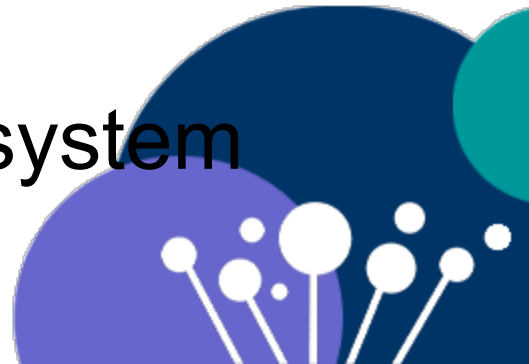
“You can get out there and have freedom to operate.”

“There is more scope for public participation than in the old committee style.”

“We can challenge the acceptable and traditional ways of doing things.”



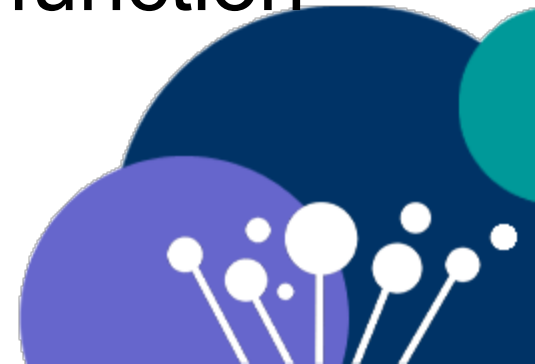
- ❖ Introduced new general power of competence
- ❖ Abolished the Standards Board for England and introduced new ethical standards based on local codes
- ❖ Clarified the rules on predetermination
- ❖ Called for referenda on directly elected mayors in core cities
- ❖ Re-introduced the committee system





Health & Social Care Act 2011

- ❖ Health & Wellbeing Boards - powers to promote joint commissioning and service integration
- ❖ Bringing together commissioning of services across the NHS, public health, adult social care and children's services
- ❖ Responsibility for public health function transferred to local authorities



SEE What else?

- ❖ Executive Regulations 2012
- ❖ Openness Regulations 2014
- ❖ Standing Orders (Amendment) Regulations 2015
- ❖ Local Government (Electronic Communications) Order 2015

