

Specimen Response for Study Theme 1A (Exemplar 1)

STUDY THEME 1A: DEVOLVED DECISION MAKING IN SCOTLAND

Question

To what extent are the functions of local authorities limited by the Scottish and United Kingdom Parliaments? (15 marks)

Response

There is some degree of evidence that the functions of local government are limited by the UK and Scottish Parliaments.

The devolved powers of the Scottish Parliament gives it control of Local Government and therefore can limit its functions. The Scottish Parliament has control over a wide range of areas: health, education, Law and Order, Social Work, housing and environment. At present there is a coalition Government with Jack McConnell, Labour as First Minister, and until recently Jim Wallace, Liberal Democrat as Deputy First Minister. The majority of MSPs support Labour and most of the local councils are controlled by the Labour Party. So there is good cooperation between COSLA and the Scottish Executive.

COSLA (Convention of Scottish Local Authorities) has existed since 1975. It played a crucial role in the fight against the policies of the Conservative governments in the period 1979 – 97 and in the struggle for a Scottish Parliament. It represents local government interests to the Scottish Executive.

The present structure of Local Government was set up in 1996. There are 29 all purpose councils on the mainland with three island authorities. Some of these authorities are very small and they do not have the influence on Central Government that Strathclyde Region had. This was why the Conservative governments brought in these small authorities to weaken their powers and functions.

Local Councils play an important role in the everyday lives of the Scottish public. Schools, roads, refuse collection, street lighting and housing are just some of the services provided for people by their local councils. Some of the services such as education are mandatory and councils are required to provide a specific service and structures. Local Authorities cannot decide to raise or lower the school leaving

age. This is decided by the government. They can close schools but parents can appeal to the Scottish Parliament.

Other services provided by Local Authorities are discretionary. These are services which councils can decide to provide but do not need to e.g. a swimming pool or tennis courts.

One way in which the decision making functions of local councils are limited is finance. While Local Authorities receive money from Council taxes and services the vast majority of the money over 70% comes from the Scottish Parliament through grants. This gives the Government the power to limit what local councils can do with the money as they control it.

The Scottish Parliament decides how much spending they will give to local authorities and this can lead to local councils having to cut back on their services which makes local people very unhappy. Local Authorities feel that the creation of a Scottish Parliament has diminished their power and functions.

In conclusion Local Authorities have many functions which are very important. However these powers are limited because they are controlled by the Scottish Parliament who also control the money.

Marking Instructions for Study Theme 1A (Exemplar 1)

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To what extent are the functions of local authorities limited by the Scottish and United Kingdom Parliaments? (15 marks)

Developed, exemplified, balanced and analytical answers may refer to:

- ◆ local authorities have a duty to promote the economic, social and environmental well-being of the areas they administer
- ◆ main functions are those associated with the delivery of the services for which they have been made responsible
- ◆ mandatory services, education, social work, must be provided
- ◆ discretionary/permissive services are derived from the power a council has to spend limited funds in the interests of the local area and its inhabitants
- ◆ the Scottish Parliament is responsible for Scottish local government
- ◆ Scottish Executive sets the parameters for most policies that councils have responsibility to deliver. Sets targets of councils using “performance indicators” and council performance is monitored via Accounts Commission/Audit Scotland; takes action where there is evidence of malpractice
- ◆ local authorities rely upon the Scottish Executive for most of their funding
- ◆ sources from which local authorities may raise money to finance their functions and the power of the Scottish Parliament to limit/ring fence these
- ◆ recent disagreements between local authorities and the Scottish Executive
- ◆ the UK Parliament and the Block Grant
- ◆ significance of ‘reserved’ powers in relation to promoting the economic, social and environmental well-being of the local area
- ◆ other relevant points

‘Achieve’ answers must feature both knowledge and understanding and analysis.

Comments on Specimen Answer to Study Theme 1A (Exemplar 1)

The candidate clearly has knowledge and understanding of the functions of local government. There is good use of language.

There is a good attempt to address the question e.g. in the paragraphs ‘Local Councils play an important role ...’ and ‘Other services provided ...’.

The next two paragraphs are very clearly linked to the question.

There are irrelevancies – notably paragraph 4 and arguably paragraph 3. We do not penalise for this – the candidate has penalised himself by time wasting.

The candidate has made no mention of the limitations imposed by central government, and even if the references to the relationship between the Scottish Parliament and Local Councils been perfect – which it is not – the answer could not gain an ‘A’ pass.

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