

Council – 24 July 2008

## DRAFT PROPOSAL FOR UNITARY LOCAL GOVERNMENT IN DEVON

### Report of the Strategic Director (Community)

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

**Financial Implications:** There will be a cost to responding to the Boundary Committee's recommendation, in terms of public consultation and the use of various specialist advice, for example commissioning guidance to prepare the Council's formal response, and to review the financial implications of the proposed change. This will be funded from the Strategic Issues Reserve.

### Purpose:

This report briefly summarises the draft proposal for unitary local government in Devon published by the Boundary Committee on 7 July 2008.

## 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 a Local Government Review Member Working Group be established to steer the on-going work associated with responding to the Boundary Committee's recommendation;
- c) **RESOLVES** that authority be delegated to the Group to consider and submit a response to the Boundary Committee by 26 September 2008;
- d) **That the Local Government Review Member Working Group reports back to Council on 25 September 2008 with the outcome of this process.**

## Background

1. In October 2006, the Secretary of State for Communities and Local Government issued an invitation to two-tier principal local authorities (district and county councils) in England to submit proposals for a change to unitary status. Local authorities bidding for unitary status were asked to provide business cases.
2. Proposals were received for the creation of 26 new unitary authorities in total, and included a bid from Exeter City Council for unitary status on its existing boundaries. In December 2007 the Secretary of State concluded that there was not a reasonable likelihood of Exeter's proposal achieving the outcomes specified in the five criteria. She particularly noted that there was a number of risks to the financial case.

3. The Boundary Committee were subsequently asked to provide advice on whether there could be an alternative proposal for a single tier of local government for Exeter, and the whole or part of the surrounding Devon County area, that would have the capacity to meet the five criteria set out by the Secretary of State.
4. The five criteria used to assess unitary proposals are as follows;
  - provide for strong, effective and accountable strategic leadership
  - attract a broad cross-section of support
  - deliver the empowerment of citizens and communities, so that all communities have power and resources to influence the decisions that affect them in their localities
  - provide value-for-money services – services should be provided effectively, efficiently and in an integrated and coherent way, ultimately driving up customer satisfaction
  - be affordable – the change to a unitary structure should deliver value for money and be self-financing, with transitional costs being capable of being paid back within a five-year period.
5. The four stages of the review are set out in the table below and stage 3 is the current phase;

Stage	Dates	Description
One	3 March – 11 April	Commencement of review and submission of concepts for unitary patterns of local government
Two	14 April – 4 July	The Committee considers concepts, seeks further information and prepares draft proposal
Three	7 July – 26 September	The Committee publishes draft proposal report and invites representations
Four	29 September – 31 December	The Committee considers representations, reaches conclusions and submits advice to the Secretary of State

### Submission of Concepts

6. A range of concepts were submitted to the Boundary Committee ranging from one unitary to four unitaries. The Rural South Devon and Dartmoor concept, jointly produced by South Hams and West Devon, proposed a three unitary solution (see **Appendix A**). Exeter City Council proposed a similar concept in many respects. The County Council and Torridge District Council were the only two authorities which proposed a new county-wide unitary authority based on the existing County boundaries.
7. The Rural South Devon and Dartmoor concept was promoted to create a unitary with a rural focus. The following is a summary of the key points that both South Hams and West Devon Councils agreed would be of benefit to local people.

- The right solution for this area - it puts rural issues at the top of the agenda.
- Provides good level of democratic representation for communities with around one councillor for every 4,000 electors.
- It will have locality based councillors who understand the issues of the area.
- Will be small enough to operate at a scale local people can relate to but with strategic capacity and influence with regional and national agencies.
- Continues to deliver high quality services. Public satisfaction levels in the cluster already rank amongst the best in the country.
- It will have a population of 260,000 which is set to grow. This is similar to, or exceeds cities such as Nottingham, Hull and Southampton.
- Will be large enough to cope with declining Government financial support.
- Based on parishes (towns and villages) and grounded in rural areas not on an urban centre.
- Closer to the communities it serves, giving local people more say in how money is spent and the services delivered.
- Common interest between rural areas in South Devon and Dartmoor, for example the need for affordable housing and, support for rural businesses.
- A rural unitary can ensure that there is a balance between development and environmental protection.
- More dynamic and simplified liaison with Dartmoor National Park Authority.
- Good track record of joint working and shared services already exists between the authorities within the proposed boundaries.
- Second Homes Council Tax can support affordable housing initiatives within the area in which it is collected.
- Will determine rather than merely influence moorland, rural and coastal issues which can be diluted by county-wide agendas or urban pressure for regeneration and major growth.
- The special environment can be protected by the people who understand and value it.

- The concept advocates Plymouth and Torbay should remain on the current boundaries.
- Multi-Area Agreements (MAA) and joint commissioning provide opportunities across boundaries to secure economies of scale. Furthermore effective strategic representations can be made through cross boundary collaboration to the regional agencies regarding economic growth, affordable housing and transport infrastructure.

### **Boundary Committee's Draft Proposal**

8. The Boundary Committee's recommendation is to have a Devon County Unitary Authority based on the County of Devon, including all authorities in the two-tier area. See **Appendix B**.

9. In terms of the size of a County unitary, the Boundary Committee argues that it would have the capacity to provide strategic leadership to all of two-tier Devon. While the Boundary Committee comments that it would be one of the largest authorities in England, it states that;

*"We consider it an advantage that our draft proposal does not seek to divide the county area and create what might be regarded as artificial boundaries. Rather, we see the role of a single unitary council as bringing together the various communities, both rural and urban, and building a cohesive response to the challenges facing the county as a whole."*

10. Furthermore in terms of the size of a County unitary, the Boundary Committee also comment;

*"One of the most important challenges facing the proposed unitary county authority would be to demonstrate that it was not too large to engage with and empower citizens and communities. We have already noted that a Devon unitary council would be one of the largest unitary authorities in population terms and cover a large geographical area. We recognise that it would represent a range of rural and urban areas which differ markedly in socio-economic make-up. Additionally, Devon has many sparsely populated and remote areas which suffer from difficult communication links, plus two National Parks (one of which is partly in Somerset) and several Areas of Outstanding Natural Beauty (AONBs)."*

11. Despite these reservations, the Boundary Committee believe that the County Council's proposed Community Boards addresses this issue, but accepts that the Community Boards are not envisaged as service delivery bodies, and the future role of Parish and Town Councils has not been defined. The Boundary Committee also indicates that;

*"further consideration needs to be given to how a new unitary council would integrate county and district services into a coherent whole for the benefit of Devon service users and council tax payers. We welcome views on how an area-based model for the delivery of the full range of unitary authority services would relate to the proposed Community Boards."*

12. The report recognises that under the proposal there will be a need to aggregate all District Council services, which may have a transitional impact on service delivery. The Committee however suggests that over a longer time frame there would be opportunities for economies of scale and for developing consistent County-wide service standards. The report notes that while all structural change has a cost, the Committee's view is that those costs would be minimised by the creation of a County wide unitary. The Boundary Committee conclude that a multi-unitary pattern would require the disintegration of the services provided by the County Council, as well as bringing together the local services delivered by the district councils within each new unitary authority, which would be less efficient.
  
13. The report raises a range of questions throughout the document identifying issues on which the Boundary Committee welcomes views from stakeholders supported by evidence. Unfortunately the Committee has not facilitated the consultation process by bringing the questions together as part of a unified questionnaire. The following appear to be the key issues that the Committee have requested feedback on;
  - Views on the draft proposal;
  - Views on the role of parish and town councils;
  - Views on the arrangements for Exeter;
  - Views on how an area-based model for the delivery of the full range of unitary authority services would relate to the proposed Community Boards;
  - Evidenced views on whether a county-wide unitary authority would be able to establish the necessary infrastructure to support and spread the effects of Exeter's growth;
  - Views on whether the inclusion of Exeter in a county-wide authority would foster economic growth in the rural parts of Devon;
  - Views on the necessary inclusion of Exeter in a county-wide authority, particularly whether it will support the city's economic growth and promote the growth of the county;
  - Whether there is a need to extend the membership of the Devon Strategic Partnership to reflect more fully Exeter's key role in the county;
  - Further information on the community governance model envisaged for the city of Exeter as part of a county unitary authority;
  - Further evidence that a county-wide unitary authority has a broad cross-section of support from a range of key partners, stakeholders and service users/citizens;
  - Views from parish and town councils in regard to their envisaged role in the proposed Community Board arrangements;

- The roles and responsibilities of the proposed Community Boards, particularly as they are perceived by parish and town councils and other groups likely to be involved as Board representatives;
  - How the County Council's proposed community governance structures will be constituted.
14. The Boundary Committee's report can be viewed on the website at [www.southhams.gov.uk](http://www.southhams.gov.uk), and **Appendix C** identifies the specific paragraphs within the report which encourage the receipt of stakeholder responses.

### **Alternative proposal**

15. The Boundary Committee refer to the 2007 Act, which requires that they should submit a single draft proposal for consultation. However the committee conclude that there is merit in consulting on a two unitary pattern. This would involve an Exeter and Exmouth authority comprising the two urban areas and their surrounding parishes, and a Devon authority comprising the remainder of the County. A map illustrating this proposal is attached as **Appendix D**.

### **Consultation**

16. The Boundary Committee stress that this is not a final proposal, and have requested views supported by evidence. There is a 12 week consultation period that runs from 7th July to 26<sup>th</sup> September.

### **Next steps for the Council**

17. The Council needs to determine its initial response to the Boundary Committee recommendation to guide the Council's actions up until 26<sup>th</sup> September. As time is short and much of the consultation period occurs over the holiday period it is important that Members delegate responsibility for progressing the Council response to a smaller group of Members. It is suggested that as it is the holiday period and Member availability is reduced, that the initial Member Working Group involved in the development of the South Devon and Dartmoor concept, is reconstituted and supplemented by those Members of the Executive not already part of the group. The Membership could be;

- |                 |                   |
|-----------------|-------------------|
| • Cllr Baldry   | • Cllr Howarth    |
| • Cllr Barnes   | • Cllr Lawrence   |
| • Cllr Bastone  | • Cllr Pennington |
| • Cllr Carson   | • Cllr Saltern    |
| • Cllr Hewitt   | • Cllr Tucker     |
| • Cllr Hicks    | • Cllr Westacott  |
| • Cllr Hitchins |                   |

18. There will also need to be discussions with this Member group about the nature and scale of public engagement and consultation undertaken by the Council during this period. Possible options for a way forward to steer the work of the Member group and officers over the consultation period include;

- Reacting to the Boundary Committee's report by responding to the consultation questions;
- Actively opposing the Boundary Committee's draft proposal and/or their alternative proposal;
- Continuing to promote the Rural South Devon and Dartmoor Unitary concept;
- Considering the impact on South Hams of other concepts which have been rejected by the Boundary Committee;
- Promoting the retention of an enhanced two tier system i.e. Integrated Devon, in parallel with the response to the Boundary Committee process;

Clearly these options are not mutually exclusive, and Members may favour a multi-pronged approach.

19. Finally there may be a need to fund specific consultation exercises and commission specialist external advice at short notice both funded from the Strategic Issues Reserve.
20. It is suggested that the Council does not formally determine its final response to the Committee's recommendation until later in the consultation period, and there is greater awareness of the issues that have emerged over the 12 week period.

### **Strategic Risk Assessment**

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

Opportunity	Issues / Obstacles	Benefits
To respond to the Boundary Committee 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 Review throughout the process.	To ensure the longer term interests of the residents of South Hams are fully protected in any resulting re-organisation.
The Review 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

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

Alan Robinson  
Strategic Director (Community)

Council  
 24 July 2008

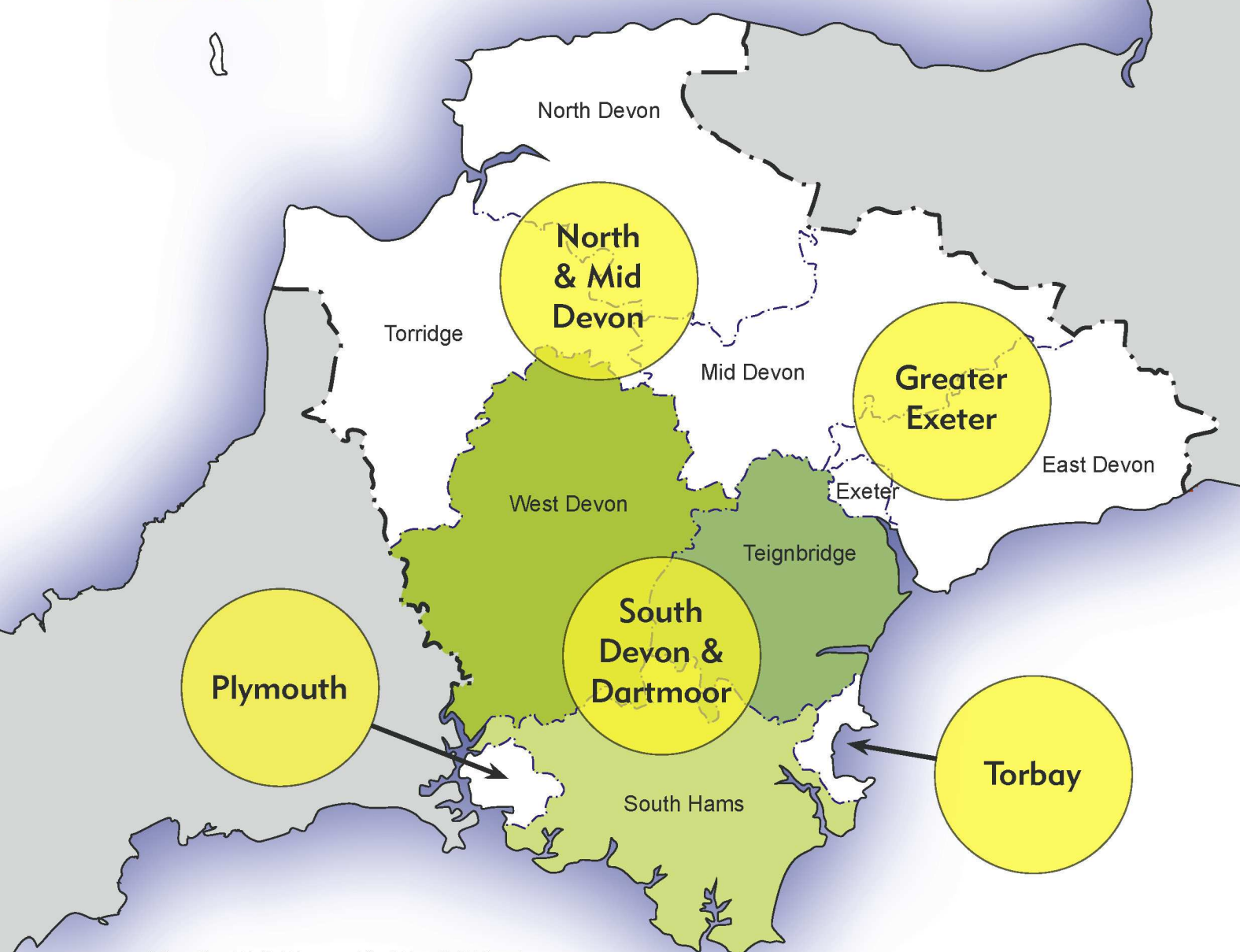
### **Background Documents:**

Draft proposal for unitary local in Government in Devon – July 2008 (The Boundary Committee for England)

# Purpose

1. This document proposes a unitary solution in response to the Boundary Committee invitation to submit concepts for the structural review of local government in Devon by 11 April 2008. It aligns with the existing boundaries of South Hams District Council, Teignbridge District Council and West Devon Borough Council.
2. Our proposal provides a unitary proposal for the South Devon and Dartmoor area, which will fit into an overall structure within Devon. It aligns with the way that 'Integrated Devon' (service-based clusters in the North, East and South of the county) is developing and provides each authority with sufficient critical mass for efficiency gains and resilience in service delivery.

## How a future unitary structure in Devon could look



Map B1: Draft proposal for Devon



Key to Unitary Authorities (UAs)

- 1 Devon
- 2 Plymouth
- 3 Torbay

### Paragraphs in the Boundary Committee proposal requesting views from stakeholders

2.22 The 2007 Act makes clear that, at this stage in the review, we should set out a single draft proposal and invite views about that proposal. We have no power to seek views on a range of potential options. However, in undertaking the review in Devon we have identified a further pattern that, in our judgement, might also meet the Secretary of State's criteria against which our draft proposal can be assessed. Interested parties may wish to have this further pattern in mind when commenting on our draft proposal.

2.27 In reaching conclusions on our draft proposal we have, as discussed above, sought to engage with and seek the views of a wide range of key local government partners and stakeholders, including parish and town councils, MPs, police and fire services, primary care trusts, local strategic partnerships and the Regional Development Agency. Together with the views of individual local authorities in the area under review, our discussions with these partners and stakeholders have informed and influenced our thinking. We now move forward to seeking views more specifically on our draft proposal.

4.3 We wish to emphasise that we have not finalised our proposal for Devon and would welcome views during Stage Three from all interested parties, including local residents, before we submit our final advice to the Secretary of State.

4.17 We accept that Community Boards are not envisaged as service delivery bodies and that the County Council's proposal would include a substantially stronger role for parish and town councils, but that it has not yet defined their role. We consider the role of parish and town councils requires further definition and we welcome views on this during the representation period. However, we recognise that a stronger role for parish and town councils would be dependent on the resources, capability and enthusiasm expressed by that tier of local government to take on further responsibilities. We wish to be satisfied that an effective two-way relationship between parish and town councils and the Community Boards could be facilitated under these arrangements and that their respective roles and responsibilities are clear. This challenge may be particularly acute where parish and town councils have achieved Quality Parish status and are keen to take on further responsibilities. We welcome the views of parish and town councils on these matters.

4.20 We agree that the arrangements for Exeter should fully and properly recognise the particular role of the city both locally and sub-regionally, and we welcome views on this issue.

4.23 However, further consideration is needs to be given to how a new unitary council would integrate county and district services into a coherent whole for the benefit of Devon service users and council tax payers. We welcome views on how an area-based model for the delivery of the full range of unitary authority services would relate to the proposed Community Boards.

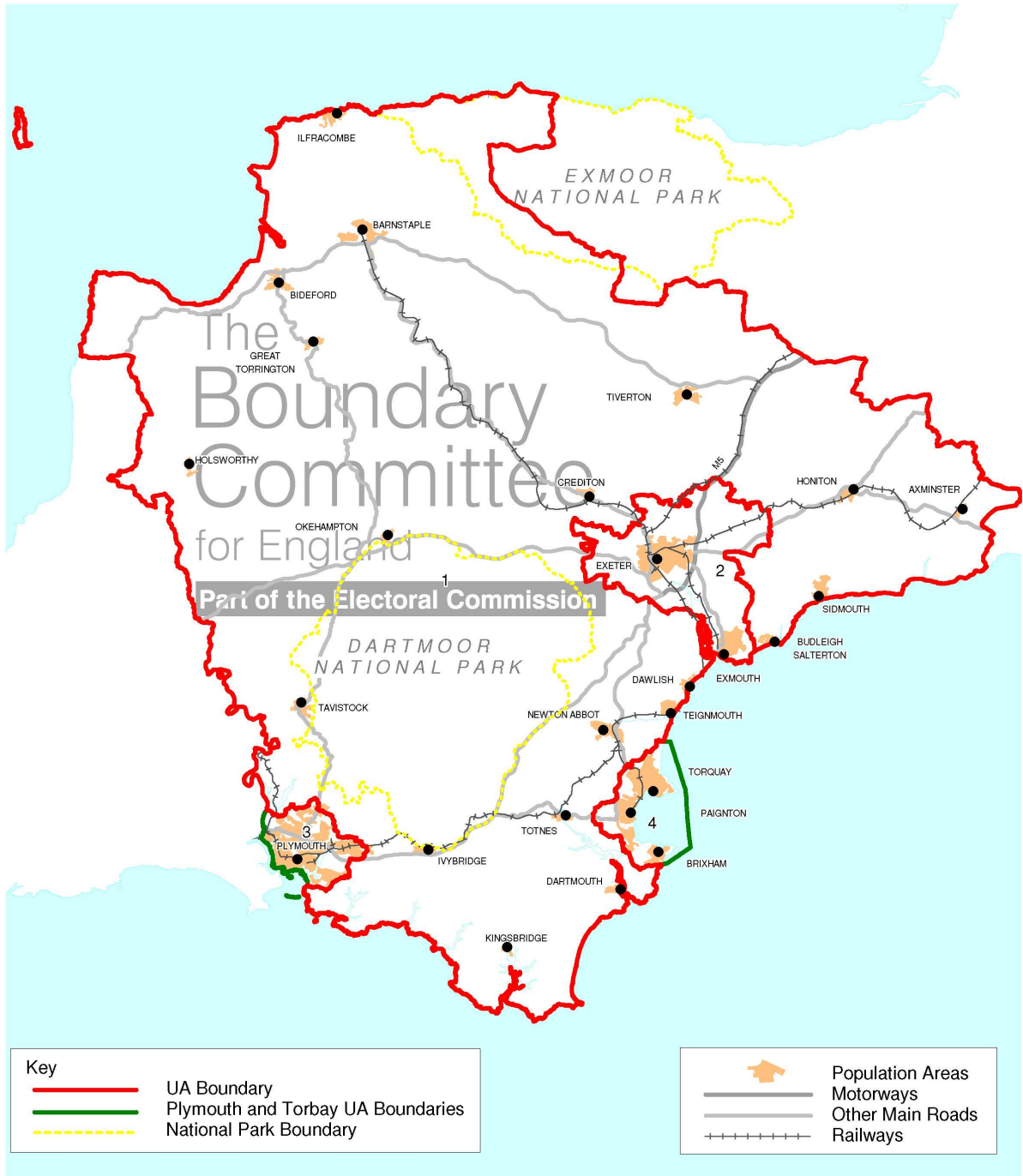
4.27 Proponents of a county unitary have told us that the inclusion of Exeter would assist the city's continuing growth and development. Although we recognise the importance of Exeter in developing the economy of Devon, we welcome during this

representation period further evidenced views on whether a county-wide unitary authority would be able to establish the necessary infrastructure to support and spread the effects of Exeter's growth. Additionally, we would welcome views on whether the inclusion of Exeter in a county-wide authority would foster economic growth in the rural parts of Devon.

4.33 We have identified several issues, set out below, on which we welcome views supported by evidence:

- our view on the necessary inclusion of Exeter in a county-wide authority, particularly whether it will support the city's economic growth and promote the growth of the county
- whether there is a need to extend the membership of the Devon Strategic Partnership to reflect more fully Exeter's key role in the county
- further information on the community governance model envisaged for the city of Exeter as part of a county unitary authority
- further evidence that a county-wide unitary authority has a broad cross-section of support from a range of key partners, stakeholders and service users/citizens
- considered views from parish and town councils in regard to their envisaged role in the proposed Community Board arrangements
- the roles and responsibilities of the proposed Community Boards, particularly as they are perceived by parish and town councils and other groups likely to be involved as Board representatives
- how the County Council's proposed community governance structures will be constituted

Map B2: A two unitary pattern for Devon



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Key to Unitary Authorities (UAs)

- 1 Devon
- 2 Exeter and Exmouth
- 3 Plymouth
- 4 Torbay