

Professor Dr Colin Copus  
De Montfort University, Leicester, UK

### **EMPHASISING THE GOVERNMENT IN LOCAL GOVERNMENT: REFRAMING VALUES AND PURPOSE**

The current debate about the nature and degree of devolution to English local government is being conducted within the tight confines that recognise its constitutionally weak status. Indeed, in seeking the devolution of powers, responsibilities, functions and cash from the centre, local government would also be wise to address a longer term project to enhance and establish its constitutional status. Local government, unlike much of its European counterpart, lacks the most basic constitutional right to continued existence and while it may seem fanciful that a future government would abolish local government – although a recent proposal from two Liberal Democrat peers to replace England’s 352 councils with 150 comes close to it – it is not unheard of for government to abolish whole types of local government at a sweep (e.g the metropolitan counties), or to sweep away district councils as in the 1974 re-organisation and the more recent 2009 creation of five county-based unitaries.

While arguments about functions and responsibilities are understandable, without the continued right to exist and without the right to control its own boundaries, local government remains a plaything of the centre which can be re-structured, re-organised, re-shaped and re-designed to suit not only the centre’s policies on local government itself, but also the delivery of a range of other policy objectives for which local government becomes no more than a delivery or oversight agency. Discussions about the structure of local government based on economic rather than geographical principles undermine the fundamental purpose and nature of local government: the government of place.

The paper reports findings of research conducted for the Political and Constitutional Reform Committee of the House of Commons for its inquiry into the prospects for codifying the relationship between central and local government – in the English context. That research focused on the nature and type of powers that should be devolved to local government.

The paper addresses the following questions:

- What effects does the constitutional status of local government have on its ability to deal with the complex pressures for change facing the localities
- How could the constitutional status of local government be reframed within the context of a unitary state, to provide it with maximum devolved powers
- What are the differences between the devolution to local government of functions, responsibilities, finances and political and governing power and what difference will devolution of each make to the future of local government
- What effect does central government control have on the ability of councils to work together to solve complex social and political problems and how would devolution from the centre assist council joint working.

- What are the arguments deployed in support of the current constitutional *status quo* and what are the arguments for enhancing the status of local government through maximum devolution

Finally, the paper assesses the nature of the current debate about devolution to English local government that has taken place since the Scottish separation referendum and goes on to set out an entirely new governmental construct for English local government that would rest on the creation of a new constitutional settlement, based on maximum devolution from the centre to the localities.