

Council – 17 December 2009

## **STRUCTURAL REVIEW OF DEVON – FINAL RECOMMENDATIONS OF THE BOUNDARY COMMITTEE – LOCAL GOVERNMENT REVIEW IN DEVON**

### **Report of the Strategic Director (Community)**

**Statutory Powers:** Local Government and Public Involvement in Health Act 2007

**Financial Implications:** There may be a cost to responding to the Boundary Committee's recommendation. This will be funded from the Strategic Issues Reserve.

### **Purpose:**

This report briefly summarises the proposals for unitary local government in Devon published by the Boundary Committee on 8 December 2009.

## **RECOMMENDATION**

**That the Council;**

- a) **CONSIDERS** an initial response to the Boundary Committee recommendation to guide the work of officers during the consultation period;
- b) **RESOLVES** that the Local Government Review Member Working Group steers the on-going work associated with responding to the Boundary Committee's recommendation;
- c) **RESOLVES** that authority be delegated to the Working Group to consider and submit a response to the Secretary of State by 19 January 2010;
- d) **RESOLVES** that the limited costs associated with responding to the Boundary Committee's consultation, including informing local people, is funded from the Strategic Issues Reserve.

## **Background**

1. Members have been kept informed on a regular basis over the last two years of the developments and progress of this review. There have been several legal challenges brought by district councils in Norfolk, by East Devon District Council and most recently by district councils in Suffolk. The Suffolk judicial review was originally successful and had the effect of quashing the review process in that county and effectively stalled the process in Devon and Norfolk. As a consequence the Boundary Committee went to appeal. At the end of November the Court of Appeal delivered a judgement which overturned the original findings in favour of the Suffolk districts.
2. This most recent Court of Appeal judgement has enabled the Boundary Committee to swiftly proceed to publish its final recommendations to the Secretary of State (SoS), John Denham MP. There is now a period of public

consultation on the Committee's final recommendations until 19 January 2010. The Boundary Committee's final report can be accessed through the Council's website at [www.southhams.gov.uk/20091209\\_devon-sr-final-dec09-v2.pdf](http://www.southhams.gov.uk/20091209_devon-sr-final-dec09-v2.pdf).

## **Key Issues**

3. The final recommendation for Devon is a single unitary council which would replace the existing districts and county council subsuming all local government services in to one body. The Boundary Committee reviewed both the original Exeter case and their alternative pattern of a Greater Exeter and Exmouth unitary alongside a large Rural Devon unitary. Both of these patterns have been rejected as unlikely to meet the SoS criteria.
4. Members will recall that the five criteria specified in the original instructions to the Boundary Committee were:-
  - Affordability
  - Value for money
  - Broad cross section of support
  - Neighbourhood/Community engagement
  - Strategic Leadership
5. The period of public consultation is very tight when the Christmas and New Year holiday period is taken in to account. The Leader has already written to all parish and town councils, as well as a range of local organisations in South Hams, setting out some key considerations to assist them in formulating any responses that they may wish to make. Media releases have been provided to give the Council's immediate reaction to the recommendations.
6. This is the last opportunity that the public will have to influence the SoS's decision on the future structure of local government in Devon. There is a significant possibility that the Government will seek to secure a structural change in governance on Devon before the General Election.
7. The Council has previously provided fully detailed explanations of its reasons for challenging the Boundary Committee's proposals. There has been a clear and early preference from the Boundary Committee for a single Devon unitary council. The Council's responses were informed through an extensive programme of public engagement across South Hams as the review has progressed. Copies of the submitted responses have been widely circulated to Members and our partners. Many local residents and most of our parish councils continue to doubt that the case for moving to a unitary system has been made.

## **Suggested next steps**

8. The Boundary Committee moved quickly to publish final recommendations as soon as procedural obstacles were removed by the Court of Appeal judgement. The final recommendation to the Government reflects a position adopted from a very early stage in the review, indicating preference for a large single unitary for the county.

9. Despite assertions in the final report that they have listened to the many responses to their consultations, the limited support for the change to unitary status evidenced within the report is regarded as sufficient for the Committee to recommend change to the SoS. The Committee believes that there is a “lack of consensus” in Devon on what structure is most suitable. The Committee has consequently dismissed 63% of the responses received rejecting their proposals suggesting that this is an inevitable public response to proposed change. Some might argue that the Boundary Committee’s approach to this review has been flawed and its credibility in the mind of public has been irretrievably damaged.
  
10. A delegation of Devon council Leaders is planning to meet a group of Devon MPs in London, currently scheduled for 14 January 2010. This meeting will convene prior to the MPs meeting the junior Communities and Local Government minister, Barbara Follet MP. The Council’s final response to the SoS will be able to reflect the outcome of this meeting.

### **Strategic Risk Assessment**

11. The following are the significant risks and opportunities identified:

Opportunity	Issues / Obstacles	Benefits
To respond to the Secretary of State with the best possible solution for the people and communities of the South Hams.	To ensure the Council has the capacity to input into the next stage of the process.	To ensure the longer term interests of the residents of South Hams are fully protected in any resulting re-organisation.
The next stage of the process will require close working relationships with other authorities.	Significant additional work demands placed upon lead officers, and the implications for other priority work areas.	To promote the need for a strong rural focus at the heart of any new structure for government in Devon

### **Conclusion**

12. This document provides the background to the next phase of the Local Government Review Process.

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Strategic Director (Community)

Council  
 17 December 2009

### **Background Documents:**

“Advice to the Secretary of State on unitary local government in Devon” –  
 Boundary Committee, December 2009