



The **Constitution** Unit

Further Steps for Regional Chambers

by Mark Sandford

supported by

**YORKSHIRE
AND
HUMBER
ASSEMBLY**

Voice of the region

December 2001

ISBN: 1 309309 07 6

Published by The Constitution Unit
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London
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First Published December 2001

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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 first¹ reflected research focusing on 14 interviews carried out in the regions of East of England, Yorkshire and Humberside, and South-West during February 2001. The selected regions were intended to represent diversity of geography and of regional character. In each region, one representative of the Government Office and one of the Regional Development Agency was interviewed, together with at least one from the Regional Assembly secretariat, and between two and four senior members from the Regional Assembly.

Further desk-based research was carried out in July and August 2001. The resulting paper focuses on four areas:

- regional structures and priorities, identifying examples of good or innovative practice;
- examining Chambers' proposals for use of the funding made available in March 2001 by the paper *Strengthening Regional Accountability*;
- examining policy initiatives by the Chambers, focusing on the various strategies they are mandated to produce;
- examining existing legislation, to discover any available power which could be used by Regional Chambers: in particular, powers of the Secretary of State to direct statutory bodies to consult with given organisations.

Since the publication of the initial findings, the Government has committed itself to publishing a White Paper on regional government, between November 2001 and April 2002. This has been presented purely as a fulfilment of the Government's manifesto commitment:

In 1997 we said that provision should be made for directly elected regional government to go ahead in regions where people decided in a referendum to support it and where predominantly unitary local government is established. This remains our commitment.²

The Constitution Unit has recently published a separate report³ on the prospects for and issues around directly elected assemblies in the English regions. However, since it is very unlikely that elected assemblies will be introduced in all regions at the same time, some indication must be given as to the future of regions where Chambers will

¹ See Mark Sandford, *Next Steps for Regional Chambers*, at <http://www.ucl.ac.uk/constitution-unit/reports/reportpage/repnew.htm>.

² Labour Party General Election manifesto, *Ambitions for Britain*, 2001

³ Mark Sandford and Paul McQuail, *Unexplored Territory: Elected Regional Assemblies in England*, Constitution Unit, July 2001.

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

1. Following the creation of the Scottish Parliament, Welsh Assembly, and Northern Ireland Assembly, a variety of bodies have been set up in the regions of England. In one, London, there exists a directly-elected Mayor and Assembly: in the remaining eight a tripartite structure has been created. This consists of the Government Office for the Region (GO), Regional Development Agency (RDA) and the Regional Chamber. The Regional Chambers are voluntary groupings, which may be set up under the RDA Act 1998. Approximately 70% of their membership is made up of local authority councillors, leaving the remaining 30% for representatives of regional stakeholders—such as business, voluntary organisations, and environmental groups. In most regions, the Chambers have been set up on the back of regional Local Government Associations and share a secretariat with them.
2. Once designated, Regional Chambers have a very limited statutory role. In many regions, they have sought to expand beyond the bounds of their statutory responsibilities to a wider regional role. Private organisations and businesses, and also regional statutory bodies, have been engaged in policy discussions. Chambers have established links and partnerships with these organisations, often involving secondment of staff and financial support.
3. Most of the Regional Chambers have re-styled themselves “Regional Assemblies”. The final two remaining as ‘Chambers’, West Midlands, and Yorkshire and Humberside, will also have changed their name by November 2001. The bodies are referred to collectively in this report as Regional Chambers, but when a specific Chamber is referred to its correct name is used. This helps to distinguish them from directly-elected assemblies (which are discussed towards the end of the report).
4. Also, following the 2001 general election, the Department of the Environment, Transport and the Regions (DETR) lost its environmental brief and became the Department of Transport, Local Government and the Regions (DTLR). For the purposes of the issues in this paper, the latter directly succeeded the former, and references to DETR papers and actions should be taken to pertain to DTLR after 8 June 2001.

2. Background

Current findings

1. Regional Chambers are still growing as organisations. Different regions are progressing at different rates, and those regions where “good practice” is in evidence largely owe this to the vision of a small number of individuals. There is no discernible relationship between effectiveness and a strong sense of “regional identity”. The increase of capacity possible through the newly-available central funds has enabled this process of extending capacity to continue. Greater ‘regional capacity’ is perceived as a prerequisite for the Chambers to make a tangible impact on the policy- and decision-making process within government departments and executive agencies.⁴
2. The Regional Chambers have only a weak statutory basis. The only reference to them in statute occurs in the Regional Development Agencies Act 1998:

If the Secretary of State is of the opinion that there is a body which is representative of those in a regional development agency's area with an interest in its work, and 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.

Designation depends upon non-local government representatives, including business and the voluntary sector, comprising 30% or more of the Regional Chamber. All Chambers have now been designated.

3. The remainder of the references to Regional Chambers in the RDA Act merely specify that the Secretary of State can make orders concerning requirements upon the Regional Development Agencies to report to the Chambers. The paucity of statutory references may be a positive situation in that it creates a vacuum of power and influence into which Chambers can move.
4. Regional Chambers have been encouraged to add to their statutory role the responsibility for developing Regional Planning Guidance (RPG). This was recommended in Planning Policy Guidance note 11 (PPG 11):

Given the representation of a range of regional stakeholders on each Regional Chambers, and the latter's role in relation to the RDA under the RDAs Act, it makes sense for the Chamber to take on the regional planning function. Indeed a Chamber supported by a full-time regional planning, monitoring and review team would be in an ideal position to provide the

⁴ One officer suggested, to illustrate this, that her region was not yet ready for an elected assembly as it did not yet have the conceptual apparatus, and experience of regional-level partnership working, to make it work.

necessary leadership to produce and implement an integrated spatial strategy for the region.⁵

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.⁶

5. In many regions this responsibility has been retained by the Local Government Association / Conference, on the basis that elected representatives alone should be responsible for such a significant regional task. RPG is examined in more detail below: a Sustainable Development Framework and Regional Transport Strategy are also mandated, by government guidance, as integral parts of RPG.
6. Besides these two functions, Regional Chambers have constituted themselves as a forum for the discussion of regional priorities and agreement of regional strategies between local authority representatives and other stakeholders. All Chambers have formed sub-panels of varying kinds for this purpose.
7. The roles of Sustainable Development Round Tables, Regional Cultural Consortiums and Regional Observatories are also referred to in this report. These bodies exist in each region. They are relatively poorly resourced, with few staff and a remit to influence regional activities rather than take executive decisions, but they form part of the 'regional capacity' developing in England.

Chamber structures

8. The variety in the size and shape of the Chambers is detailed in Appendix 1. Their structures are similar. All have a chair plus one to four vice-chairs, the choice of whom reflects political balance, and at least one of whom is a social or economic partner. Most have now appointed some form of executive committee, which meets more often than the plenary Chamber. Few Chambers meet more than four times a year in plenary. Most have also formed sub-groups to discuss particular regional issues. These are also listed in Appendix 1: many follow the regional policy areas listed under the Policy section below. Though many executive committee members are full-time local councillors, it would be surprising if any of them had the time (or the inclination) to devote themselves to the progress of their Chamber over against their own local authority.
9. As the ambit of regional chambers is at present so limited, most respondents do not believe that the democratic legitimacy of the Chambers is a significant problem. A few thought that elected assemblies are the inevitable outcome of the Government's regional policy, and that a groundswell of public opinion would become evident when the effects of devolution to Scotland and Wales became more pronounced: in other words, the issue would turn out to be temporary. But the government's near-silence on

⁵ DETR, Planning Policy Guidance note 11, October 2000, paragraph 2.4

⁶ Ibid., paragraph 2.5

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 regions there had been initial suspicion from the local authority members. In most regions they are organised into a coherent bloc with leader and deputy leaders, and they meet as a bloc outside the Chamber. They attempt to present consensual views to the plenary Chamber.
11. Most local authority councillors surveyed were keen that elected assemblies, if they are introduced, should not jeopardise the relationships built with the partners so far. They form a valuable bridge to the private and voluntary sector, which is useful for effective regional working. Their contribution to Chamber business is also refreshingly different from that of local politicians, and in many areas they bring expert knowledge.
12. There is currently no national standard for selection of either local authority members or social and economic partners for appointment to Regional Chambers. The Government briefly referred to the issue in *Guidance for Voluntary Regional Chambers*, which merely stated: "The chambers' constitution should provide for an open process of nomination of non-local authority members, including consultation with regional partners."⁷
13. Many Chambers are able to allocate one place to each member local authority. Some also have arrangements for 'top-up' seats, which both seek to achieve a party political balance and to award extra representation to county (and sometimes unitary) authorities. South-West, North-East and East Midlands operate such schemes. Yorkshire & Humberside and South-East, meanwhile, simply allocate one place to each local authority. East of England uses a complex system by which the three major political parties are invited to propose members: the number of seats is allocated proportionally to the seats received in the most recent round of local election results.
14. The significance of different arithmetic is that the political balance on Regional Chambers can relate to votes cast in the region, instead of local authority control. A Chamber where proportionality according to regional votes was not achieved is, on paper, a colloquium of local authorities first and a form of democratic representation second.

⁷ *Guidance for Voluntary Regional Chambers*, August 1998, no. 683, available at <http://www.local-regions.dtlr.gov.uk/rda/pn/980683.htm>.

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 'constituencies' (e.g. environment, business, trade union, voluntary) of the SEPs in their written constitution.
16. All SEPs sit as representatives of their wider constituency of interest: hence, an officer of the National Trust who sat as the 'environment' representative would be expected to consult other environmental organisations as to their concerns. However, to expect this to work in practice, when these representatives have day jobs and sometimes conflicting interests within their constituencies, may be overly optimistic.
17. The distinction between two types of SEP, representatives of statutory organisations or government agencies in the regions, and representatives of voluntary organisations or pressure groups, is rarely made in the regions. It is common, for instance, for chairs or officers of NHS executives, regional arts boards, or bodies such as the Environment Agency, to sit on Chambers. If independent bodies such as (e.g.) the National Trust are to be considered important stakeholders, there may be a question as to whether statutory bodies should be restricted to bilateral relationships at officer level rather than contributing to political debate in the Chamber meetings themselves—potentially having two bites of the cherry at the expense of independent organisations.⁸ The answer to this question depends upon the general direction of the regional agenda: but giving priority to independent SEPs may be a means to the greater inclusivity which was a strong theme of the Chambers' funding proposals (analysed below).
18. Increasingly common are voluntary arrangements whereby the SEP comes from an umbrella organisation for the relevant constituency. Thus, in West Midlands and South-East the 'culture' representative is on the board of the Regional Cultural Consortium. The voluntary organisations' representative in Yorkshire and Humberside works at the Yorkshire & Humberside Regional Forum, a subscription organisation formed to speak for the regional voluntary sector. The two East Midlands environment representatives come from East Midlands Environment Links, an umbrella organisation for environmental groups. Formation of such groups appears to be a growing trend, enabling constituencies of interest to gain Chamber representation with as much legitimacy as is available to them.

⁸ The Scottish Civic Forum, which can be compared in some ways to the regional SEPs, does not allow statutory bodies, government agencies or for-profit companies to join it.

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 of the Chambers means that often they are restricted to achieving consensus on regional issues—possibly leading to a ‘lowest common denominator’ approach. This may be no mean achievement, but reflects the fact that Chambers in their present form cannot be shaped in the image of local authorities.

Working Relationships

25. Regional Chambers have aimed to reach consensus through discussion rather than to become an explicitly political arena. Despite this, harmony was slow in coming. In Chambers’ early days, local interests had been expressed to the almost total exclusion of regional ones. This was a particular problem in the South-West, where county identity has long dominated: in East of England it crystallised around the SERPLAN-SCEALA boundary. By the time of the advent of Regional Chambers, this situation had settled down: representatives had “got the disputes out of their system” (interview data). As stated already, it may be that when strategic decisions begin to impact on the ground, and decisions need to be made about priorities, relationships will become less harmonious.
26. Chambers’ relationships with GOs and RDAs are also reported as good. These relationships are partly a result of relationship-building between particular personalities, which has been able to take place in the absence of rapid personnel changes in the Chambers. Chambers have had a particular interest in this as influence has been the source of their power. Nevertheless, it has had the effect of developing an embryonic ‘regional capacity’. Some respondents claim that other regional bodies welcomed the regional assembly, to the extent of making the first contact, as a conduit by which they could align their policy with other developments in their region.
27. Secondees moving between GOs, RDAs, Chamber staffs and those of other regional partners promote greater cross-awareness of working cultures.⁹ And most Chambers have successfully aimed, so far, at keeping proceedings consensual: voting mechanisms exist, but are rarely used. The tenor of discussions is that of reaching agreement rather than majority rule. This may be a reflection of the limited role, so far, of the Chambers, but it is a great advantage in developing partnership working and maintaining lines of communication.

⁹ See Scott Greer, *The Real Regional Health Agenda: Networks, Soft Money, and the Wider Determinants of Health in the East Midlands*, Constitution Unit, 2001, for a discussion of the influence of secondees.

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

the impact of the inclusion of DEFRA,¹⁰ Culture Media and Sport, and the Home Office within the GOs. An increase of centralisation of policy is the main fear, and the extent to which powers are devolved by the RCU is seen as a barometer of Ministers' real intentions with regard to the regions. Government Office respondents (and those from RDAs to a lesser extent) are more enthusiastic about the new possibilities for co-ordinated policy that these developments could open up. Assembly officers can monitor the powers which are devolved to GOs, however slim they are, and anticipate their implications for the development of regional policy.

34. Assembly officers can carry out the same task with regard to the arrival of the RDA "single pot", which one RDA respondent described as "of greater significance than the creation of the RDAs themselves". RDAs will have full freedom of virement between budget heads, though they will still have to meet various high-level indicators, from April 2002. Assembly officers have an opportunity to identify, together with the RDA, possible joint policy initiatives, not necessarily confined to RDA and local government initiatives, which could be developed as a result.
35. The reorganisation in Whitehall following the 2001 general election—dispersing responsibility for regions between three departments—has not yet had any discernible influence on the Chambers' relationship with the centre, although the challenge of fuller joining-up at Whitehall level, and co-ordination of regional policy, has not been met more effectively as a result.

¹⁰ Department of Environment, Food and Rural Affairs, previously MAFF (Ministry of Agriculture, Fisheries and Food).

3. Regional Policies

1. Though the Chambers are free to prioritise different policy areas, their concerns show much similarity across the regions. This section breaks down regional policy into a number of areas which have been at the forefront of most Chambers' activities. These approximately correspond to the array of strategies which Chambers are required, in Government guidance (though rarely statute) to produce. They are:
 - Economic development / regeneration—monitoring the RDA;
 - Regional Planning Guidance;
 - Sustainable development;
 - Transport policy;
 - Health and social inclusion;
 - Regional cultural policies;
 - European policy;
 - any other priority areas.
2. A variety of non-statutory strategies are now required from the regions by Government. Sustainable development and transport strategies, linked with Regional Planning Guidance are in place in all regions, whilst each region's Cultural Consortium has produced a strategy. This is in addition to the Regional Economic Strategy (RES) which each RDA must produce. The Chambers have made efforts to dovetail the various different strategies which they are obliged to make.
3. Two regions, East Midlands and Yorkshire & Humberside, produced early Integrated Regional Strategies, which act as benchmarks by which other strategies are assessed. These documents also acted as 'visions' for the region, and were drawn up so as to be able to act as a framework for further policy areas which the Regional Chambers might come to influence. Yorkshire & Humberside was also able to introduce a regional focus to many national policies by using the strategy as a foundation stone for constructive debate. They were able, for instance, to push social and environmental issues to the forefront of Yorkshire Forward's thinking when it produced its first RES in 1999. These early overarching strategies helped to develop 'ownership' of the regional agenda amongst social and economic partners and the other regional bodies (Government Office and RDA).
4. Most importantly, Yorkshire & Humberside's integrated strategy, "Advancing Together", specifies which regional partners are responsible for delivery of each part of the strategy. To some extent this raises the document above charges that it is an exercise in worthy waffle: it deals in specific commitments made by the bodies involved in drawing it up.

Monitoring the RDA

5. The initial Regional Economic Strategies had to be produced in the first six months of the RDAs' existence following their setting up in April 1999. Partly as a result of the tight deadline, there was little regional variation between them: and frequently the chambers' fears that economic concerns would dominate were initially correct. In the two regions where integrated development strategies were in place the process of developing the RES was more consensual from the beginning: there was far less mutual suspicion to overcome.
6. East of England Regional Assembly (EERA) refused to accept the initial RES, though they did not make this public. Disagreements have been kept behind the scenes voluntarily, and EEDA (East of England Development Agency) substantially changed the form of the RES before officially releasing it. One EERA respondent stated that this success was due to EERA negotiating in private rather than declaiming in the press.
7. In May 2001 there was a well-publicised war of words between the East of England Development Agency (EEDA) and the East of England Regional Assembly (EERA) when, for a second time, EERA rejected EEDA's strategy on the grounds that it took too little account of factors other than economic development. It appears that EEDA had intended to ignore the Chamber's view, but was persuaded into dialogue by interventions from government ministers. Such intervention, if it did occur, indicates that Ministers take regional harmony seriously enough to try to achieve it in place of discord; and it also indicates that Ministers do not necessarily regard Chambers merely as democratic tokens.
8. There is some indication that Regional Development Agencies were initially uninterested in consulting local stakeholders and representatives. However, most indication is that they have accepted the idea: as stated below, in many regions there exist joint panels and other forms of joint working. The relationships were in place, and most respondents believe that they have begun to work. Only when the regional economic strategies begin to have tangible impact on development and planning decisions will the real strength of the relationships between RDAs and Regional Chambers be tested.

Regional Planning Guidance

9. Regional Planning Guidance derives from the Town & Country Planning Act 1990. This Act (s2) permits the constitution of joint boards, between upper-tier local authorities, to act as the 'county planning authority' for the purposes of the Act.¹¹ As a consequence, central funding for research and public examination which is part of the planning process is at present still awarded to upper-tier authorities. It is

¹¹ John Tomaney and Peter Hetherington, *Monitoring the English Regions*, Constitution Unit, May 2001, pp16-17

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.

Table 1: Regional Planning Guidance allocation 2001-02¹²	
Region	Amount
South West	£510,000
South East	£920,000
East of England	£590,000
East Midlands	£440,000
West Midlands	£590,000
Yorkshire and Humberside	£560,000
North East	£290,000
North West	£800,000
London	£1,310,000
Total	£6,000,000

11. Between 1990 and 1997 the use of RPG was patchy, with guidance issued shortly after 1990 in some regions but not until 1996 in others. The 1997 Labour administration was quick to issue a series of guidance notes and proposals considerably enhancing the remit (though not the binding power) of RPG. This included PPG11, mentioned above, which recommended that Regional Planning Bodies merge with Regional Chambers. In most regions this has not taken place; a separate grouping solely consisting of local authority members is formed.

12. In particular, the 1998 consultation document “The Future of Regional Planning”¹³ stressed the centrality to RPG of sustainable development and transport (both discussed further below):

To help ensure that land use planning is integrated more effectively with transport at the strategic level it makes sense for RPG to incorporate a regional sustainable transport strategy based upon the promotion of environmentally friendly modes. RPG could also set out priorities for

¹² Source: DTLR Planning Directorate

¹³ DTLR, <http://www.planning.dtlr.gov.uk/consult/future/future7.htm#8>, “The Future of Regional Planning”, February 1998

transport investment, taking due account of regeneration and sustainable economic development objectives.¹⁴

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):

Region (number of guidance note)	Draft to Sec State	Public examination	Target for issue of revised RPG
East Midlands (RPG8)	November 1999	June 2000	Summer 2001
East of England (RPG6)	August 1998	February 1999	November 2000
North East (RPG1)	December 1999	June/July 2000	Autumn 2001
North West (RPG13)	June / July 2000	Feb 2001	End 2001
South East (RPG9)	December 1998	May 1999	March 2001
South West (RPG10)	August 1999	March/April 2000	September 2001
West Midlands (RPG11)	Autumn 2001	Early 2002	Winter 2002-03
Yorkshire and Humberside (RPG12)	Oct 1999	June / July 2000	Summer 2001

14. The proposed changes by the Secretary of State in each region, despite being lengthy documents, are only rarely substantive in nature; far more often they make drafting amendments or agree acceptance of the recommendations of the regional Public Examination Panel. It has to be said that the changes made—particularly given the high-level nature of RPG—do not strongly substantiate the case for central signing-off of RPG by the Secretary of State. Only rarely is the need for consistency with national policy cited by the Secretary of State as a reason for change.
15. Also, though the need for consistency of planning objectives across regions is cited in defence of the current system, it can be argued that this requirement, in and of itself, militates against divergences in practice without which regional input into planning is inevitably a shadow:

[The] process highlights the rather odd status of RPG. Although a local authority consortium has drafted it, it is subject to Ministerial approval,

¹⁴ Ibid., para 7.8

¹⁵ Hansard, 10 May 2001, col 259W. The RPG, draft RPG and Secretary of State comment documents are mostly available either on the DTLR website or on those of the relevant Government Offices.

and once thus approved, it becomes a central government document for which the Secretary of State is responsible to Parliament.¹⁶

16. As such it is almost inevitable that the Secretary of State will want to be responsible for an RPG s/he agrees with, and that s/he will ensure that it reflects national rather than local priorities. National policy is also fed in via GO involvement in the drafting process.
17. Given both these points, there are grounds for questioning the current requirement for central signing-off of RPG—or alternatively, not requiring it to become the property of the Secretary of State after his/her approval. Before the 1990 Act there was no such central ownership of planning. PPG11 states explicitly that there should be an upward flow of information from the regions to the Secretary of State:

In submitting draft RPG to the Secretary of State, the RPB may wish to set out any changes in national policies that it sees as helpful in implementing the draft strategy. Rather than including these advocacy policies in the draft RPG itself, however, they should be included in a publicly available letter or report accompanying the draft. Furthermore, the draft RPG must not be predicated on such changes happening.¹⁷

18. In July 2001 Secretary of State Stephen Byers announced a forthcoming Green Paper ‘later in the year’ on ‘reform of the planning system’. The speech in which the Green Paper was trailed indicated that it would concentrate on local plans and the planning process: little mention was made of regions, except for the vaguest of hints that more of the planning process *could* take place at the regional level.

Sustainable Development

19. PPG11 clarified the Government’s requirement for a sustainable development strategy in each region, as an integral part of producing Regional Planning Guidance. This was to be produced by the end of 2000:

2.25 a sustainability appraisal should be carried out. In carrying out the appraisal, the RPB and other regional stakeholders should have regard to the objectives set out in any regionally endorsed sustainable development framework.

2.26 The appraisal is integral to the production of RPG and as such is an iterative process. It should help enable the emerging RPG to play its part in assisting the economy, reducing social exclusion, enhancing the environment and ensuring the prudent use of natural resources.

20. The requirement for strategy was set out in paragraphs 7.81—7.83 of the Government strategy *A Better Quality of Life*.¹⁸ While the Government stated that the Chambers should agree the sustainable development frameworks, they would have no statutory

¹⁶ 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

¹⁷ DETR, Planning Policy Guidance note 11, October 2000, paragraph 2.16

¹⁸ Quoted at <http://www.defra.gov.uk/environment/sustainable/rsdf/guidance2000/02.htm>

force and would rely on the co-operation of regional partners. Also, there would be no formal process of Government approval, although Government Offices were to “monitor progress, to help ensure that frameworks are broadly on track for completion by December 2000.”¹⁹ In reality, such frameworks would inevitably have to cohere with RPG and the RDA’s regional economic strategy: this implies that the Chamber would be taking on a process largely beyond its control (unless, as in Yorkshire & Humberside and East Midlands, they had had an integrated strategy in place early on).

21. Several regions have set up Sustainable Development Round Tables, or equivalent organisations. Normally these are independent of the Chamber. The South-West SDOT recently renamed itself Sustainability South-West. It is funded by GOSW, the Environment Agency, Countryside Agency, English Nature, and English Heritage, to a total tune of about £43,000 per annum. It has a single full-time member of staff and a part-time secretariat. The members are selected from a variety of organisations and backgrounds. Although working with SWRA, they are emphatically not part of it. The same is true in East of England and East Midlands. East Midlands members are drawn from over twenty organisations, of which the Regional Assembly is only one.
22. The impact of the SDOTs is difficult to gauge. They intend to work by influencing existing organisations rather than creating a grant- or policy-making capacity and substantial bureaucracy of their own: this is reflected in their strategies. This does not mean that they necessarily have no influence; sustainability is generally conceived as a quality that should run across all policy areas. But influence is difficult to exert over several organisations or policy areas at once, as the recent IPPR / Green Alliance report made clear:

Without clear hierarchies or responsibilities, joined-up solutions to complex issues like sustainable development become well nigh impossible. Measurement of progress also becomes more difficult.... When priorities and targets are not met, assigning responsibility is extremely problematic.²⁰

The final sentence in this citation might be applied to many aspects of current regional policy.

Transport

23. Government guidance on RPG specifies also that the planning bodies must specifically produce a Regional Transport Strategy:

In preparing the RTS, the Regional Planning Body (RPB) should identify transport needs and integrated strategies for meeting them. The RPB will

¹⁹ DTLR, *Guidance on preparing Regional Sustainable Development Frameworks*, Feb 2000, paragraph 2.3, available at <http://www.defra.gov.uk/environment/sustainable/rsdf/guidance2000/02.htm>

²⁰ Andrew Allen, “Overview of Institutions”, in ed. Chris Hewett, *Sustainable Development and the English Regions*, IPPR/Green Alliance, 2001, p.15

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.²¹

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.
25. The decision made by DTLR was to support the MMS with the exception of the two bypasses. John Spellar, Minister for Transport, said:

The study did not build a convincing regeneration case for the by-passes—it concluded that although the by-passes could possibly help to generate employment in the area this would not necessarily help those in most need. There would be reduced congestion in some areas of the town but the position would get worse in other areas. Against these rather weak arguments we had to place the evidently severe implications for the environment—two Sites of Special Scientific Interest (SSSIs), an Area of Outstanding Natural Beauty (AONB) and a designated wildlife site surround Hastings.

I have carefully considered the Study and concluded that whilst transport investment is important to the regeneration of Hastings I do not believe the two by-passes are the solution. I do favour tackling the bottleneck on the A21 between Tonbridge and Pembury through a road widening scheme and I believe improvements to rail and bus services will also help.²²

26. SEERA's response was muted, with leader David Shakespeare stating that "it is disappointing that the Government appears to have undervalued the considerable amount of work that has taken place since the study in developing the regeneration package for the area".²³ Politically this decision demonstrates that the approval by Ministers of regional plans remains a real requirement, and that regional institutions are not yet regarded as decision-makers in their own right.

Health & Social Inclusion

27. Overall, there is little evidence so far that health policy has been substantially affected by discussions or plans of the Chambers. The South-East, for instance, has a Healthy Region Forum which, as its name suggests, allows regional representatives to meet one another and "make recommendations to government": but this is a substantial agenda

²¹ Planning Policy Guidance note 13 (PPG13), paragraph 7, July 2001.

²² DTLR press release, 12 July 2001, at <http://www.press.dtlr.gov.uk/0107/0322.htm>

²³ See http://www.southeast-ra.gov.uk/reference_library/news_releases/2001/12jul01a.htm , SEERA press release, 12 July 2001

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.²⁴ 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*²⁵ 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

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

²⁵ 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 aspirational documents, bringing together activity already under way and stressing regional priorities. The Culture South West strategy contains a series of action points, with timescales and tasked organisations. Many of the tasks overlap into other arenas—for instance, a “cross-sector skills initiative” and “culture-led regeneration schemes”. Links with sustainable development and regeneration issues are evident in other regions. Intriguingly, there are also elements concerning “development of the South-West regional image” and “increas[ing] pride by local people in their culture and region”.²⁶
33. Accessibility for the disadvantaged, ethnic minorities and people living in remote areas, as well as conserving the role of cultural activity in education, are common concerns across many regions. Information is also a significant concern. Development of a website and acting as a ‘clearing-house’ (i.e. a point of reference and contact for diverse cultural groups) is a priority for many Consortiums. Mapping regional data is also listed amongst their priorities, though it is not clear whether this is to be done in conjunction with the Regional Observatory. Clearly, partnership working with most other regional bodies is envisaged, for instance bringing a cultural stamp to RDA activities—though it is not clear how this is to be undertaken. But there are no close links with Chambers, reflecting a lack of joining-up in Whitehall.
34. The Cultural Consortiums have a small amount of funding from the Department of Culture, Media and Sport. This varies from year to year (see table). There does not appear to be any particular justification for the wide variations in funding from year to year.

Year	Funding
1999-2000	£35,000
2000-01	£5,000
2001-02	£50,000
2002-03	£125,000
2003-04	£62,500

²⁶ Available at <http://www.culturesouthwest.org.uk/HTML/STRATEGY/strategy/cover.html>

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 Eastern European countries join before the next round of structural funding bids, in 2006, it seems very unlikely that English regions will win significant structural funds again. Lobbying over policy-making at an early stage, and being aware of upcoming EU policy decisions, will be a central role for regions which are active in Europe. Some regions have opened European offices to deal with inward investment. West Midlands was able to find private sector funding for this office, though none was forthcoming for the Assembly itself.
37. East of England and South-East both have liaison committees with their respective RDA on Europe. South-East, and East of England, have developed a Europe Strategy for 2001-06. This focuses on economic development, particularly start-up capital for business, and participation in European policy-making, particularly in social inclusion and sustainability.

Conclusion

38. The Labour governments have created regional institutions, exhorted them to work together, and approved an increased level of regional activity—despite permitting regional institutions very little money and virtually no power with which to work. The outburst of regional energy recorded here is disproportionately large compared to the amount of formal attention paid by the Government. But its effectiveness is restricted by the continued fragmentation of regional policy, testified to by the number of different strategies and organisations referred to in this section. It appears that, in the current state of very limited budgets and formal powers, the limits of regional effectiveness are very close to being reached.

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 related to the figures quoted earlier for the notional division of RPG funding between regions at source. Some local authorities may also provide support in kind, though this was more common early on in Chambers' existence: a single local authority might permit the Chamber to use office space or staff time.
5. All regions treat local authority subscription money as relating both to the Chamber and the regional Local Government Association. In most regions the secretariat is shared between the two, and no budgetary distinction is made between them. This blurring is decreasing with the advent of central funding: East Midlands, for instance, is creating 9-10 new positions which are specifically funded by their share of central funding.
6. Some Chambers obtain support in kind, and occasionally cash, from regional partners. West Midlands has obtained £350,000 from the RDA, Advantage West Midlands, relating to specific projects, though this is very much the exception to the rule: most partner contributions account for less than 10% of regional budgets. Such money is normally hypothecated: secondees are another common form of aid in kind.
7. The Regional Chambers' powers would be increased a little if all the money currently flowing into regional agendas was to be directed through them, with a partial or total freedom to vire between heads. The budgets of other regional institutions have been identified throughout this report. Regional Cultural Consortiums are funded by the

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 policy in England does at present consist of joint working between local authorities and the (normally non-contributing) SEPs, rather than possessing its own impetus or executive authority.

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 the use of the funding. It should be noted that Chambers propose different kinds of use of the funding in these areas: some intend to appoint new full-time staff, others to commission research, consultancy or publications. But all recognise the importance of 'increased regional capacity'.
2. The proposals do show a degree of agreement on the future direction of the English regional agenda. A recurring theme was the desire not to simply appoint another layer of officers. Though most Chambers do intend to appoint extra staff, many are also continuing to draw support in kind or in subscription from their regional local government association, and sometimes from other partners. None are using the money to draw boundaries between themselves and other regional organisations: even West Midlands, which is establishing a six-strong 'Chamber team', will continue to rely on the WMLGA for secretarial support.

Scrutiny

3. The 'scrutiny role' of the Chambers vis-à-vis the RDAs is, of course, their only statutory role, and as such was central to the agenda of *Strengthening Regional Accountability*. Because of this, some of the bids relate all activities mentioned in the bid to the Chamber's scrutiny role. This is not an unfair position: scrutiny of policy without adequate data and resources for analysis would be difficult. However, scrutiny appears to mean different things in different regions (reflecting a similar lack of definition of the term at the local and national level). The North-East states:

Scrutiny will be a positive activity and the output should be specific recommendations for change in policy, resource allocation, implementation, monitoring or organisational arrangements.²⁷

4. This pro-active definition of scrutiny claims the right to challenge executive decisions taken by the RDA. The methods of scrutiny are not yet established, but may include "written representations, 'Select Committee' approach, public examination, or themed seminar".²⁸ North-East has also decided to replace its 'forums' (sub-groups) with task-and-finish scrutiny committees, believing this to be the best focus of their limited time and resources. The early work of bringing together regional partners to discuss issues of mutual concern was deemed to have run its course.

²⁷ North East Regional Assembly, *Strengthening Regional Accountability Bidding Proposal*, July 2001, p.2

²⁸ Ibid., p.3

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.”²⁹ 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.”³⁰ On the other hand, scrutiny “does not solely comprise retrospective assessment of *emda* [East Midlands Development Agency] activities”,³¹ 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.

²⁹ North-West Regional Assembly, *Challenging Imbalance, Championing Inclusion*, p.5.

³⁰ East Midlands Regional Assembly response, paragraph 3.8.

³¹ 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”.³²

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:

Region	Website	Comments
North-East	Yes	www.northeastassembly.org.uk
North-West	Yes	www.englandsnorthwest.com , a joint initiative with regional partners. Hard to separate out Chamber / Assembly issues.
Yorkshire & Humberside	Yes	www.rayh.gov.uk : 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	www.eastmidlandsassembly.org.uk
East of England	Yes	www.eelgc.gov.uk
South-East	Yes	www.southeast-ra.gov.uk
South-West	Yes	www.southwest-ra.gov.uk : 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”.³³ 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

³² South East England Regional Assembly, *Building Confidence*, paragraph 2.

³³ South-West Regional Assembly proposals, paragraph 2.2.

the strengthening of networks amongst regional stakeholders”.³⁴ 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.³⁵

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 *Strengthening Regional Accountability* said:

It should be emphasised that the chamber will be using the funds for the purposes of its own scrutiny role, not as an agent of the Government, and it will thus be answerable to the region and not to the Government for the outcomes.³⁶

22. Moreover, several of the regional bids were short documents; in particular, budgets breaking down the funding into the various regional priorities were brief and often lacking in detail. But at the time of writing most of the bids have been approved, including that of the North-East, so the promise of the above quote appears to have been kept so far. In fairness, the flux in the current regional agenda makes detailed budgeting and planning difficult: progress has been made if DTLR recognises that.

³⁴ North-West Regional Assembly, *Challenging Imbalance, Championing Inclusion*, p.30

³⁵ South East England Regional Assembly, *Building Confidence*, paragraph 2a.

³⁶ *Strengthening Regional Accountability*, paragraph 5.4. This citation is a rare example of a Whitehall document forsaking central accountability in favour of the region.

English Regions Network bid

23. The £1m fund for 'collective projects'³⁷ will be administered by the English Regions Network (ERN). This is a voluntary network of the eight Chambers operating at both member and officer level (the two meet separately). The officer chairmanship rotates, passing from North-West to East Midlands in July 2001. It has no independent resources, but appears to intend to establish secretarial support using some of the collective funding. However, the South-West Regional Assembly will be the responsible institution for the £1m fund.³⁸
24. The ERN bid consists of four main sections. The first is a pilot programme for greater engagement of social and economic partners, to increase inclusivity and bring more regional partners on board. The second relates to scrutiny: a 'support organisation' to help the Chambers enhance their scrutiny of the RDAs, and also to examine indicators of the RDAs' economic performance. The third relates to comparison of Sustainable Development Frameworks, harmonisation of indicators and partnership networks. The fourth is a loose group of eight issues entitled "inter-regional collaboration".
25. The ERN bid does largely dovetail with the interests of the individual Chambers' bids, but includes some interesting extras. For instance, the final section in the previous paragraph includes one item on "developing parliamentary monitoring and influencing capacity". It is not yet apparent whether the ERN intends to develop a parliamentary unit physically located in a single region. Another item under the final section is "developing and sharing approaches for promoting regional identity and English regionalism", which does not appear to fit in to the remit of Chambers as at present. The problem of scrutiny without democratic accountability, however, surfaces at a few points in the bid, and the issue of directly elected assemblies is referred to in passing. Delivery of sustainable development is also mentioned as a pressing issue.
26. Most Chambers' bids for the DTLR funding make scant reference to the £1m fund. The North-West was a notable exception: one or two others referred to collective projects which they hoped to take part in. But the majority of the ERN bid appears to be for work which would take place, in a co-ordinated fashion, in the different regions, rather than being 'centralised' in a single region and generalised to the rest.

Further suggestions for use of funds

27. The interim report of this project, *Next Steps for Regional Chambers*, suggested using extra resources to reduce the Chambers' dependence on local government. The new DTLR funding has this effect, and the guidance note prepared for the bids for central funding specifically stated:

³⁷ *Strengthening Regional Accountability*, paragraph 5.2

³⁸ This was because a 'host' body was required for the funding: the South-West volunteered.

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.³⁹

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.

³⁹ 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 scrutinise it, or otherwise to influence it;
 - provisions enabling the Secretary of State to direct NDPBs to consult with relevant organisations;
 - provisions for the Secretary of State to so consult;
 - provisions for NDPBs to consult at their own discretion.
2. In this section we analyse the statutory powers of direction and consultation that might be available to Regional Chambers. These are arranged under the same headings as the Policy section above. The Acts examined relate to regional and national executive bodies with which Chambers have bilateral relationships, or to powers belonging to local government. Halsbury's Laws of England was also consulted to confirm the application of the provisions discussed. The text of all the relevant sections of Acts is listed in Appendix 3.
3. The list of powers which this research has uncovered is rather thin. Moreover, powers of direction are rarely used as such by the Secretary of State other than as a last resort; a letter, backed up by the existence of those powers, is normally enough. Thus the effectiveness of this approach does depend on the willingness of the Secretary of State in question to take an interest in the work of the Regional Chambers; the tone set by such a letter would have almost as much influence as the statutory powers themselves.

Provisions entitling local authorities to be consulted

4. There is an overarching issue with regard to Regional Chambers using statutory powers intended for local authorities. Since the Local Government Act 1972, statutes have defined local authorities strictly, as county, district, unitary, or metropolitan authorities, including the City of London.⁴⁰ Yet there is nothing specifically preventing the local authority members of a Regional Chamber agreeing to use the powers they possess as local authorities in concert, at Chamber level rather than individually. An informal concordat to abide by Chamber decisions could be signed.

⁴⁰ See, for example, Local Government Act 2000 s1.

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).⁴¹

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).⁴² 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).

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

⁴² 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

authorities in a region to enter into a series of interlocking agreements through which the Chamber could gain effective control of trunk roads.

17. However, given that the Highways Agency exists, no Minister is likely to carry out such a delegation, unless a decision to entirely reshape the Highways Agency was made; and it is debatable whether Chambers (in their present form) would want to take on delegated executive responsibility.
18. There are no statutory powers available to Regional Chambers in the statutes relating to the privatised railways.

Health and social inclusion

19. Two health acts provide substantial possibilities for Regional Chamber involvement.
20. The Health and Social Care Act 2001 amends the Local Government Act 2000 to permit local authorities to set up scrutiny committees to investigate health authorities. It also provides that two or more local authorities can form a joint scrutiny committee to scrutinise a health authority which shares all or part of their locality—but only after the Secretary of State has made regulations.⁴³ Regulations may also be made obliging health authorities to appear before such committees.
21. The Health Act 1999, sections 27-28, obliges health authorities to consult relevant local authorities when constructing their health plans. Whilst this power itself could not extend to regional chambers, this does provide a statutory route for Chambers to ensure that any health strategy, or Chamber health policy, is taken into account by health authorities—provided that their member local authority does reproduce Chamber policy in any comments they make to the health authority.
22. Two further, very minor, provisions exist for the Secretary of State to consult. One is an amendment to the Primary Care Trusts Act 1997 obliging him or her to consult appropriate bodies before making regulations relating to NHS salaries. The other is the National Health Service Act 1997, where the Secretary of State may direct an authority to consult over any pilot contracting-out scheme.
23. It is possible that the current proposals for NHS reorganisation could lead to early legislation amending or otherwise affecting the sections discussed here.

Regional Cultural Consortiums and European policy

24. No provisions were found under these headings.

⁴³ According to sources at DTLR, it is unlikely that such regulations will be made before the end of 2002

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 obliges HEFCE, in relation to funding allocations to institutions, to consult “such bodies representing the interests of higher education institutions as appear to the council to be concerned”. Section 81 also allows the Secretary of State to give general directions regarding the exercise of its functions.
27. The Learning and Skills Act 2000 set up the national and local Learning and Skills Councils (LSCs), which replaced the Further Education Funding Council (FEFC) and Training and Enterprise Councils (TECs). The local LSCs were set up on a sub-regional pattern, which caused some controversy: it had been expected that they would be closely bound in with existing regional institutions. However, the statute does make reference to the regional agenda. Section 22 provides that LSCs must consult relevant local authorities when making their annual plans. This would be another opportunity for Chambers to exercise influence as local authorities in concert.
28. This section also obliges the local LSCs to have regard to any relevant Regional Development Agency plans, which will carry the indirect influence of the Chamber. Chambers could thus ensure that RDA plans made specific reference to the role of LSCs. Section 17, meanwhile, obliges the LSC to have regard to information provided to it by any body “designated by the Secretary of State for the purposes of this section.”.
29. The School Standards and Frameworks Act 1998 permits Local Education Authorities to consult “such other persons as they consider appropriate” when preparing their Education Development Plan.

Summary

30. None of these acts (except the RDA Act 1998, already referred to) mention Regional Chambers, as they are new and voluntary bodies. And the ability of Chambers to make use of any of the above powers will be extremely conditional, depending upon the Secretary of State finding the time and inclination to direct the relevant bodies. It is difficult to know whether this is likely at present.
31. The variety of the legislative provisions described in this section, and their fragmentation, point towards a more co-ordinated approach towards obliging regional executive agencies and NDPBs to work with their Regional Chamber. In the next section, a clearer means to the same end is suggested; legislation giving Chambers statutory existence and certain powers in relation to other regional bodies.

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 bodies corporate—consolidating sections 8 and 18 of the RDA Act 1998. There might also be provisions recognising them as the 'regional voice'. And there would be a case here for making some provisions regarding membership, both of local authority and social and economic partner members—though this would certainly provoke the Chambers, appearing as interference, unless they could agree such provisions collectively. This would have to link to other parts of the notional Bill which dealt with establishment of elected assemblies.
 - Chambers as local authorities in concert. Declaring that Chambers, with their agreement, can be deemed to be local authorities acting in concert. There might be a case for protection to prevent a significant minority of local authorities from being forced into such an arrangement. If this took place, the rights of the SEPs would need to be clarified; their presence might make impossible some concerted activities, unless they were denied voting rights or the local authorities applied for a revocation under the Local Government Act 2000, as described in paragraph 6.6.
 - Accountable regional NDPBs and executive agencies. There could be a Schedule listing NDPBs which are presumed to be required to consult with Chambers over the regional elements of their annual plans. These bodies would

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. These bodies could also be constituted in statute. Consideration should be given to obliging them to have a majority of Assembly members (though not necessarily local authority representatives) on their boards—or to amalgamating them with Chambers if this was desired.
 - Other regional boards. Where these exist (e.g. the Arts Council, Sport England, local Learning and Skills Councils) consideration should be given to enabling the Chamber to appoint some board members, and/or to have the right to approve annual plans as with the RDA.
 - Chamber Funding. A brief section entitling the Secretary of State to pay “such sums as he/she sees fit” to the Chambers. This could include powers of virement over the sums currently available to Regional Cultural Consortia and Sustainable Development Round Tables: though, as suggested, care would need to be taken not to alienate partners.
 - Coterminosity of boundaries. This was mentioned by the PIU report *Reaching Out* in April 2000: since then, if anything, regional boundaries have become less co-terminous than before. The NDPBs in the Schedule in Appendix 1 could be encouraged or obliged to reorganise their operations on the standard boundaries, unless very strong reasons against this can be found (for instance, the Environment Agency). Some bodies, like the Highways Agency and HEFCE, function mainly at an England level: requiring them to regionalise could also be considered.
4. Symbolically, proposed statutory recognition for the Chambers in the White Paper would confirm to regional actors that the Government has a real commitment to regional policy. That confirmation could redouble the determination of regional actors to innovate and plan long-term: interview data indicated considerable frustration at the lack of clarity in Government regional policy, and a consequent reluctance to plan long-term.

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 need for primary legislation (apart from the points where statutory foundation is specifically recommended). The advantage of statute is that it signals political commitment from the centre and provides a stick with which to back up the carrot of co-operative work. It could also act as a foundation for further development. But statute also has the potential to increase central control, and the imposition of uniform solutions and inflexibility. These are all strongly opposed by the Regional Chambers. Any change must avoid damaging the networks built up under the current arrangements.
6. By the same token, the White Paper could usefully deal with the future of the Regional Chamber in any region which does go on, in the short term, to vote for a directly-elected assembly. The Chamber need not necessarily be merely absorbed and replaced: this too risks losing goodwill and policy networks. The Chamber could plausibly remain as a consultative forum, possibly resembling the Civic Forums set up in Scotland, Northern Ireland and London.

Comparison of Concordats

7. Many regions have developed ‘concordats’—inter-institutional agreements to share information and co-operate to progress the regional policy agenda. They do not have any legal force, but are used as reference points where information flow or the standard for inter-institutional working is unclear—though in most cases they developed out of informal arrangements which were already in place. In some regions (North-East and North-West) concordats exist between the Chamber, Regional Development Agency and Government Office; in some between only two of those three organisations; in others there is no concordat, or it is still under negotiation. There are also a few concordats between one of the three main regional organisations and other bodies, such as the Environment Agency.
8. This section briefly analyses the three-way concordats in existence in North-East, North-West and West Midlands. The first two are very similar: 2-3 page documents containing high-level principles. The West Midlands concordat is different: its main body is even shorter, but the annexes commit the three bodies (and the West Midlands Local Government Association) to a number of quite detailed policy aims. The full document resembles an integrated regional strategy more than a concordat dealing purely with principles of joint working.
9. The North-East and North-West concordats both make the following commitments:
 - That the Chamber and RDA will hold two formal meetings per year;
 - That the Chamber will involve the RDA and GO on its sub-panels;
 - That the RDA and Chamber will “adopt a consistent response to external policy initiatives” (North-West);

- 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 2001 General Election, suggested that the Government envisaged elected regional assemblies being 'purely strategic bodies'. A Regional

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.⁴⁴ 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 1996.⁴⁵ 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.

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

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

8. Conclusion

The variable geometry of the Regional Chambers means that much of the task of the immediate future will consist of the sharing of experience and identification of best practice. The bedding-down process has taken longer in some regions than others. The indications of this research are that significant strides can be made in regional governance in the short- to medium- term simply by 'being there', bringing together regional partners and developing regional capacity. Many respondents indicated that planning and working at the regional level, until recently, was a quite alien concept to a number of regional bodies.

The full scope of Regional Chambers' powers, in the absence of any legislative change, may only become evident when the effects of the current round of Regional Planning Guidance begin to appear and the RDAs' economic development strategies begin to impact on local decision-making. It is important that channels of communication with the RDAs and GOs are kept as open as possible, so that the Regional Chamber can identify early any opportunities arising from the greater freedom coming soon to RDAs, and can work together with the RDAs on reviewing their strategies in the light of this freedom. The jury is still out on the effectiveness of sub-panels with joined-up remits: it will be useful to compare their successes with those oriented around more traditional policy boundaries.

If the suggestions made in this paper for a statutory basis for Regional Chambers are acted upon, it would significantly raise Chambers' ability to impact upon regional debates. It would also represent a considerable political commitment from the Government, which might be more easily given if the proposals appeared alongside proposals for directly-elected assemblies. And it is important to remember that such strengthening could adversely impact on regional partnerships: a body with statutory rights to be consulted, which has the option of flexing its muscles, might be less welcome at the regional table. But the development of regional policy in England will eventually require decisive action from the centre.

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

Portfolio & strategy	Scrutiny	Accountability	Service provision
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	
Planning Regional Planning Guidance Spatial Development Strategy	Government Office		
Culture (with Cultural Consortiums) Regional Cultural Strategy		Regional Arts Councils Sport England English Tourist Board Resource	
Europe EU structural funds	Government Office		
Housing strategy	Housing Corporation		
Health strategy	NHS Regional Executive		
Training strategy	Learning & Skills Councils		
Transport strategy	Strategic Rail Authority Highways Agency		

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Glossary of Acronyms and Terms

Advantage West Midlands	the Regional Development Agency for the West Midlands
DETR	Department of Environment, Transport and the Regions (pre-8 June 2001)
DTLR	Department of Transport, Local Government and the Regions (post-8 June 2001)
EEDA	East of England Development Agency
EERA	East of England Regional Assembly
EMDA	East Midlands Development Agency
GO	Government Office for the Region
GOSW	Government Office for the South-West
MAFF	Ministry of Agriculture, Fisheries and Food
NDPB	Non-departmental Public Body (quango)
PPG11	Planning Policy Guidance note 11
RAYH	Regional Assembly for Yorkshire and Humberside
RDAs	Regional Development Agencies
RES	Regional Economic Strategy
RPB	Regional Planning Body
RPG	Regional Planning Guidance
SCEALA	Standing Conference of East Anglian Local Authorities (closed April 2001)
SD0T	Sustainable Development Round Table
SEPs	Social and Economic Partners
SERPLAN	South-East Regional Planning Authority (closed April 2001)
SWRDA	South-West Regional Development Agency
Yorkshire Forward	the Regional Development Agency for Yorkshire and Humberside

Appendix 1: Schedule of Quangos and their boundaries

Quango	Coterminosity of boundaries compared with standard regions
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)

Note: The “4 identical” regions—i.e. those co-terminous with the standard boundaries—in these three bodies are not the same four in each case.

Proposals are currently under consideration to abolish the 10 Regional Arts Boards and replace them with 9 regional arts offices on the standard regional boundaries. However, these proposals have aroused intense opposition from the regional Arts Boards themselves—which cannot be abolished without their own agreement—and the future of the proposals is unclear at the time of writing.

The proposals to redraw the boundaries of NHS regional executives will create 4 super-regions: co-terminous with the Housing Corporation regions (North-East, North-West, Yorkshire & Humberside; East Midlands, West Midlands, East of England; South-East, South-West; London). However, certain functions of public health are to be moved to the nine Government Offices.

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

Region	Date of formation, designation	Numbers (LG: SEP)	Meetings per annum (sub-groups)	Budget (excluding DTLR funding)	Concordat with RDA and GO	Sub-panels	Staffing
East	12/3/1999, 21/7/1999	42 (28:14)	4 (6)	None distinct from EELGC	In draft	Europe; EEDA-EERA liaison; Health and Social Inclusion; Regional Planning; Housing	8 jointly with LGA and others
East Midlands	17/12/1998, 18/5/1999	105 (70:35)	4 (4)	£800k jointly with EMLGA	No	Environment; Housing; Social Inclusion; Transport; Integrated Regional Strategy	37 jointly with LGA
North-East	10/1998, 22/6/1999	70 (48: 22)	4 (4-6)	£861k	Yes	Regional Development; Social Issues; Promotion of NE; Inclusivity	12
North-West	10/1998, 19/5/1999	80 (56:24)	4	£1m	Yes	Europe; Planning, Environment, Transport; Skills & Economic Development; IT	21
South-East	20/1/1999, 21/7/1999	111 (77:34)	3 (exec 7)	£1.2m	No	Planning, health, Europe; social inclusion; sustainable development (task and finish groups)	15
South-West	24/4/1998, 21/7/1999	117 (79:38)	3 (6-8)	£2.1m	In draft	Transport & Planning; Waste; REDS; Social Inclusion	12.2
West Midlands	28/1/1999, 19/5/1999	100 (68:32)	4 (4)	£420k	Yes	Transport, Social Inclusion, Europe	30 joint with LGA
Yorkshire and Humberside	20/7/1998, 27/7/1999	36 (22:14)	4 (8)	£0.9m plus £0.6m for RPG core team.	Yes	Economic development; skills; infrastructure; quality of life (+social inclusion); sustainability	20 joint with LGA (inc. 8 RPG)

Appendix 3: sections of Acts containing powers of direction⁴⁶

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.

⁴⁶ Text for enactments since 1988 is taken from 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 housing society... and
 - (b) that there is no other housing society, whether in existence or about to be formed, to which the society's interest in the land in question can suitably be transferred; and
 - (c) that the land is capable of being, or continuing to be, used to provide housing accommodation for letting,
- the Corporation may prepare and submit to the Minister a scheme for the Corporation to acquire the society's interest in the land and to undertake all such operations as may be required for the provision or continued provision on the land of housing accommodation for letting.

Countryside Act 1968, establishing the Countryside Commission [now Agency]

- “2 (2) The Commission shall keep under review all matters relating to
- a) the provision and improvement of facilities for the enjoyment o the countryside
 - b) the conservation and enhancement of the natural beauty and amenity of the countryside, and
 - c) the need to secure public access to the countryside for the purposes of open-air recreation
- and shall consult with such local planning authorities and other bodies as appear to the Commission to have an interest in these matters.
5. Where it appears to the Commission that the provision and improvement of facilities for enjoyment of the countryside or the conservation and enhancement of the natural beauty and amenity of the countryside presents special problems or require special professional or technical skill, the Commission
- a) shall notify their opinion to the appropriate local planning authority or other public body, and

- b) [can hire out staff to them, for agreed payment, on agreement of Minister]...”

Statutory Instrument 1999/416

“4. Subject to article 6 below, on the transfer date the functions of the Development Commission under section 1(3) of the 1983 Act (to keep under review and advise the Secretary of State upon all matters relating to the economic and social development of rural areas in England and to carry out or assist others to carry out measures likely to further such development) shall be transferred to the Countryside Agency.

- 5 (4) The Secretary of State may give the Countryside Agency directions as to the exercise of the functions transferred to it under article 4 above, and the Agency shall comply with any such directions.”

Housing Act 1974

- 1 (2) Without prejudice to any specific function conferred on the Corporation by or under the following provisions of this Act or any other enactment, the Corporation shall have the following general functions, namely...

...(d) to undertake, to such extent as the Corporation consider necessary, the provision (by construction, acquisition, conversion, improvement or otherwise) of dwellings for letting or for sale and of hostels and the management of dwellings or hostels provided by the Corporation.

- 9 (1) The Corporation may, by way of temporary loan or otherwise, lend to—
 - a) a registered housing association,
 - b) an unregistered self-build society,
 - c) a subsidiary of the Corporation, and
 - d) any other body in which the Corporation hold an interestfor the purpose of enabling any of those bodies to meet the whole or any part of any expenditure incurred or to be incurred by it in carrying out its objects.

Highways Act 1980

- 6 (1) The Minister may by agreement with a county council, the Greater London Council, or a London borough council, delegate to that council all or any of his functions (including functions under a local or private Act) with respect to the maintenance and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but has been acquired by him in connection with a trunk road under Section 239 (2) or (4) or section 246 below, but he shall not delegate functions to a council under this subsection with respect to a trunk road or land outside their area, except with the consent

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 specified in the arrangements; but no such arrangement shall provide for a district council to carry out any functions with respect to a trunk road or land outside their district except with the consent of the council of the district in which that road or land is situated.

- 8 (1) Subject to the provisions of this section, local highway authorities may enter into agreements with each other of or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which any party to the agreement are the highway authority.
- (4) The council of a county may not enter into agreement under this section with the council of another county unless the counties adjoin each other.

Environmental Protection Act 1990, setting up Nature Conservancy Council [now English Nature]

- 131 (4) The Secretary of State may give the Councils, or any of them, directions of a general or specific character with regard to the discharge of any of their nature conservation functions”

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 the county planning authority or, as the case may be, the district planning authority for that united district.
- (2) The Secretary of State shall not make such an order except after holding a local inquiry unless all the councils concerned have consented to the making of the order.
- (3) Where a joint planning board is constituted for a united district, references in the planning Acts to the area of a local planning authority—
 - (a) in relation to the board, shall be construed as references to that district; and
 - (b) in relation to any local planning authority being the council of a county or district of which part (but not the whole) is included in the united district, shall be construed as references to so much of the county or district as is not so included.
- (4) A joint planning board constituted by an order under subsection (1) shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils”

[Metropolitan areas only]

- 12 (6) In formulating the general policies in Part I of a unitary development plan the authority shall have regard—
 - (a) to any strategic guidance given by the Secretary of State to assist them in the preparation of the plan;
 - (b) to current national and regional policies;
 - (c) to the resources likely to be available; and
 - (d) to such other matters as the Secretary of State may direct the authority to take into account.
- 18.(1) After a copy of a unitary development plan has been sent to the Secretary of State under section 13(3) and before it is adopted by the local planning authority, the Secretary of State may direct that the whole or part of the plan shall be submitted to him for his approval.

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 other payments, a council shall consult such of the following bodies as appear to the council to be appropriate to consult in the circumstances—

(a) such bodies representing the interests of higher education institutions as appear to the council to be concerned, and

(b) the governing body of any particular higher education institution which appears to the council to be concerned.

81.(1) In exercising their functions under this Part of this Act, each council shall comply with any directions under this section, and such directions shall be contained in an order made by the Secretary of State.

(2) The Secretary of State may give general directions to a council about the exercise of their functions.”

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”.

