

BCFE (08) 15th Meeting

Minutes of meeting held on Tuesday 11 November and
Wednesday 12 November 2008 at Barnett Hill Conference
Centre, Guildford, Surrey, GU5 0RF.

Present:

Max Caller CBE (Chair)
Robin Gray (11 November only)
Joan Jones CBE
Dr Peter Knight CBE DL
Professor Ron Johnston
Jane Earl
Professor Colin Mellors

Also present:

Archie Gall	Director
Elizabeth Morrow	Senior Lawyer
Graham Essex-Crosby	Local Government Adviser

Sam Hartley	Review Manager
Alison Wildig	Review Manager
William Morrison	Review Officer (Norfolk)
Kalim Anwer	Review Officer (Suffolk)
Tim Bowden	Review Officer (Devon)
Megan Bayford	Review Assistant

1. Minutes of the last meeting: 28 and 29 October 2008 BCFE (08) 14th Meeting

- 1.1 In Item 4.1, replace word “they” with “the notes”.
- 1.2 Item 5.5, “asset changes” replaces “estate-moving”.
- 1.3 The final sentence of Item 11.1 will now read: “The Council therefore proposed a council size of 67.”
- 1.4 Item 12.2 was re-written as follows:
 - It was noted that:
 - The consultation phase had been an open invitation for representations on the draft proposal reports rather than a 'closed and structured questionnaire'; hence responses should be considered as essentially 'qualitative' rather than 'quantitative' evidence.
 - The main value of the responses was in providing the Committee with reflections from a wide range of interested parties—individuals, representative bodies (i.e., parish and town councils) and other stakeholders.
 - it was recognised that the Committee would need to exercise some discretion in evaluating responses since a number, inevitably, were received in the form of 'standard' letters or campaigns.
 - Nevertheless, it would be helpful to capture:
 - key headline messages conveyed from responses
 - breakdowns by location and type of respondent
 - Although the analysis should not drive the Committee's judgments, it would provide a helpful context for the Committee to consider its draft recommendations, especially with respect to the 'broad cross-section of support' criteria.
- 1.5 In Item 12.3, replaced “noted” with “identified and advice was sought”.
- 1.6 With these amendments, the minutes were approved.

2. Matters arising

- 2.1 The Committee agreed to re-order the agenda in order to discuss structural reviews first.
- 2.2 The Local Government Adviser discussed with the Committee a framework for recording evidence received on the draft recommendations. This, it was felt, would help frame the Committee's discussions. The Committee agreed the usefulness of the framework and that further work should be undertaken on its development.
- 2.3 The Committee noted the recent communication from the Legal Team regarding the progress of the judicial reviews of the Norfolk and Devon reviews.

- 2.4 The Committee discussed its final recommendations for Wiltshire. Professor Ron Johnston declared an interest and did not participate in the discussion. As agreed at the previous meeting, the Committee reconsidered its proposals for Warminster and Harnham. In Warminster, given that the mapping provided by the authority in its submission had been inaccurate, officers had drafted alternative divisional arrangements in this area which sought to provide a better reflection of the statutory criteria and provide for more clearly defined boundaries. The Committee agreed to this amendment as part of its final recommendations.
- 2.5 In respect of Harnham officers had provided further information on an alternative division pattern which would provide for a largely separate Harnham division, as opposed to the draft recommendations, in which part of the Harnham area had been warded with areas of Salisbury to the north. Given the high electoral variance that would result from the alternative arrangements, the Committee confirmed its draft recommendations in this area as final.

3. Structural reviews: Devon

- 3.1 The Committee discussed the responses to its draft proposals for Devon.
- 3.2 Using the criteria set out by the Secretary of State, the Committee framed its initial discussions around the extent to which the draft proposal and alternative pattern met four of the five criteria, excluding affordability. It was stressed that the Committee was exploring the arguments, and would be drawing no conclusions from its deliberations over the course of the next two days.

Draft proposal

- 3.3 It was agreed that there was a measure of support for the draft proposal in Devon.
- 3.4 The Committee discussed strategic leadership in relation to a Devon unitary authority. The following main points were made:
- There was a question of workload for councillors elected to any new unitary authority. However, the Director pointed out that creating a system that would work would be something that the new unitary authority would need to address and it should not frame the arguments at this point.
 - This was well-exemplified by the approach taken to the establishment of new authorities in Cornwall, Wiltshire, Shropshire, and likely to be taken in Northumberland and County Durham.
 - In addition, a proportion of councillors in Devon already have considerable workloads, acting as both district/borough and county councillors. Some were also parish councillors.
 - The arguments about a perceived democratic deficit were arguably premature. Indeed, the proposals for neighbourhood engagement sought to bring local government and elected representatives closer to communities.

- 3.5 In relation to neighbourhood empowerment, the Committee noted that concerns had been raised about the proposed community boards and how these would provide a 'voice' for the market towns in Devon. There was also the issue of neighbourhood empowerment in Exeter. The majority of submissions on this issue had emphasised the need for communities to have a 'voice' rather than a concern about the delivery of services.
- 3.6 The Committee agreed that, from the representations received, the indications were its draft proposal had the capacity to meet the value for money criterion.

Alternative pattern

- 3.7 The Committee noted that, in relation to the broad cross-section of support criterion, the majority of support for this pattern had come from within Exeter with very little support from the remainder of Devon. It noted that support for a unitary Exeter and Exmouth was largely based on the view that Exeter needed a "voice" and the City's history.
- 3.9 There was potential for strategic leadership in Exeter/Exmouth, but the Committee felt from the representations received and the roundtables discussions with the public, private and business sectors that there was no articulated vision for rural Devon. Nor did there appear to be anyone who might champion a rural Devon proposition.
- 3.10 The Committee considered there was little evidence of a commitment to neighbourhood empowerment for the remainder of Devon. The submission from Exeter City Council gave the impression that Exeter's only interest in its outlying areas was as part of an expansion agenda.
- 3.11 The Committee were uncertain on the issue of value for money. It was generally felt that there would be value for money within the Exeter/Exmouth unitary authority, but concern whether services could be made to work efficiently within rural Devon, with an equally high level of service to all parts of the authority.
- 3.12 Possible areas for improvement in general were identified, such as a smaller Exeter unitary authority (ie not including Exmouth), but the Committee questioned whether such a configuration might meet the affordability criterion, particularly given the Secretary of State's views on Exeter's original bid.

Other patterns

- 3.13 The Committee considered the representations which had advocated other unitary patterns which had not been discussed in detail in its draft proposal report but which had been commented on. The three-way split on Northern Devon/South Devon/Exeter & East Devon was considered to contain no new evidence. In considering a separate northern Devon the argument that it was different from the rest of Devon is not sufficient in itself.

- 3.14 The existing unitary authorities of Plymouth and Torbay were discussed. The Director reiterated that the boundaries of Plymouth or Torbay could only be altered if it was essential in producing any pattern of unitary authorities across the county. The Committee discussed the implications for both authorities, and considered that it at this stage had seen no further evidence that changes to either authority were essential. It was noted that Plymouth and Torbay had requested boundary reviews but that the Committee would not look to commence any such reviews before the end of the next financial year.
- 3.15 The Chair confirmed that, in the light of the discussion, the Committee continued to see merit in its draft proposal, subject to caveats on how it might be set up. There were doubts over the two-unitary option, no matter what Exeter's boundaries might be. The concepts which had not been taken further in the draft report had not attracted new evidence. Nor had they gained a measure of support that would lead the Committee to conclude that they were worthy of further consideration.
- 3.16 The Committee discussed its approach to the status quo. It emphasised the need to take into account all representations made, including those made in relation to no change. The same approach would be taken across all three structural reviews. It was noted that representations in support of the status quo were largely from individuals and that there might be a link between the location of respondents and the local campaigns. This would become clearer once representations had been mapped across the county. Nevertheless, the Committee agreed that such representations were legitimate expressions of views and must be treated as such in terms of the cross-section of support criterion.
- 3.17 The Committee mentioned their concern about what might be regarded as mis-information being provided by some local authorities to their residents.
- 3.18 The Senior Lawyer advised that the Committee should bring its own expertise to bear on how it interpreted representations. It was not a matter of status quo versus single-tier but building those status quo representations into an overall evaluation of the evidence. The Committee could take into account how those representations were generated (ie via campaigns or the "Dear Max" postcards from respondents in East Devon), as this was applying expertise to the matter.

4. Structural reviews: Norfolk

- 4.1 The Committee began its evaluation of the Norfolk structural review with a discussion about Lowestoft and its inclusion in a pattern of Norfolk unitary authority/authorities. During discussion the following main points were made:
- There was no financial data for Lowestoft in isolation from a Norfolk unitary pattern.
 - Accordingly, an evaluation of Lowestoft within a Norfolk unitary authority

would likely come down to the extent to which that pattern attracted a broad cross-section of support.

- There was very limited evidence from stakeholders, no support from businesses, and qualified support from local authorities other than Great Yarmouth. The only support for the movement of Lowestoft into a Norfolk unitary authority came from the PCT and Norfolk Constabulary. People within Suffolk were largely against the movement of Lowestoft into a Norfolk authority.
- It was pointed out that most of the opposition had come from those who did not want Lowestoft to become part of a Norfolk county unitary authority, but there was less opposition to its inclusion in a different unitary pattern (the wedge, which is a cross-border unitary authority).
- By and large, the inclusion of Lowestoft in a Suffolk pattern of unitary authorities had been stressed far more in the responses received by the Committee than the inclusion of Lowestoft in any Norfolk pattern.
- The support for keeping Lowestoft in Suffolk was more widely distributed than any other lobby in the three structural reviews. This suggested that the Lowestoft issue was important county-wide. It was not simply a local concern, confined to the Waveney area.

4.2 In discussing the draft proposal for Norfolk (less Lowestoft), the Committee noted that there was reasonably strong support from service providers, but opposition from some political groups. The support from residents and parishes varied from area to area. However, there was a reasonable likelihood that the draft proposal would meet the broad cross-section of support criterion.

4.4 Strategic leadership in the draft proposal appeared to be adequate. The neighbourhood empowerment criterion had similar issues to Devon and Exeter. But there was the complication of Great Yarmouth and King's Lynn being significant areas of population; consideration would need to be given to how their particular circumstances might be addressed if the Committee were to pursue a county unitary solution. Norwich already had some neighbourhood management in place, which the Committee felt was important. It considered that the evidence received during Stage Three relating to neighbourhood empowerment in urban centres had been better thought-through in Norfolk than in Devon.

4.6 The Committee considered that the draft proposal met the value for money criterion.

4.8 The Committee then discussed the Greater Norwich pattern of unitary authorities in Norfolk.

4.9 With regards to broad cross-section of support, the Committee felt that support for this pattern from within Norwich had been modest at best. The perceived poor performance of Norwich City Council at present seemed to have influenced some residents' submissions. There was opposition from those parishes that would be subsumed into the greater Norwich doughnut, much like the opposition around Exeter in Devon. From rural Norfolk, there

was very little support expressed for either the doughnut or the wedge patterns. The Committee considered that, on the basis of the evidence so far, both a rural Norfolk authority and a Greater Norwich one would fail the broad cross-section of support criteria.

- 4.10 The Committee considered there was an absence of vision for strategic leadership both for rural Norfolk and within Greater Norwich. The Committee felt that extracting the urban centre of Norfolk (Norwich) would not be beneficial to the rest of the county in any way. It was questionable whether the strategic leadership criterion would be met by a greater Norwich unitary authority. There was no evidence at all that it would be met by a rural Norfolk unitary authority.
- 4.11 It was considered that the two-unitary proposal generally met the neighbourhood empowerment criteria, but it would need some work in that Norwich's Stage Three proposals alone were not sufficient.
- 4.12 The Committee considered that the Norwich unitary authority was large enough to provide value for money, and felt that it was likely to meet this criterion
- 4.13 In considering the 'wedge' pattern the effect of keeping Lowestoft within a Suffolk unitary pattern was discussed. It was considered that the removal of Lowestoft could open the discussion to other unitary patterns in Norfolk, including a possible east/west split. However, in discussion, there was a feeling that an east/west split was fundamentally different from the wedge. Indeed, support for an east/west split seemed to be coming almost entirely from the King's Lynn area rather than the whole of west Norfolk. There seemed to be very little support for such a configuration from any other part of Norfolk.
- 4.17 The Committee returned to the issue of the "wedge" and queried whether it was in the interest of smaller towns such as Great Yarmouth to be grouped in a unitary authority with Norwich. The Committee felt that, on the evidence to date, the broad cross-section of support criterion was unlikely to be met by the wedge pattern. It felt that the wedge would not work without Lowestoft, and the support for moving Lowestoft into any Norfolk-based unitary authority was from a very small group.
- 4.19 The Committee felt that there was the capacity for strategic leadership inside the wedge unitary authority, but that this was lacking in rural Norfolk. The Committee also felt there was a lack of evidence demonstrating that this pattern had the capacity to meet the neighbourhood empowerment criterion.
- 4.21 The Committee agreed to revisit the issue of Lowestoft and the wedge at the next meeting.
- 4.22 In considering the evidence in support of the status quo, the Committee emphasised the requirement to take into account any and all

representations received. Status quo representations had largely been submitted by individuals and some came as the result of campaigns. The Committee agreed it must acknowledge and take full account of those representations in terms of broad cross-section of support.

4.23 The Committee expressed their concern about misleading information being provided by some councils to their residents.

5. Structural reviews: Suffolk

5.1 In considering the Suffolk review, the Committee concluded that retaining Lowestoft in Suffolk does not damage the county's proposition; in fact, it could strengthen the case for both a single- and a two-unitary pattern.

5.2 The Committee noted the difficulty in assessing proposals that had not attracted an obvious champion, eg rural Suffolk. However, it was felt that Suffolk posed a challenge as both patterns felt almost equally viable. Nevertheless, support for an east/west split, and an east/west/Ipswich split, still continued and the Committee expressed the need to continue working through those proposals as well.

5.3 The Committee considered the possibility of moving Great Yarmouth or part thereof into a Suffolk unitary pattern. The Committee did not feel this option was viable, but agreed that it was important it be discussed given the terms of the Secretary of State's request.

5.4 In discussion, the following main points were made:

- There was no evidence of Great Yarmouth looking south; this contrary to some evidence that Lowestoft does look north. Examples of linkages between Great Yarmouth and Suffolk are the current PCT and the argument of 'coastal issues'.
- An economic reorganisation would be more likely to resolve the problems in the Great Yarmouth/Lowestoft area than a local government solution, a point which had been acknowledged in the Suffolk County Council submission.
- There is no new evidence to suggest that previously dismissed options, such as a unitary authority based on Great Yarmouth and Waveney, or parts of those authorities, were now viable, so it would not be beneficial to re-visit these arguments.
- Accordingly, the answer to the Secretary of State's question in relation to Great Yarmouth and Waveney was likely to be one of "no evidence", rather than "no".
- It could be said that there has been "a measure" of support for the joining of Great Yarmouth and Waveney in some sort of unitary pattern, but there was no significant vision to carry this forward and it was undeveloped in terms of neighbourhood engagement. It would also be unlikely to provide value for money and could potentially impact adversely on other unitary authority patterns in Suffolk.

- 5.5 The Committee confirmed that no new evidence had emerged to suggest that the Secretary of State's criteria could be met by moving Great Yarmouth to the south.
- 5.6 In considering the response to its draft proposal for Suffolk, the Committee noted that the lack of a real champion for rural Suffolk caused some difficulties. Unsurprisingly, the County Council had focussed on its unitary county preference.
- 5.7 Nevertheless, contrary to the situation in Devon, the Committee noted that there was a measure of support for the Ipswich and Felixstowe authority from sections outside of Ipswich i.e. Bury St Edmunds.
- 5.8 There was some discussion of the boundary of the Ipswich and Felixstowe unitary authority. It had been suggested that some additional parishes up to and including Hadleigh should be brought in to mirror educational catchment areas. However, it was unclear whether this view was shared by the parishes concerned. The Committee asked that further information on this issue be provided at its next meeting i.e. which Parishes within the vicinity supported the inclusion of Hadleigh and why.
- 5.9 Views were expressed that residents were more likely to support an authority if the main council offices would be based locally. If the headquarters of a rural Suffolk were based in Bury St Edmunds for example, it was perceived that this could disenfranchise those living near the coast. However, the strength of the One Suffolk concept could potentially be read across to a rural Suffolk authority and the notion of community boards could potentially minimise the gap between residents and local services.
- 5.10 Overall, the Committee considered that its draft proposal for Suffolk would meet the Secretary of State's five criteria.
- 5.11 In considering the alternative pattern for Suffolk, the Committee noted the strength of support from local government partnerships, statutory stakeholders e.g. Police Authority, PCT and from the voluntary sector. However, the Committee noted with interest the number of people who supported this pattern and also worked for the County Council.
- 5.12 The Committee stressed that looking at the County Council's existing performance should not be a factor to take into consideration when deciding the best pattern of unitary local government.
- 5.13 Although the Committee noted the strengths offered by this concept, concerns were raised on how best to meet the aspirations of Ipswich, as the evidence received to date was not conclusive.
- 5.14 The Committee also concluded that the county-wide single unitary authority pattern in Suffolk would also meet the Secretary of State's five criteria.

- 5.15 There was then some discussion of alternative proposals. The Committee again concluded that there was no new evidence of the viability of an east/west, or an east/west/Ipswich split, and that these patterns were unlikely to meet the five criteria even with the inclusion of Lowestoft. For example concerns were raised about the affordability of a three unitary pattern in Suffolk and the lack of stakeholder support for a three way split.

6. Structural reviews – independent financial consultants/affordability discussion

- 6.1 The Director gave a summary of preliminary information received from the Committee's independent financial consultants. After stressing that this was only a headline capture of the conclusions, he reported that the only options that were likely to meet the affordability criteria were: a unitary Devon, a unitary Norfolk (with or without Lowestoft), a unitary Suffolk (with or without Lowestoft) and the two-unitary pattern in Suffolk (with or without Lowestoft). The Committee noted the summary.
- 6.2 It was confirmed that the Committee's independent financial consultants would present their report at the Committee's next meeting, after which it would be released via the website.
- 6.3 The Chair confirmed that the Committee will accept any observations submitted on the report.
- 6.4 It was stressed that the financial report is only one piece of evidence that will help frame the Committee's decisions.

7. Structural reviews: cross-cutting issues

- 7.1 The Committee agreed there were no further matters to be addressed under this item; they had all been considered as part of the Committee's consideration of the three review areas.

8. Structural reviews: draft of report – BCFE (08) 47

- 8.1 The Committee agreed to postpone discussion of this paper.

9. Any other business

- 9.1 A paper by the Commission for Rural Communities was tabled.

November 2008