

*Local authority procedures and powers*

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New controls over the procedures and powers of local government originated from the government's concern about the politicisation of local government in recent years, for example political appointments to council posts, grants to voluntary bodies and 'political' advertising. This concern led to the setting up of the Widdicombe Committee on the Conduct of Local Authority Business.

The Widdicombe Report recommended public right of access to the documents of local authorities, the opening of all local authority committees to opposition parties, the ending of cooption, a bar on senior officers of local authorities being councillors in other authorities, the requirement that a chief executive can only be dismissed by a two-thirds majority of the councillors, restrictions on special advisors, limits on the attendance of officers at party meetings, procedures to ensure the appointment of officers on merit, and increased powers for the Audit Commission and the local ombudsman.<sup>1</sup> The committee also recommended a review of the role of enterprise boards and the role of local authorities in local economic development.

The government gradually implemented some of the recommendations, some more stringently than had been proposed, and introduced additional controls. In response to the committee's interim report on publicity, the Local Government Act, 1986 prohibited publicity designed to support a political party. Local authorities have

to pay attention to a code of practice on publicity, drawn up by central government. The Local Government Act, 1988 widened the prohibition. It also prohibits the 'intentional promotion of homosexuality and the promotion of teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship'.

After a delay, in July 1988 the government eventually published its proposals in response to the committee's main report.<sup>2</sup> These were incorporated into the Local Government and Housing Act, 1989 and subsequent regulations, which regulate the appointment and management of local authority staff by limiting the political activity of senior officers and those with a salary above £19,500. Political activities include candidature, certain party offices, canvassing, and speaking and writing in public. Committees must have political balance and only councillors can vote on them.

The Act creates a local authority post of monitoring officer, who has to draw to the attention of councillors and make a report on any action likely to break the law. The council is required to suspend any action until the report is considered. The Act also creates the post of head of paid service, who has responsibility for the management and coordination of the authority. In addition the Local Government Finance Act, 1988 gives chief finance officers a power to report to the local authority members if the local authority is likely to act illegally in financial matters. It requires councils to provide their community charge registration officers with staff, resources and accommodation – in effect creating a post independent of the council (and institutionally independent in Scotland where he or she is also the valuer and the electoral registration officer). Thus recent legislation has created four posts within the council which are to some degree independent from control by the members.

The 1989 Act alters the powers of local authorities to provide finance for activities not covered by other statutes.<sup>3</sup> This has been replaced by a power to provide for economic development, the main use to which the powers were put. The maximum sum that can be spent on such development is £10,000 a year, though there is no limit for councils in urban programme areas or areas with above average unemployment. Districts are prevented from providing education and training assistance without the agreement of the education authority. Councils are prevented from providing services such as banking and

investment schemes. Soft loans are prohibited. The provisions show how a permissive power which used to be exercised with little restriction has been replaced by detailed legal constraints on its exercise. Scotland has escaped the reform of the economic development power, partly because of the existing role of Scottish Development Agency (Scottish Enterprise), though the other changes are identical to those south of the border.

The 1989 Act restricts the interests a local authority can have in companies. Controls are introduced on the discretionary powers that local authorities have for grants towards the cost of improvements. The Act confers some additional powers on the Secretary of State, who can regulate or forbid certain decisions taken by local authorities which may affect the companies.

### **Conclusion**

The reforms have tightened the legal framework governing a local authority's discretionary powers and its freedom to order its internal procedures and staff. The legislation may reduce the political character of local government and restrict decision-making through the introduction of checks and balances in councils. The provisions change the relationship between the elected members and the officers, effectively setting them at arms length from each other.<sup>4</sup>

The reforms attempt to limit the politicisation of local government – such as through the control of committee chairs and the attendance of officers at party group meetings – which was identified by Widdicombe. But the growth of party politics in local government is a long-term development which, as research has shown, has actually continued since the Widdicombe research of 1985.<sup>5</sup> It seems that the process of politicisation is unlikely to be arrested by the new reforms.

### **References**

1. Committee of Inquiry into the Conduct of Local Authority Business, *The Conduct of Local Authority Business* (Chairman: Widdicombe), Cmnd. 9800, London, HMSO, 1986.
2. Department of the Environment, *The Conduct of Local Authority Business: The Government's Response to the Report of the Widdicombe Committee of Inquiry*, London, Cm. 997, London, HMSO, 1988.

3. Local Government Act, 1972, s.137, s.142; Local Government (Scotland) Act, 1973, section 83, section 88.
4. See R. Brooke, 'The enabling authority – practical consequences, *Local Government Studies*, September/October 1989, p.56.
5. K. Young, *The Conduct of Local Authority Business Since Widdicombe*, York, Joseph Rowntree Memorial Trust Local and Central Government Relations Research Committee Findings, No.1, October 1989. See K. Young, *The Politics of Local Government Since Widdicombe*, Policy Studies Institute for Joseph Rowntree Foundation, forthcoming, for a more sustained analysis.