

Training Brief

WELCOME



I am especially delighted to welcome you to an issue of Training Brief featuring so many respected contributors.

When we launched the publication our aim was to see it grow as an informative and insightful read rather than a list of course activities past and present. The calibre of our contributors has been key to this and I think this issue is no exception.

As I write, the Lyons Inquiry into local government has been published, making our comment piece from Andrew Stunell MP - the Liberal Democrat Shadow Secretary of State for Communities and Local Government - all the more timely.

If there is a theme to this issue, it is the need for the public sector lawyer to be repositioned at the heart of local government, whether through training, increased awareness of their role or by encouraging and nurturing a more pro-active approach from all concerned.

Sir Leslie Elton takes those themes and links them nicely to the announcement of dates for the first two modules in our new management skills training programme.

And Tony Harrop-Griffiths of Field Court Chambers takes a look back and forward at social services support for persons from abroad.

I hope you will find something of interest in this issue and I do urge you to look at our new management training programme. It is early days but everyone at LGG – and the contributors with whom we are working – feel this is an important initiative.

Dudley Lewis
Director of Training, LGG

THINKING OUTSIDE OF THE BOX

Sir Leslie Elton is one of the leading figures in public sector law with a career spanning four decades and embracing roles at Nottingham City Council, Stockport Metropolitan Borough Council and Newcastle upon Tyne City Council. Addressing SLG's recent Weekend School in Cambridge, Sir Leslie looked at the changing role of the local authority lawyer, and here gives an overview of the points he covered.

My own career as a lawyer in local government started some 40 years ago when the world was a different place. The shifting balance of power, the march of regulation and the changing role of senior officers are just a few of the changes. And that's not to mention photocopiers, emails and the smoke-free building!

One thing is for certain, change will continue and probably accelerate and with that comes a working world that is increasingly difficult to predict.

My first weekend school was in the late 1960s when one of the burning issues was how lawyers could continue to hold the top positions in local authorities. The government at the time had remarkably little control over the day-to-day functions of councils and it is only over a period of decades that this has been reversed.

So it is clear why lawyers were of such fundamental importance as the main determinant of the limits of what the authority could do.

But then new specialist roles and units began to develop working alongside chief executives. The management of programmes and activities began to gradually shift to people dealing with policy when this had previously been almost entirely the preserve of service chief officers.

And what about the regulators? We have always had them but they were small in number and limited. You will not need me to tell you that there has been a significant growth both in their numbers and powers and this has been one of the most marked changes in recent years.

These things contributed to the gradual but marked shift of power and involvement in general policy away from lawyers as a bureaucratic entity.



At the same time the law has become ever more complex.

In my view – and sadly - the perception of lawyers in local government is now at the lowest level I can remember. And with just a few exceptions, there is not only a failure for our profession to hit chief executive level but we are also missing out on strategic director roles.

Anyone who wants to develop a significant role within local government must find the means to learn how to lead and manage other people. It is not difficult to do.

Whilst those who wish to pursue a purely professional career should be left to do so,

I also believe there are few things as satisfying as developing individuals or a team and inspiring them to achieve great things.

Key to this is a little thinking outside of the box. Difficult, I know when everything else is stacking up around you. That is why I am delighted to see the introduction of LGG's new management skills training programme for local authority lawyers.

As an individual there will always be a limit on how much you can deliver. But for those who want to take a wider managerial path, there is so much more to be achieved. The challenges are certainly there, but so are the rewards.

• See back page for the first dates in LGG's new management skills programme.

THE FUTURE OF LOCAL GOVERNMENT

Andrew Stunell MP, the Liberal Democrat Shadow Secretary of State for Communities and Local Government, provides Training Brief with his views on the challenges facing local democracy.



Falling voter turnout, squeezed budgets, and sinking morale in local government are all outcomes of the 'Whitehall knows best' mentality of central government. The endless targets and centrally directed change, the micro-management and the meddling, leave staff and councillors feeling like victims when they should be local democracy's champions.

That is why the Liberal Democrats want a more powerful local government, more clearly accountable to the people it serves, and less at the beck and call of civil servants and ministers. With all the

recent talk of decentralisation and 'double devolution' from ministers, I had hopes for what the White Paper and Local Government Bill might bring.

I was disappointed. The timid bill proved that Labour still doesn't understand local government, devolution or localism. Instead of providing a transfer of power from Whitehall to town hall it was incomplete, ill-thought out and a wasted opportunity.

I want to see fairly elected councils where local voters have the power to remove failing executives and change their council makeup. And I want local authorities to be fairly funded and given more financial independence.

With only a quarter of their income coming from local taxation it is no wonder councils are so beholden to their Whitehall paymasters. A switch from the regressive council tax to local income tax - based on the ability to pay - cheaper to collect, and more buoyant, is the first important step. Then we should return the business rates to local control.

Finally, I want central government to pass those powers and functions that it cannot properly deliver at a local level back to the town halls of Britain.

We are the most centralised country in the western world. It is sobering to realise that New Hampshire in the USA has a smaller population than Hampshire County Council, and yet has full tax raising and legal powers at its disposal - up to and including the imposition of the death penalty!

I am not suggesting we go that far, but in contrast Whitehall is constantly trying to make policies devised for Newham work in Northumberland, and the criteria designed for Hull work in Hertfordshire. When they don't, it is the local service providers that get the blame, not ministers in Whitehall. We must fundamentally change that.

It is impressive that despite the world of constant revolution in which local government service delivery is set, the quality and value for money it gives goes on rising, if all those external assessments and star ratings are to be believed.

Most councils deliver the majority of their services to a high standard most of the time - a claim that central government finds hard to match - as the performance of the tax credit and child support systems, the over-spending NHS computer project, and just about every part of the Home Office, all vividly illustrate.

It is high time central government trusted local government with the freedom and power to set their own priorities and targets, allowing them to innovate to achieve their goals.

SOCIAL SERVICE FOR PERSONS FROM TEN YEARS ON



At the end of last year, LGG held its 10th annual conference looking at Social Services' responsibilities towards 'persons from abroad'. Tony Harrop-Griffiths of Field Court Chambers (whose members have also recently run, together with Sallie Harrington of Creighton & Partners, LGG conferences on Judicial Review and Community Care) takes a look back and forward at this ever-changing area of the law.

This important event brought together from local authorities throughout the country many of the leading practitioners in this area, both lawyers and social workers, as well as those relatively unfamiliar with it.

I could write a book - part history and part law - on all the twists and turns this

subject has taken over the past decade, bedevilled as it has been by the intricacies of ever-changing asylum and immigration legislation, policy and procedure entwined with the innate complexity of community care and other welfare legislation and overlaid by human rights considerations that will no doubt continue to perplex for some time to come.



S SUPPORT FROM ABROAD –

Throughout these years the biggest concern has remained the burden of providing accommodation and subsistence for current and failed asylum-seekers and that this should be on the State rather than on local authorities.

The introduction of asylum support in 1999/2000 and the creation of NASS helped enormously to alleviate it, but created in its wake the scope for many 'boundary disputes' between the two forms of government.

If anything these disputes are intensifying, particularly in respect of failed asylum-seekers, and a growing trend in litigation is for confrontation between them.

Even since the conference this concern has featured in two High Court cases and a third in the Court of Appeal, while the House of Lords has recently given leave to appeal in a fourth.

In *R (N) v. LB Lambeth* the authority failed in its attempt to justify a refusal of support for a failed asylum-seeker by applying its eligibility criteria rather than the 'destitute-plus' test under section 21(1A) of the National Assistance Act 1948.

As I write, judgment is awaited in *R (LB Hillingdon) v. SS Education and Skills*, a challenge to the level of government funding provided to support the authority's large number of unaccompanied asylum-seeking children.

By the time this article is published, the Court of Appeal in *R (AW) v. LB Croydon* will probably have decided whether it is for an authority to support a 'destitute-plus' failed asylum-seeker, as the High Court had decided, or NASS under section 4 of the Immigration and Asylum Act ('hard cases support').

The battle-royal, however, will be before the Lords, in *R (M) v. Slough BC*.

Almost ten years ago to the day as I write – on February 17, 1997 – the Court of Appeal decided in *R v. Westminster CC ex p. MPAX* that support under section 21 is available to a person by reason of the consequences of him being destitute.

The authority did not take the point to the Lords because the Government assured it the burden this decision entailed would be lifted by the changes that came to fruition in 1999/2000.

The introduction of the 'destitute-plus' test did so to a significant degree but in the years since there can scarcely be an urban authority that has not had to grapple with such concepts as whether a pronounced limp or a diagnosis of moderate depression is enough to bring a person within it – when usually all that is needed is exactly the same as NASS can provide.

The authority's case in *M* is that the need for care and attention must be for substantially more than this, i.e. for care as commonly understood.

As for legislative developments, there is a lull at the moment but much still needs to be done to improve many authorities' understanding of the impact on this area of the law of Schedule 3 to the Nationality, Immigration and Asylum Act 2002, particularly as regards human rights.

Come the 2007 LGG conference my colleagues and I will no doubt be reflecting on these four cases and, given past experience, another two or three yet to be decided.

And come the same LGG Conference in ten years' time, in 2016... but perhaps by then it will all be history rather than current law. Given unrelenting pressures on borders and budgets, however, probably not.

LEGAL UPDATE CONFERENCE SCHEDULED FOR APRIL 18

Regulation, ever-changing legislation and the scrutiny under which public servants now work combine to present untold challenges. Match that with the sheer volume of documentation (whatever happened to the paperless office?) and a general feeling of information overload and it's a major obstacle just finding the time to read-up on the essentials.



LGG's annual update conference goes a long way to providing concise and informed analysis on a range of legal issues, all neatly packaged within a one-day programme.

Presented in association with 11 King's Bench Walk and featuring contributions from many of the chamber's barristers and QCs, this year's event takes place at the Royal College of Surgeons on April 18.

Among the topics lining up for review are the local government bill, code of conduct, employment law, partnerships and local area agreements, public procurement and an all-encompassing overview by way of a case law update.

Dudley Lewis, LGG's director of training, says: "We know this event is one of the most appealing in our annual calendar, bringing together a range of debate, analysis and informed opinion on a wide range of topics. It perfectly complements the wider programme offered throughout the year in which delegates will find other courses and conferences dealing with specific issues in greater detail."

• *There are still a few places remaining on the LGG Annual Update Conference 2007. To book yours call 01483 275577*

SUCCESSFUL LAUNCH FOR NEW LGG WEBSITE

Over 1300 people have registered as members since the new LGG website was launched at the turn of the year.

Ann Harlow, LGG's business manager says: "This is a tremendous start to the life of a new website and we are very pleased that the number of delegate bookings via the website is increasing each week.

"We would like to thank all those delegates who have registered, and encourage anyone who hasn't already done so to take advantage of the new site."

For further details visit www.lgg.org.uk

LGG UNVEILS MANAGEMENT SKILLS DATES



LGG has announced the first dates in a new personal development training programme for legal professionals working in local government.

The three separate one-day modules are the centre-piece of what promises to be an exciting new initiative to help busy lawyers and others working in the democratic services and governance fields who are looking for help with developing their management skills, broadening their roles and finding new career paths.

The modules are designed to cover the key aspects of the lawyer's management role in local government –

Module 1 - Managing Yourself

Module 2 - Managing People and Teams

Module 3 - Managing in a Political Environment

The style of delivery will be interactive with speakers leading discussion on topics and offering practical tips.

The first dates for Module 1 take place in Manchester on June 12 and in London on September 11. Module 2 will be staged in Manchester on July 3 and London on October 9. Dates for the third module will be announced shortly.

For further details of venues, prices and how to book visit www.lgg.org.uk

DIARY DATES

Here are details of just a few training opportunities over the coming months. For a full programme visit the forthcoming events section, accessed through the home page of our website – www.lgg.org.uk

ADVOCACY BASIC SURVIVAL GUIDE

Date: Wednesday May 2
Time: 10.00 – 17.00
Venue: ETC Venues, London
Cost: £195 plus VAT
CPD: 5.5

THE GAMBLING ACT 2005

Date: Tuesday May 8	Wednesday Nov 7
Time: 10.00 – 16.00	10.00 - 16.00
Venue: Manchester Metropolitan University	ETC Venues, London
Cost: £189 plus VAT	£215 + VAT
CPD: 4.5	4.5

PLANNING COMMITTEES

Date: Wednesday May 9
Time: 10.00 – 16.00
Venue: ETC Venues, London
Cost: £189 plus VAT
CPD: 4.5

RIPA IN 2006

Date: Friday May 11
Time: 10.00 – 16.00
Venue: ETC Venues, London
Cost: £189 plus VAT
CPD: 4.5

ENVIRONMENTAL ISSUES

Date: Wednesday May 16
Time: 10.00 - 16.00
Venue: ETC Venues, London
Cost: £189 plus VAT
CPD: 4.5

MANAGEMENT STAGE 1

Date: Wednesday May 30
Time: 10.00 – 17.30
Venue: UMIST, Manchester
Cost: £189 plus VAT
CPD: 7

Further details – including venue information and directions – can be found on the LGG website.

HOW TO BOOK AN LGG EVENT



Book online at www.lgg.org.uk



EMAIL a booking to bookings@lgg.org.uk



FAX a booking to LGG on 01483 277888



POST a booking to LGG, 64 Smithbrook Kilns, Cranleigh, Surrey, GU6 8JJ



Call 01483 275577

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