

Speech by Magnus BERNTSSON (Sweden,R,EPP/CCE)

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Debate on **Monitoring of the European Charter of Local Self-Government: United Kingdom**

Dear colleagues,

I am glad to present for adoption today a draft recommendation on monitoring the Charter in the UK that was previously approved by the Monitoring Committee at its meeting in February 2022.

First, I would also like to thank Minister **Neil O'Brien MP**, Parliamentary Undersecretary of State, and Minister for Levelling Up, The Union and Constitution for his participation in today's session. We look forward to listening to him later this morning.

Together with my co-rapporteur Vladimir PREBILIC, we have prepared this report following remote monitoring meetings in this country, carried out from 21 to 23 June 2021.

In our work, we were assisted by an expert, Dr. Linze SCHAAP, member of the Group of Independent Experts on the Charter, and the Congress secretariat.

I would like to thank the Permanent Representation of the UK to the Council of Europe, the UK delegation to the Congress and all those whom we spoke to during the remote meetings for their readiness to assist the delegation.

Let me start by pointing to some particular features of the administrative- territorial structure and local government systems in the UK because this is important to grasp the gist of our conclusions and recommendations.

As you know, the UK is a monarchy with sovereignty vested in the Parliament. The country does not have a written and codified Constitution. It is also a "devolved" state consisting of four nations. Scotland, Wales, and Northern Ireland each have their own Parliament or Assembly. England is governed by the UK parliament and the UK government. The UK parliament can reverse devolution and abolish the devolved institutions.

Presented schematically, the division of competences between the UK Parliament and the devolved legislatures (in Scotland, Wales and Northern Ireland) is organised by the distinction between "devolved" and "reserved" areas. The devolved legislatures can pass laws that relate to devolved matters but reserved matters are for the UK Parliament.

Local government in the UK is a devolved matter. Since devolution (in the late 1990s), local government in each part of the UK has developed differently and the degree of decentralisation within each constituent nation is different. In Scotland, Wales and Northern Ireland there is only one type of local authority, whereas arrangements in England are diverse and continuously changing: County, District, Urban Unitary Councils, London Boroughs, combined authorities, etc.

Now you probably understand why it was not an easy task to depict the UK as having a single system of local government. Sometimes we lacked detailed information to clarify some points. That's where the consultation procedure came in handy affording precise information to verify and sometimes modify our initial conclusions.

The UK ratified the Charter in 1998 and confined its scope to certain categories of authorities. By the decision of the UK government taken at the moment of ratification, the Charter does not apply to local government in Northern Ireland. In our opinion, this should be revisited because we see no justifiable reasons to maintain this reservation.

The last Congress monitoring visit in the UK took place in 2013, resulting in Recommendation 353 (2014). Although the situation was assessed at that time as generally compliant with the Charter the report revealed several points of concern. And these issues are still to be tackled.

Among positive developments, I would like to mention the adoption of the Cities and Local Government Devolution Act 2016 that has empowered the Secretary of State to introduce directly elected mayors for English regions comprised of two or more councils.

We also welcome the fact that the UK Government intends to prepare a Levelling Up White Paper this year to focus its investment programmes on local communities across the UK to help them face common challenges.

Finally, a legislative initiative has been taken by the Scottish Parliament to incorporate the Charter into Scottish law. We noted positively this step, which, in our opinion, indicates a growing awareness of the need to formally incorporate the Charter into the devolved legislation at least in Scotland for the time being.

My co-rapporteur Vladimir PREBILIC will continue with our findings and conclusions.

Thank you for your attention.