



Japan Local Government Centre, London

Monthly Report for August 2010 (England) – LGA Red Tape Dossier

Background

In July the Department for Communities and Local Government invited all council staff and local government organisations to suggest department sponsored statutory guidance, secondary legislation and regulations which could be removed to enable them to do their jobs easier. Launching the consultation, which closed on 13 August, the Secretary of State Eric Pickles said:

“Too much power has been sucked out of communities into Westminster eroding trust in politics, and sapping responsibility and initiative with stifling bureaucracy. More often than not over-legislating simply lead to bureaucrats ticking extra sets of boxes on forms but none of the real changes that are needed. We need a sensible new approach that makes clear laws are intended to protect people, not overwhelm them with red tape. Today I am asking councils to put localism into action and help us cut back red tape, wrest control away from the bureaucrats, reverse the years of creeping state control and return power to people, communities and councils.”

Mr Pickles also published a list of department-sponsored secondary legislation he intends to revoke. It includes a 1919 law that requires the Secretary of State’s approval for councils wanting to buy new land for allotments; three different sets of regulation governing tree protection; and guidance on the duty to carry out an economic assessment. The government is also committed to introducing a 'one-in, one-out' rule whereby no new regulation is brought in without another regulation being cut, while the use of 'sunset clauses' will ensure regulation is regularly reviewed.

Reducing the burden – allowing councils to get on with their day job

In its submission to DCLG, the Local Government Group presented a dossier of unnecessary red tape and outdated laws. The dossier included examples of:

- *Thousands of pages of official guidance that has no legal force. There are more than 2,000 pages of planning guidance and more than 10,000 pages of guidance just for administering housing and council tax benefits.*
- *Councils having to provide 2,500 separate pieces of data to Government and quangos*
- *Costly requirements to buy commercial advertising space for public notices*

Any opinions expressed in this report are solely those of the author and do not necessarily represent those of JLGCC or CLAIR.

- *Laws forcing councils to say how efficient they are on council tax bills have cost £10 million*
- *Laws force councils to put costly traffic calming measures on all roads with a 20mph speed limits, even if they are quiet cul-de-sacs*
- *Councils being required by law to produce a plethora of bureaucratic and costly plans on everything from sustainable community strategies to crime and disorder reduction strategies*
- *Councils having to keep track of and enforce a maze of outdated laws, ranging from a ban on marriages after 6pm, the offence of accidentally allowing your chimney to catch fire, and a ban on shopkeepers who allow thieves and prostitutes to assemble in their property*

The dossier also cited five priority repeals the LG Group is seeking as part of the DCLG red tape reduction exercise:

- *Removing the statutory guidance on the duty to respond to petitions on councils. It is estimated that imposing this burden on councils is likely to cost the government in the region of £5m.*
- *Removing the statutory guidance on the economic assessment duty on councils.*
- *Removing the requirement to publish work and skills plans. This is unsuitable as a statutory imposition and should be removed immediately.*
- *Removing all guidance on how to implement statutory duties. It simply provides cover for lazy drafting of primary legislation.*
- *Removing the requirement to advertise planning applications in local papers. The London Borough of Camden when granted an exemption on this duty saw an 80% reduction in advertising and publication costs from £30,000 to £5,700 through using other means to advertise planning applications. The savings have been channelled into education and dissemination programmes for planning particularly in disadvantaged groups.*

It also cites several pieces of obscure and outdated legislation it is seeking the repeal of:

- *Current requirements for registration of scrap metal dealers. The registration requirement does little to prevent the dumping of stolen goods and the requirement is very difficult to enforce.*
- *The requirement for pedal cycles to have bells.*
- *The Performing Animals Act 1925. We believe this regulation to be out of date and no longer fit for purpose. It requires trainers of performing animals to register with a council –once and with no renewals.*

Any opinions expressed in this report are solely those of the author and do not necessarily represent those of JLG or CLAIR.

- *Cutting The Town and Country Planning (Use Classes) (Amendment) Order 2010 which requires planning permission for properties occupied by three or more people not all related. This is largely unenforceable and will be ignored in most places. Overall it tends to discourage landlords from providing low cost affordable housing accommodation.*

Any opinions expressed in this report are solely those of the author and do not necessarily represent those of JLGc or CLAIR.