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## **Foreword**

This report examines the development of the Regional Chambers established in the regions of England. It was sponsored by the Regional Assembly for Yorkshire and Humberside, and was produced in two instalments. The first<sup>1</sup> reflected research focusing on 14 interviews carried out in the regions of East of England, Yorkshire and

remain in place. The White Paper would be a sensible opportunity to make proposals for progress for Chambers themselves.

This report has benefited from help and guidance from a number of colleagues, plus patience and time from many of the main actors in the regional governance of England. I would like to thank the following people: David Ashton, Paul Bevan, Chris Clarke, Howard Elcock, Jane Henderson, Barry Horne, Jane Hustwit, John Kent, Liz Kerry, Albert Lamphey, Chester Long, Steve Machin, John Mawson, Andrew Murray, Sid Platt, Guy Price, Tony Rich, Alan Riddell, Tom Riordan, David Ritchie, Colin Robertshaw, Brian Stewart, Helen Thomson, Andrew Tucker, Sue Watts, Chris White, John Wilkinson, Bill Wilson; with apologies to anyone I have missed out. I would also like to thank my colleagues at the Constitution Unit, particularly Robert Hazell, Paul McQuail, Alan Trench, Scott Greer, and Rebecca Blackwell and Gareth Lewes.

Mark Sandford

November 2001

# 1. Introduction





necessary leadership to produce and implement an integrated spatial strategy for the region.<sup>5</sup>

Where a Chamber does not take on this role it should still be seen by the RPB and other stakeholders as a necessary reference point in the preparation of draft RPG.<sup>6</sup>

regional issues since the 2001 election campaign suggests that these hopes may be misplaced. In particular, were Chambers themselves granted greater powers, their legitimacy could be increasingly questioned.

10. This would be a particularly strong issue with regard to the split between local authority and representation of community stakeholders or 'social and economic partners' (SEPs). Every regional actor interviewed was highly supportive of the contribution of the social and economic partners to the Chambers, though in many

## **Social and Economic Partners**

15. The numbers of Social and Economic Partners range from 14 (Yorkshire & Humberside) to 38 (South-West): the variations reflect the variations in size of the Chambers themselves. Application of the guidance note quoted above is patchy: there is little indication that the nomination process is any more than a formality in most regions, though some regions specify the number of representatives and their

## Sub-panels

19. Most Chambers have formed sub-panels with a wide range of remits to consider issues of importance to the region. These panels may derive from the different facets of regional planning guidance, as in the South-West. Alternatively, they may have wider remits deriving from the Chamber's interest in matters outside its statutory role. As such, many sub-panels' titles and remits owe much to 'joined-up' policy issues instead of following traditional policy boundaries. The sub-panels are not shadows of Westminster select committees: though they occasionally play a scrutiny role vis-à-vis regional statutory organisations, their main role so far has been as forums for discussion and the achievement of consensus between members. It appears likely that the emphasis on 'scrutiny' in the Chambers' funding bids will impact upon these structures.
20. The sub-panels created by each Chamber are listed in Appendix 1. Some are fully subsets of the relevant Regional Chamber, and have memberships ranging from 15-25. These act as a point of contact for other organisations, and are normally, though not always, politically balanced and balanced between elected members and social and economic partners. Care has often been taken, for instance in the South-West, to appoint panel members from within the Assembly according to their expertise.
- 21.** Other sub-panels have only a minority of full Chamber members and may draft in outside expertise, or representatives from regional stakeholders with interest purely in the particular remit of the panel in question. These panels are more popular amongst the smaller Regional Chambers, and may contain up to 40 members—which also has the effect of leaving local authority representatives in a minority.
22. The South-West sub-panel structure is based on RPG responsibilities. Panels exist on economic development, transport and planning, and waste and minerals. They have been recently complemented by a Health and Social Inclusion panel set up at the initiative of the Social and Economic Partners grouping. These two sub-panels both contain members of EEDA; it is also common for GO representatives to be invited on to panels. Meanwhile, Yorkshire and Humberside's "Commissions" resemble the Yorkshire Forward (RDA) directorates (both draw on the priorities of *Advancing Together*, the region's integrated strategy). Some respondents strongly expressed the desire that the sub-panels should not be standardised across regions: they provided an important means of divergence and of addressing priorities peculiar to each region.
23. Sub-panels which step outside the traditional boundaries of policy-making are of particular interest, given the desire expressed in some regions to avoid the "silo mentality" of Whitehall departments. The North-East Regional Assembly initially intended to construct a sub-panel structure largely reflecting Whitehall, before collapsing most of it into Economic Development and Social Issues panels and adding two others: Europe and Inclusivity. (These have also now been superseded: see under the 'Chambers' funding bids' section below.) Others have followed suit: East of

England has a joint task-and-finish group on Ageing, serviced by the Government Office. The South-West has a sub-panel for Waste and Minerals as part of its planning process. Other regions have set up “task and finish” groups to deal with particular issues in a set time-frame. This has helped to avoid charges of excess bureaucracy.

24. It is too early to speculate about the effectiveness of sub-panels, but the lack of power

## **Real world effects**

### *Foot and Mouth*

28. The Regional Development Agencies in affected regions co-ordinated much of the Government's response to the outbreak of Foot and Mouth Disease in 2001. For instance, the NWDA and Countryside Agency were allocated some £43m through the Market Towns initiative and planned to apply for further European funds. Chambers were not involved in the response to the outbreak: this was left to the GOs and RDAs, given their executive powers. Some Chambers, however, have set up working groups to look at the long-term future of farming and rural life in their region, aiming eventually to produce something approaching a rural development strategy.
29. This division of labour highlights that Regional Chambers, lacking an executive role, have found themselves drawn toward strategic, high-level work which might otherwise be neglected. It is not yet clear how much influence this kind of work has over against the politics of 'events'.

### *Floods*

30. The floods of late 2000 offered an example of useful Chamber contributions to a regional issue, in Yorkshire and Humberside. Flood defence is funded jointly by the Environment Agency and local authorities, and a Flood Defence Committee consisting mostly of elected councillors has long existed. The Regional Assembly was able to lobby coherently, under an agreed line, and thus win more funding for flood defence and repair than would otherwise have been the case—due to unity and to demonstrating their competence.
31. Other examples of Chamber influence include East of England's success in persuading the Highways Agency to change their road development plans, taking closer account of regionally identified needs. East of England have also been able to meet the Shadow Strategic Rail Authority, though this has consisted only of advocacy so far. The South-West have made early contact with the chairs of the new Learning and Skills Councils to brief them on the Assembly's position on education.
32. There have so far been few attempts to bring private utilities into regional discussions, despite the possible benefits of their presence. One respondent dismissed the possibility due to their status as private companies. Lack of coterminous boundaries inhibits these possibilities to some extent.

## **Regionalisation at the centre**

33. A useful function which Chamber officers can carry out is to monitor the progress of regionalisation (limited so far) carried out by the Regional Co-ordination Unit (RCU) in Whitehall. Most Chamber respondents are sceptical about the reach of the RCU and









unhypothecated money—in effect, part of the Standard Spending Assessment (SSA)—which means that upper-tier authorities have full power to vire to and from RPG spending. However, the SSA figures do in practice constitute ‘guidance’, and the Regional Planning Bodies have to account to DTLR for their spending of the money.

10. The sums allocated to each region under the SSA are shown in Table 2.

<p><b>Table 1: Regional Planning Guidance allocation</b> <b>2001-02<sup>12</sup></b></p>
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transport investment, taking due account of regeneration and sustainable economic development objectives.<sup>14</sup>

This document also introduced public hearings on RPG, which are now standard practice.

13. The current position of Regional Planning Guidance is shown in Table 3 (bold in the furthest column right indicates that the paper has appeared):

<b>Table 2: Regional Planning Guidance<sup>15</sup></b>			
<b>Region</b>	<b>(number of Draft to Sec</b>	<b>guidance note)</b>	<b>State</b>





have worked closely with a wide range of transport and transport user interests and this should ensure that the RTS represents a broad consensus on the key transport issues at the regional level.<sup>21</sup>

24. However, the rejection of the Hastings Multi-Modal Transport Strategy illustrated that Ministers are far from regarding Chamber decisions as binding. The Hastings MMS had been agreed by SEERA (South-East England Regional Assembly). It had attracted some national press attention at the time of its agreement due to two proposed bypasses around Hastings: these had allegedly attracted the attentions of environmental protesters.

for a group with limited resources, and it is likely to be some time before clear recommendations can be made.

28. The Chambers' health role has been overshadowed by the announcement, in April 2001, of the Secretary of State's intention to replace the eight regions and about ninety health authorities with four super-regions and some twenty-eight 'strategic health authorities'. It also seems likely that responsibility for public health will remain at standard regional level, possibly within Government Offices.<sup>24</sup> It is very unfortunate that the opportunity to standardise NHS regions was not taken as part of this latest reorganisation.
29. The Government White Paper *Saving Lives: Our Healthier Nation*<sup>25</sup> set up a Public Health Observatory in each of the NHS regions (most of which are not coterminous with the standard regions). The health observatories receive core funding from the Department of Health, and are able to maintain small staffs, often on secondment. There are also close relationships with regional universities. In many regions the Observatories have begun to move towards a wider role in production of standardised indicators on the wider determinants of health.
30. East of England, East Midlands, South-West and North-West have launched extra groups to form a wider regional observatory: work is advanced towards the same aim in the other four regions (and in London). In the South-West, the Environmental and Skills 'modules' of the Observatory follow similar structures to that of the Health Observatory: they are not part of the South-West Regional Assembly, and are loose networks with small core staff or secondees rather than substantial single-purpose organisations. Regional-level statistics on health indicators are barely available at present, and it is hoped that this will enable the regional bodies to have a clearer vision of the policy required for the region. However, there is not yet much evidence of substantial impacts in any region. Data collection rather than planning has been the focus so far.

## **Cultural Consortiums**

31. Regional Cultural Consortiums were established in all regions in 1999. They are sponsored by the Department of Culture, Media & Sport. The chairs of the Regional Cultural Consortiums are appointed by the Secretary of State for Culture, Media and Sport, and members are nominated by local stakeholders. Local government is represented on each consortium, though sometimes in a minority. Board members are typically drawn from cultural quangos—Sport England, Arts Councils, library

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<sup>24</sup> A forthcoming report from the Constitution Unit, *Making Health Regional*, will examine these issues in greater detail.

<sup>25</sup> Available at <http://www.official-documents.co.uk/document/cm43/4386/4386.htm>, published July 1999.

commissions, museums councils, English Heritage, regional Tourist Boards, RDAs, Regional Chambers and local councillors; there are normally also some 'independent' members.

32. The Cultural Strategies, which all Consortiums were tasked to produce in 2000, are



## Europe

35. The business of obtaining EU structural funding concentrated minds effectively within the Regional Chambers. East of England interview respondents stressed the value of regional working in allowing the region to carry out an internal bidding process, which led to region-wide support for four successful bids for Objective 2 status. In the previous round several bids had gone forward, with far less success, in the East: they had all been supported solely by local authorities. The South-West experienced a similar outbreak of regional harmony over support for Cornwall's Objective 1 status.
36. European involvement extends further than structural funding, however. If several

## 4. Finance

1. The DETR consultation paper *Strengthening Regional Accountability*, published in March 2001, proposes a fund of £5 million for the work of Regional Chambers: each region will be allocated £500,000, with a further £1m fund for collective projects to be shared between the eight Chambers. The £5m funding was confirmed in place for three years in July 2001 by the new local and regional government minister Nick Raynsford. The collective projects money will be co-ordinated by the English Regions Network (ERN): the bid which they have submitted for it is analysed below.
2. The bids must be submitted via Government Offices (for comments), and GOs will make quarterly reports back to central government on the use of the money by the Chambers, and will be responsible for an annual audit (likely to be carried out by the Audit Commission or other independent body). But DTLR is unlikely to intervene in Chamber spending plans unless they appear particularly inappropriate.
3. The £1m collective fund will be in place only for the first year. Thereafter the exact allocation of the £5m will be more flexible. The guidance note indicates that all regions will again receive at least £500,000, but also that a collective fund of more or less than £1m could once again be made available: the regions' views will be taken into account.
4. Aside from this funding, Chambers' major source of income has been (and is) local authority subscriptions. These are set at a level which includes notional contributions to the Chambers for RPG work, though this element is never itemised and cannot be

Department of Culture, Media and Sport, and Sustainable Development Round Tables gain some funding from Government Offices. Public Health Observatories obtain some central support. This funding is small compared to the overall sums of money available to Chambers, though: the only budget which would make a substantial difference in this case is the notional source allocations of RPG mentioned in paragraph 3.10.

8. On the other hand, it is possible that many of the contributions from regional partners would rapidly dry up if the Chambers were given authority over all these different sources of funds. Contributors to a regional health observatory programme, for instance, might lose their incentive to continue their contribution unless they knew that their money was indeed being spent on the Observatory. Such a change could only have a very limited effect given the relatively small amounts of money available to Chambers; though some partners could certainly be sounded out on such a move if it was thought that they benefited from the general success of the Chamber and not only one facet of it.
9. It is possible that the Cultural Consortiums and Sustainable Development Round Table, meanwhile, might benefit from both sharing funds and sharing a secretariat (or being co-located) with the Chamber. All these bodies would derive greater strength from unity: although some Chambers indicate that these bodies are more effective when they are independent and non-partisan, this independence would not necessarily be compromised because of their funding being made available via the Chamber. Similar relationships exist across government.
10. Some interview respondents felt that the dominance of local authority money inevitably leads to a conflict of interest, in that Chambers' ability to focus on regional issues rather than local ones will be impaired. It also reflects, of course, that Chamber

## **5. Chambers' funding bids: the priorities**

1. The proposals made by the eight Chambers for the use of their £500,000 central government funding (see paragraph 4.1) show substantial similarities. Below we examine six areas which are claimed as priorities by most or all of the Chambers for

5. North-West also sees scrutiny as a wider process than merely critiquing the RDA: it is linked with monitoring economic and social indicators and identifying targets for future achievements. Resources would be provided to allow partner organisations—not just the Chamber—to undertake the research and outreach work connected with effective scrutiny. They propose a ‘scrutiny suite’ where “using the Assembly existing offices as a base the above organisations and posts will share a suite of hot desks, and ICT equipment. Operational support will also be provided.”<sup>29</sup> A Senior Scrutiny Officer will be employed.
6. East Midlands, meanwhile, though they have yet to agree a formal definition, appear to view scrutiny as being similar to joint working: they envisage formal meetings between the East Midlands Assembly and the RDA, but also “regular staff interaction at all levels and joint working on projects and studies.”<sup>30</sup> On the other hand, scrutiny “does not solely comprise retrospective assessment of *emda* [East Midlands Development Agency] activities”,<sup>31</sup> a phrase which leans back towards the pro-active approach envisaged by North-East.
7. Slightly surprisingly, there are very few indications in the bids that Chambers intend to move towards scrutiny of other regional organisations. In some instances, though not all, this might create conflict, as some bodies (such as NHS regional boards) sit on Chambers; others enjoy good working relationships with the Chambers, and both sides might be unwilling to adopt the more inquisitive approach that the word ‘scrutiny’ implies.

## **Sustainability**

8. Sustainable development is a classic cross-cutting issue, and features strongly in all regional strategies. Many regions want extra resources in order better to monitor the progress made against their sustainable development frameworks. East Midlands, however, stated in their bid that this would not be possible with the level of resource available, and recommended discrete funding of the Sustainable Development Round Table, which could continue to act as an independent body.
9. North-West, meanwhile, is to appoint a Senior Sustainability Policy Officer to spread awareness of the region’s sustainable development framework, plus four further posts to promote the framework’s adoption amongst regional partners and within the Assembly.

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<sup>29</sup> North-West Regional Assembly, *Challenging Imbalance, Championing Inclusion*, p.5.

<sup>30</sup> East Midlands Regional Assembly response, paragraph 3.8.

<sup>31</sup> East Midlands Regional Assembly response, paragraph 3.7.

## **Data collection and analysis / Regional Observatories**

10. It was suggested in the interim version of this report, on the basis of interview data, that research and data collection would be a priority use of any new money available to the Chambers. All the proposals attached strong importance to gathering statistics in agreed formats by which regional progress could be monitored and targets agreed. In most cases this is being done via a Regional Observatory. These bodies are described in the Policy section: they are partner-driven, not creations of the Chambers, and their work is freely available to all contributing partners.
11. This has been a recent theme in the South-East in particular, probably reflecting its rather un-grounded boundaries: statistics for that region are unlikely to be easily available. South-East refers to the process as a 'regional intelligence network', which expresses better the inter-organisational nature of the Observatories. South-East also aims to produce GIS-based information systems accessible through its website.
12. South-West similarly proposes to appoint four staff to increase research capacity, though it is not clear whether these staff will directly work as part of the Regional Observatory. It is likely that information will flow freely between the Chamber and the Observatory, however.
13. The need to continually monitor the various regional plans, particularly RPG and the REDS, was an important factor in the prioritising of regional research. Most regions plan early reviews of at least some of their strategies. In part this is due to their long-term nature: RPG, for instance, has a shelf-life (at least notionally) of twenty years, although it is now subject to continuous review. But it may also reflect the flux of current regional governance arrangements. The new funding enables Chambers to continue the process of dovetailing the raft of regional strategies which have sprung up since 1997. The need to reduce fragmentation of regional policy is a constant of the regional debate, and occupies much of the time of relatively poorly-resourced Chambers.

## **Member support**

14. The previous report noted that, in some regions, social and economic partners lacked the resources (both time and money) to make as full a contribution as they might, and also the positive reaction from local government to their presence in the Chambers. Most Chambers propose to allocate part of their funding to financially supporting the social and economic partners. North-West has allocated £50,000; East Midlands allocates £35,000 (for all members). The bids do not specify whether some form of attendance allowance is envisaged, but this might fall under the general heading of 'support'. North-West suggests secretarial and research capacity, a newsletter, and meetings / seminars. South-West aims to provide 'administrative support' and travel expenses. South-East intends to "ensure [SEPs'] full participation in Assembly business

and explore ways of enabling them better to represent the constituencies from which they are nominated”.<sup>32</sup>

## Communications

15. Another cross-cutting theme, which has already been substantially touched on, the desire to improve communications took a number of forms. Many regions wanted to take forward some kind of marketing programme, raising awareness amongst the public and amongst institutions of the Chamber. South-East and South-West proposed newsletters for this purpose.
16. Websites were also particularly important. The Chambers have been slow to make full use of the Internet, probably due to their lack of staff. At the time of writing the state of Chamber websites is shown in Table 5:

<b>Region</b>	<b>Website</b>	<b>Comments</b>
North-East	Yes	<a href="http://www.northeastassembly.org.uk">www.northeastassembly.org.uk</a>
North-West	Yes	<a href="http://www.englandsnorthwest.com">www.englandsnorthwest.com</a> , a joint initiative with regional partners. Hard to separate out Chamber / Assembly issues.
Yorkshire & Humberside	Yes	<a href="http://www.rayh.gov.uk">www.rayh.gov.uk</a> : local authority association with Chamber details. Chamber website under construction.
West Midlands	No	A single page on the WMLGA website; though other (un-indexed) documents are available elsewhere on that website
East Midlands	Yes	<a href="http://www.eastmidlandsassembly.org.uk">www.eastmidlandsassembly.org.uk</a>
East of England	Yes	<a href="http://www.eelgc.gov.uk">www.eelgc.gov.uk</a>
South-East	Yes	<a href="http://www.southeast-ra.gov.uk">www.southeast-ra.gov.uk</a>
South-West	Yes	<a href="http://www.southwest-ra.gov.uk">www.southwest-ra.gov.uk</a> : still under development

17. South-East has particularly ambitious plans to open bulletin boards on its websites, to allow various partners to post messages and exchange information relating to policy. South-West also wants to use their website as a “vehicle for the exchange of views and information”.<sup>33</sup> North-East relates the use of the website to scrutiny—a further definition of ‘scrutiny’ as information exchange. North-West proposes an interactive website with a “public discussion forum”, which will “facilitate capacity building and

<sup>32</sup> South East England Regional Assembly, *Building Confidence*, paragraph 2.

<sup>33</sup> South-West Regional Assembly proposals, paragraph 2.2.

the strengthening of networks amongst regional stakeholders”.<sup>34</sup> A single web designer is to be appointed.

18. South-East is one of the few Chambers to mention regional identity in its bid:

The aim to build the identity of the region, which is shared by our regional partners, goes hand-in-hand with our effort to build the profile of the Assembly itself.<sup>35</sup>

19. This will be done, initially, via increased promotion of media coverage and through public opinion surveys, though there are no details in the bid about what regional identity is or how it might be measured. Surveys are also suggested in the South-West, which emphasises the Chamber’s role as a regional voice. It may be no coincidence that these are two of the least coherent regions in England, but this does not mean that identity in other regions will take care of itself.

### **Other**

20. There were a variety of ‘other’ proposals in each region. Joint working with the Learning and Skills Councils, and Local Strategic Partnerships, was mentioned in a few bids. There was a clear desire to ensure that Chamber initiatives did not cut across the work of these important sub-regional players. The North-East devoted a subsection in its bid to learning and skills: it was not otherwise typical for the bids to discuss policies which fell outside the ambit of Chamber responsibilities.

21. Most notable was a bid (costed at £50,000) from the North-East to investigate models for elected regional assemblies. Though the North-East is accepted to be the ‘vanguard’ of the English regions with regard to establishing an elected assembly, to bid to use money nominally hypothecated for scrutiny of RDAs for this purpose is a bold move. It could conceivably be argued that investigating directly elected assemblies is targeted towards improving scrutiny, and



## **English Regions Network bid**

23. The £1m fund for 'collective projects'<sup>37</sup> will be administered by the English Regions

Ministers are not, however, expecting the chambers to bid for funds to replace the support they currently receive from local government (or others) in the regions.<sup>39</sup>

28. A mixture of funding helps to ensure that Regional Chambers do not become, and are not perceived, to be dominated either by central or local interests. Funding the Chambers only through an expanded central grant could compromise their independence.
29. A further financial development which could be considered by central government is the provision of its contribution towards development of RPG direct to the Regional Chambers. At present it is paid to local authorities, who may retain some or all of it to fund their contribution. It seems perverse that funding for *Regional* Planning Guidance should be provided at local level: the notional budgets displayed at paragraph 3.10 indicate that this change could have a significant effect on Chambers' capacity. Clarification of SEP roles in development of RPG would need to accompany this, however, not least because many of them might have conflicts of interest; an enforceable code, such as applies to local authority councillors, would be required.
30. It might be possible to consider operating the £1m fund for collective projects on a match-funding basis, although this would depend upon the future of the collective fund. At present the Government has indicated that the collective fund will be ended for years 2 and 3 of the current funding. In practice it is likely that there will be some overlap between the regions' and ERN bids in the current year.

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<sup>39</sup> DTLR, Guidance Note 6: Regional chambers' £5m fund: Guidance note on processing bids, paragraph 12

## **6. Use of powers of direction and other statutory functions**

1. Regional Chambers are likely to exist for some time in their current form: debate over replacing them with elected assemblies is not yet far advanced. Could they make use of statutory powers already in existence to enable more effective regional working and extend their own capacity? Statutes relating to many of the NDPBs acting as regional partners, and to local government, contain some widely-drawn provisions for consultation and joint working. They fall into the following categories:

- provisions entitling local authorities to be consulted on NDPB policy, or to

5. The reach of such acting in concert is potentially vast, and it is beyond the scope of this study to investigate its potential. But it is of particular interest with regard to the power of general competence contained in the Local Government Act 2000. This power, with reservations, allows local authorities to do anything to enhance the environmental, social or economic well-being of their area (s1). It also specifies that they may take actions which have effects outside their area (s2). The Government guidance note suggests that this might lead to:

initiatives at the regional, cross-regional and sub-regional level (such as the provision of sub-regional leisure facilities, or to address issues which do not recognised administrative boundaries, such as the prevention of pollution and the conservation of biodiversity).<sup>41</sup>

6. The power cannot be used to do things which are specifically prohibited by other Acts, or to raise revenue. Concerted use of this power by Regional Chambers could have very significant effects (although the Secretary of State has watchdog powers).<sup>42</sup> The Act also allows the Secretary of State to revoke Acts of Parliament in order to permit the use of the power of competence, in order that innovative use of the power is not stifled. Local authorities in a region could request jointly a particular revocation.
7. Local authorities could also explore the delegation of executive power to a regional joint board. This would have to exclude social and economic partners from having voting rights. Alternatively, a company or a trust could be set up to carry out certain functions, in which case a variety of regional partners could be involved.

### **Economic development / regeneration—monitoring the RDA**

8. The only legislation available here is the RDA Act, cited in paragraph 2.2. This is the clearest available power of consultation and would form an appropriate template for future statutory developments.

### **Regional Planning Guidance**

9. RPG is drafted under the Town & Country Planning Act 1990. The Secretary of State is obliged to consult with regional planning bodies (s20), as takes place under current arrangements.
10. Regional Planning Bodies have the same rights as local authorities to make compulsory purchase orders as conferred on local planning authorities under s226. They also share an array of consequential powers at s227, 229, 230, 233, 235, 236, 238, 239, 240, 242 and 244 (3).

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<sup>41</sup> DETR, *Power to Promote or Improve Economic, Social or Environmental Well-being*, March 2001, paragraph 52.

<sup>42</sup> Local Government Act 2000, s.3

11. A range of powers, unlikely to be used but still present, is available to the Housing Corporation. Set up in the Housing Act 1964, the Corporation must comply with any general directions given by the Minister (s1). The Minister could therefore choose to direct the Corporation to consult on regional housing provision with the Chamber: but it is uncertain whether this would add anything to the current requirement for the Chamber, as Regional Planning Body, to produce housing requirement projections.

## **Sustainable development**

12. Statutes relating to the various environmental NDPBs have a number of provisions which Regional Chambers could make use of. The most straightforward is in the Environment Act 1995 s4 (5):

The power to give guidance to the [Environment] Agency under this section shall only be exercisable after consultation with the Agency and such other bodies or persons as the Ministers consider it appropriate to consult in relation to the guidance in question.

13. This Act also gives power to set up flood defence committees: these are presently constituted (by statutory instrument) on the very non-co-terminous Environment Agency boundaries (which relate to river plains rather than standard regional boundaries).
14. The Countryside Agency (formerly Commission) is permitted to consult with appropriate bodies, specifically local planning authorities (Countryside Act 1968, s.2). And the Order transferring functions to the newly-formed Agency (SI 1999/416) specifies that the Secretary of State can direct the Agency as to the exercise of its requirement to keep the Secretary of State informed about rural economic and social development matters.
15. English Nature (formerly the Nature Conservancy Council) can be given general directions by the Secretary of State as to the exercise of its functions (Environmental Protection Act 1990, s131 (4)). An amendment to this Act (the Waste Minimisation Act 1998) permits waste disposal authorities to do anything contributing to the minimisation of waste (i.e. a general power of competence in the specific function of waste). This might function as an enabling provision vis-à-vis waste policy. Planning Policy Guidance note 10 (PPG10) requires RPG to incorporate a regional waste policy.

## **Transport policy**

16. The Highways Act 1980, which gave responsibility for upkeep of trunk roads to the Highways Agency, contains other sections permitting the Minister to delegate trunk road functions to upper-tier local authorities at his/her discretion. This would be a close rather than arm's length relationship; the Minister must approve any expenditure and works proposed by the county authority. Section 8 permits agreements between upper-tier authorities to share trunk road responsibilities, as long as their boundaries adjoin one another. Therefore it would be theoretically possible for the upper-tier



### **Other: education and skills**

25. The remaining statutory powers of interest to regional chambers can be found in various education and skills acts.
26. The Further and Higher Education Act 1992 set up the Higher Education Funding Council (HEFCE), and makes two provisions relating to consultation. Section 66

## 7. Options for change for the Regional Chambers

1. The conditional nature of the majority of the provisions in the previous section emphasises the Chambers' continuing reliance on goodwill and co-operation. Until this is no longer easily forthcoming from regional partners, there is no good reason to 'fix' the current state of affairs when it is not broken. But, as regional capacity increases, so will regional ambitions. Decisions will need to be made about whether (if at all) to facilitate regional ambition through a network of voluntary agreements, or whether a firmer statutory basis for Regional Chambers could be considered.
2. The forthcoming White Paper on elected regional government is expected to provide for directly-elected assemblies in regions where approved by a referendum. It is particularly important that the continuing role of Chambers, in those regions where that does *not* happen, is clarified. It would be possible for this White Paper, and any consequent Bill, to contain clear statutory arrangements for Chambers *alongside* any proposals for directly elected regional assemblies.
3. Much of this Bill would consolidate previous enactments, orders, and guidance, but it could also bring together proposals such as those made in the Finance and Statutory Functions sections of this paper. Below we set out a number of measures which such a Bill might consider:

- **Definition of Chambers.** This would rehearse the statutory existence and designation procedure of Chambers—most likely as *bo4cmbers*—most likeou-1.64.6(lypn



also be obliged to appear before any scrutiny hearings that the Chamber chose to call. A draft Schedule is provided in Appendix 1.

- Statutory strategies. The REDS, Cultural Strategy, Regional Planning Guidance, Sustainable Development Framework, Regional Transport Strategy, and possibly others such as a skills strategy and the Regional Housing Statement, could be consolidated and given statutory force. Central approval might or might not be required, including for RPG; call-in powers over planning applications might also be considered.
- Funding. If RPG fully became a Chamber responsibility, funding for it would be paid directly to the Chambers. Chambers would be free to decide for themselves what proportion to pass on to local authorities. This would require amendment of the Town and Country Planning Act 1990.
- Regional Cultural Consortium and Sustainable Development Round Table.

5. Though these suggestions are made in the context of a White Paper and a possible Bill, the vast majority of the above recommendations could be put into practice without the

- That the RDA will consult the Chamber on all its strategies (this is already required by the RDA Act; but its inclusion symbolises a co-operative rather than combative approach to this duty);
  - That the Chamber will take account of the RDA's economic strategy in its own strategies, and consult the RDA on them;
  - That the GO will act as a two-way conduit, relating regional concerns to the centre and central concerns to the regions;
  - That the GO will also take regional strategies into account as far as possible.
10. They also each include separate provisions. The North-West specifies RPG, the regional Sustainability Framework and the Regional Transport Strategy as arenas for co-operation, and commits all three organisations to an annual conference. It also commits all three to monitor their progress by means of the Regional Intelligence Unit. The North-East stresses a 'common vision' and 'openness and honesty', provides for quarterly formal meetings between the chair / vice chair of the RDA and the Chamber, and allows the Chamber to invite the RDA chair to address them once per year.
11. The West Midlands concordat, meanwhile, commits the three organisations to a common aim—"to secure the protection and improvement of the quality of life of the population of the West Midlands Region". This is to be done via four key objectives—economic development, social inclusion, sustainable development, and transport. It then sets out specific policy priorities in an annex. These are: a revised regional framework; affordable housing; better access to and provision of culture and leisure; increased skills / education; improved public safety and health; the environment; Europe; ICT; involving SEPs; 'valuing diversity'. A second annex stresses partnerships, allocating responsibility for particular aspects of each policy area to the various regional bodies. It claims that "this annex is both descriptive of the current situation and aspirational in terms of developing future regional partner activities."
12. The Concordats do not go significantly further than what would be necessary for the regional institutions to function as they are required to function. However, their existence demonstrates the reality of the goodwill already referred to in this report. An agreement (though not binding) between a branch of the civil service, a quango, and a voluntary regional group is an unusual commitment for three very different types of organisation to make. The existence of concordats thus provides a symbolic, as well as a real, basis for further joint working and joint ownership of the regional policy agenda.

### **Strategic Regional Assemblies**

13. Press speculation, together with a few available Ministerial statements in the eight months leading up to the 2004 election, suggests that the Government is likely to

Chamber with the full range of powers proposed in this paper would resemble in many ways a ‘strategic regional assembly’.

14. The recent Constitution Unit report *Unexplored Territory: Elected Regional Assemblies in England* analysed three different models of elected assembly, including an elected ‘strategic model’, and attempted to sketch out the shape of such an assembly in greater detail.<sup>44</sup> The report concluded that the case for an elected strategic assembly was unconvincing. Table 6 (reproduced from *Unexplored Territory*) shows the relationships and responsibilities of a strategic assembly as proposed in that report.
15. It seems unlikely that an elected assembly, with a set of strategic responsibilities (and possibly control of the RDA) akin to the Greater London Authority, would add a great deal to an enhanced Chamber as proposed here. The only problem—though certainly not one to be dismissed lightly—would be the lack of democratic legitimacy of a Chamber with these powers, though this depends to some extent on what strength and influence ‘strategic powers’ allow (which is not clear from government statements).
16. Also, the proposals for Regional Chambers made in the present paper are not dissimilar to those in the Millan Report of 1996.<sup>45</sup> That report envisaged a far stronger role for Regional Chambers: they were to appoint the RDAs’ boards and set a regional ‘plan’ (distinct from the RES), as well as setting strategies for ‘Regional Skills Agencies’ (these eventually became the local Learning and Skills Councils). The Millan Report also recommended early strengthening of Government Offices and reshaping of executive bodies’ boundaries to standard regions (though leaving open the precise shape of the regions). It also recommended that utility regulators be required to consult with RDAs.

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<sup>44</sup> Mark Sandford & Paul McQuail, *Unexplored Territory: Elected Regional Assemblies in England*, 2001, pp 74-80.

<sup>45</sup> Regional Policy Commission, *Renewing the Regions: Strategies for Regional Economic Development*, 1996.



**Table 5: Functions of the Strategic / Co-ordination Assembly**

<b>Portfolio &amp; strategy</b>	<b>Scrutiny</b>	<b>Accountability</b>	<b>Service provision</b>
Economic Development		Regional Development Agency Small Business Service	Regional Development Agency
Sustainable Development (with Sustainable Development Round Table)		Environment Agency Countryside Agency English Nature English Heritage	
<b>Planning</b> Regional Planning Guidance Spatial Development Strategy	<b>Government Office</b>		
Culture (with Cultural Consortiums) Regional Cultural Strategy		Regional Arts Councils Sport England English Tourist Board Resource	
Europe EU structural funds	<b>Government Office</b>		
<b>Housing strategy</b>	Housing Corporation		
Health strategy	NHS Regional Executive		
Training strategy	Learning & Skills Councils		
<b>Transport strategy</b>	Strategic Rail Authority Highways Agency		

## Bibliography

- Andrew Allen, "Overview of Institutions", in ed. Chris Hewett, *Sustainable Development and the English Regions*, IPPR/Green Alliance, 2001
- DETR, *Guidance for Voluntary Regional Chambers*, August 1998
- DETR, *Guidance on preparing Regional Sustainable Development Frameworks*, Feb 2000
- DETR, Planning Policy Guidance Note 11, October 2000
- DETR, Planning Policy Guidance note 13 (PPG13), July 2001.
- DETR, *Power to Promote or Improve Economic, Social or Environmental Well-being*, March 2001
- DETR, *The Future of Regional Planning*, February 1998
- DTLR, *Guidance Note 6: Regional chambers' £5m fund: Guidance note on processing bids*, May 2001
- East Midlands Regional Assembly Bidding Proposal for government funding, June 2001
- Howard Elcock, "A Surfeit of Strategies? Governing and Governance in the North-East of England", *Public Policy and Administration*, vol 16 no 1, Spring 2001
- Halsbury's Statutes of England 2001
- Labour Party, *Environment, Transport and the Regions policy*, 2000
- John Mawson, *Review of the West Midlands Regional Chamber*, December 2000
- North East Regional Assembly, Strengthening Regional Accountability Bidding Proposal, July 2001
- North-West Regional Assembly, *Challenging Imbalance, Championing Inclusion*,
- Mark Sandford, *Next Steps for Regional Chambers*, Constitution Unit, March 2001
- Regional Policy Commission, *Renewing the Regions: Strategies for Regional Economic Development*, 1996.
- Mark Sandford and Paul McQuail, *Unexplored Territory: Elected Regional Assemblies in England*, Constitution Unit, July 2001.
- South East England Regional Assembly, *Building Confidence*, July 2001.
- South-West Regional Assembly bid for Government funding, July 2001
- DETR, *Strengthening Regional Accountability*, March 2001





## Appendix 1: Schedule of Quangos and their boundaries

<b>Quango</b>	<b>Coterminosity of boundaries compared with standard regions</b>
Arts Council of England	Different (4 identical)
English Tourist Board	Different (4 identical)
NHS Regional Executives	Different (4 identical)
Environment Agency	Entirely different
Highways Agency	Entirely different
Housing Corporation	Four regions based on the standard nine regions
HEFCE	None
Resource	Standard regions by 2004
Learning & Skills Councils	Sub-regional
Small Business Service	Sub-regional
English Heritage	Yes
Sport England	Yes
Countryside Agency	Yes (except London is in SE)
English Nature	Yes (except London is in SE)
Forestry Commission	Yes (except London is in SE)

## Appendix 2: Regional Chambers/ Assemblies: the story so far

<b>Region</b>	<b>Date of formation, designation</b>	<b>Numbers (LG: SEP)</b>	<b>Meetings per annum (sub-groups)</b>	<b>Budget (excluding DTLR funding)</b>	<b>Concordat with RDA and GO</b>	<b>Sub-panels</b>	<b>Staffing</b>
East	12/3/1999, 21/7/1999	<b>42</b> (28:14)	4 (6)	None distinct from EELGC			

## Appendix 3: sections of Acts containing powers of direction<sup>46</sup>

This appendix contains the text from all sections of Acts of Parliament referred to in the main report, in chronological order.

### Housing Act 1964

- “1. (1) There shall be an authority, to be called the Housing Corporation (hereafter in this Part of the Act referred to as “the Corporation”) whose general duty it shall be to promote and assist the development of housing societies, to facilitate the proper exercise and performance of the functions of such societies, and to publicise, in the case of societies providing houses for their own members, no less than in the case of those providing houses for letting, the aims and principles of such societies; and, for the purpose of performing that general duty, the Corporation shall exercise and perform the functions assigned to them by this Part of the Act.
- (2)—Directions of a general character as to the exercise and performance of the functions of the Corporation may be given by the Minister and the Secretary of State [for Scotland] acting jointly and whether or not any such directions have been given as aforesaid, directions of either a general or a particular character may be given—
- a) Where the directions concern the exercise or performance of those functions in England and Wales only, by the Minister;
  - b) Where the directions concern the exercise or performance of those functions in Scotland only, by the Secretary of State;
- And the Corporation shall comply with any directions given under this subsection.
2. (1) The Corporation shall have power to make loans to a housing society for the purpose of enabling the housing society to meet the whole or any part of any expenditure incurred or to be incurred by the housing society in carrying out its objects.
- 3 (1) The Corporation shall have power to sell, or, with the consent in writing of the Minister, to lease, to a housing society, any land which the housing society requires for carrying out its objects and, if the Corporation sell the land, the purchase-money may, under the last foregoing section, be left outstanding as a loan to the housing society.

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<sup>46</sup> Text for enactments since 1988 is taken from [www.hmsso.gov.uk](http://www.hmsso.gov.uk); for enactments prior to 1988, text is taken from Halsbury’s Statutes of England.

- (2) The Corporation may acquire land, whether by way of purchase, lease, exchange or gift, for the purpose of selling it or leasing it to housing societies under the foregoing subsection.
  - (3) The Corporation may with the consent in writing of the Minister clear any land acquired by them under the last foregoing subsection and carry out any other work on the land to prepare it as a building site or estate, including the laying out and construction of streets or roads and open spaces and the provision of sewerage facilities and supplies of electricity, gas and water.
- 5 (1) If, in the case of any housing society, it appears to the Corporation—
- (a) that the society is experiencing difficulty in providing housing accommodation... or is in any way failing to perform its functions as a



of the council of the county or London borough in which the road or land is situated.

- (2) A council shall, in the exercise of any functions delegated to them under subsection (1) above, shall act as agents for the Minister and in accordance with such conditions as he may attach to the delegation, and among such conditions there shall be included the following—
- a) that the works to be executed and the expenditure to be incurred by the council in the discharge of the delegated functions shall be subject to the approval of the Minister;
  - b) that the council shall comply with any requirement of the Minister as to the manner in which any such works are to be carried out, and with any directions of the Minister as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions, and
  - c) that any such works shall be completed to the satisfaction of the Minister.

(6) Where—

- a) any functions have been delegated by the Minister to a county council under subsection (1) above, or
- b) the Minister has entered into an agreement with a county council under subsection (5) above,

the county council may, with the consent of the Minister, enter into arrangements with a district council for the carrying out by the district council, in accordance with the arrangements of such of the delegated functions, or as the case may be, of the functions to which the agreement relates a may be

## **Town and Country Planning Act 1990**

2. (1) If it appears to the Secretary of State that it is expedient that a joint board should be established as the county planning authority for the areas or parts of the areas of any two or more county councils or as the district planning authority for the areas or parts of the areas of any two or more district councils, he may by order—
- (a) constitute those areas or parts as a united district for the purposes of this Act; and
  - (b) constitute a joint board (in this Act referred to as a "joint planning board") as

23(1) A joint unitary development plan or joint proposals for the alteration or replacement of such a plan may be prepared by two or more local planning authorities in Greater London or by two or more local planning authorities in a metropolitan county; and the previous provisions of this Chapter shall, in relation to any such joint plan or proposals, have effect subject to the following provisions of this section.”

***[Non-metropolitan areas]***

31 (4) In formulating their policy and general proposals under subsection (2), the local planning authority shall secure that the policy and proposals are justified by the results of their survey under section 6 of the 1971 Act or any fresh survey instituted by them under section 30 and by any other information which they may obtain and shall have regard—

(a) to current policies with respect to the economic planning and development of the region as a whole;

(b) to the resources likely to be available for the carrying out of the proposals of the structure plan; and

(c) to such other matters as the Secretary of State may direct them to take into account.

48. (1) Where there is a conflict between any of the provisions of a local plan in force for an area and the provisions of the relevant structure plan, the provisions of the local plan shall be taken to prevail for all purposes.”

**Further and Higher Education Act 1992**

“66 (1) Before exercising their discretion under section 65(3)(a) of this Act with respect to the terms and conditions to be imposed in relation to any grants, loans or



## **Environment Act 1995**, establishing the Environment Agency

- 4 (5)- The power to give guidance to the Agency under this section shall only be exercisable after consultation with the Agency and such other bodies or persons as the Ministers consider it appropriate to consult in relation to the guidance in question.”
- 15 (1) ...a regional flood defence committee shall consist of the following, none of whom shall be a member of the Agency, that is to say—
- (a) a chairman and a number of other members appointed by the relevant Minister;
  - (b) two members appointed by the Agency;
  - (c) a number of members appointed by or on behalf of the constituent councils.
- (6) The councils of every county, county borough, metropolitan district or London borough any part of which is in the area of a regional flood defence committee shall be the constituent councils for the regional flood defence committee for that area, and the Common Council of the City of London shall be a constituent council for the regional flood defence committee for any area which comprises any part of the City.
- 40(1) The appropriate Minister may give a new Agency [i.e. in England, Wales or Scotland] directions of a general or specific character with respect to the carrying out of any of its functions.”

## **Primary Care Trusts Act 1997**

- 8 (4) Before making any regulations under sub-paragraph (3) above [relating to employment of staff], the Secretary of State shall consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.”

## **School Standards and Frameworks Act 1998**

- “6 (7) In the course of preparing an education development plan the authority shall consult-
- (a) the governing body and head teacher of every school by the authority;
  - (b) the appropriate diocesan authority for any foundation or voluntary school in their area which is a Church of England, Church in Wales or Roman Catholic Church school; and
  - (c) such other persons as they consider appropriate.
- (8) In its operation at any time before the appointed day (as defined by section 20(7)), subsection (7)(a) above shall be read as referring also to the governing

body of every grant-maintained or grant-maintained special school situated in the authority's area.

- (9) In performing their functions under this section the authority shall have regard to any guidance given from time to time by the Secretary of State”

**Waste Minimisation Act 1998**, entirely an amendment to the Environmental Protection Act 1990

“1. After section 63 of the Environmental Protection Act 1990 there is inserted-

*“Powers of waste collection authority or waste disposal authority in relation to generation of controlled waste. Power to take steps to minimise generation of controlled waste.*

63A.— (1) A relevant authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything which in its opinion is necessary or expedient for the purpose of minimising the quantities of controlled waste, or controlled waste of any description, generated in its area.

(2) Where a relevant authority in England ("the first authority") proposes to exercise any of its powers under subsection (1), it shall before doing so consult about the proposal every other relevant authority whose area includes all or part of the area of the first authority.

(3) In this section "relevant authority" means a waste collection authority or a waste disposal authority."

2. There shall be paid out of money provided by Parliament any increase attributable to any provision of this Act in the sums payable under any other enactment out of money so provided.””

**Regional Development Agencies Act 1998**

“8 (1) If the Secretary of State is of the opinion-

(a) that there is a body which is representative of those in a regional development agency's area with an interest in its work, and

(b) that the body is suitable to be given the role of regional chamber for the agency,

he may by directions to the agency designate the body as the regional chamber for the agency.

(2) The Secretary of State may by directions require a regional development agency for which there is a regional chamber under subsection (1)-

(a) to have regard, in the exercise of its functions under section 7(1)(a), to any views expressed by the chamber, and

(b) to consult the chamber in relation to the exercise of such of its functions as may be specified in the directions.

- 18(1) The Secretary of State may by directions require a regional development agency for which there is a regional chamber under section 8(1)-
- (a) to supply the chamber with information of such description as may be specified in the directions,
  - (b) to answer questions put by the chamber about information supplied to it by the agency and to do so in such manner as may be so specified, and
  - (c) to take such other steps for the purpose of accounting to the chamber for the exercise of its functions as may be so specified.
- (2) A regional development agency shall hold a public meeting within such period after the publication of its annual report as the Secretary of State may by directions specify.
- (3) A regional development agency shall give such notice of a meeting held for the purposes of subsection (2) as the Secretary of State may by directions specify and publish it in such manner as he may so specify.
- (4) The Secretary of State may give a regional development agency guidance and directions with respect to the conduct of a meeting held for the purposes of subsection (2)."

## **Health Act 1999**

10 (1) For sections 43A and 43B of the 1977 Act (regulations as to Part II remuneration) there is substituted-

"Remuneration for Part II services.

43A.—(1) The remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act shall be determined by determining authorities (and they may also determine the remuneration to be paid to persons providing those services in respect of the instruction of any person in matters relating to those services).

(2) For the purposes of this section and section 43B below determining authorities are-

- (a) the Secretary of State, and
  - (b) so far as authorised by him to exercise the functions of determining authorities, any Health Authority or other person appointed by him in an instrument (referred to in this section and section 43B below as an instrument of appointment).
- (3) An instrument of appointment-
- (a) may contain requirements with which a determining authority appointed by that instrument must comply in making determinations, and

- (b) may be contained in regulations.
- (4) Subject to this section and section 43B below, regulations may make provision about determining remuneration under subsection (1) above and may in particular impose requirements with which determining authorities must comply in making, or in connection with, determinations (including requirements as to consultation and publication).”
- 27 (1) Section 22 of the 1977 Act (co-operation between health authorities and local authorities) is amended as follows.
- (2) For subsection (1) (co-operation between Health Authorities and Special Health Authorities on the one hand and local authorities on the other) there is substituted-
- “(1) In exercising their respective functions NHS bodies (on the one hand) and local authorities (on the other) shall co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales.”
- 28 (3) It is the duty of the bodies specified in subsection (4) to participate in the preparation or review by a Health Authority of any plan under this section.
- (4) Those bodies are-
- (a) any Primary Care Trust whose area falls within the area of the Health Authority,
- (b) any NHS trust which provides services at or from a hospital or other establishment or facility which falls within the area of the Health Authority, and
- (c) any local authority whose area falls wholly or partly within the area of the Health Authority.
- (5) In preparing or reviewing any plan under this section, a Health Authority-
- (a) must consult, or seek the participation of, such persons as the Secretary of State may direct, and
- (b) may consult, or seek the participation of, such other persons as they consider appropriate.
- 31 (4) The provision which may be made by virtue of subsection (3)(f) [allowing regulations for ‘prescribed arrangements’] includes provision in relation to-
- (a) the formation and operation of joint committees of NHS bodies and local authorities,
- (b) the exercise of functions which are the subject of prescribed arrangements (including provision in relation to the exercise of such functions by joint committees or employees of NHS bodies and local authorities),
- (c) the drawing up and implementation of plans in respect of prescribed arrangements,

- (d) the monitoring of prescribed arrangements,
- (e) the provision of reports on, and information about, prescribed arrangements,
- (f) complaints and disputes about prescribed arrangements,
- (g) accounts and audit in respect of prescribed arrangements.”

## **Learning and Skills Act 2000**

“17. In carrying out its functions the Council must have regard to information supplied to it by any body designated by the Secretary of State for the purposes of this section.

18 (4) The Secretary of State may by order confer or impose on the Council such supplementary powers or duties relating to the provision of post-16 education or training as he thinks fit.

21 (4) The Council must consult the regional development agencies and local education authorities on the guidance.” [provided by the national LSC to the local LSCs, and consisting of ‘objectives’ and ‘time limits’.]

22 (1) A local council must prepare a plan for each financial year of the Council.....

(4) [The local LSC must consult]...

(b) the strategy of any relevant regional development agency prepared under section 7 of the Regional Development Agencies Act 1998 or published under section 7A of that Act;

(c) any strategy prepared by any relevant local authority under section 4 of the Local Government Act 2000 (strategies for promoting well-being).

(5) In preparing a plan a local council must consult-

(a) any relevant regional development agency;

(b) any relevant local authority;

(c) such other persons as the Secretary of State may specify.....

(10) (d) ‘local authority’ means a local authority as defined in section 1(a) of the Local Government Act 2000 and the Greater London Authority;

(e) a local authority is a relevant authority if any of its area falls within the area of the local council concerned.”

## **Local Government Act 2000**

“1. In this Part “local authority” means-

(a) in relation to England-

(i) a county council,

(ii) a district council,

(iii) a London borough council,

(iv) the Common Council of the City of London in its capacity as a local authority,

(v) the Council of the Isles of Scilly....

2.—(1) Every local authority are to have power to do anything which they consider is likely to achieve any one or more of the following objects

(a) the promotion or improvement of the economic well-being of their area,

(b) the promotion or improvement of the social well-being of their area, and

(c) the promotion or improvement of the environmental well-being of their area.

(2) The power under subsection (1) may be exercised in relation to or for the benefit of-

(a) the whole or any part of a local authority's area, or

(b) all or any persons resident or present in a local authority's area.

(4) The power under subsection (1) includes power for a local authority to-

(a) incur expenditure,

(b) give financial assistance to any person,

(c) enter into arrangements or agreements with any person,

(d) co-operate with, or facilitate or co-ordinate the activities of, any person,

(e) exercise on behalf of any person any functions of that person, and

(f) provide staff, goods, services or accommodation to any person.

(5) The power under subsection (1) includes power for a local authority to do anything in relation to, or for the benefit of, any person or area situated outside their area if they consider that it is likely to achieve any one or more of the objects in that subsection.

3.—(1) The power under section 2(1) does not enable a local authority to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in any enactment (whenever passed or made).

(2) The power under section 2(1) does not enable a local authority to raise money (whether by precepts, borrowing or otherwise).

(3) The Secretary of State may by order make provision preventing local authorities from doing, by virtue of section 2(1), anything which is specified, or is of a description specified, in the order.

(4) Before making an order under subsection (3), the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.

- (5) Before exercising the power under section 2(1), a local authority must have regard to any guidance for the time being issued by the Secretary of State about the exercise of that power. ....
- 5. (1) If the Secretary of State thinks that an enactment (whenever passed or made) prevents or obstructs local authorities exercising their power under section 2(1) he may by order amend, repeal, revoke or disapply that enactment.
- (2) The power under subsection (1) may be exercised in relation to-
  - (a) all local authorities,
  - (b) particular local authorities, or
  - (c) particular descriptions of local authority.
- (3) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.”

### **Health & Social Care Act 2001**

- 7 (1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (2), after paragraph (e) there shall be inserted
 

“(f) in the case of the overview and scrutiny committee or committees of an authority to which section 7 of the Health and Social Care Act 2001 applies, to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning of that section) in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations.”
- (2) This section applies to-
  - (a) any county council,
  - (b) any county borough council,
  - (c) the council of any district comprised in an area for which there is no county council,
  - (d) any London borough council.
- 8 (2) Regulations may make provision under which—
  - a) two or more local authorities may appoint a joint committee of those authorities (a “joint overview and scrutiny committee”) and arrange for relevant functions in relation to any (or all) of those authorities to be exercisable by the committee;
  - b) a local authority may arrange for relevant functions in relation to that authority to be exercisable by an overview and scrutiny committee of another local authority.
- 8 (3) The regulations may in particular—(a) provide for arrangements to be made only in specified circumstances, or subject to specified conditions or limitations”.





