

Council – 26 March 2009

## STRUCTURAL REVIEW OF DEVON – FURTHER DRAFT PROPOSALS

### 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 possible use of various specialist advice. This will be funded from the Strategic Issues Reserve.

#### Purpose:

This report briefly summarises the further draft proposals for unitary local government in Devon published by the Boundary Committee on 19 March 2009.

## RECOMMENDATION

**That the Council;**

- a) **CONSIDERS** an initial response to the Boundary Committee recommendations 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 Boundary Committee by 14 May 2009;
- d) **RESOLVES** that the Local Government Review Member Working Group reports back to Council on 14 May with the outcome of this process;
- e) **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. On 6 February 2008 the Boundary Committee was 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.
2. 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.

3. The seven stages of the review are set out in the table below and stage 6 is the current phase;

<b>Stage</b>	<b>Dates</b>	<b>Description</b>
One	3 March – 11 April 2008	Commencement of review and submission of concepts for unitary patterns of local government
Two	14 April – 4 July 2008	The Committee considers concepts, seeks further information and prepares draft proposal
Three	7 July – 26 September 2008	The Committee publishes draft proposal report and invites representations
Four	29 September 2008	The Committee publishes financial workbooks completed by local authorities and invites representations
Five	21 November – 24 December 2008	The Committee publishes analysis of its independent financial consultants on the extent to which unitary patterns meet the affordability criterion and invites comments
Six	19 March – 14 May 2009	The Committee publishes further draft proposals report and invites representations
Seven	15 May – 15 July 2009	The Committee considers representations, reaches conclusions and submits advice to the Secretary of State

4. Following the receipt of the report, the Secretary of State is required to allow a minimum of four weeks to receive further representations. After a minimum period of a further two weeks, the Secretary of State may accept, reject, or modify the recommendation, or request further information from the Boundary Committee. Assuming the Boundary Committee do not submit the final report until 15 July, the earliest date for the Secretary of State decision is 26 August. The parliamentary break runs from 21 July to 12 October, therefore it is anticipated that formal orders would be laid in late Autumn/early winter. Any change to local government is likely to be introduced in April 2011, but recent correspondence from DCLG has not ruled out an April 2010 start.
5. The above timetable may be further affected by the judgment in the recent court case involving East Devon, which has not yet been issued. Changes may also arise from any subsequent legal challenges which may emerge.

## **Boundary Committee's Further Draft Proposals for Devon**

6. The Boundary Committee's draft proposals are:
- Pattern A – a Devon unitary authority comprising the existing county of Devon, with no changes to Plymouth and Torbay (this was the draft proposal in the July 2008 report)
  - Pattern B – an Exeter and Exmouth unitary authority, and a unitary authority covering the remainder of the county, with no changes to Plymouth and Torbay (this was the pattern of merit in the July 2008 report).

The proposals are attached as **Appendix A and B**.

7. The Boundary Committee's report can be viewed on the website at [www.southhams.gov.uk](http://www.southhams.gov.uk).
8. In paragraph 1.30 of their report the Boundary Committee acknowledges that during the course of the review, it has received a great deal of support for the current pattern of local government in Devon. However the Committee has not compared the merits of the existing structure with their two proposals for unitary government and retention of the existing arrangements do not form part of their consultation. Members will however recall that retention of the current two tier system is an option open to the Secretary of State.

### **Consultation**

9. The Boundary Committee stress that the two options are draft proposals, and have requested views supported by evidence including which proposal is preferred, how one or both could be made better, or how neighbourhood empowerment arrangements could work better. There is an 8 week consultation period that runs from 19 March to 14 May. The Boundary Committee indicate that previous representations will be taken into account.

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

10. The Council needs to determine its initial response to the Boundary Committee recommendation to guide the Council's actions up until 14 May. As time is short and much of the consultation period occurs over various bank holidays, it is important that Members delegate responsibility for progressing the Council response to a smaller group of Members. It is suggested that the current Member Working Group is tasked with this role. The current membership is:
- Cllr Baldry
  - Cllr Barnes
  - Cllr Bastone
  - Cllr Carson
  - Cllr Hawkins
  - Cllr Hicks
  - Cllr Hitchins
  - Cllr Howarth
  - Cllr Lawrence
  - Cllr Pennington
  - Cllr Saltern
  - Cllr Tucker
  - Cllr Westacott

11. 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.
12. Finally there may be a need to fund specific consultation exercises and commission specialist external advice at short notice which could be funded from the Strategic Issues Reserve.
13. It is suggested that the Council does not formally determine its final response to the Committee's recommendation until later in the consultation period, when there will be greater awareness of the issues that have emerged over the 8 week period.

### **Strategic Risk Assessment**

14. 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

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

Alan Robinson  
Strategic Director (Community)

Council  
 26 March 2008

### **Background Documents:**

Further draft proposal for unitary local in Government in Devon – March 2009  
 (The Boundary Committee for England)

Map C1: Further draft proposals (Pattern A)  
Devon unitary authority



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Key to Unitary Authorities (UAs)

- 1 Devon
- 2 Plymouth
- 3 Torbay

