

ITEM

ITEM

Council – 25 September 2008

LOCAL GOVERNMENT REVIEW WORKING GROUP FEEDBACK ON THE RESPONSE SUBMITTED TO THE BOUNDARY COMMITTEE

Report of the Strategic Director (Community)

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

Financial Implications: The time and cost of responding to the Boundary Committee's recommendation has been minimised by staff and Members absorbing the additional workload within existing resources. A key area of work required by the Boundary Committee has been publicity for the Boundary Committee's proposals and therefore additional costs relating to public consultation have been incurred. The review process is ongoing, but it is anticipated that additional costs associated with the review will be approximately £20,000. This expenditure will be funded from the Strategic Issues Reserve.

Purpose

1. To update Members in compliance with the Council resolution in July.

RECOMMENDATION

That the Council RESOLVES to note the completed response to the Boundary Committee, and the actions undertaken to date.

Background/The Issues

2. At the Council meeting on 24th July, Members resolved the following;

"That the Council:-

a) has no confidence in the Boundary Committee's draft proposals;

b) expresses its disappointment that the South Devon and Dartmoor concept has been dismissed by the Boundary Committee without adequate reason and identifies that at this stage, it has serious concerns about the following issues, namely:

- future delivery arrangements for district based services that meet the needs of the communities and public of the South Hams;
- the nature and role of the proposed Community Boards;
- the representation of parishes on the Community Boards and the means of selection of such parishes;
- the position of the Chair of the Community Board versus the Mayor of the Town Council and/or Chairman of the Parish Council;
- the nature, geography, role and relationship with existing unitaries that the Spatial Board serving the South Hams will have;
- whether a Planning Sub-Committee of the Spatial Board would be fit for purpose in dealing with democratic engagement in the development control function;
- vesting the budgetary and strategic decision making for a county of 750,000 residents in an Executive of no more than 10 Members and the democratic deficit that will result;
- the basis on which the financial case is being calculated and the assumptions which support it especially around the cost of transition, the size of the workforce and the manner of service delivery and access to services;
- the possible detrimental effect on services in the South Hams if the priority is to raise service levels in the areas of the county currently receiving lower levels of performance;

- the democratic deficit from currently approximately 1 Member to 2,000 residents to approximately 1 Member to 7,500 residents and the lack of local community involvement entailed;

c) establish a Local Government Review Member Working Group to steer the ongoing work associated with responding to the Boundary Committee's recommendation and authority be given to Group Leaders to apply the substitution rule;

d) delegate authority to the Group to consider and submit a response to the Boundary Committee by 26 September 2008;

e) request that the Local Government Review Member Working Group report back to Council at its meeting on 25 September 2008 with the outcome of this process."

3. Since the Council meeting the Member Working Group has produced the response to the Boundary Committee. In summary the Council's response strongly opposes the Boundary Committee's draft proposal on the basis that the report has not demonstrated that a Unitary Devon would meet the five criteria in the Secretary of State's guidance. Furthermore the Boundary Committee has not fully assessed other submitted Unitary options, or the retention of the existing arrangements for local government within Devon, against the five tests. The Council has argued that if a unitary option is proposed for Devon there should be three new unitaries, including Rural South Devon and Dartmoor.
4. In the absence of a clear case for a unitary Devon, and the Boundary Committee's reluctance to consider the Rural South Devon and Dartmoor option, then this Council has argued for the retention of the status quo where the authorities in Devon across all three tiers work together to improve services and reduce costs under the 'Integrated Devon' banner. The response states that considerable progress had been made, and costs would have continued to be reduced without undermining local democracy and without recourse to disruptive reorganisation.
5. The response also states that consultation process has been flawed because the timescale has resulted in a superficial assessment, consultation on one option with limited information, and advice has changed mid way through the process regarding the retention of current local government arrangements.
6. The Working Group also oversaw the action plan associated with responding to the Boundary Committee's draft proposal, in particular the publicity and consultation arrangements required to publicise the Boundary Committee's proposal and to inform people about the Council's response.
7. Key activities have focused on informing stakeholders and residents about the implications of the draft proposals. The work has primarily involved officers and members meeting with a wide range of interested parties, and attending various local meetings and events. The Council's quarterly magazine also included an article on the Boundary Committee's recommendation, and many Members have produced articles for parish magazines. The Council has also sought to keep local people informed through media releases, providing information to parish councils, and regularly updating to the website.
8. Careful consideration of costs has taken place, and therefore additional resources over and above officer and member time has been limited to the production of a leaflet at a cost of £3,000, which was circulated with electoral information so that there was no additional postage cost. A poster, signs for Council vehicles and car stickers have been produced at a cost of £4,500. The Council has also set up a display in the reception area. To comply with the Boundary Committee's September deadline for public responses, the Council had to review its existing circulation contract for the September edition of the magazine. The one-off additional costs to change the circulation arrangements was approximately £8,000. The Local Government Review process is anticipated to continue until February 2009, however based on current projections, additional costs associated with this work are likely to be approximately £20,000, and will be funded from the Strategic Issues Reserve.
9. A key issue, referred to above, which has emerged in recent weeks, is that Government advice has changed mid way through the consultation process. When the Devon Councils met with the Boundary Committee earlier this year, the Boundary Committee stressed that they would only look at

proposals to create new Unitary Councils. The retention of the existing two or three tier system was not an option. However, in a letter dated 13 August 2008, the Department of Communities and Local Government states;

“Any comparison of the relative merits of the status quo with a single tier of local government is likely to be most constructive if made after a draft alternative proposal has been formulated. Now that a draft alternative proposal has been published, it is clearly open to interested persons in making representations to express their views as to merits of the alternative proposal, were it to be implemented, compared to the existing two-tier system. The Boundary Committee must of course take into account any such representations.”

10. The impression from the various consultation events is that many parish councils and the majority of the public favour retention of the existing local government arrangements, and progressing the shared services agendas as part of Integrated Devon.
11. On the 11th September financial information about the reorganisation to a Unitary Council was published by the County Council. The District Council has expressed concerns that preparation of the information, and its external scrutiny has been rushed, with the District Council having limited time to robustly assess the financial assumptions, and assess the risk associated with the assumptions behind the figures. The figures are also based on the County Council absorbing the District Council functions as a continuing authority, rather than establishing a new Unitary Council. This is different to this Council’s initial understanding that the review of local government arrangements in Devon would result in the creation of new unitaries.

Strategic Risk Assessment

12. 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.
To engage local people in the issues facing local government	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
The Review process will require close working relationships with other authorities.		

Conclusion

13. This report updates the Council about the Local Government Review Process.

Alan Robinson
Strategic Director (Community)

Council
25 September 2008

Background Documents:

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