

Open Report on behalf of Debbie Barnes OBE, Chief Executive

Report to:	Councillor M J Hill OBE, Leader of the Council (Executive Councillor: Resources and Communications)
Date:	Between 12 and 30 April 2021
Subject:	Membership of the Local Government Association
Decision Reference:	I022162
Key decision?	No

Summary:

In March 2020 the Leader of the Council approved the service by the Council of 12 months' notice of termination of the Council's membership of the Local Government Association. No action has been taken to withdraw that notice of termination and so the Council's membership of the LGA lapsed on 31 March 2021. This report sets out the background to that decision and invites the Leader of the Council to decide how the matter should be progressed.

Recommendation(s):

That the Leader of the Council approves the Council joining the Local Government Association.

Alternatives Considered:

1. That the Council does not join the Local Government Association.

Reasons for Recommendation:

The Council's previously stated conditions for its membership of the Local Government Association have been met by recent assurances given by the Association about its commitment to reform of the system for Government funding for local authorities.

1 Background

Four years have passed since the Council first gave notice of its intention to leave the Local Government Association. This initial notice was withdrawn and replaced by a further notice in March 2020.

Prior to making the decision the Leader of the Council sought the views of the Council's Overview and Scrutiny Management Board. At its meeting on 27 February 2020 the Board supported the Leader of the Council in withdrawing the notice and replacing it with a further 12 months' notice. However, the Board highlighted the reduced impact from continually serving notice to terminate membership of the LGA and suggested that this should be the final year for serving a 12 months' notice period.

Since the decision was made there has been no intervention to alter this course of action and so the Council left the LGA with effect from 1st April 2021.

The original decision to serve notice was taken with regret, and on the basis of concerns set out in the report at the time.

The Council saw value in the existence of a body representing the interests of all local authorities, but had been concerned that this value was not being realised, and that some Councils in particular were disadvantaged as result.

2 Next Steps

As the deadline for withdrawal of the notice of termination approached, the Leader of the Council continued to hold discussions with the LGA and sought assurances from the organisation about its commitment to a full-scale reform of the system for funding local government.

In those discussions the LGA have been able to point to their central role in supporting local authorities through the Covid crisis, consistently pursuing with local government the issues that mattered to local Councils and making the case for local action and local leadership.

They have also stressed their lobbying activity on the issue of adult social care funding, fairer funding more generally and the council tax referendum threshold.

It is within the context of these responses that the Leader of the Council is invited to consider approving the Council joining the Local Government Association.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

This decision does not have any differential impact on people with a protected characteristic.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

This decision does not have any impact on the JSNA and the JHWS.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

No crime and disorder issues are likely to be affected by this decision.

3. Conclusion

Given that the Local Government Association has affirmed its activities in pursuing a review of the system for local government funding, it is recommended that the Leader of the Council should agree that the Council join the LGA.

4. Legal Comments:

The Council has the power to be or to not be a member of the Local Government Association.

The decision is consistent with the Policy Framework and within the remit of the Leader of the Council.

5. Resources Comments:

Accepting the recommendation to continue with the County Council's membership of the Local Government Association during 2021/22 will incur a net cost to the Council of £68,436. This cost will be met from within the relevant budget for 2021/22, as approved by Council on 21st February 2021.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This issue has not been considered by scrutiny since 27 February 2020.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

See the body of the Report

7. Background Papers

Document title	Where available
Executive Councillor report and decision: Membership of the Local Government Association March 2020	https://lincolnshire.moderngov.co.uk/documents/s31157/Membership%20of%20the%20Local%20Government%20Association.pdf

This report was written by Nigel West, who can be contacted on 07880 500844 or nigel.west@lincolnshire.gov.uk .