Decentralisation and the Localism Bill: an essential guide
The Coalition Government is different from governments that have gone before. It is different by its very nature: two parties coming together in the national interest marked a watershed in our politics. But the Coalition is different in its approach, too. No government has ever passed a piece of legislation like the Localism Bill we are publishing this month. Because instead of taking more power for the Government, this Bill will give power away. The Localism Bill, as this guide sets out, marks the beginning of a power shift away from central government to the people, families and communities of Britain.

Of course, Liberal Democrats and Conservatives use different language to explain decentralisation and to fight its cause. The Prime Minister has coined the phrase “Big Society”, while Liberal Democrats tend to talk about “Community Politics”, or simply just “Liberalism”. But whatever the words we use, we are clear and united in our ambition to decentralise and disperse power in our society, and that shared ambition is one of the bonds that will keep our Coalition strong.

Radical decentralisation means stripping away much of the top-down bureaucracy that previous governments have put in the way of frontline public services and civil society. It means giving local people the powers and funding to deliver what they want for their communities – with a particular determination to help those who need it most. And it means doing what previous governments have not dared: reforming the excessively centralised tax system which stifles local autonomy and innovation.

The power shift we want will not happen overnight. We will face opposition from those with a vested interest in the status quo. But we know that dispersing power is the way to improve our public services and get the better schools and safer hospitals we want. Democratic engagement, choice, transparency and diversity will not just make the country more liberal, fairer and more decentralised: they will also help develop the world-class public services people want.

Seven years ago, I wrote a book called *Total Politics*, setting out the case against the growing dominance of central government over the public sphere. I made the argument that bureaucratic micromanagement of our public services is not only inefficient, but also undemocratic. If central government is everywhere, then local decision-making is nowhere – everything is subject to national politics, with nothing left to community leadership.

The Coalition Government has a historic opportunity to redress the balance. But, as I warned in *Total Politics*, localism must be more than a slogan. It must be turned into something concrete and meaningful. Eric Pickles, the Secretary of State for Communities and Local Government, has led the way, driving through decentralising reform from the outset. The Localism Bill builds upon this early progress – by providing an enduring legislative foundation for a new, decentralised Britain.

With particular reference to the Bill, the purpose of this guide is to translate the concept of decentralisation into six concrete actions that can be taken by every department – and every level of government – to return power to the people to whom it belongs.
Executive summary

This guide makes the case for a radical shift of power from the centralised state to local communities, and describes the six essential actions required to deliver decentralisation down through every level of government to every citizen. In particular, we focus on the Localism Bill, which will provide the legislative foundation for change.

From Big Government to Big Society

The Big Society is what happens whenever people work together for the common good. It is about achieving our collective goals in ways that are more diverse, more local and more personal.

The best contribution that central government can make is to devolve power, money and knowledge to those best placed to find the best solutions to local needs: elected local representatives, frontline public service professionals, social enterprises, charities, co-ops, community groups, neighbourhoods and individuals.

Driving decentralisation

The Coalition is therefore committed to decentralisation, which is the biggest thing that government can do to build the Big Society.

Of course, those with power don’t usually want to give it away. So the irony of decentralisation is that it requires a determined programme to ensure that that power is given away to the lowest level.

In this guide, we show how the Localism Bill will provide a vital legislative foundation for this programme – by embodying and enabling the six essential actions of decentralising reform.

Six essential actions

‘Decentralisation’ as a word is easy to pay lip service to. To actually make it happen we need to break it down into the practical steps that each part of government can – and must – take. This guide describes these steps in the form of the six essential actions that have the power to turn words into reality.

The first two actions are the most fundamental, because decentralisation can’t get started without them. They are to:

- **Lift the burden of bureaucracy** – by removing the cost and control of unnecessary red tape and regulation, whose effect is to restrict local action; and
The final two actions complete the picture by enabling local people to take complete control of the process of decentralisation as it affects them in their communities. They are to:

- **Open up government to public scrutiny** – by releasing government information into the public domain, so that people can know how their money is spent, how it is used and to what effect; and

- **Strengthen accountability to local people** – by giving every citizen the power to change the services provided to them through participation, choice or the ballot box.

The rest of this guide sets out the case for decentralisation and describes each of the six essential actions in greater detail.

### Responding to this guide

The actions set out in this guide are embodied in the Localism Bill and are reinforced by reforms being pursued across Government. By summer 2011, we will issue a progress report setting out what each Whitehall department has done to implement each of the six essential actions described above.

This guide is not a formal consultation document. Rather, in advance of a progress report due to be published next year, it sets out the thinking that underpins the Localism Bill and which forms the basis for further action across Government. It is intended as a stimulus to help policy makers within Whitehall and beyond develop ideas for further decentralisation. In the centre this will mean giving power away; in communities it will mean taking opportunities to do things differently.

### Working across Government

Decentralisation is not an agenda confined to a single department. Greg Clark, as Decentralisation Minister, has been tasked with working across government departments to develop and deliver the approach to decentralisation.

Local authorities have two vital roles. They will be the beneficiaries of decentralisation as power is passed to them through the Localism Bill and they will have a vital role in passing power to communities and individuals.

The Department for Communities and Local Government (DCLG) will also work with the devolved administrations in Scotland, Wales and Northern Ireland to learn from the approaches they are taking to decentralisation and to share best practice.

### Welcoming all contributions

We welcome input from anyone with an interest and expertise in the matters presented in this guide. If you have insights or examples that you would like to share with us, then please let us know. Email us at: decentralisation@communities.gsi.gov.uk
The case for decentralisation

“We will be the first Government in a generation to leave office with much less power in Whitehall than we started with. Why? Because we feel the importance of this in our heads as well as our hearts.

“There’s the efficiency argument – that in huge hierarchies, money gets spent on bureaucracy instead of the frontline. There is the fairness argument – that centralised national blueprints don’t allow for local solutions to major social problems. And there is the political argument – that centralisation creates a great distance in our democracy between the government and the governed.

“But we feel it in our hearts, too. We are optimists. We believe that when people are given the freedom to take responsibility, they start achieving things on their own and they’re possessed with new dynamism. Multiply this transformation by millions of people and you’ll get an idea of why we are so passionate about this power shift.”

David Cameron, The Observer, 12 September 2010

Coalition commitment

The Government’s commitment to decentralisation is clearly stated within the Coalition agreement:

“We share a conviction that the days of big government are over; that centralisation and top-down control have proved a failure. We believe that the time has come to disperse power more widely in Britain today; to recognise that we will only make progress if we help people to come together to make life better. In short, it is our ambition to distribute power and opportunity to people rather than hoarding authority within government.”

This commitment represents a turning point in the relationship between government and people – the beginning of a new chapter in our democratic history.

Centralisation has failed

The result of the work of many governments over many decades, the encroaching tide of centralisation reached its furthest extent in the last 10 years. Record levels of spending were channelled through the most sophisticated system of state control in Britain’s history. Elaborate mechanisms of audit, inspection, targets and guidance enabled the centre to micromanage the public sphere to an unprecedented degree. This may have been done with the best of intentions, but it failed:

• Centralisation has not created the excellence in services that the public deserves; despite the availability of resources for improvements, public sector productivity actually fell.

• Fundamental social problems such as inequality and youth unemployment have not been solved.

• Public trust in our democratic institutions has been undermined and most people feel they have little control over the way that public services are delivered in their communities.

The reasons for this failure are similar to those for the failure of earlier governments to manage...
nationalised industries: centralised systems impose bureaucracy, discourage initiative, monopolise resources, suppress diversity, restrict information and bypass those who best understand local needs and priorities.

**The case against decentralisation**

In seeking to turn the tide, the Coalition will encounter resistance from those who benefit – or think they benefit – from the status quo. It is important that the key objections to decentralisation are understood and answered:

- **‘Decentralisation is just a longer word for cuts’** – Decentralisation isn’t about the level of public spending, but who controls it. The benefits of local control apply in all economic circumstances and help to make the best use of available resources.
- **‘Local people are incapable of managing public resources’** – With its long record of waste, central government is in no position to lecture either local government or the voluntary sector on efficiency and competence. The case for fresh thinking from a new direction is overwhelming.
- **‘Nimbys will take over and stop all new development’** – This argument assumes that our highly centralised planning system is delivering the development we need. In fact, new homes are being built at the slowest rate since the war and investment in new infrastructure is falling behind. The only way forward is to embrace decentralised development that is not merely accepted, but actually led by local communities – because local people get to share in the benefits.
- **‘Reducing central control will increase the risk of failure’** – Centralised systems are risk-averse because when they fail, they fail everywhere. However, when innovation is locally led, the consequences of failure remain localised too, while the lessons of success can be learned by other areas – without waiting for the apparatus of central government to creak into action. Decentralised systems, therefore, enjoy the advantages of both speed and resilience.

- **‘Local control will result in a postcode lottery’** – Decentralisation will allow different communities to do different things in different ways to meet their different needs. This will certainly increase variety in service provision. But far from being random – as the word ‘lottery’ implies – such variation will reflect the conscious choices made by local people. The real lottery is what we have now, where one-size-fits-all policies are imposed by the centre whether or not they work locally.

**A gold standard for decentralisation**

By definition, power can only be decentralised by the centre. But with a long history of using power to gain even more power, some might argue it is not in the nature of central government to give it away. And yet the Coalition, itself founded on an agreement to share power, is determined to bring about a profound change in the culture of government across all departments and at all levels.

That is why David Cameron appointed a Minister for Decentralisation to drive this change forward and why the Government is committed to the introduction of a Localism Bill in the first session of the new Parliament.

It is also why we are using this guide to set out a gold standard for decentralisation: six essential actions, which are embodied within the Localism Bill and will be used to drive decentralisation across Government.

This is vital because reform will not work unless all the components are in place. For instance there can be no local innovation without local control of resources. Nor can local decision-making succeed without access to the government data on which informed judgement depends.

What follows is a detailed description of each of these six essential actions – the anatomy of the transformation to which this Government is fully committed and on which more details will be set out in the public service reform white paper.
The case for change

In a centralised system of government the finger of blame always points down. If things go wrong the first assumption is that the fault is one of compliance, not command.

Under previous governments things did go wrong. Record levels of spending failed to produce matching improvements in public services. Trying to put things right, Whitehall became preoccupied with bureaucratic mechanisms designed to enforce, monitor and report on the implementation of their increasingly detailed instructions. For their part, service providers subject to central command became preoccupied with compliance – if only to escape the blame for the failure of central government policies. Far from driving up standards, the effect has been to drive up costs, distract attention from local priorities and squeeze diversity out of service provision.

The burden of bureaucracy must be lifted. Its weight can no longer be sustained by local government or frontline public service professionals, and least of all by the voluntary and community groups who lack the resources and connections required to cope.

The Localism Bill

Though the levers of power are now in the hands of the Coalition Government, ministers must resist the temptation to tinker. The answer to overbearing bureaucracy is abolition, not reform. This is the approach taken in the Localism Bill which will scrap several instruments of top-down control:

- Regional strategies – the Localism Bill will abolish top-down regional targets in favour of democratic local decision-making and replace millions of words of documentation with focused local plans that reflect the local area’s vision.

- The Standards Board regime – The Bill will abolish this costly, centrally-imposed regime, allowing councils to devise their own regimes to govern propriety and behaviour and empowering local people to hold their elected representatives to account.

- The ‘predetermination’ rules – The Bill will end the absurd situation where councillors are prevented from acting on local issues because of the risk of challenge that they are biased.

Wider reform

The Localism Bill builds upon the earlier DCLG decision to abolish the Comprehensive Area Assessment, the Local Area Agreements and the Audit Commission – a hugely complex and expensive system of performance data sets, targets and inspection used by central government to control local government.

Departments across Whitehall are identifying and abolishing other unjustifiable and unaffordable systems of top-down control. A proper distinction will be made between the bureaucracy of micromanagement and the regulation that is required to ensure public safety and protect the vulnerable. But even in the latter case we will ensure that central government powers are applied sensitively and proportionately so that they do not do more harm than good – health and safety legislation serving as a key example.

Action 1: Lift the burden of bureaucracy

“So this is what radicalism means. No more top-down, bureaucrat-driven public services. We are putting those services in your hands. The old targets and performance indicators that drove the doctors, nurses and police officers mad – they’re gone. All that bureaucracy that meant nothing ever happened – we are stripping it away.”

David Cameron, Birmingham, 6 October 2010
Lifting the burden of bureaucracy is the essential first step towards decentralisation. But, while necessary, it is not sufficient. Government must commit to the active empowerment of local communities, not merely cease to disempower them. Decades of disempowering government have suppressed initiative, undermined incentives and multiplied the excuses for not getting involved (or for saying ‘no’ to those who do).

Local people, therefore, need a clear signal from central government that things are changing; and those with the power to help or hinder them need an equally clear signal that change is to be accommodated.

This will be in contrast to the old doctrine of ‘earned autonomy’, in which freedom from top-down control – if it was offered at all – was made conditional on agreement to do the same things in the same way as central government would have done in the first place.

**The Localism Bill**

We believe that the freedom of local communities to run their own affairs in their own way should be seen as a right to be claimed, not a privilege to be earned. The Coalition will embody this principle as a series of specific rights that can be exercised on the initiative of local people.

Some of the most important of these rights will be enacted in the Localism Bill:

- **General Power of Competence** – The Bill will give local authorities a General Power of Competence, allowing them to do anything which is not specifically prohibited by law.

- **Community right to buy** – The Bill will give communities powers to save local assets threatened with closure, by allowing them to bid for the ownership and management of community assets.

- **Neighbourhood plans** – The Bill will radically reform the planning system to give local people new rights to shape the development of the communities in which they live.

**Wider reform**

Additional rights are being developed across the policy agenda. For instance, our Free Schools policy gives parents and teachers the right to set up new state-funded schools in response to local needs. We have also boosted the Right to Request, which gives NHS staff the right to propose and form social enterprises to run the services they deliver.

We also recognise that as well as new rights, communities also need help to exercise those rights – just as ministers need the support of the civil service to exercise their own powers. DCLG is pioneering a radical new approach in which civil servants act as ‘bureaucracy busters’ for community projects, providing local people with the back-up they need to unblock obstacles and achieve their goals.

Placing civil servants at the service of civil society may be a revolutionary concept, but by turning government upside down our aim is to make Whitehall the ally and not the antagonist of local control.
“So it is time to get serious about decentralisation. Politicians must now show that we mean it when we say we are ready to give up power. And we do that one way and one way only: by letting go of the purse strings, because, in politics, power without money is meaningless. Local communities must have more power over the money they spend, including what is raised locally.”

Nick Clegg, London, 16 November 2010

**The case for change**

Our aim of handing power to communities and individuals will only be meaningful if this includes power over budgets.

In the public sphere, as much as the private, money is power – with each stream of funding a reflection of the chains of command through which the centre exerts control. And yet it is at a local level that these funding streams reach the frontline: the point of delivery at which their impact on real people and real places can best be assessed.

By maintaining central control over the local allocation of funds, ministers not only disempower and demoralise the frontline, but also undermine the effective delivery of the broad national objectives for which the centre should be responsible.

For the reasons set out above, we need to renegotiate the financial relationship between central government and local communities.

**The Localism Bill**

In advance of the forthcoming review of local government resources, the Localism Bill contains several provisions to increase the power that local people have over local spending:

- **Council Tax referendums** – The Bill will end the central imposition of Council Tax caps on local government, and instead give local residents the power to veto excessive increases, by requiring local authorities to hold a referendum on any proposed rise above a certain threshold.

- **Business rate discounts** – The Bill will give local authorities the power to grant a discount in business rates, enabling them to respond locally to the concerns of local businesses.

- **Community Infrastructure Levy** – The Bill will require local authorities to allocate a proportion of Community Infrastructure Levy revenues back to the neighbourhood from which it was raised. This will allow those most directly affected by development to benefit from it.

**Wider reform**

The Localism Bill builds on the Spending Review, which removed all centrally-imposed ‘ring fences’ on local government spending except for schools and public health grants. The web of separate funding streams will be simplified from over 90 to under 10.

As well as having more control over individual funding streams, we believe that communities should be able to combine different sources of public money to create pooled budgets to tackle difficult cross-cutting issues within an area. These are known as ‘place-based’ or community budgets. Next year, this radical advance in local control over local spending will be pioneered by 16 areas across the country. We aim to make community budgets available everywhere by 2013.

We will work to allow community budgeting to encompass as many funding streams as possible – so that instead of expecting multiple distant bureaucracies to understand and manage the impact of public spending on so local a scale, decisions can be made freely and flexibly at the frontline instead.

As well as providing resources for reform, funding relationships must also provide fair incentives. When communities succeed in solving problems and saving money, they – and their service providers – should share in the benefits.
The case for change

The right to do things differently in different places means that different people should be allowed to do them.

Public sector monopolies not only limit the choice available to service users, but ration the opportunities available to other potential providers – especially those in the voluntary sector.

Restricting diversity of provision means there is less innovation – and therefore improvement in service delivery; less variation – and therefore response to local conditions; and less competition – and therefore progress on efficiency.

To improve the quality, responsiveness and efficiency of public services we therefore need to break open the public sector’s monopolies.

The Localism Bill

We will work to identify and tackle public sector monopolies across the board, not piecemeal. Our default position is that all public services should be open to diverse provision, with monopoly provision justified on an exceptional basis.

This principle will be embodied in the form of the rights that the Localism Bill will give to new and established service providers:

- **Community right to challenge** – The Bill will give communities a right of challenge to run local authority services. This means that local communities will be able to get more involved in the delivery of public services and shape them in a way that will meet local preferences.

- **Community right to buy** – The Bill will give community organisations greater opportunity to identify and bid for assets of value to them, from which they can deliver existing or new services. As well as empowering communities (Action 2), this will diversify the providers of services and stimulate creative and imaginative new patterns of service and enterprise.

Wider reform

Other reforms to diversify the supply of public services include:

- **Our Free Schools policy** will allow the creation of new educational institutions within the state-funded sector – each of them an individual reflection of the character and needs of their local communities.

- **New Rights to Provide across public services** so that employers will be expected to accept suitable proposals from staff who want to take over and run their service. Already a pathfinder programme is enabling public service workers to become independent employee-led mutuals.

Services should, of course, be regulated for the benefit of those who use and pay for them, but only on the basis of a level playing field in which all providers have a chance to prove their worth. Moreover, standards should apply to outcomes, not process. If new providers can deliver a service that is as good as or better than the public sector then they should be able stay true to their own values and methods.

This principle is reflected in the modernising commissioning green paper – as is the principle that commissioning decisions should be taken as close as possible to the point of need.
The case for change
We want to give local people a bigger say over what happens in their communities. But that won’t work unless they also have access to the information that government needs to make decisions – especially those that should be made locally instead.

Public access to public data provides the evidence base for public pressure and action, both on the part of those proposing new ways to deliver services and on the part of service users thus enabled to make an informed choice. This is what we mean by ‘transparency’: the ability to see how government actually works – or doesn’t work.

Real transparency means releasing the core data that public bodies use to run themselves: information about tangible inputs and outcomes. The prime example of such information is money – specifically the breakdown of what it is that government actually spends our money on.

The Localism Bill
While paying lip service to transparency and openness, recent governments have failed to release detailed budgetary data. We are determined to change this.

The Localism Bill will place a requirement on local authorities to produce, annually, a statement setting out their policy on the remuneration of their chief officers. This builds upon a number of actions we have already taken to put financial information in the public domain:

- We have published the COINS database, which details historical spending by government departments – and which has exposed various examples of waste and profligacy.
- All Whitehall departments now have to publish spend and tender data for all items of £25,000 or more.
- Starting next year, local authorities will be required to publish every item of expenditure over £500. DCLG is already publishing this level of information about its own spending.
- As well as spending data, we will require transparency from public sector bodies on contracts, salaries and staffing.

Wider reform
Alongside financial transparency, we need better information on what public spending achieves. This will be more difficult. The way that such information (for example, on hospital waiting times) is collected and presented can inadvertently – or even deliberately – distort priorities and create a false impression. Constant top-down demands for data to demonstrate compliance with centrally-specified processes not only generate unnecessary paperwork, but also a morass of non-information which conceals real information about the things the public actually care about.

Our approach, therefore, is to focus on outcome, not process, and to release such knowledge into the public domain as raw data – so that anyone can analyse and visualise the information, spot trends and make connections that would otherwise go unseen.
**The case for change**

In a centralised system of government, the direction of accountability is up – from the frontline, to the centre, via the bureaucracy that connects the two.

Accountability is a good thing. But we believe it should point the other way – down to the people who actually use and pay for public services.

There are three reasons why we want to strengthen this democratic kind of accountability:

- Firstly, because it forces service providers to focus on the local people and places to which they owe their first allegiance.
- Secondly, because it gives citizens a good reason to re-engage with what goes on in their communities.
- Thirdly, because it displaces the top-down bureaucracy of accountability to the centre and therefore control by the centre.

**The Localism Bill**

The most obvious way to replace bureaucracy with democracy is through the ballot box. Local voters therefore need more opportunities in which to make their voices heard. The Localism Bill contains a package of democratic reforms:

- **Local referendums** – The Bill will give local residents the power to instigate, via a petition, local referendums on any local issue.
- **Elected mayors** – The Bill will include measures to provide for directly elected mayors to enable 12 cities in England to have mayors from 2012, subject to referendums.

The Localism Bill reforms are complemented by our plans to introduce police and crime commissioners. The policing of our streets is an issue of vital interest to the public, yet police forces are currently overseen by unelected, invisible Police Authorities. We will replace these bodies with elected police and crime commissioners, answerable to ordinary voters.

**Wider reform**

Over time, we will assess and extend these new democratic rights. However, voting is not the only way in which public service providers can be made accountable to local people.

As well as voting at the ballot box, service users should be able to vote with their feet – by choosing new providers if existing providers fail to provide an adequate service. In some areas, choice mechanisms already exist – for instance, individual budgets for some forms of social care. We will work across the public sector to develop and expand this bottom-up model of accountability.

There is a third and even more immediate way in which local people can control what goes on in their communities – and that is direct participation. The reforms outlined throughout this guide – including community budgets and community ownership of local assets – are designed to bring decision-making power to where people are already involved in their communities. Ultimately, the most accessible form of government is self-government. And that is something we must make as achievable in our public lives as it is in our private lives.
### Six actions of decentralisation

| **Action 1:** Lift the burden of bureaucracy | The first thing that Government should do is to stop stopping people from building the Big Society |
| **Action 2:** Empower communities to do things their way | Getting out of the way is not enough, Government must get behind the right of every community to take action |
| **Action 3:** Increase local control of public finance | Government must will the means, as well as the ends, of community power |
| **Action 4:** Diversify the supply of public services | Local control over local spending requires a choice of public service providers |
| **Action 5:** Open up Government to public scrutiny | Public service providers should be subject to transparency not bureaucracy |
| **Action 6:** Strengthen accountability to local people | Public services shouldn’t just be open to scrutiny, but also subject to the individual and collective choices of active citizens |