



## Summary of the review of statutory duties placed on local government

In March 2011, Greg Clark announced that the Department for Communities and Local Government (DCLG) would be leading a cross Government review of statutory duties placed on local authorities by central government. To date, no government has ever assessed the legal duties placed on local government. We have been clear throughout that a key purpose of the review is to build a comprehensive list, and remove unnecessary, old and outdated duties.

The opportunity to comment closed at the end of April.

### Responses

The Review received over 6,000 responses from local authorities, individuals, groups and the private sector covering the breadth of interests. There was a significant interest in removing process-based and bureaucratic duties, as an extract from the Local Government Group's response illustrates below:

*"The review of statutory duties is an important step in moving towards a genuinely decentralised system of governance, lifting the burden of bureaucracy to allow local areas to determine how best to address local issues and concerns."*

Local Government Group

There was also considerable interest in retaining those requirements around services for disabled children, libraries and the provision of allotments. The Government has made specific announcements on these areas of concern and confirmed that it is not the intention of the Government to remove the duties which protect such services.

### We asked you

#### ***What duties are vital to keep?***

A clear outcome of the Review was that respondents, particularly interest groups and the public, used the opportunity to remind central Government of the importance of some duties that they want to see maintained as protections rather than identify duties that could be regarded as unhelpful and unnecessary.

### ***What duties should be repealed?***

From within the responses, there were over 21,000 comments on whether duties could be removed. Ninety per cent were supportive of keeping specific duties, the other 10 per cent made suggestions of duties that could be considered for removal. This information will be considered by the relevant departments and any future consideration of whether to remove specific duties or associated guidance that only serve to create overly bureaucratic burdens on councils will be a separate process, and we will consult further as appropriate.

### ***What burdens have been created through particular duties, and associated regulations and guidance?***

Over 7,000 comments were received on whether a specific duty was considered to create a burden – of these responses 85 per cent felt that a burden was not created. Where burdens were identified, responses focused on the need to remove many of the process-based duties placed upon local authorities which prevent the sensible and effective operation of many services. This information will also be considered by the relevant Government departments.

### ***What duties have not been included on the list and should also be considered in the review?***

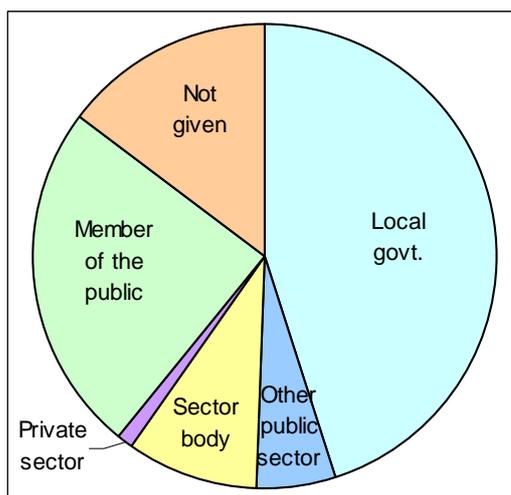
Over 200 pieces of additional legislation were suggested as being applicable to local authorities. These have been checked and the relevant duties have been added to the revised list:

[www.communities.gov.uk/localgovernment/decentralisation/tacklingburdens/reviewstatutoryduties/](http://www.communities.gov.uk/localgovernment/decentralisation/tacklingburdens/reviewstatutoryduties/)

### **The data**

In total, the review directly received 6,103 responses which generated over 23,000 specific comments.

<b>No of Responses</b>		
<b>Organisation type:</b>		<b>%</b>
Local government	10,594	45%
Member of the public	5,748	24%
Not given	3,474	15%
Sector body	2,191	9%
Other public sector	1,274	5%
Private sector	252	1%
<b>Total</b>	<b>23,533</b>	<b>100%</b>



Of the 1,294 duties listed, each received a minimum of two comments.

The maximum number of comments received was 2,947 on the duty regarding allotments that states; *“Allotment authorities (that is, parish councils, or where there isn't one, district councils) must provide a sufficient number of allotments and let them to persons resident in the area (where they are of the opinion that there is a demand).”*

As the initial list illustrated, the range of duties placed on local government is far reaching. The campaigns and media interest generated a great number of responses on a comparatively small number of nevertheless important duties. The greatest numbers of responses, due to the campaign generated interest, were on: planning (including duties regarding allotments), children and young people, and libraries. There was also considerable interest expressed on the themes of Housing, Adult Social Care, Public Health, Environmental Protection, Highways and Road Traffic Management.

By way of sector interest, local authorities' top requests for removal were with regard to:

- local area agreement legislation - these will expire naturally; and
- the Duty to Involve and the preparation of a Sustainable Communities Strategy

### **Next steps**

Your contributions have been collated by DCLG and have been shared across Whitehall for further consideration. This review did not seek to pre-empt the outcomes of other policy-specific reviews being carried out by other government departments.

This exercise has helped to give us a clearer picture of what the “asks” of local authorities, interest groups and the public are and thus develop a more informed view on those areas where these duties are vital and areas where they may no longer be required.

A revised list of duties is attached for reference.

The review has now closed but you can continue to contact us via:

[contactus@communities.gsi.gov.uk](mailto:contactus@communities.gsi.gov.uk)

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