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A New Approach to Local Autonomy

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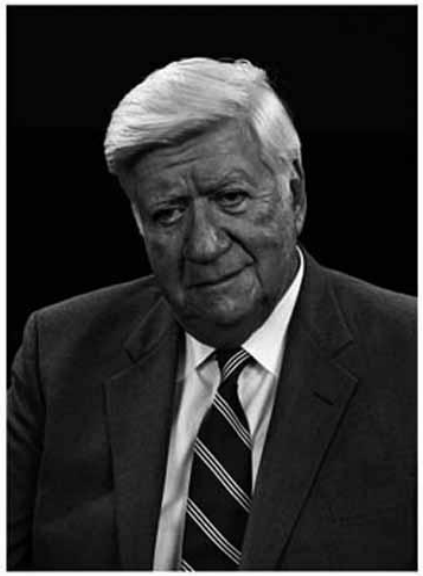
"Tip" O'Neil: Former Speaker of the House of Representatives



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All politics is local

Winston Churchill on being offered the Local Government Board in the1906 Government

There is no place in the government more laborious, more anxious, more thankless, more cloaked with petty and even squalid detail, more full of hopeless and insoluble difficulties

Tom Paine: Rights of Man (of Constitutions) (1791)

A constitution is not the act of a government, but of a people constituting a government; and government without a constitution, is power without right.

How Serious is General Competence?

- **We will give councils a general power of competence** (p.12. The Coalition: Our Programme for Government)
- Reversal of current situation: Power do to anything not prohibited by law.
- A fundamental reappraisal of the relationship between the centre and the localities within a unitary state
- Means greater local autonomy and financial freedoms
  - Power to tax and spend; or, not
  - Ability to experiment and fail (though not be a failure)
  - A different relationship between local citizens and their councils

New Tax and Finance freedoms:1

- Local Income Tax (Belgium, Denmark, Finland, Sweden, Italy, Spain, Switzerland, plus Lyons' Inquiry Report)
- General tax-raising powers, e.g.: dog-tax, passport issuing, sewage tax, revenue from sale of brown-field land for development (Flanders and or Holland)
- Direct tax on Business (Finland)
- Sales tax (various US States, Brazil)
- Tax on self-employed (Germany)
- Entertainment tax (Croatia)

New Tax and Finance freedoms:2

- Local property tax (New Zealand, Holland, etc, etc)
- Tax on land (Denmark)
- Corporate income tax (Germany, Denmark, Spain, Hungary)
- Tax on patents (transferred to councils in Bulgaria)
- Real estate tax (Poland, Brazil)
- Poll tax (Slovenia)
- Tourist tax (Hungary)
- Car tax (Spain, Croatia)
- Inheritance and gift tax (Croatia)

New Freedoms: Local Government as a Governing Institution: 1

- Shift from top-down Parliamentary supremacy to bottom up citizen / popular democracy:
  - English Parliament: vital and no democratic reason against – only anti-democratic reasons
  - Local government size to be reduced: councils to reflect small, geographically distinct and real communities ; no more made up boundaries or names
  - Choice about what services to provide, how to provide them and how to pay for them (mix and match public, private, voluntary, charity, community)

New Freedoms: Local Government as a Governing Institution: 2

- Each council headed by a directly elected mayor
- Council / mayor to have hire and fire powers over the senior executive from other bodies: health authority, police, quangos (that are left!) etc.
- Scrutineers of external bodies with real powers
- Multi-tiered: areas of responsibility resting with parishes, districts and counties and some single-purpose, but elected bodies
- Free to co-operate in any arrangement with other councils at any and all levels, without government interference

New Freedoms: Local Government as a Governing Institution: 3

- Devolution of legislative powers within the confines of the council area; legally binding and enforceable council ordinances: why ban or allow it everywhere?
- Constitutionally protected politically representative bodies
- Power of political decision-making resting at institutional points as close as possible to local communities.
- Legislative power no longer the sole property of the centre, nor can the centre manipulate, at its pleasure or whim, the shape, size, powers, roles, functions, responsibilities, of the localities

But, with Great Power Comes Great Responsibility (Spider-man's Uncle Ben 2002)

- With greater power there is greater need to strengthen accountability and role of the citizen:
  - Mayors and councillors:
    - Shorter terms: 3 years
    - Term limits
    - Right to recall mayors and councillors
    - Right to recall entire council

Great Power: Great Responsibility: 2

- Cede from a council and form new council
  - Or change the boundaries of a council by citizen petition and referendum
- Transfer of decision-making power to citizens: citizen petitions and propositions
- Referendum on council legislation and policy
- Single-Transferable vote (but a proper threshold); or Local list system

Possible Formation

- Local **SELF** Government (Toulmin Smith)
- Local **REPRESENTATIVE** Government
- Local **ADMINISTRATIVE** Government

Pericles c. 495 – 429 BC

Here each individual is interested not only in his own affairs but in the affairs of the state as well: even those who are mostly occupied with their own business are extremely well-informed on general politics -- this is a peculiarity of ours: **we do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all**.

Alexis de Tocqueville: Democracy in America (1994, p:63)

The strength of free peoples resides in the local community. Local institutions are to liberty what primary schools are to science; they put it within the peoples' reach…without local institutions a nation may give itself a free government, but it has not got the spirit of liberty