

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 223 (2006)¹ on the new forms of control over local authorities

The Congress,

1. Having regard to:

a. Article 8 of the European Charter of Local Self-Government (hereinafter “the Charter”);

b. Recommendation 20 (1996) of the Congress on monitoring the implementation of the European Charter of Local Self-Government;

c. Recommendation (98) 12 of the Committee of Ministers on supervision of local authorities’ action;

d. the explanatory report CPL (13) 6 presented by Guido Rhodio (EPP/CD, Italy);

2. Notes that, overall, the dissemination of the general principles of the Charter has produced a reduced level of central government interference and that it is becoming more usual for the acts of local authorities to be subject to systematic forms of supervision and monitoring, conducted under internal procedures, with the aim of ensuring compliance with self-imposed standards;

3. Believes, however, that there is reason to fear a continuation, in some countries, of expediency controls and the emergence and proliferation of new forms of control designed mainly to monitor management and “best value” performances by reference to economy and efficiency;

4. Recognises that, paradoxically, this phenomenon is perhaps accounted for more by a general strengthening, rather than a weakening, of local autonomy, in so far as more substantial functions are assigned to local authorities and that central government is therefore more concerned to guarantee their efficiency (and a certain degree of uniformity) in terms of delivering services to citizens;

5. Observes nevertheless that, in countries where these concerns arise, this phenomenon may involve establishing additional financial or sectoral controls in order to influence local policy decisions, or providing for forms of “best value” supervision (or external auditing), which may have policy consequences;

6. Objects, where this occurs, to any increased tendency towards expediency controls going beyond the review of the legality of local authorities’ acts and expenditure;

7. Considers that external auditing of local authorities should not aim at undermining local autonomy in circumstances where “best value” supervision is involved;

8. Is concerned that, in a similar way, an expansion of the role of the regional tier between the central and local levels may, in some instances, result in an expansion of expediency controls by regional governments over local authorities;

9. Consequently, adopts the view that:

a. the spirit and the letter of Article 8 of the European Charter of Local Self-Government must be scrupulously respected by central and regional governments;

b. the introduction of an intermediate regional level of government must not serve as an excuse for the strengthening of administrative control;

c. external audits should be carried out by bodies provided for and regulated by national or regional law that are genuinely independent of the central or regional government;

d. external auditing and “best value” practices should not be used as means of pressure for policy ends, but solely for purposes of management information or advice;

e. these practices should not impair the free exercise of local elected representatives’ mandates or affect the public choices made by elected bodies in exercising their responsibilities;

10. Invites the Institutional Committee to take into account the present elements when dealing with the implementation by Council of Europe member states of Article 8 of the European Charter of Local Self-Government.

1. Debated and approved by the Chamber of Local Authorities on 14 November 2006 and adopted by the Standing Committee of the Congress on 15 November 2006 (see Document CPL(13)6, draft resolution presented by I. Pereverzeva (Russian Federation, L, SOC), on behalf of G. Rhodio (Italy, L, EPP/CD), rapporteur).