

The Local Parliament: A Liberal Democrat approach to devolution



Edited by Seth Thévoz
Unabridged

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DISCLAIMER: Inclusion of an essay in this report does not imply that the author fully agrees with all the other views expressed.

Foreword

Cllr Richard Kemp

Richard Kemp is Leader of the LGA Liberal Democrat Group.

Localism – hard wired into our DNA

Whoever wins the next general election the next 10 years are going to be depressing for those of us who deliver local services. We know that the Government has borrowed massively to avoid a depression – we know that money needs to be paid back. To pay that back we either have to grow the economy by more than we have ever been able to grow it before or we need to reduce what we spend.

The best we can hope for is managing with 10% less in real terms than we are now. Note I used the word services – it is not just councils that will be affected but all services delivered in our communities.

So what can we do to mitigate these problems? Find more efficiencies in local government? Yes, of course we can. We are good at this. The Treasury tells us that local government is already the most efficient part of the public sector and we have been achieving 3% efficiency savings for seven years. But you can only take efficiency so far. The time has come when we will inevitably cut our services and our choices will not be about what we expand but about what we retain.

The savings needed will not come from more efficiencies within councils but more efficiencies within the public sector working together. Yes, out there are bureaucracies and quangos that could be cut. Take one recent ludicrous decision. Closing down the work of the LSCs and putting the care of 16-19 years back into the hands of councils is a good decision. Replace the LSC with three new quangos is manifestly a bad one!

We now need to build up the totality of public sector delivery around the real and not the perceived needs of the people and neighbourhoods in most need. Why is it that 13 different people from nine departments of seven agencies are supposed to stop recidivism in people leaving prison but fail manifestly to achieve that aim? Why can an elderly person have a succession of low-paid visitors from various parts of the public and private sectors caring for their needs, instead of a local community-based, community-led service that will wrap the community around those people?

The only way we can realise this close relationship between local need and local delivery is to empower councils and councillors who are the only people with a mandate to develop both long-term and short-term strategies and delivery mechanisms. Resist siren voices calling for more democratic bodies such as directly elected health and police boards. Instead we argue that more democracy means giving the already existing body – the council – more power and authority. Councils and councillors do not want to run everything. We don't want to 'control' the police or health services. We do want to direct those services so that they join up, so that they meet the needs of people and not producers – so that they become more efficient.

That is what the Local Parliament Project is all about. Putting councils at the heart of all decision-making in their areas; enabling them to hold to account all agencies delivering services; allowing them to develop a long-term view of where their community is going and what it should look like in the future.

Other parties talk about localism and devolution – good! But for Lib Dems it should be hard wired into our DNA. You cannot be a Lib Dem and not believe in more effective democracy – in devolution to town halls, in devolution from town halls.

We believe – now let's go out and do it!

Introduction

Seth Thévoz

Seth Thévoz is on secondment from the Leadership Centre for Local Government to the LGA Liberal Democrat Group. He was previously a Parliamentary Researcher, and was Chair of Cambridge Student Liberal Democrats during the last general election.

This is a pamphlet about localism. This may at first seem unnecessary to a party that's been deeply rooted in 'community politics' since at least the early 1970s.¹ But as 'localism' has mushroomed into an all-party buzzword in the last few years, understanding of the idea has blurred.

Conservatives claim to be localists. Labour claim to be localists. Even fringe parties like UKIP and the BNP claim to be 'local'. The argument is beginning to degenerate into the 'Royston Vasey' school of politics, and loses sight of *why* localism is inherently good. This pamphlet sets out to show how and why the Liberal Democrats have so much more to say on the subject than 'we were here first'.

If we are all localists now, then what is the big fuss about? The problem seems to be the 'false choice' offered on localism. For Labour, this has largely amounted to set-piece ministerial speeches, often alternated with further centralisation and capping. In opposition, David Cameron's Conservatives recently started to talk about open primaries and referenda on tax² – but for all their laudable aims at boosting participation, it is doubtful whether these proposals will do anything other than dumb down complex 'either-or' decisions into Nimbyism.³ Neither approach promises earth-shattering change. This newfound interest from the other parties does, however, make localism a competitive, contested space – and keeps Liberal Democrats on their toes in asking ourselves why localism benefits *ordinary people*, rather than benefiting the kind of sad, political anorak you probably are if you are reading this pamphlet. At a time when the gap may have never been greater between government and governed, localism offers a vital path to restoring both trust and effectiveness in the political process.

But how? The very language we use to talk about local politics is centralised. Whenever a local government story erupts, you can almost guarantee it only makes the headlines if the story is 'Minister intervenes', or at least, 'MP intervenes'. This should be a last resort. (And I suspect most MPs will agree on this – they're elected to write legislation, not to be a sort of 'supercouncillor'. If we really expected our MPs to be 'supercouncillors' as well as being dab hands at drafting laws, then we would be well on the road to total centralisation, and the abolition of any devolved power or accountability.) Consequently, we need to be clear that just as MPs have a job to do, so do councils.

¹ See Bernard Greaves and Gordon Lishman, *The Theory and Practice of Community Politics* (Association of Liberal Councillors, Hebden Bridge, 1980), a seminal text on the topic

² See particularly Douglas Carswell and Daniel Hannan, *The Plan*

³ I am tempted to write of Cameron's 'localist' proposals the same thing that Harold Macmillan once said of the Liberals in the 1960s – they are full of "sound and original ideas. Unfortunately, none of the original ideas is sound, and none of the sound ideas is original." How times change.

The status quo, where we expect councils to have responsibility for services without real power, is untenable.

What this publication hopes to do is provide a framework for Liberal Democrat arguments on localism. It is not an exhaustive catalogue of every single policy area where further devolution is possible – nor should it be. Indeed, there are large subject areas left untouched, better discussed elsewhere.⁴ Instead, it is a look at the key arguments for localism; how it is being practised, and how it could further be practised.

The report comes in two sections. Section 1 looks at the ‘here and now’ – leading councillors look at how Lib Dem councils are already stretching their powers to the very limit, to fulfil their democratic mandate. But it is frankly meaningless to look at this in isolation. Liberal Democrats are currently devolving powers because they aspire to devolve so much more – as Alan Beith said 20 years ago, “We are the only party which seeks power so that we can give it away.”⁵

Section 2 fleshes out where all this is going; Bridget Harris writes on why local authorities have a unique mandate for overseeing local services; Richard Grayson looks at a concrete example of how healthcare provision could be better delivered locally; Jessica Hambly looks at successful European precedents for further devolution; and my own conclusion draws the common strands together.

We have also held consultation sessions around the country with Lib Dem activists, held under the Chatham House Rule – some of the ideas raised are reproduced here as bullet points scattered throughout the booklet. These are not Liberal Democrat policy, nor are some of them likely to be – but they are aimed at sparking further debate on what a Lib Dem approach to localism could look like.

A common thread in these chapters is that there are no ‘holy cows’ in local government – local government is there for people and communities, not the other way round. This pamphlet is not even about local *government*, but local *governance*. Councils are not, and should not be, the replacement of a Whitehall empire with a town hall empire. This booklet is not an argument to centralise power in the town hall. It is about genuine dispersal of power. Indeed, as we will see, devolving power shouldn’t just be from Westminster to councils, but from councils to even smaller communities as well.

While councils have a distinct democratic mandate which gives them a unique form of legitimacy, this does not mean they should macro-manage every service in their area. But it does give them a right to oversee and scrutinise local services; one that is arguably not developed enough.

Effective governance is not about dominating the area, but leading a close alliance of the veritable alphabet soup of agencies and authorities which all make a community. Consequently, the most successful Lib Dem councils do not just fill out the ‘job description’ and do exactly what they’re meant to do – they inspire other local groups to experiment and innovate. Councils that seek to do everything will inherently fail. Councils that seek to inspire everything hold out hope for us all. This booklet seeks to show how this line of thinking has worked so far, and where it could lead.

⁴ David Boyle and Bernard Greaves, *The Theory and Practice of Community Economics* (Association of Liberal Democrat Councillors, Hebden Bridge, 2008) offers a goldmine of ideas on economics as a mechanism for delivering local objectives.

⁵ Alan Beith, speech to 1991 Liberal Democrat conference.

Section 1

How Liberal Democrat councils are already maximising their powers

A new localism

Cllr John Shipley is leader of Newcastle City Council.

The current crisis in public confidence over Westminster politics provides a golden opportunity for local councils to lead democratic renewal through a new localism agenda.

In England, the Court of Appeal has just rejected the assumed power of councils to act in the general interests of community well-being. Financial savings will no longer be enough as justification; a decision must deliver a specific, defined benefit.

In Scotland, the Calman Commission has advocated that half of income tax generated in Scotland should be raised by the Scottish Parliament. Support for the concept has come from Westminster.

The contrast with England is marked. Here, central government over-regulates, over-prescribes and allocates most of our money. It is hard to see how such centralism can last in England when Scotland is treated so differently.

It remains to be seen whether the proposal of the new Communities Secretary to introduce a locally enforceable charter to prevent unwarranted interference by central government comes to fruition. He does seem to understand that the starting point for any successful democracy must be an individual citizen's right to influence what happens in his or her own immediate areas and thus to have a local council with real power and autonomy.

That England is over-centralised seems generally agreed. If the *Total Place* project is to succeed it must be led by somebody. That implies leadership by councils, the only elected, directly accountable body there is at a local level. Those elected need the powers to deliver local agendas and that will require extra powers over raising revenue together with the right to commission services from other public sector agencies within the local strategic partnership. This isn't about postcode lotteries; devolution can end them as long as we accept the existence of postcode differences that reflect local needs.

But will devolution in England actually happen? It won't be enough for Whitehall to write down rules that just define what happens now.

The context after the next general election is crucial. To be an entity, the UK needs general public acceptance of its governance structures. Without that, there will be serious danger of fracture. The Conservatives are now essentially an English party, stronger in rural areas than the cities. Can any single party properly govern a country if it only partially represents it in a geographical sense?

The European elections in June showed that the electorate was increasingly uncomfortable with traditional party politics. The high votes for minority parties did not simply reflect dissatisfaction with Europe but also with a political system that people feel has failed them. Bankers, Whitehall, Westminster, Brussels – they're all tarred with the same brush. Letting people vote once every so often will no longer be enough. They want to do more and we should seize the chance immediately to build on that sense of engagement.

It took the English Democrats to fight the recent elections on the issue of fairness; why, they asked, should Scottish MPs at Westminster vote on purely English matters when English MPs had no vote on purely Scottish matters? Why indeed. Constitutional experts have tried to explain this but they have signally failed to convince people on the simple issue of 'fairness'. If so many decisions can be devolved to Scottish MSPs, why should similar decisions not be devolved to places within England at either city region or unitary council level?

This different treatment cannot last; nor can a Barnett formula which dispenses extra per capita public expenditure to Scotland on the basis of an outdated political fix.

Nor will CAA work properly if in key service areas (notably health, policing, transport and regeneration) councils lack powers but still carry responsibilities in practice for outcomes delivered or not delivered.

Councils are expected by the general public to be in charge of what happens in their area. People elect councillors as their champions. For that reason, councillors are key in rebuilding trust in our political processes. Empowering them through the Total Place initiative to lead ward planning and delivery across the LSP should be central to our aims. As should a power of general competence to permit councils to do whatever they wish under the law. All this would get decision-making closer to people. You cannot govern the whole of England from Whitehall and you cannot govern every ward from a town hall.

We stretch existing powers as much as we can. Prudential borrowing is an obvious example though it is surprising that only 60% of councils seem to use these powers. In Newcastle, we used the powers recently to purchase the new Northern Rock Tower for over £20 million to provide a home for another expanding Newcastle-based company. It was a good investment and it also helped to underpin the property market across the city.

In terms of further powers we would like, we must use the Sustainable Communities Act to take action to improve the sustainability of neighbourhoods. Our own area of focus is to increase powers to arrest the decline in local community facilities – shops, pubs, post offices. At present, neither well-being nor planning powers are sufficiently robust to prevent property owners removing assets of value to the community for short-term commercial gain.

Secondly, we are looking for more radical financial powers, where councils can borrow against future projected business rate income to forward fund large-scale infrastructure development. This is about councils taking managed risks and incentivising economic growth proposals.

With other English core cities, we have been lobbying for the introduction of Accelerated Development Zones (ADZ). The Government would allow the council to borrow money for infrastructure improvements, which would be repaid using a proportion of extra business rates generated by businesses which locate to the site. On behalf of the council, PricewaterhouseCoopers has drawn up a proposal which highlights the benefits to Science Central (the former Scottish and Newcastle

brewery site) and the Discovery Quarter in particular, if they were granted ADZ status. In the Budget, the Government confirmed that it would work with interested local authorities and city regions to assess the scope for accelerating development and explore with them the potential benefits, costs and feasibility of a pilot project.

At the heart of democratic renewal lies devolving power to residents. This is how we are trying to do this in Newcastle upon Tyne:

i. Community Empowerment Framework

Newcastle is one of the first cities in England to develop a Comprehensive Empowerment Framework (CEF). Prepared by the Newcastle Partnership (LSP) it shares a future vision for community empowerment and engagement across the city. This initiative also links to our work as one of the 18 national Empowerment Champion authorities. Newcastle Council for Voluntary Service (NCVS), Newcastle Healthy City and some community network organisations in the city have been allocated an Area Based Grant to support the development of the framework.

ii. Citizens' Assembly

Our Citizens' Assembly, to be launched in October 2009, provides an additional level of empowerment to provide a way in which people from communities of place, identity and interest can each come together, particularly those who do not normally participate in existing engagement mechanisms.

At the heart of the Citizens' Assembly is the opportunity for dialogue between people and agencies. The aim is to ensure people are listened to, their issues are heard in the most appropriate places and evidence is provided that those issues have been considered and, where possible, that action has been taken.

The Citizens' Assembly involves a rolling/repeated programme of work over several months, carried out by a range of partners across the council's Community Development Unit, Ward Committees, Area Forums, various voluntary and community sector networks, Newcastle Council for Voluntary Service (NCVS), Newcastle LINK and Newcastle Healthy City projects. These issues will then be brought together at city-wide events. Systems will be developed to ensure the representativeness and balance of input to and outcomes from the Assembly.

iii. City Council Community Engagement Strategy

The council's existing Community Engagement Strategy has been built on five principles – giving information, consulting, deciding together, acting together and supporting independent community initiatives.

These are put into practice by means of:

- **An engagement toolkit: We have worked with partners to create a community engagement toolkit to help council officers to carry out community engagement more consistently.**
- **New ward structures: We have strengthened local ward committee powers to encourage more people to become engaged in local activities.**

- **Community development: We are transforming our community development service to undertake targeted community capacity building and community engagement, with a particular emphasis on promoting equality and diversity and involving communities in plans for their area.**
- **Our customer service strategy: which has developed a comprehensive consultation framework for involving residents and customers in relation to the delivery of services.**
- **Children's services: which sees participation as a key priority. Pioneering work in this area includes appointment of a 'listening to young children' officer, children's and young people's participatory budgeting pilot and children's and young people's priorities embedded in the Newcastle Plan for children and young people.**

In addition, the council has a Statement of Community Involvement (SCI). The main objective of the SCI is to encourage wider involvement in the land-use planning process by setting out when and how people can have their say on both the city's statutory planning documents (Local Development Framework) as well as planning applications (Development Control).

We also have 'Civic Pioneer' status, which demonstrates to government, and the public, that we are committed to developing and sustaining opportunities for local people and groups to influence what happens in their communities.

iv. Ward-based governance

In 2005, Newcastle reviewed its arrangements for delegation of functions to a more local level. This review found that area committees (usually four or five wards with a population of around 40,000) were not seen to be effective. The ward was the most relevant spatial level for members and officers.

The council expanded the role of the city's 26 ward committees with delegated functions, powers and budgets. Ward committees meet in local community venues and on at least a bi-monthly basis. An informal session is held before the meeting, called a 'carousel'. This enables residents to raise 'matters of local concern' directly with all local service providers. They can also see local planning applications and talk to their local councillors.

There is a monitoring system to ensure all matters of local concern are progressed and reported to the ward committee. Ward committees' voting members are the three local councillors. They are chaired by a councillor, supported by a ward coordinator (usually part-time) and meetings are formally recorded by a member of democratic services staff. Each ward committee has a number of local ward budgets:

- **An Environmental Ward Stewardship Fund is split equally (£27k) to support the delivery of small-scale environmental and other improvements.**
- **A further ward budget is allocated according to a formula. This allocates a 20% fixed sum, 40% based on population and 40% based on deprivation data. The three elected members agree the proportion of this budget that is to be used for ward support – to fund council and external partners. The rest goes to ward grant aid which must go to the voluntary and community sector. This part of the budget is used to support a wide range of local community activities. Across the ward committees, 1,200 grants are administered every year and around £50k can be available to an individual ward.**

- **Additional prudential borrowing is also available for highways and footpath improvements (a minimum of £100k per ward) and a further budget supports priority investment (£38k per ward).**

The ward coordinator acts as a link to other officers, together with representatives from the local housing arm's-length management organisation (ALMO), the police, a neighbourhood response manager and other relevant local services. They deal with community safety and anti-social behaviour issues through a safer neighbourhoods problem-solving group, working under a strictly-enforced information-sharing protocol.

Every ward committee has an officer working group, an environmental forum, older and young people's engagement processes and a website. Plans are in place to support text messaging for matters of local concern in the near future.

Ward committees are seen as belonging to the whole council and not belonging to any particular service. This ensures that any potential tension arising between those responsible for service delivery and those responsible for governance and monitoring is reduced.

v. Localised service delivery

In May 2005 we introduced more responsive and localised management and operation of mainstream environmental maintenance services. Each ward has a Neighbourhood Response Manager (NRM) and a Neighbourhood Response Team. All former street cleansing staff were allocated to one of the ward-based rapid response teams. Neighbourhood response teams were formed from the merged services. Each ward thus has a team of about eight environmental staff and two vehicles. They are able to deliver a range of services, including removal of graffiti and litter, fly-tipping, emptying litter bins and grounds maintenance.

The relationship between the ward coordinators and the NRMs is seen as critical to the success of both teams. They are therefore located together and undertake a shared induction and training.

vi. Petitions and calls for action

The council has a well-developed and long-standing option for individuals and communities to present petitions to the council.

Councillor 'Calls for Action' became an option for communities to lobby councillors on areas of concern that remain resistant to improvement. To date, however, no calls for action have been made.

vii. Neighbourhood charters

The charter is a ward-based local service agreement between the council, its public sector partners and the community. Draft neighbourhood charters are being introduced across all wards of the city during 2009-10 to set the direction for a whole ward for the forthcoming three years. The charters will provide a new focus for ward meetings assisting in setting agendas, conducting business and accounting for performance across the LSP. The charters identify issues requiring a response, define activity to remedy those issues, make clear who is accountable for delivery, from where it will be funded and by when it will be delivered.

Charters will be supported by enhanced ward websites. Websites have the capacity to make information accessible to a wide range of audiences and keep that information current in a way that paper-based systems cannot. The enhancements will build on our existing 'where you live' sites.

The enhanced sites will contain A-Z stakeholder listings; a common services and facilities directory, a ward engagement plan (a detailed list of the engagement and empowerment opportunities), local intelligence to support decision-making, the priority actions as detailed in the charter and achievement information as measured through a local performance framework.

viii. Participatory budgeting

Participatory budgeting (PB) is a key technique in the drive to pass more power to local communities and to help re-invigorate them.

Newcastle City Council was among the Government's 10 original pilot areas and delivers its PB programme under the brand name *UDecide* in collaboration with the Newcastle Partnership.

PB provides local people with an opportunity to get involved in shaping services and opportunities where they live by giving them influence over how money is spent in their area.

The benefits of PB can include greater community cohesion, increased budget understanding, improvements in the relationships between councillors, officers and residents, more responsive services and improved resident satisfaction.

It is a long-term approach to decision-making, which has the potential to be applied widely across a range of public spending areas or services.

Typically, the process starts with a pot of money and identification of a priority service for investment. The *UDecide* team then works with local councillors and frontline staff to promote the programme and develop a steering group of local people.

Newcastle Partnership used its Neighbourhood Renewal Funds to pump-prime the pilots in 2006 – one for the Safer Stronger Communities in the Outer West and a second, Citywide project around young people.

Three years on, *UDecide* is going from strength to strength – there is a growing demand from wards for *UDecide* to work in their areas using ward committee money and other matched funds, as well as opportunities to work on more strategic projects. We are also exploring e-participation techniques through a new *UDecide* online discussion forum.

And PB has great potential as a tool for engaging local people with mainstream budgeting as well. It was used to make decisions about applications to the Children's Fund, for example, and we are looking at how we can encourage other public sector agencies to join us.

ix. Asset transfer

We are continuing to work with the Development Trust Association to develop our approach to community asset transfer. This includes developing criteria for the measurement of community benefit. This assesses the benefits of transfer, which allows a comparison with market disposal. Several pilot projects have now been delivered.

Concluding comments

We believe our efforts to re-connect people with the day-to-day work of government at a local level are really important. We also believe that localism will only work properly if central government devolves more powers to councils. Maintaining control through its powers of taxation and through its Whitehall departments (with their varying degrees of quality) will not drive democratic renewal. If the Government is serious, it needs to give local government the means to drive democratic renewal forward.

Letting go in governance – tough but liberating

Cllr Keith House

Leader of Eastleigh Borough Council since 1994.

Recession hits hard in unusual ways. Like many other councils, my own district of Eastleigh has been working since last autumn to tackle the effects of recession.

But surely, you ask, the south-east is a prosperous and green place, untouched by economic challenge? It's far from the truth. We have areas of deprivation, communities that lack aspiration, and a need to change to match other parts of England with skills shortages and areas ripe for regeneration. Recession impacts in different ways in different places and here, in an area where the bubble of rising house prices had fuelled a hungry construction sector, one of the challenges we have been facing is a stalled housing market.

Looking at solutions, one simple idea has been to buy up new and unsold housing stock to rent it out in the private sector, to then sell for reinvestment when the sector picks up. The idea is to keep builders in jobs, take up some of the demand from buyers who cannot access loans, and make sure that empty stock is filled. A simple solution to a simple problem, locally driven to meet local need. It's the sort of thing that councils do, isn't it? Yes, but even this straightforward project has needed Secretary of State approval to establish a special purpose housing vehicle to hold the stock. A process that should have taken weeks has taken months. The wags have said the recession will be over by the time the project is up and running. It would be funny if it were not so frustrating.

Giving away power is never easy. Local government cries out for Whitehall to let go and create freedoms. Yet local government itself fails to pass on power down to local communities and neighbourhoods. If we are to challenge the status quo and take back powers that Victorian civic leaders took for granted, then we must be prepared to change ourselves too. Are we up for that challenge?

In Eastleigh we have a project that aims to give land, facilities, services and more to our most local tier of governance, our town and parish councils. We've handed over green spaces, car parks, community buildings, countryside sites, and are making a start on passing basic grounds maintenance work back to our towns and villages. What's more, we are creating two new parish councils in previously unparished areas. The surprise? It's hard work. Decades of centralising and removing powers have made people suspicious. Why would the borough council want us to do more? Is it a wheeze to offload costs to put up taxes? Why would we want to do 'their' job?

The principle Eastleigh has adopted, just as we did when we devolved budgets and decision-making ourselves to local area committees, has been that if it can be devolved it will be devolved. Basic subsidiarity demands that the centre does only – and really only – what cannot be done at a more local level, closer to the people most impacted by decisions.

There are challenges here. Letting go means accepting mistakes. It means understanding that some service standards may go down. It won't always be cheaper. A thousand flowers may bloom, but some seed will land on stony ground, some will be trampled on and others eaten. This is not in the recent tradition of local government officers or their Whitehall equivalents. It's hard work.

Breaking down the barriers has been about reminding people who themselves are elected why they got elected in the first place. It has been about raising sights to use volunteers, to run services in different ways, to take on responsibility. And, after getting into the swing of it, the process of letting go has itself been liberating. It will result in the borough doing the strategic things it needs to do better and in turn allow us to challenge the centre to let go more.

What do we want to do? On the 'Eastleigh principle' almost everything currently provided by local and regional arms of government. Primary healthcare⁶ and full responsibility for skills, for example, are areas of natural ambition for local communities and thus local councils.

The debacle of the LSC's aborted capital projects has put back plans for world-class further education at our local FE College and our Sixth Form. An enabled local government would be prepared to borrow to invest in the future.

Unaccountable health bodies inevitably promote fixing illness ahead of preventing illness. An enabled local government would balance education and regulation with inspiration to tackle obesity and fitness. It's cheaper to invest in healthy lifestyles than repair broken ones.

Yet we keep on failing this test. Two villages lose their local doctors' surgeries because it's more convenient and cheaper for the doctors to work in one practice on a Greenfield site in the countryside equidistant from the villages. So elderly villagers who walked to their surgeries now drive or have to resort to taxis. Don't ask about buses, they've long since disappeared. The fit elderly become the unfit elderly, spending more on needless travel and polluting the environment. And at the same time, even more services get pulled back to regional hospital campuses – ours in Southampton is the size of a university with an on-site Burger King in the foyer. No, I didn't make that up.

That's why we need local government and local accountability in health.

Our communities voice concern about their safety. So why not give communities more influence over policing and justice? Liberals have worried about Conservative proposals for elected police chiefs on a United States model, but why not simply return community policing to elected councils? The role is about reassurance and support for people over and above the specialist skills needed for criminal investigation and fighting terrorism. We don't need to stop there. If local communities had more responsibility for justice and rehabilitation, the sheer cost alone of imprisonment would shift investment to crime prevention and rehabilitation, removing the lack of skills and confidence that leads to criminality.

⁶ For more on this, see Richard Grayson's chapter.

Whitehall's inspection regime drives out excellence and fails to improve poor performance by measuring averages. It encourages waste and inefficiency by removing accountability. Elections can and should be the tool that holds decision-makers to account, rather than central government quangos from the Audit Commission to the Standards Board. Competitive elections for real powers need fair votes to avoid new fiefdoms of fear and entrenched power. And with those powers can come financial freedoms too. Let's not stop at business rates and an end to capping; what local government needs is the freedom to set local taxes and be challenged on these.

Local sales and green taxes can promote business and sustainability. Eastleigh has already achieved its first target of being carbon neutral in its own activities three years ahead of our Olympic ambition, and is setting new recycling and waste minimisation targets, having reached a 50% recycling rate. Why not a carbon neutral borough, with incentives to be green replacing incentives to consume, degrade and destroy? The freedom to experiment is the freedom that's most needed. No more running to the Secretary of State to ask permission to do something just a little bit different.

Victorian England's civic entrepreneurship has its appeal. That's not to want to return to the social ills and environmental damage of a century and a half ago, even if we are returning to the economic inequalities. But the innovation that put public health first, and encouraged people with sparky ideas and commitment to their communities, will only come from giving power back.

Returning finally to Eastleigh, we've started to see unexpected results from our area committees and livelier parishes. Stronger debates for one. No shortage of candidates for elections for another. These are real freedoms and flexibilities. Let's trust democracy.

How devolution can be green

Cllr Alexis Rowell

Cllr Alexis Rowell is Chair of the London Borough of Camden's all-party Sustainability Task Force, and is currently writing a book provisionally entitled 'Communities, councils and climate change – what we can do if central government won't!'

Over the last three years it has been my privilege as Camden Eco Champion to have a remit to scour this land for best practice on the environmental agenda. Two things have struck me forcibly: the best practice out there is mostly being done by Lib Dem councils, and none of the leaders on this agenda are doing what central government is telling them to do.

York pioneered smart meters in libraries, which the Energy Savings Trust is now rolling out across the country. Woking, Camden and Lambeth all created low-carbon exemplars by retrofitting Victorian houses with energy-efficiency measures. Camden, Sheffield and Kirklees all offer free cavity wall and roof insulation for both social and private housing, because it's the cheapest way to reduce carbon emissions across their boroughs. Camden, Kirklees and Woking are looking to pilot energy-efficiency loans for residents in solid wall homes.

Birmingham and Woking are well advanced in terms of installing new era combined heat and power (CHP) district heating systems, which aim to connect as many businesses and institutions in the surrounding area as possible. Kirklees proved that councils could lend money to residents for solar water and recoup it on the sale of the property.

Following an energy audit of its recycling, Camden rejected the tonnage targets set by the Government that favour commingled or commingled recycling, and went back to separation at source. Cambridge and its neighbouring councils share an excellent reuse website system. Many Lib Dem councils are now looking at anaerobic digestion as a way of turning food waste into electricity. Camden is running two municipal vehicles on biomethane made out of food waste, which means no noxious emissions and 80% less carbon emitted than diesel.

Milton Keynes invented the local carbon offset fund – a planning contribution for developers unable to reach zero carbon through energy efficiency and renewable. Eastleigh added a voluntary component to persuade those businesses offsetting into dubious schemes on the other side of the planet to invest instead in their local community. Camden requires every new building that comes to planning committee to put in a green roof, rainwater harvesting, grey water recycling, CHP or links to CHP, 20% on-site renewables and some form of sustainable urban drainage (SUDS).

Sutton is seeking to incorporate One Planet principles into everything it does, including procurement. Somerset passed a Transition Town motion which said all the council's budgets should be revised in line with the principles of Transition, a community attempt to address climate change and peak oil (the end of cheap oil). Kirklees has brought in a system of carbon accounting alongside its financial budgets. Camden piloted the Carbon Disclosure Project's public sector programme, which seeks to encourage suppliers to disclose their carbon emissions and their emissions reduction strategy.

Islington has more car club spaces per resident than any other council. Camden pioneered the concept of car-free housing. Richmond brought in emissions-based parking permits. Sutton has won plaudits for its sustainable transport policies.

Camden is mapping all potential food-growing sites across the borough using satellite imagery and is working on a sustainable food policy for the borough with Sustain and the PCT. Islington is spending a small fortune on actually creating food-growing sites.

Many councils are looking at using the Sustainable Communities Act 2009 to try to unlock blockages at central government level. There are also the wellbeing powers in the Local Government Act 2000 and the decentralisation powers buried deep in the Local Government and Public Involvement Health Act 2007, which describe the duty of upper-tier authorities to divest budget and resources and assets to lower-tier authorities, including parishes and community groups, if a case can be made that decentralised assets can be managed better.

I just can't stress enough that the leaders on this agenda are not simply doing what the Government is telling them to do – they are doing what they think is right for their local area and for the planet. Sometimes that means taking a risk. Sometimes it means spending money that local government increasingly hasn't got. But what choice do we have? If central government won't do what needs to be done on climate change and peak oil, then local communities and councils will have to get on with it. And I would argue that we're better placed to do it. So let's get on with it.

Transport: the equal right to breathe

Cllr Serge Lourie

Cllr Serge Lourie has been the leader of the London Borough of Richmond upon Thames since 2006.

“The equal right of all men to the use of land is as clear as their equal right to breathe the air – it is a right proclaimed by the fact of their existence. For we cannot suppose that some men have a right to be in this world, and others no right.”

Henry George, Progress and Poverty

It was a trip in Bamber Gascoigne’s electric car that first sowed the seeds of what was to be one of the best-publicised green initiatives of any Liberal Democrats anywhere. Gascoigne lives in Liberal Democrat Richmond-upon-Thames and he offered to take council leader Serge Lourie for a ride in his G-Wiz, the trendy Indian brand of electric car.

“It was like a lawnmower,” says Serge, but there was a purpose behind the trip. Gascoigne wanted to point out that he could park his G-Wiz for free in Westminster, in the centre of London, but not, for some reason, where he lived in the western suburbs.

Serge mentioned the idea to some council officers and councillor colleagues, and the idea filtered down in such a way that, when they met to work out whether a green strategy for residential parking was possible, nobody at the meeting could agree who had actually dreamt up the big idea: to charge the most polluting cars more in the controlled parking zones (CPZs).

Richmond is one of those few places in the country to have enjoyed Liberal Democrat administration for getting on for a generation. But the party lost power to the Conservatives in 2002 and spent the next four years re-thinking everything. So when they were swept back to power in May 2006, the new team of controlling councillors had four key objectives: prioritising the secondary schools, helping young people, sorting out the council’s finances and – top of the list – putting the environment at the centre. The idea of charging against pollution was bold and exciting, and it might make a real difference.

“We really felt the environment was going to be our big issue,” says Serge. “We made a pledge to extend the recycling to cover cardboard and plastic bottles and to employ an energy manager – though, in the event, that became a whole sustainability team.”

“Our travel plan is a living document. This is only the beginning.”

The Travel Plan of Fair Oak Infant School, Eastleigh

These ideas were the headline green objectives when Serge and his Environment Portfolio Holder, Martin Ellengorn, and Transport Portfolio Holder, David Trigg, met a team of officers in Serge's office at the end of September 2006.

"We all claim credit for the idea," he says now. "But we were asked about changes to the CPZs and one of us said: 'Well, if we really want to be green, why don't we relate the car-parking charges to the level of emissions?'"

Local authorities are well-known to find new ideas difficult to deal with. This book is full of bright sparks that drag on for years before they are fully implemented. But in this case, the whole business of putting the new green idea into practice took just five months.

It is hard enough with any new policy to go through all the necessary consultation, even for projects that have been tried elsewhere. But in this case, there were a range of added difficulties. It was necessary to prove it was legal, and a whole range of other administrative questions that need to be solved – not the least of which was how to avoid making a profit. One of the legal duties on local authorities is that they are not allowed to plan to make a surplus on their parking charges.

Even without these complications, nothing could have prepared Serge and his team for the media storm that would overwhelm them when they announced the idea. Serge was on the Today programme and, from that moment, he and two colleagues were doing continuous media interviews for the rest of the day, to news outlets all over the world. He had calls early in the day from friends who had heard him in Brussels and the south of France. By the end of 24 hours, it was clear that news of Richmond Council's new residential parking charges had been broadcast around New Zealand and Canada. It was reported in no less than 130 different newspapers in the USA.

Anyone involved in climate change campaigning will tell you that, once a story like this circulates in the American media, there is an avalanche of outraged emails as soon as Eastern Standard Time reaches dawn, and the climate change deniers reach for their keyboards. There was also a great deal of opposition in the UK, especially from organisations like the AA and other car-owner organisations. A few local people were also extremely angry and vented this during a meeting of the overview and scrutiny committee later in the process.

But a survey about parking charges of about 2,000 local people found that around two thirds were broadly in favour of the idea. Even more, up to 80 per cent, agreed that global warming was a problem and that people ought to do something in their own lives to tackle it. Even opponents of the scheme agreed with that.

"By the time we actually introduced the idea, in April and May the following year, we were pretty confident it would work," says Serge. "It is a tribute to the council that they managed to make it happen in the short space of time between the meeting in my room and implementation."

Serge Lourie is an accountant by profession and was originally a member of the Labour Party. In fact, on the second day of his accountancy exams in 1971, he was elected as Labour councillor in Westminster. By the time he had joined the SDP, which merged with the Liberals to form the Liberal Democrats, many years later, his interest in housing and insulation – which developed during his years on the Greater London Council – had blossomed into an enthusiasm for renewable energy.

“Even without global warming, it seems a shame not to make use of such inexpensive resources as wind, waves, tide and solar energy,” he says now.

The energy team on the council are now putting this enthusiasm into concrete form. There are already photovoltaic cells generating electricity on the roof of the Civic Centre, and the next project is to investigate a combined heat and power plant, burning wood pellets from the council’s woodlands, to cover half of the council’s electricity needs. Meanwhile the weekly recycling rate is now over 42 per cent, one of the highest in London.

But nothing quite caught the imagination like charging 4x4s extra to park. There was a radical element about it, a revolutionary sense of a shift in what was possible which crystallised the great frustration people have about the vast four-wheel-drive vehicles, like armoured cars, that move around London’s narrow streets.

In some ways, that symbolism was its main importance. Serge and his team certainly aimed at a symbolic quick green win, once they had taken office, to show they were serious. Their first act was therefore to pension off the mayor’s gas-guzzling Bentley and replace it with a Prius. Symbolism is vital, and so it was with the parking charges.

“It was a marker,” says Serge now. “I don’t mind people having 4x4s. I just want them to think about whether they really need them and, if people can answer that question themselves honestly, I’m quite happy.”

The most obvious success of the policy has been that, almost from the moment it was in place, it stopped being controversial. Even so, the surveys about whether it was really changing behaviour remain ambiguous. People are clearly swapping to lower-emission cars in some wards; in other wards, they don’t seem to be. Even where there is clearly a shift away from the ubiquitous 4x4s, it isn’t clear what the cause is and how much Richmond’s parking charges are having an effect. What the surveys do reveal is that people now know what pollution bracket their car comes in, and that is the beginning of awareness.

There is a kind of world-weary cynicism at most levels of British government, and not very far below the surface, that our political masters must be humoured, the motions must be gone through, but we all know it won’t actually make any difference, don’t we?

Green initiatives often fall into this category, especially the symbolic ones – especially when it comes to getting people to stop driving or flying or of our other modern addictions. The business of persuading parents not to drive their children to school falls into that category too. It all seems very worthy, and the money is available so it has to be done, but let’s not pretend it isn’t a little bit hopeless. That’s what they say, but in Liberal Democrat Eastleigh, at least, it hasn’t been hopeless at all. Far from it.

What makes Eastleigh’s determined five-year campaign to persuade parents to give up their Land Cruisers for the school run so extraordinary is not so much the nitty-gritty of making it happen, which inevitably lies in the details. It is the amazing success they have achieved: as many as 54 per cent of state school pupils now shun the car when it comes to travelling to school, which is well above the UK average and above surrounding Hampshire as well.

Former teacher David Airey, the Cabinet Member for Transport and Streetscene, has led the project right from the beginning. So all-embracing has the whole project been that he can't remember when he first determined to do something about the fumes and congestion that are the inevitable result of a motorised school run. He was certainly involved in the idea when he was teaching in a primary school in Gosport. But the impact of traffic in his own ward of Netley Abbey became increasingly clear to him.

Five years after the sustainable travel to school plan began in Eastleigh, every single school in the borough, primary and secondary, has their own travel plan, complete with graphs, cartoons, facts and practicalities. The plans are colourful and include pictures by the children as well as maps. Some of the facts are revealing too: the Toynbee School Travel Plan reveals that, when they began, 70 per cent of all those travelling to school by car had a journey of less than one mile.

Over the years, David and the council officer in charge, Sarah Wallbridge, and their team, have developed a pattern that is repeated in one form or another in every school. It involves recruiting enthusiastic teachers and governors on to a steering group for each school. It means assemblies and surveys run by pupils, parents, teachers and other staff. It involves getting the children to create the graphs and bar charts to go in each booklet, which – for each school – is submitted as a formal document to the highways authority. But long before that, it is usually apparent that the children at least are responding with imagination. The reports start coming back from the teachers. The surveys come back to be added up, the ideas start coming out.

Once the cycle is installed, you can see immediately if there has been any effect, just by looking at the number of bikes in it. Then there is the launch day, and there are prizes of bikes or lamps, reflectors or key-rings to be won. Then the hooks appear for cycle helmets and children start bringing scooters to school.

What makes Eastleigh's approach so successful, says David, is that it is flexible. Car sharing might suit some schools, but for others, it is a matter of organising walking buses.

David tells the story about the Netley Abbey Infant School, in his own ward, giving out prizes in their very small hall, and there was a delay while one little girl arrived from a music lesson, only to discover that she had won the bike.

"We helped her up and sat her on it and she gave a shout of joy," he says. "That little girl on a big bike; that's how you know these things are important."

But making the plans work is also about politics. It means finding ways of knitting the different council services together. If dog mess is a problem for mothers walking their children, then the street officers will have to be involved. So will the animal welfare officer, who can give talks at school assemblies and educate the child dog-owners, and through them, their parents. "It's about thinking outside the box," says David.

Politics is also involved when it comes to being innovative. Some schools are so rural that a complete shift from cars is much more difficult. In these cases, they use their Park and Stride scheme, borrowing parish council car parks, so that people can walk at least the last 10 or 15 minutes of the journey. That means people get the exercise and it is a safer environment in the traditional accident black spots outside the school gates.

Then you need some quick wins. There are banners in the car parks and 'I Park and Stride' badges. But there has to be something obviously changing that people can see before they will respond.

"We've found that direct services are very co-operative about it," says David. "If we say it's a walking route to school, they tend to sort it out pretty quickly. There is a sense that this is a worthwhile thing to do. It is clear that action has to happen pretty quickly. If the school entrance is hidden by trees and branches, then people drive faster past it because they don't realise it's a school – then again, you need to do something quickly. In Netley Abbey, children designed new bollards to show where the school was.

"We insisted that this was done quickly and because we wanted it to be seen by the parents that the school travel plan was delivering something quickly," says David. "That type of approach has made the project successful."

Right from the start they have emphasised that just producing the school action plan – even just putting it into practice – isn't the end. After three years, most of the children in the school will have changed and it needs another look. That is why the plans are regularly revisited, just as the whole policy is going through a review at the moment to keep it up to date with the latest ideas.

The next stage is to roll out the same programme to all the private schools in the area. They tend to have a much larger catchment area, part of which is sometimes outside the borough, so this is an even bigger challenge. Watch this space.

There is no doubt that transport can be the graveyard of green ambitions. If Richmond had misjudged their policy on gas guzzlers, the whole story might have been very different. There are certainly enough corporate communicators with an agenda to undermine any such initiative. Their success with a ground-breaking charging policy, and Eastleigh's success with their travel to school projects, both come down to much the same thing: brilliant communication.

Serge Lourie and his team in Richmond used the media with great energy and verve, and rode the wave of publicity that hit them rather than drowning under it. They explained the purpose: not just climate change but why people need clean air, not just for themselves but for their asthmatic children. At the other end of the scale, David Airey and his team in Eastleigh communicate to narrow audiences of the pupils, staff and parents of individual schools, but they convince them that the objective is right and – most important – that something will happen.

Some of the other lessons derived from this include:

Make a difference

If there is public cynicism about the political process, that nothing ever changes, then that is even stronger when it comes to transport projects. Traffic expands to fill the roads space available, as we now know. Decades of road 'improvements' have only served to increase the amount of traffic. What the team at Eastleigh knew was that enthusiasm for school travel plans would only continue if people could see a difference very quickly.

Back the pedestrians

Whatever the tabloids might tell you, there are more journeys by foot than there are using any other form of transport. Walking matters, and it particularly matters for the local economy. If people find walking dirty and dangerous then they will stop using the local shops. That is why Lib Dem Islington is creating new pedestrian areas by removing an unsightly roundabout at Highbury corner and working towards a new pedestrian area at the Angel. It is why Lib Dem Cardiff is doing the same in their city centre. It is why Lib Dem Portsmouth has introduced a 20mph limit on their residential roads, which has succeeded in reducing speeds by about 4mph and – despite some difficulty getting the police to enforce it – has made the roads there safer.

Back the cyclists

No UK city has yet followed the example of Paris and provided cycles all over the city centre, though London has shown signs of planning to. Certainly no UK city has come anywhere near the kind of family cycle use that you find in the Dutch or Scandinavian cities. But Lib Dem councils are beginning to see their role as encouraging cycling. Islington has been restoring two-way cycle access in all those places where complex traffic management schemes have undermined it. They have identified about 50 places across the borough where there are barriers to cycling that could be removed.

Back the car sharers

The great benefit of car sharing is that it means people don't have to own their own cars. It cuts traffic, and therefore pollution and carbon emissions, but it also provides a way that poorer households can get access to a car if they need to. Lib Dem Islington's Car Club now has 100 shared vehicles on the road and they are now aiming for 500. It also means they have some means of encouraging council staff to give up their own cars, because the Car Club is available as an alternative.

Tackle the council's vehicles

It is more than a decade since Lib Dem South Somerset led the way converting their vehicles, and the possibilities are now endless. Electricity, LPG, oxygen, methane, hydrogen have all been tried by one local authority or other. Probably the only real option now is to end the experiments and review the whole vehicle fleet, as Lib Dem Oldham is now doing. But it still means giving a lead by testing out the latest technology, like the stop-start mechanism in the much-publicised Prius, which cuts emissions and shuts down the engine at traffic lights (Islington). It also means finding incentives to get people to give up cars, like bike vouchers or Car Club membership (see above) or organising a workplace travel plan for staff (Sutton).

Section 2

Devolving powers: How and where should it go; and why?

A look at the theoretical models of representation, and why local is better

Bridget Harris

Bridget Harris is currently a political adviser for the Leadership Centre's Next Generation programme for Liberal Democrat councillors. She is a former Head of Office for the LGA Liberal Democrats and has previously been a government special adviser to the Liberal Democrats in Wales. She is also the co-ordinator for the Leadership Centre's flagship '21st Century Councillor' programme.

Introduction

“By-elections give people an opportunity to cherry pick. Are they going to vote Conservative because they like the Conservative party, they like the leader, they like the candidate, or because the candidate's local? Are they going to vote Labour because their candidate looks statesmanlike? Are they going to vote because they agree with Labour policies, because they've just had a good experience with the NHS and they think things are getting better? Are they going to vote Liberal because, oh what the hell, the sun's shining today, I just saw Sarah Teather down the street and she looked quite pretty?”

(Campaign team member of one of the political parties fighting the Brent East by-election 2003. Interviewed in August 2004.)

This quotation sums up the different models of representation very well. A very basic understanding of representation is 'something that is done on behalf of someone (or something) who is not directly involved in the action taken'. The 'represented' may benefit, or take responsibility for the action, and also may instruct the represented. In essence it involves two things – the represented and the representative. Assuming this principle, the most important consideration, then, is what is being represented, *how* and by *whom*? Or put it a different way – **what do people vote for?**

The argument of this essay is that the theory of representation does not match up to people's expectations of it. People like their politicians to be all-knowing, all-powerful, all-responsible, but also all-modest, all-inclusive and all-understanding. And invariably they want them to be cheap (if not free)! Matching these expectations to the actual opportunities that a politician has to fulfill them is almost impossible. In addition, there is no match necessarily between the expected conditions of the job, and the type of person attracted to it. Therefore, politics only of the possible is born. No elected member would say they think they are better than those who vote for them, or that they are only there to carry out instructions, or indeed are better placed to know things because they are female or disabled; but these principles form the basis of the theoretical models of representation. There are some definitely uncomfortable 'truths' that lie at the heart of our political system that are incompatible with notions of equality or democracy.

When the weaknesses in those assumptions are picked apart, only one thing really becomes clear from the debate – that *only when someone making a decision is likely to be personally affected by the consequences of that decision* are they likely to make a decision that is consistent with what we could call fair, or indeed representative. The most interesting proponent of this sort of thinking is John Rawls' *A Theory of Justice*, whose arguments echo biblical tenets of 'do unto thy neighbour as you would have them do unto you'. Robert Michels identified the possible danger otherwise – the inevitable rise of political oligarchies; or putting it into Peter Osborne's language – the rise of the 'political class'⁷.

More of Rawls and Michels later – but for now the point is to emphasise one simple conclusion: local is better. Why? Because not only does organising our 'polis' around people and services local to where each of us live make more intuitive sense, it is also the best guard we have against the pitfalls of what happens when we allow *other people to make decisions on our behalf*.

⁷ Peter Osborne (2007) 'The Triumph of the Political Class' Simon & Schuster, London

The models

Three ‘models’ of representation dominate the theoretical debate, and, in varying degrees, present in most political systems (not necessarily elected or democratic). They can be summed up as: because I’m better than you; because you’ve told me what to do; because I’m like you.

1. Because I’m better than you – Trustee

Trustee (also known as **guardianship**), where the representative has the freedom and independence to act in the best interests of the represented, and is not bound by any form of instructions from them.

The following characteristics sum up the trustee form of representation:

- 1 A belief that people are not the best judges of their own interest; they cannot see the greater picture, nor do they have the experience or knowledge to make adequately informed decisions. Thus they should elect a competent individual to act on their behalf. Schumpeter was sure that the ‘competitive struggle for votes’ will result in the best leadership: *“the voters themselves must respect the division of labour between themselves and of the parliament they elect. They must not withdraw confidence too easily between elections and they must understand that, once they have elected an individual, political action is his business not theirs.”*⁸
- 2 A belief that an individual represents the whole nation and not just their particular constituency: *“Parliament is a deliberative assembly of one nation, with **one** interest, that of the whole – where not local purposes, not local prejudices, ought to give, but the general good... you choose a member indeed, but when you have chosen him, he is not a member of Bristol, he is a member of **Parliament**.”*⁹
- 3 A belief that the individual should exercise their personal judgement based on their beliefs and conscience when contributing to the deliberation of affairs: *“It would not be wrong in itself, but wrong in the interests of the nation, to re-instate capital punishment on the basis of public opinion. That opinion I must face and convince. If I fail, my views and I can be rejected. It would be intolerable if I were to allow public perceptions rather than convincing argument to blow me away from the opinions that I hold.”*¹⁰

The last example shows that there is still common political support for the trustee role of an MP. This can also be extended to the need for experience and expertise to govern certain decision-making. According to Stuart Weir, un-elected, expert ‘trustees’ operate in areas such as defence, high security issues like intelligence and the nuclear industry with only the *“most general constraints of remote scrutiny by directly elected political figures”*¹¹. The trustee view is also entirely consistent with the doctrine of parliamentary sovereignty – the belief that public policy is a matter, in the end, for Parliament and it is Parliament who decides on behalf of the nation. Parliamentary accountability, therefore, has two distinct facets one which is Parliament’s general responsiveness, which means it should only go *“where it thinks in the end the nation will follow”*¹². The second facet is its responsibility

⁸ J. A. Schumpeter (1976) *Capitalism, Socialism, Democracy*

⁹ Edmund Burke [1774] (1970) ‘Speech to the electors of Bristol at the conclusion of the poll’ In *Burkes Politics*, Alfred A. Knopf. Inc. New York p116

¹⁰ Betty Boothroyd MP, HC Debates 1 April 1987, vol 113:col.1149 quoted in Judge (1999)

¹¹ Stuart Weir (1996) ‘From strong Government and Quasi-Government to Strong Democracy’ in *re-inventing Democracy*, eds P.Hirst & S. Khilnani, The Political Quarterly Publishing, Oxford p20

¹² Bagehot (2001) *The English Constitution*, 2nd Edition edn p99

to scrutinise the Government. Laver & Shepsle¹³ argue that the Government's accountability is first and foremost to Parliament, as the people's representatives.

Where does this leave local government? One thing is clear that the more 'local' you organise taxation, services and sanctions, the less opportunity you have to either redistribute resources across boundaries, or take decisions on behalf of the 'national' public good, which is certainly a tension, but not an unresolvable one. Nonetheless there are still relevant objections to the trustee model – philosophical and practical. Philosophical because most of the trustee theory is entirely inconsistent with democratic theory (or put a different way, electoral representation is a very inefficient way to produce a technocracy); practical because if expert governance is the goal, it does not need to be organised around peculiar institutions such as the House of Lords. There is no reason why local politicians couldn't access equal numbers of experts and technical practitioners to advise on their own actual circumstances, nor why local leaders couldn't decide quite efficiently (and already do) where it would be appropriate to pool resources.

2. Because you've told me what to do – Mandate

Mandate (also known as **delegate, functional, party**) is almost the opposite, in that it assumes that the representative is acting on behalf of the represented, but based on their wishes as to what they want their representative to do.

It is probably the most complicated as it has shifting definitions, and no identifiable 'theorists', even if we have to recognise much of the ideas are present in our current political system – political parties, manifestos, election promises and policy development. The idea that a mandate should restrict the representative to only what their particular instruction is from the represented is dismissed by scholars as making no sense. Therefore, assuming a mandate is not an imperative in the strict sense; the following characteristics sum it up:

- 1 A belief that the elector retains the right to knowing most about what is in their best interests and should be able to have an equal share in the choosing of a representative: *"The rights and interests of every or any person are only secure from being disregarded when the person interested is himself able, and habitually disposed, to stand up for them."*¹⁴
- 2 A belief that the source of which policies to enact, comes ultimately from the represented – therefore representatives need to be responsive to the wishes of the electorate: *"If individuals are sufficiently well informed so that each of them or the average one is more likely than not to reach the correct decision, this knowledge is revealed by the verdict of the majority of voters."*¹⁵
- 3 A belief that interests and policies are most efficiently organised through formal party structures – which provides two routes by which instructions can be carried out. Firstly, through the internal structure of the party, thus expressing the general popular will through shared identification with particular policies; secondly, as a political party representing those policies and being voted and

¹³ Laver & Shepsle (1999) Government Accountability in Parliamentary Democracy In *Democracy, Accountability, and Representation*. Bernard Manin, Adam Przeworski, and Susan Stokes, eds., Cambridge: Cambridge University Press, pp 29-54

¹⁴ John Stuart Mill, (1993) 'Considerations on Representative Government', in *Utilitarianism, On Liberty, Considerations on Representative Government*, ed. G. Williams, Everyman, London; Vermont p224

¹⁵ Bernard Manin, Adam Przeworski, and Susan Stokes, eds., (1999) Cambridge: Cambridge University Press, pp 5. For the seminal empirical study of this relationship see Miller & Stokes (1963)

chosen by the electorate to carry them out: *“Party identification precedes the voters’ electoral decisions and determines that decision.”*¹⁶

- 4 The belief that vote-seeking by politicians is a way to audit and hold to account policies desired by citizens: *“Politicians have preferences over policies if their reward from holding office or the probability of re-election depends on the policies they adopt.”*¹⁷

However, there are problems with this theory in practice – especially if you take into consideration the caveat that *“mandates are not instructions, at best they signal voters’ preferences”*¹⁸.

Furthermore, in first-past-the-post elections, getting an actual majority is not necessary to being able to claim a ‘mandate to govern’. The worry is whether the mandate is a bit of a created myth, because it suits the rhetoric of politicians ‘delivering’ on their promises. However, as has been shown, MPs are not obliged to act on particular instructions, since they already claim that their personal conscience in the end dictates how they vote. The party structure inside Parliament remains informal and discrete, with the allocation of appointments of MPs being decided through ‘the usual channels’ with only the ‘whip’ holding them to support party policy in Parliament.

Formally, MPs are elected as independent individuals, and even if they renounce membership of their party, they still remain an elected MP. Not only is this the case, but it is a reflection of the origins and development of Parliament. In 1954 the Speaker stated *“I know nothing about Whips”*¹⁹, which is good indication of some of the historical attitudes towards the idea that a party, rather than an individual, held any kind of legitimate mandate in Parliament. Although party coherence and discipline²⁰ has increased since then, the actual institutional structures have not kept pace. Furthermore, the internal party structure, most visibly operated by the Labour Party in its history and origins, has also shown leaders’ unwillingness to accept the concept that they really should be guided by the decision of the membership. So even if it is true that people vote for parties rather than individuals, strictly speaking they are giving a mandate to the latter, not the former²¹.

In fact, Michels argues that parties only promote forms of oligarchy, not accountability: *“Every party organisation represents an oligarchic power grounded upon a democratic basis. We find everywhere electors and elected. Also we find everywhere that the power of the elected leaders over the electing masses is almost unlimited. The oligarchic structure of the building suffocates the basic democratic principle.... The notion of the representation of popular interests, a notion to which the great majority of democrats, and in especial the working class masses ... is an illusion... is in effect a mirage.”*²² The potential reality of this is what Dahl terms a “de facto guardianship of policy elites”.

¹⁶ Sobolewski, M (1968) ‘Electors and Representatives; A contribution to the theory of representation’ in Representation, eds J.R.Pennock & J.Chapman, Atherton Press, New York Vol X

¹⁷ (Manin, Przeworski, Stokes) pp31

¹⁸ Ibid pp12

¹⁹ Quoted by Wright et al (2000:94) cited originally from G.Moodie, *Some Problems of the Constitution*, 1959:105

²⁰ For a comprehensive record of MPs voting habits see <http://www.publicwhip.org.uk>

²¹ This has changed recently, with the introduction of ‘list’ members to add a degree of proportionality in the Scottish Parliament and Welsh Assembly, which although it cannot be gone into detail here, offers an interesting alternative view and perspective on the ‘representativeness’ of the list and constituency member. Indeed, the whole ‘West Lothian question’ asks in the light of devolution how to reconcile which policy areas should be ‘represented’ by English and Scottish MPs.

²² Robert Michels, [1911] 1962 *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, Collier Macmillan London (p 365)

By contrast, Hofferbert&Budge looked at the policy output of government compared to manifesto promises and found a positive relationship. They make the point that “*mandate theory – conceived in terms of programmatic saliency – does not require parties to initiate policies, only to guarantee that there is some consistency between what they have stressed in the election and what is done during their terms of office*”. So ‘responsiveness’ does seem to operate on one level connecting politician with voter.

However, the theory still seems to fall between two concepts. One seems to operate as ‘trustee’ form of mandate which hopes to ‘take into consideration’ the views of the electorate, but doesn’t attempt to aggregate their preferences and reflect them in any kind of a majority-led way; and a functional one, which attempts to enact the promises and agreements made at election time through party political manifestos, in a way where there is some kind of electoral accountability for specific actions by the government formed.

When applying this to how politics operate at a local level, it becomes clear why the voters become confused. Parties and politicians, who have pledged to respond and reflect local needs, inevitably have to move away from nationally-defined policies or promises. This is no bad thing, even if it is subject to unfair criticism that it leads to ‘postcode lotteries’. It is also the reason why it is impossible to argue there is a direct and tangible link between what central politicians say and what local politicians do. Central politicians often argue about the future; local politicians face real and immediate challenges, local and specific to them, with actual outcomes they are responsible for.

But campaigning freely mixes the two – local politicians arguing about Iraq, national politicians arguing about bin collections. When voters look at what’s on offer, they also are happy to go along with multiple reactions to the messages put through their letterboxes – “I’ll vote nationalist for the devolved assembly, vote Green for Europe, vote Conservative at a general election because we need a change, vote Labour or Lib Dem at local level because they care most about our community” is a perfectly possible combination. What it confirms is not only does politics work differently at each appropriate level, voters recognise that and are capable of stepping up to the mark – in other words, more diversity, pluralism and choice is actually embraced by voters. Two-dimensional politics at a national level is only now enjoyed by Westminster journalists who like the binary nature of it. Voters are turned off – and the more you apply this, the more local politics is the only answer.

3. Because I’m like you – Descriptive

Descriptive (also known as *microcosm*) where the representative acts for the represented because they have similar attributes (such as gender, class, sexuality religion, etc) or have been randomly selected so that their characteristics are represented on a statistical basis.

If all members of a society have an equal right to contribute, deliberate and vote on decisions that affect their collective environment, then the political structure should reflect that. If, due to reasons of scale, that is not possible then some practical way to replicate *similar principles* needs to be found. The most oft-cited example of descriptive representation is that of ‘direct democracy’ in the classical Greek age.

Descriptive representation can make three claims that are all slightly different in their normative and empirical assumptions:

- 1 That a statistically drawn sample of people could reflect the true opinions of the population within a degree of error based on the size of the sample. (This, of course, underpins the logic behind opinion polling).
- 2 That if everyone potentially has the opportunity of being chosen, by lot, to perform executive functions, then no one would be able to claim greater rights over anyone else and no particular interests would dominate.
- 3 That certain groups of people share particular characteristics, such as gender, race, sexuality, geography, class, wealth and so on, which gives them shared interests. These groups should be represented proportionately to those characteristics' presence in the population as a whole. This is based on the assertion that *"when historically marginalised groups are chronically underrepresented in legislative bodies, citizens who are members of those groups are not fairly represented"*²³. In other words, that representatives are capable only of acting in their own personal vested interests.

The use of a lottery, provides the key to understanding descriptive representation. That is, if you assume anyone should be capable of ruling then the fairest way to appoint representatives is through random selection. That way you remove all the opportunities for vested interests and organisational oligarchy distrusted by Michels. However, recognising that 'some may be more equal than others' led J.S. Mill to conclude *"a person who is excluded from all participation in political business is not a citizen... but ought everyone to have an equal voice?... There is no one who, in any matter which concerns himself, would not rather have his affairs managed by a person of greater knowledge and intelligence"*²⁴. Greeks did recognise this and found a compromise – not to restrict anyone – but also to control, by election, the appointments that required greater technical skill (such as in military matters) and encouraged others to positively put themselves forward for random selection.

The last claim (3) is certainly contestable as well as being the most relevant to this discussion and case-study analysis, and so more must be said about its implications. There is mixed evidence on what difference equal numbers of women and men, or the requisite proportions of white/Asian/black people make to legislative assemblies

However, as well as actual outcomes on policy, there is a significant body of research that points to its significance and effect on perceptions of legitimacy of democratic representation.

There are two ways of looking at this last claim. The first is whether there should be proportionality of certain groups inside the elected body itself. The second is, do particular groups prioritise voting en masse for individuals who fit their own description? Or just for people who promise to act on their interests over and above other (competing) interests? Williams argues that, *"fair political institutions must treat citizens as equals, that is, they must not systematically sacrifice some citizens' interests to those of other citizens"*²⁵. This implies that Parliament should in fact be a 'Congress of Ambassadors', which Burke was so dismissive of, to advocate fairly on behalf of particular interests.

²³ M.S.Williams (1998) *Voice trust and Memory, Marginalized Groups and the Failings of Liberal Representation*, Princeton University Press, New Jersey p3

²⁴ J.S. Mill 1868, 'Thoughts on Parliamentary Reform' pp17-18, 20-2. In vol 3 *Dissertations and Discussion Political, Philosophical and Historical, Reprinted Chiefly from the Edinburgh and Westminster Reviews*. London: Longmans, Green Reader and Dyer

²⁵ M.S.Williams (1998) *Voice trust and Memory, Marginalized Groups and the Failings of Liberal Representation*, Princeton University Press, New Jersey p23

If this is the case, then geographical representation surely belongs to this category. That is, the logic behind a member for every constituency in Parliament is that every area and population is represented equally. It is also consistent with the argument that if you live in a particular area you are going to be affected by particular economic and cultural interests that are unique to where you live. The trouble is that geographical-based interests (simplistically rural, urban, coastal) are also not effectively represented in Parliament, precisely because of the tensions identified by Burke and others that the expectation of Parliament is to represent 'one nation'. Also, it begs the question why try to have a complicated set of relationships at a national level when strengthening the local would do much better, as devolution in Scotland and Wales has shown.

It is instructive to see how these models apply in the local context. One of the clearest differences is that although local elections are run on the same first-past-the-post voting system, there is much more variance in parties and individuals who are elected compared to the national model. There is a higher proportion of women, people from minority ethnic backgrounds, independents and smaller parties (from the Greens to the BNP) elected to local chambers compared to the House of Commons. There is a common feature of what's termed 'hung councils' with no party in overall control. This leads to coalitions, minority control, and swings of power from one party to another. There is also a wide variance in the party's relative standing at the local level compared to national. As of June 2009, the overwhelmingly dominant party in local government is the Conservative Party, followed by either the Liberal Democrats or Labour Party, depending on whether you count the number of councillors or the number of councils they control respectively. Another major difference affecting considerations of 'representativeness' of local government is turnout. At present, average local elections only manage to attract between 20-30% of eligible voters. This raises a stark problem for any argument in favour of local government's claim to greater legitimacy – for one reason or another, it is just not pulling in the voters.

In terms of representation, however, because by definition the representatives are much closer to the voters and the impact of their decisions at it affects a smaller area, there should be an opportunity to champion the relationship, especially when the parliamentary system is so embedded with non-democratic features. But embracing this change would require radical reform to powers and finance in local government that many people argue for.

The moment a people gives itself representatives, it is no longer free²⁶

The UK is, of course, first and foremost a constitutional monarchy. This is clearly very much and inescapably a part of the trustee model of representation, and at odds with any political theory of equality. That poses an enormous problem of how to reconcile that with democratic representation, which, as argued above, is based on everyone being equal. The sovereignty of Parliament exercised through the Executive also, ultimately, resides with the monarch as it is Her Majesty's Government, acting under Her privileged authority, especially in the executive's use of the royal prerogative for things like appointments, going to war, calling elections. Local authorities are also, of course, creatures of statute. There is no general power of competence, and no let-up on the number of statutory obligations and limited finance to constrain the flexibility of each local area for their representatives to follow either their mandated instructions or their descriptive interests. So there is only a form of delegated authority to change the law in English local government, and at any point, should the UK Parliament wish, it can create and abolish local authority structures at the stroke of a House of Common's clerk's quill.

²⁶ Rousseau - Ibid

By contrast, perhaps the most famous rallying call for the principle that all human beings (as hopefully implied by the term ‘men’) are equal and therefore governance of them should embody that principle, was, of course, the American Declaration of Independence in 1776.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it.” (Declaration of Independence ,1776)

Influenced by thinkers such as John Locke, the Declaration and the subsequent American Constitution was incomparably important in asserting *the people’s* democratic right to govern themselves. Clearly, they still had some way to go in tackling glaringly obvious problems to the principle, such as what to do about slavery and the role of women. However, it is significant in what they were rejecting: the divine, foreign or monarchical right to rule over a population.

The arguments drawn from above are that:

- 1 Large-scale (i.e. national) representation does not produce governance based on the collective interests of the whole, rather, it acts in accordance with ideas about the superior interests of certain groups acting on behalf of others. The theoretical models of representation operating at a parliamentary level confirm this.
- 2 Local democracies have the advantage of being much closer to the people who are affected, and are much more likely, therefore, to discover and represent those interests. Problems with this are only at the moment practical – the amount of power, money and resources that currently local authorities are ‘allowed’ through statute to control.

It’s not rocket science

The UK Government published the *White Paper Communities in Control* in 2008. There are some beautiful quotes in the paper that they use to illustrate the rhetoric of greater local democracy – in particular one from Lao Tzu (600 - 531) who says “Go to the people. Live with them. Learn from them. Love them. Start with what they know. Build with what they have. But with the best Leaders, when the work is done, the task accomplished, the people will say “We have done this ourselves”²⁷. The report goes on to note the number of people who are already involved one way or another in formal organisations at a local level – nearly 9,000 parish councils, which translates into over 100,000 parish representatives (compared to the 20,000 or so from principal authorities); 750,000 people potentially could be involved in a tenants representation panel, evidence shows 67% of young people have expressed an interest in getting involved with politics at a local level²⁸. So there cannot be any doubt that people do want to be involved and do want a say. Indeed it forms such a strong case that the Government clearly can’t fail to notice it – and all the evidence in their reports that the more involved residents are in the process and outcome of decision-making that affect them, the more they trust and support their local democratic functions. The other, most dramatic, example of this principle in recent months has been the MPs scandal, as it was used partly to demonstrate how ‘out of touch’

²⁷ DCLG (2008) Quoted p63 *Communities in Control*, Real people, real power.

²⁸ *Ibid* p80 / p84

the parliamentary establishment are with the average wages and interests of ordinary people. The only conclusion you can draw, therefore, is local is better – and this is confirmed by the practicalities of applying any one of the three models of representation.

Conclusion

This has been a wide-ranging essay, but in order to understand how representation works at a practical level, it is important to examine the philosophical ideas that underpin them. It is the argument of this essay that the only legitimate form of representation is descriptive – i.e. to try and replicate as much as possible the views and interests of every member of a society. A famous thought experiment, based on this argument, was espoused by John Rawls in his 'A Theory of Justice' (1971). Rawls argued that if you had to design a society from scratch by a group of people who did not know what place they would hold within it (old/young/male/female etc.) then the society they would come up with would allow for the highest provision for the vulnerable and sick, just in case one of the designers ended up being on the receiving end. A practical way you could apply this principle is 'never build social housing you are not prepared to live in yourself' – something, it could be said, some social planners and house builders would be wise to consider.

The most exciting thing about this challenge to local authorities today is that much of the Communities in Control White Paper does not promise much more devolution of power. But local authorities could themselves today start consulting and engaging with people – to introduce a strongly defined descriptive element to their local democracy, which would enhance, rather than challenge the traditional forms of representation operating at election time. To finish on reminding ourselves of ambitions of the American Revolution once more, if government should be by the people, for the people, then local government can harness this power, and establish a renewed local legitimacy of public engagement, which would far surpass the claims of electoral legitimacy by central government.

Localising and democratising the National Health Service²⁹

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People love the National Health Service. They value the excellent care they receive. They value the fact that such care comes without a direct bill attached. They like the fact that all taxpayers fund it, and that everyone can use it, whether or not they have paid the cost of their treatment through their own contribution.

So essential is support for the NHS in UK politics that it could even be seen as a defining aspect of Britishness. In so far as we share any values, backing the NHS is one of them.

Yet for something so loved, the NHS is also the subject of much criticism. It is perhaps inevitable that there will always be grumbling about any aspect of national life, even one as popular as the NHS. If only because of funding constraints, it is unlikely that any health system could even attempt to tackle every health problem, whenever it is asked to do so. There remain areas of the NHS which still need more investment. Yet there are problems which are nothing to do with money, and increasingly, complaints focus on decision-making and the extent to which there is very little meaningful accountability.

Some of this flows from the size of the NHS. As Patricia Hewitt pointed out in June 2007, "If the NHS was a country, it would be the 33rd biggest economy in the world, larger than new European Union transition economies like Romania and Bulgaria ... The NHS is four times the size of the Cuban economy and more centralised."³⁰ Within this massive bureaucracy the ability of local people to influence decisions is extremely limited. In the current system, ministers are able to claim that any local closures have followed public consultation and that decisions have been made locally. Yet the unelected bureaucrats who make such decisions pay scant attention to local wishes for two reasons. First, they do not have to: they are unelected and their jobs do not depend on any form of public satisfaction. Second, they are not able to act on most local demands because they work within tightly defined budgets and central rules, which do not allow them any flexibility in the amount of money they spend on local services.

²⁹ This is an abridged version of a chapter in, Richard S. Grayson, 'Reforming the NHS: A Local and Democratic Voice', in Duncan Brack, Richard S. Grayson and David Howarth, eds., *Reinventing the State: Social Liberalism for the 21st Century* (London: Politics, 2007), pp. 269-286. I am grateful to Joanna Crossfield for providing information on the Danish health system which has become available in English since the publication of that chapter.

³⁰ Patricia Hewitt, 'The NHS: The Next Ten Years', Speech at London School of Economics, 14 June 2007 at http://www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20070614_Hewitt.pdf.

It is argued here that it is this absence of a democratic authority, which can take decisions based on meaningful local debate, that is the greatest barrier to satisfying public demands on the NHS. Without such a body, it will always be possible for everyone to blame somebody else without taking responsibility. Ministers can blame local bureaucrats, when those ministers have given the bureaucrats very little independence. Healthcare bureaucrats can point to rigid central controls, but can also blame the public for making supposedly unrealistic demands, when the bureaucrats have little incentive to engage with the public. The public can blame ‘them’ – usually the Government or bureaucrats – despite the fact that the system allows the public to make demand after demand for high levels of local services without ever having to face their real cost. Meanwhile, without local power, demands for higher quality are difficult to balance with fairness, as only the better-off can access the ‘more’ or ‘quicker’ healthcare, which is so often what people mean by quality.

To tackle these problems, we need a radically different system, which puts elected local people in charge instead of the plethora of unelected bureaucrats currently in power, and the remote national ministers who set targets. Crucially, these elected local people need to have the power to raise funds for the NHS so that any demand made by the public for higher quality can have a real price attached. Only in that way can there be a rational public debate about local healthcare provision in which those making the demands also pick up the tax bill.

The danger of not reforming the NHS is that its noble concept will lose public support. In 1970, the economist Albert O. Hirschman wrote a classic study of what happens to organisations faced with difficulties: *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States* (Cambridge, MA: Harvard University Press, 1970). This study has relevance for the NHS today. Hirschman argued that in any organisation that is failing to deliver a satisfactory service, its users have two choices: exit and voice. In the NHS today, exit is an option for the wealthy, but it is not a real choice for the many. Meanwhile, the ability to have a voice is extremely limited. Democratic reform can provide that voice.

Although the NHS is notionally UK-wide, and is certainly funded as such, the system in England post-devolution to Northern Ireland, Scotland and Wales is unique to England. So although an English parliament would stop MPs from the devolved parts of the UK voting on England-only matters, it would do nothing to decentralise decision-making in the NHS, as the Parliament in Westminster already makes decisions on English health matters. The challenge is therefore not simply to remove Scottish, Welsh and Northern Irish MPs from decision-making in England, but to devolve power below the English level that already exists, into natural communities. These must be ones through which people will consent to organise services and with which people will feel some community of interest. They must also be large enough in which to take strategic decisions. Do they exist already? The simple answer is yes: they are counties and cities. Crucially, although county identities are not as strong as they once were, people already understand them as legitimate political entities because they exist in the form of county councils, and the same can also be said of England’s major cities, which have their own authorities.

The challenge, therefore, is to prove that they are large enough units to take on strategic healthcare functions, or that in the cases of very small counties, there is a way of pooling responsibilities with neighbours. The best example of how to do this can be found in another country: Denmark.

There are some key differences between the Danish and English health systems that go beyond structures. They spend more than us – both per head and as a percentage of GDP, and they have done for many years. This has had a huge effect on what is provided in Denmark, and although levels of spending in England have risen significantly under Labour, that spending needs to be sustained to have long-term effects. The Danes also have a recent innovation whereby if the state cannot deliver within one month, then the state pays for them to go private, although the system is currently suspended due to pay disputes.³¹ However, the system is also radically devolved. Prior to 2007, the Danish health service was run by 14 counties and two cities.³² However, even though the Danish public were very satisfied with healthcare at that point, there was a sense that the system was not as efficient as it could be. Moreover, in a relatively small area, there were difficulties in coordinating between a large number of decentralised authorities.³³ Even the counties were often very small compared to England. The smallest, Bornholm, had a population of 43,245 in 2006. The largest, Aarhus, at 661,370, was smaller than most English counties. Several were smaller than all English counties except Herefordshire, the Isle of Wight and Rutland.

As a result, the Liberal Minister of the Interior and Health, Lars Løkke Rasmussen, pushed a series of proposals through the parliament, the *Folketing*, in 2005. These measures, a total of 50 acts under a broad 'Agreement on Structural Reform', abolished the counties (including the two city authorities) and replaced them with five regions, ranging in population from about 600,000 to 1.6 million, thus making them analogous in size to English counties rather than regions. The 273 municipalities were replaced with 98 on revised boundaries.³⁴ The powers of the new levels of government, which came into being on 1 January 2007, are now as follows:

Municipalities:

- **Preventive treatment, and non-hospital care and rehabilitation, including that at home**
- **Treatment of alcohol and drug abuse**

Regions:

- **Hospitals**
- **Psychiatry**
- **General practitioners, specialists and reimbursement for medication**³⁵

State:

- **Planning for specialist treatment**
- **Follow-up on quality, efficiency and IT usage**

³¹ www.hpm.org/en/Surveys/University_of_Southern_Denmark/12/Waiting_time_guarantee_-_an_update.html

³² For details, see Grayson, pp. 275-276 and Ministry of Health and the Interior [Denmark], *Health Care in Denmark* (Ministry of Health and the Interior, Copenhagen, 1997, revised August 2002), pp. 8-10 and 15-17.

³³ Ministry of the Interior and Health [Denmark], *The Local Government Reform – In Brief* (Ministry of the Interior and Health, Copenhagen, 2005), p. 7.

³⁴ *The Local Government Reform – In Brief*, pp. 53-56.

³⁵ Note that this category is described as 'health insurance' in the English translation of the Danish documents. However, this is misleading as the 'insurance' is simply funded by taxation, and is not a form of insurance as understood in the UK.

The argument here is this: if Danish counties, which were smaller than English counties, could deliver a healthcare system, funded from general taxation, that was the most popular in Europe, why cannot English cities and counties do the same? Moreover, why is this model not even more appropriate now that it has been established on a working basis in units that even more closely match the English cities and counties in size? The arguments against are only those about whether the units are too small for strategic thinking, but the Danes have shown that a radically devolved system can work, and work well.

The argument about exactly what a Danish transplant would mean for England in terms of organisation is developed further below. However, one other issue from Denmark needs to be discussed before that: funding. Under the pre-2007 model, most of the money for healthcare in the counties was raised in the counties. In the new scheme, approximately 80 per cent of each region's funding comes from a national health contribution, amounting to a rate of around 8% on income tax. That is part of the replacement of county taxes, which had been, on average, over 30%, and which were completely scrapped in the 2007 reforms, so it is not an additional tax. The minimum national health contribution per year is 1,000 Danish *kroner* (about £90) and the capped maximum is 1,500DKK (about £140). That represents only a small amount, but it can provide useful extra funding at a local level, and can be vetoed on a vote of two-thirds of the municipalities. The final 10% of the regional health budget comes from a basic contribution payable through municipalities, but set by the regions, described as an 'activity-related contribution'. Since the municipalities have a non-hospital care role, the amount they pay through this final contribution is reduced as they make relatively low demands on hospitals, thus rewarding effective preventive treatment care.³⁶

As with decentralisation, the funding aspect of the Danish model is similarly capable of being transplanted to English counties without being rejected by the host. At its core are concerns for equalisation and redistribution, to ensure that the very different tax bases of the regions and municipalities do not result in disparities in funding. As the Danish government said:

If each municipality were to finance its own expenditure, the service level and tax burden of the municipalities would ... vary considerably. The purpose of the equalisation system is to ensure that the same service level involves the same tax percentage regardless of the income of the inhabitants and any demographic factors ... [T]he grant and equalisation system means that money is transferred from the rich municipalities to the less affluent ones.³⁷

However, the system also allows local flexibility in funding should more funds be needed and rewards attention to preventive measures. That makes the Danish funding system compatible not only with the principles of a *National* Health Service, but also with the Liberal Democrat commitments to localism.

To determine what could be devolved in England, the starting point has to be an analysis of the situation as it currently is. There are two main levels of the NHS that ministers regularly describe as 'local' and are concerned with commissioning services: primary care trusts (PCTs) and strategic health authorities (SHAs). Yet neither is democratic in any meaningful sense, as local councillors have very limited powers of scrutiny. Meanwhile, the strategic health authorities are hardly local, as they operate on a regional basis.³⁸ In addition to PCTs and SHAs there are other bodies that aim to make

³⁶ The Local Government Reform – In Brief, pp. 36–39.

³⁷ *Ibid.*, pp. 36–37.

³⁸ For further details on roles see Grayson, pp. 278–279.

the administration of the NHS more local. Acute trusts manage hospitals and are sometimes regional or national specialist centres. Other types of trusts include ambulance trusts (which largely match SHA boundaries), care trusts (covering only 13 very specific parts of the country), and mental health trusts (MHTs). The various bodies cover different geographic areas and there can be a confusing mish-mash of overlapping boundaries. This can bemuse any member of the public who is trying to work out who runs which part of the NHS. But all these bodies have one thing in common: democratic accountability, and the ability of local people to make meaningful choices about levels of service, is extremely limited.

Theoretically, the Secretary of State for Health can intervene in decisions made by trusts, but they have been reluctant to do so, sometimes deploying the argument that local decisions should be made by local people. That is right, yet it is not what happens, because local people have very little power or meaningful voice over decisions. There are plenty of ways for the public to make their views known about the NHS and to scrutinise its work. Not only can they lobby politicians, but they can currently join local involvement networks (LINKs). In addition to this, since 2000, local authorities (both counties and boroughs) have had powers to scrutinise the NHS in their area, and councillors have been vocal in criticising all types of NHS trusts. However, they can only challenge trusts over whether procedures have been correctly followed.

Consequently, the central political problem of this system in the NHS in England is that there can be mass consultation on local healthcare, but there are rarely the means to implement local people's wishes on the most controversial issues such as keeping hospital wards open. Those running trusts are able to respond to local demands by saying that they would like to do as the public wishes but simply cannot. They can say that they are unable to act because they do not have the money within existing budgets and do not have the power to raise extra funds. Moreover, because local people are never faced with a real choice – such as having to pay higher taxes for the services they want – they end up feeling profoundly powerless and dissatisfied. The only way to change that is to introduce radical democratisation of the NHS at a local level.

There are short-term reforms that could be made and that are discussed by the author elsewhere.³⁹ However, in the long term, we need democratic decentralisation that will not only devolve decision-making in the NHS but also create the kind of devolved government in England that is enjoyed in the rest of the UK. Such radical reforms should be centred upon cities and counties, which are historic units of England, and many of which encourage strong feelings of local identity.

Creating a democratic NHS at a city/county level will mean revisiting the boundaries of existing trusts. As part of that, the distinction between PCTs and SHAs should end, with their commissioning powers given to elected local people who are in touch with local needs and have the ability to raise extra funds to meet local demand. That will mean centralising some functions that currently take place at a level below that of counties (or a similar level of government), and decentralising those which are dealt with at a regional level. But it will mean democratisation all round, giving real power to elected local people.

The last thing the public wants is another level of government. Indeed, in many places, the number of levels is already being reduced with the introduction of unitary authorities. So instead of creating regions, the powers of SHAs and PCTs should be given to more local levels. The most obvious boundaries, very much in line with the Danish model, are those of the 34 counties, six metropolitan counties, or 40 unitary authorities across England. London is a special case that is discussed below.

³⁹ Grayson, p. 280.

There are two options for the way in which such devolution could be achieved to provide local people with the voice that they lack. The quickest and simplest way might be to give PCT and SHA commissioning powers to existing city/county-level authorities. The great advantage of this approach is that it could have positive effects on the quality of government beyond the NHS. By giving city/county councils significant powers over the NHS, they would become more directly comparable to the devolved bodies in Belfast, Cardiff and Edinburgh. This would help to answer the 'English question', which is increasingly a factor in debates on the power of Westminster. If an effect of that was that people who are ambitious to wield power in their area stood for councils rather than Westminster, the overall quality of decision-making at a council level would be greatly increased. An alternative option would be for each city/county-level local authority to choose whether to run the local NHS itself, or to create a local health board with powers to vary local taxes in much the same way as unelected police authorities do. Such a board would be directly elected by local people at the same time as local elections, on the basis of manifestos put forward by local parties or independents. The advantage of such an approach over submerging NHS functions into wider council matters would be that there could be a very clear focus on NHS-related issues at election. All the evidence suggests that this is the primary concern to voters, so why not give them a chance to have a separate debate over how to run the NHS? This would allow clear choices to be made over, for example, additions to the NHS budget in return for maintaining a local hospital ward, rather than confusing health matters with the broad range of issues tackled by local authorities. It would also allow those with specific expertise of the health service, such as retired doctors or nurses, to get involved in the running of the local NHS, having put their case to the electorate. Their expertise could greatly inform manifestos and invigorate local debates on healthcare.

There is one important caveat to the proposed radical democratisation of the NHS in England. We need to recognise that some local authorities may feel that they are not the right size for taking sole responsibility for healthcare because they feel themselves to be too big or too small. It may be that larger counties wish to split the geographic areas they cover into two or more units. If so, they should be able to do that. But smaller counties may wish to work with others. So they should be given the opportunity to collaborate with other authorities by agreement. Two smaller counties may decide to commission hospital services together, and that may well make sense. In such a situation, they would have the option of making decisions either through joint meetings of the county councils or through a joint health board. But the crucial democratic accountability element should remain, so that at elections, council or health board candidates put a health programme to voters and can be held to account on their NHS-related decisions.

The precise nature of boundaries is a problem that will be faced by Londoners in particular. The current London SHA covers a population of over seven million people. It may well be that Londoners would wish to run health on a city-wide basis, and if so, the Greater London Authority and Assembly already exist. However, to ensure that the potential benefits of devolution and genuine local accountability can be enjoyed across the city, London boroughs should be offered the same powers and choices as counties, or the chance to pool their powers with other boroughs. The result may be London-wide decision-making, or the city may be split into smaller units, but that will be for Londoners to decide.

City/county-level devolution is not the end of the change that needs to happen in the NHS. There also needs to be a new system for funding the NHS, and a system for maintaining core national guarantees, as this author has argued elsewhere.⁴⁰ Within such a reformed national framework, a reformed local NHS can flourish. Without local power, local people will be continually asking for healthcare that is not on the menu, and for which they have not been given a price. Without local power, people have no chance to pay for the quality they want, and monitor the quality of local services. Radical devolution has happened in Denmark, and it works. The challenge in England is to sweep away swathes of unaccountable local bureaucracies and give their powers back to the people through elections in which local healthcare can be thoroughly debated. As regards the NHS, that does not mean reducing the overall size of the state, but relocating it.

⁴⁰ Grayson, pp. 282-285.

Empowering local authorities: lessons from Europe

By Jessica Hambly

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Hybrid democracy with elements of both representation and participation, and ethical public life are recognised as the benchmark for good governance across Europe. Yet whilst the United Kingdom lays claim to a very highly developed form of government, it remains one of the most centralised states in the world, let alone Europe.⁴¹

Nevertheless, glancing across the channel, one is met with a melange of administrative units – national, supranational and intergovernmental – from which lessons in improving governance, by rethinking the relationship between state and individual via local governance, may be learned. The European Union, Council of Europe and individual states may all provide ideas as to how to approach devolving power to local authorities, both in terms of the means and ends: how and why to devolve power?

Firstly, the legacy of ‘economic’ Europe, the institutions of the 27-member European Union have shown ever-increasing attention to the individual rather than simply to the state as evidenced by the Treaty of Lisbon. It is through devolution to local authorities alongside strengthened civil society that sovereignty may pass from the state to the individual. If and when the Lisbon Treaty comes into force, it contains significant effects for local authorities including, for the first time, recognition of the ‘principle of local governance’. Secondly, ‘human rights’ Europe, the 47-member Council of Europe has a Department devoted to Local and Regional Democracy and Good Governance. In 1985, the European Charter of Local Self-Government was opened for signature, laying out the principles aimed at bringing public power as close as possible to the individual. Lastly, one may look to the individual constituent member states of Europe in order to draw from examples of local authority reform, most recently, in particular, the 20 propositions presented in March 2009 by the French Committee headed by former Prime Minister Eduard Balladur.

It must be noted that the overarching principle, that power is most efficient and least open to corruption the closer it is to the individuals it seeks to govern, means that transcending national boundaries is indeed possible when looking for examples of best practice without becoming bound up in states’ constitutional self-definitions. Unitary, federal, centralised or decentralised – tradition, culture and nomenclature may not stand in the way of seeking the best solutions to ensuring local communities are governed to the fairest and most efficient standards.

⁴¹ ‘*With a Little Help From our Friends’ International Lessons for English Local Government* Roger Gough for Localis and the Local Government Association

Indeed, the French example shows how a state prone to strong centralisation has evolved in such a way as to promote a link of proximity between the administration and the administered whilst retaining its attachment to the unitary structure. As such, the first article of the Constitution of 1958 reads: “La France est une République indivisible [...] Son organisation est décentralisée.” The first modern shift in repartition of power between state, local authority and citizen came with the laws of 1982 establishing the ‘region’ as an autonomous territorial unit. These redistributed power away from the centralised state, dispensing of ‘*tutelle*’ – the discretionary control over substance of local acts – in favour of a control of legality by the administrative judge of those acts of elected regional bodies. Subsequently, a 2003 constitutional amendment not only enshrined as constitutional reality the decentralised organisation of the republic, but also gave yet more legal and regulatory competency to local authorities.

The absence of a written constitution in the UK is no obstacle to providing a guarantee of protection of the rights of local authorities. Developing a constitutional convention would, however, be insufficient as it would not be legally binding. Similarly with the 2007 local-central concordat, one reason for it having little impact is its non-legal status. So ordinary legislation ought to be the preferable method of distributing public power so as to ensure protection from central interference. Thus there is no clear-cut distinction between a ‘legal’ and a ‘constitutional’ protection in the UK as opposed to other states with written constitutions. Yet it must be noted that legislation dealing with devolution issues tends to be thought of as in some sense ‘constitutional’ given that it does challenge the old adage that parliament may not bind its successors⁴² and induces the paradox whereby the sovereign state purports to limit itself. But such legislation is not impossible – one need only think of the 1998 Devolution Acts – and need not be intricate nor technical. What is most important is a genuine commitment to cooperation and participation in government by the individual by means of stronger local government.

The 2007 Sustainable Communities Act goes some way in this direction. The broad principle behind the ‘well-being’ power laid down in the statute, which, providing there is no express prohibition, allows local authorities to decide for themselves what ought to be done to promote local sustainability in terms of economic, social and environmental, is that localism is more representative, more accountable and more efficient. Yet even under the act, local authorities’ proposals remain subject to central control by the Secretary of State. This is also the case in France where hard-line resistance to so-called federalism and provincialism is part relic of revolutionary sentiment, the Jacobite desire for territorial uniformity, and part concern for overseas territories and departments and the potential for secession. Ultimate power still lies with the National Assembly. Of course, there must be a limit to independence – even in a European federal state such as Germany, the *Länder* are denied independent legal identity. Multi-level governance will necessarily involve some kind of hierarchical power as long as the nation state remains, rightly or wrongly, the protagonist on the international stage. It is undeniable that independence and autonomy of local authorities is a question of degree. France is significantly more centralised than federal Germany and the more provincial Spain and Italy. Yet it is clear from the lack of independence that is afforded to English local authorities that there is scope for much greater devolution from central government without threatening national unity.

Thus far, the UK commitment to local governance rests largely symbolic. For instance, despite being a signatory to the European Charter of Local Self-Government which, though not legally binding, commits states’ parties to guaranteeing the political, administrative and financial independence of local authorities, the UK remains attached to centralised taxation. The 2007 Central-Local Concordat agreed between the Government and the Local Government Association sets out the rights and

⁴² Maugham LJ in *Ellen Street Estates v. Minister of Health* [1934] 1 KB 590

responsibilities of central and local government vis-à-vis one another. Yet it is devoid of any key shift in the balance of power, and is largely concerned with reaffirming the status quo: 'Acting through Parliament (central government) has the overriding interest in matters such as the national economic interest, public service improvement and standards of delivery, and taxation.'⁴³

Experimentation and subsidiarity are two concepts introduced by the 2003 French reforms that English local government could seek to use in the future. The latter refers to central deference in favour of the local authority. This goes further than the 2007 Sustainable Communities Act in that it implies that even where central government may be opposed in principle to an act of a local authority, it may allow such an act to proceed. The former concept, that of 'experimentation', is more interesting. Article 72 § 4 allows for unilateral derogation from the ordinary statutory and regulatory regime, providing public freedoms and constitutional rights are not infringed, and providing this derogation is done in an 'experimental' manner. So although permission is required and the provision must be limited in time and scope, there does seem to be a genuine pledge to give local authorities the power to self-administrate in accordance with their varying needs.

The legitimacy of local government derives from the same location as that of central government – voting by individual citizens. Thus, given that local authorities govern on the same electoral mandate as central government, it seems strange that their power is so limited in comparison. As mentioned above, the territorial integrity and external sovereignty of the state must be upheld, yet this does not preclude placing greater confidence in local regions and their peoples to decide on matters of policy directly affecting them. Democracy is stronger the closer power is to the citizen. Hence the place of referenda – that most direct form of participative democracy – cannot go unnoticed in any discussion of devolution. The question arises as to whether a local polity must wait to be the subject of devolution, or whether an already constituted elected body, such as a regional assembly or council, may instigate through act or referendum the process of devolution.

Local referenda are envisaged under Article 72-1 § 3 of the French Constitution as a way of creating or transforming a 'special' category of administrative subdivisions (i.e. Corsica) or altering the current boundaries of territorial units. Furthermore, article 73 allows for greater autonomy (within the statutory framework) for Overseas Territories. Though this type of 'local authority' is unique to France and as such sets no real precedent for the UK to follow, it is interesting to note the results of two important referenda on entirely separate issues in Corsica and the French Antilles.⁴⁴ Both rejected greater autonomy, which serves as a reminder that ultimately fear of risking inferior public administration means local populations may indeed prefer to be on a level-footing with the rest of the country, rather than opting for what is essentially a postcode lottery. Nevertheless, where a local authority seeks greater autonomy and the local population approve the proposal by referendum, the French example, albeit in relation to overseas territories, seems to approve such devolution.

In March 2009, the French Balladur Committee for reforming local authorities, presented its report. The committee's remit included the simplification and clarification of the structures and competence of local authorities, and the resulting report lists 20 propositions. Of most interest here are propositions one and two concerning '*regroupements volontaires*' or voluntary groupings of territorial units by way of referendum or decision of the regional council, without the need for parliamentary approval. This relates directly to the aforementioned idea that ultimate authority to decide on regional

⁴³ Para 5. Central-Local Concordat 2007

⁴⁴ see *France: the amendment of the French Constitution "on the decentralized organization of the Republic"* Xavier Philippe 2004 *International Journal of Constitutional Law*

groupings ought not to pertain uniquely and exclusively to central government, since this is to undermine the principle of democratic mandate. Where an individual has voted in a local election or referendum and a national election, it is not self-evident that the national vote ought necessarily to trump the local vote. In any case, the local vote may have greater democratic legitimacy than the national one, owing to differences in proximity and voting method.

To conclude, the UK could learn from European countries in taking a new normative approach to reforming local government and reinforcing commitment to empowering the citizen through his or her voice in the local community. As highlighted by the European instruments, local government is not only a tool of central government for improving efficiency. It is a crucial embodiment of public power whereby the individual is given greater control of the community. Local government is as much about personal individual autonomy as about economic and technical efficiency, thus it is not enough to forge agreements between central and local government without shifting the balance of power in favour of local authorities. Experimentation and subsidiarity are transferable concepts, and the scope for increased use of referenda means loss of central power is not a foregone conclusion, but citizens must be given a stronger role in deciding how, and by whom, they wish to be governed.

Conclusion

Seth Thévoz

Decades of Labour and Conservative governments have not exactly distinguished themselves in pursuing creeping centralisation – for example, nearly 30 years ago, Jo Grimond already observed “the results of the planning laws of the central government can be seen all over the country. Bad planning has laid waste the cities, urbanised villages, and led to follies... the same planning laws cannot make sense all over the country.”⁴⁵ Who can disagree with him?

But this report is about remedies. To recap, the move to ‘localism’ is already well underway, out of sheer necessity. Liberal Democrat councils are pushing their powers as far as possible, and the ideas outlined in Section One provide many lessons. For example, Newcastle’s measurement of Asset Transfer allows it to include services technically within the private sector (i.e. key shops or pubs), which provide such a public benefit that their loss *cannot* be countenanced. The more we read about such schemes, the more we realise how much of the received wisdom on local government is wrong. Many of the ‘big’ objectives that we think of as needing central government co-ordination – such as action on climate change (as outlined by Serge Lourie and Alexis Rowell) need local action, with centralised targets being meaningless and inapplicable. Indeed, as Richard Grayson has outlined in his chapter on health, **local authorities can (and do) pool resources** when economies of scale are necessary. Localism can be more, not less, efficient.

A recurring demand of council leaders is a **power of general competence** – something which councils are rapidly getting an informal approximation of anyway, through case law precedents in the courts. Full statutory recognition of this would go a long way in allowing councils to properly oversee local services. Indeed, the 2007 Local Government Act defines the many agencies that work with a local authority – as we now have a formal legal definition of who these bodies are, a legal ‘**duty to co-operate**’ would go a long way to ensuring effective governance continues as a safeguard against relationships breaking down. As the agencies defined by the 2007 Act are providing a public service, paid for out of public funds, they should be subject to the same standards of openness and accountability as local councils are; for example, **holding their board meetings in public**.

Some of these demands are relatively unambitious and common sense. Indeed, they’re also not inherently liberal – for while there are liberal arguments for them, they’re just questions of effective, accountable administration, which any party could implement.

But as Liberal Democrats we can go further – it’s worth outlining how we are different. A common refrain that hinders such discussion is that those who favour localism ‘shouldn’t get too hung up on structures’. I couldn’t disagree more – the devil is in the detail. What we shouldn’t get too hung up on is *prescriptive* structures. But it is patently obvious to anyone that the present structures are overstretched in many parts of the country.

⁴⁵ Jo Grimond, *A Personal Manifesto* (Martin Robertson, Oxford, 1983) p.40

One counter to this, referred to by several writers, is the 2007 Sustainable Communities Act – a landmark piece of legislation, co-sponsored by Lib Dem Shadow Communities Minister Julia Goldsworthy. But for all its many strengths, it was a cross-party compromise. It was not the bill a Liberal Democrat government would have written. While there is every reason to laud its aims in letting councils decide which powers they want to use, the mechanisms are relatively unambitious: the Act currently depends on a threshing-out process involving the Local Government Association picking and choosing some powers to recommend to the Government, with the Secretary of State for Communities and Local Government having the power of veto. Why?

Why does this process need to be the default mode? If we're really serious about localism, if we really want to see the devolution of powers, then why not have the assumption that (barring obviously ring-fenced areas like foreign policy and defence) *most* services can be devolved, if desired? This does not mean that they should be devolved – for all its faults, the centralised status quo produces 'winners' as well as 'losers'. Some councils may rather like the status quo, and adhere to it.

The logical conclusion of many of the arguments outlined here is a beefed-up, **Mark II Sustainable Communities Act**. Why not? It took three (arguably five) Reform Acts to get the Westminster franchise right – there is no shame in revisiting the theme of the 2007 Act. But what would this act say, so as to not be just another piece of red tape?

Firstly, we need to accept the inherent good of diversity and anomaly. We must avoid the fallacy that anomaly is a bad thing. Anomalous councils are good – certainly preferable to conformity. The right to be an anomaly gives councils the freedom to experiment, which communities so desperately crave if they are to find their own solutions to immediate challenges, especially in the current economic crisis. True, freedom to experiment also means the freedom to fail – that is a risk. But the democratic process is the best check and balance against that, and at the moment we are stuck in the rut of almost guaranteed failure if we continue with Britain's centralisation, unparalleled in Europe.⁴⁶ A Mark II Sustainable Communities Act would empower councils to claim whole swathes of powers to oversee locally delivered services.

But if we want to devolve, we come to the prickly issue of boundaries. Nobody likes discussing boundary reorganisations – the last big local government reorganisation of 1973 pleased no one, while the recent creation of unitaries has produced its fair share of headaches for all parties. But we must acknowledge that there is a tension between the most appropriate level at which bodies like strategic health authorities, local education authorities, fire authorities, police authorities, local authorities, regional development agencies, and quangos operate – especially in multi-tiered councils. Often, there is a fundamental disconnect between where democratically accountable politicians are elected, and where decisions must be taken. This is difficult to justify. But how should we remedy the situation?

A recent proposal by David Heigham to the 'Ideas Factory' of the Social Liberal Forum was that **'a local authority should be whatever size the people of the area want'**, with the further localisation of revenue⁴⁷ – this seems an admirable starting point, maintaining the unique legitimacy of the council, but with wide-ranging consequences for service delivery. A Mark II Sustainable Communities Act enshrining this would allow councils to either fission or amalgamate, at the level

⁴⁶ As Chris Huhne is fond of reiterating, in the EU only Malta has a higher rate of government revenue which passes through the central rather than the local government – see, for example, Chris Huhne, 'The Case for Localism: The Liberal Narrative' in Duncan Brack, Richard S. Grayson and David Howarth (eds.), *Reinventing the State: Social Liberalism for the 21st Century*, p.248

⁴⁷ <http://socialliberal.net/2009/03/01/a-full-blooded-commitment-to-going-local>

most appropriate for the bulk of local decisions. Councils would not be subjected to any forced change – but they could claw back powers from Westminster, and hold referenda on whether they should change their size accordingly.

This approach would also provide a solution to the persistent West Lothian question. Scotland, Wales, and Northern Ireland already have far more devolved service delivery than England. The Liberal Democrats had much to say on this 10 years ago, amidst the ‘Brave New World’ of Scottish and Welsh devolution,⁴⁸ but we have invariably found since then that the most effective solution is not the neat, tidy, arbitrary partition of England into unnecessary, excess ‘regional assemblies’. The principle that local authorities could determine their scale and powers could truly revolutionise the constitution, and stem the discontent mounting at England being ‘left out’ of the devolution process.

The virtue of this approach is not in securing one particular outcome – it is in the process itself. If we can get the liberating process for councils right, then they can find their own outcomes, and as Paddy Ashdown frequently argues, we can “let a thousand flowers bloom”. Indeed as Grimond wrote, “Liberalism is a way of doing things – this is one of its strengths.”⁴⁹

This approach has been argued as a logical conclusion for anyone who claims to really be a ‘localist’. Consequently, while this is a *Liberal Democrat* approach to localism, it also ends with a challenge. We have laid down some ideas on the table. If the other parties really are serious about localism; if a hypothetical incoming Conservative government really wants to make things more accountable; if Labour really wants to renew itself during a hypothetical fourth term; if either party really wants to stop us from capitalising on this issue – then do they dare to outdo us on localism? If not, then we will be able to lay claim to the fairest, most effective, most democratic, most liberal, and most committed approach to empowering people and communities in British politics.

⁴⁸ See, for example, Jackie Ballard, *The Politics of Community* (MPS, London, 1999), which advocated further multiple tiers of local government. Events since then (not least North-East of England’s 2004 rejection of a regional assembly) have made it abundantly clear that there is little or no appetite for these extra layers, and democracy has to find a different solution.

⁴⁹ Jo Grimond, *The Liberal Challenge: Democracy Through Participation* (Hollis and Carter, London, 1963) p.29