

Please note that some information in these minutes has been redacted for one of the following reasons:

1) Because it relates to the Committee's decision-making process of part of a current review. This information will be released when the relevant review is completed.

2) It constitutes legal advice to the Boundary Committee which is privileged and therefore is not disclosed.

BCFE (09) 6th Meeting

Minutes of meeting held on 17 April 2009, in the Boothroyd Room in Trevelyan House, Great Peter Street, London, SW1P 2HW

Present:

Max Caller CBE (Chair)
Joan Jones CBE
Professor Ron Johnston
Jane Earl
Professor Colin Mellors
Dr Peter Knight CBE DL

Also present:

Archie Gall	Director
Bob Posner	Legal Counsel
Elizabeth Morrow	Senior Lawyer
Martin House	Consultant (Item 7)
Alex Robertson	Head of Media and Public Affairs (Item 5)
Gareth Nicholson	Media and Public Affairs Officer
Alison Wildig	Review Manager
Sam Hartley	Review Manager
Richard Buck	Review Manager
Megan Bayford	Review Assistant

The Chair and members of the Committee held a private discussion in advance of the formal business of the Committee. No officers were present.

1. Minutes of meeting on 2 March

1.1 The minutes were agreed.

2. Matters arising

2.1 There was discussion of recent press cuttings regarding the Cornwall review and the transposing of two division names in the Committee's draft recommendations. These draft recommendations had since been implemented by Order by the Secretary of State and would form the basis on which the Cornwall local election would be held in June. The Director confirmed that CLG had been informed of the transposition before the Order had made but that he had declined to make any modifications.

2.2 The Committee expressed concern that it had not been informed of the error at an earlier point in time.

Post-meeting note: under the provisions of the Local Government and Public Involvement in Health Act 2007, local authorities have the power to change ward and division names without the need for a review. It is open to Cornwall Council, if it considers it appropriate, to amend the division names in question. The consent of the Electoral Commission would be required but this would not be unreasonably withheld.

3. Reflections on the East Devon/Breckland JR proceedings

3.1 The Senior Lawyer gave a presentation on the chronology of the recent judicial reviews.

3.2 In discussion, the Chair emphasised that from the outset of the structural review process, the Committee had taken time to define its intended approach to the structural reviews. This approach had been explained in detail to local authorities in each of the areas under review, the general public and to CLG.

3.3 The Committee enquired about the potential for future litigation. The Senior Lawyer advised that a pre-action protocol letter had recently received from a number of district councils in Suffolk.

3.4 There was some discussion about the Court of Appeal's instructions regarding the affordability synopses.





3.6 It was agreed that the issues raised in discussion this should be explored further by officers, and the Committee would discuss further at a later date.

4. Structural reviews further consultation, meetings and communications strategy

4.1 The Media and Public Affairs Officer gave a presentation of website traffic and media monitoring relating to all Boundary Review work. The Committee requested a further breakdown of the media monitoring by trade press and local media. The Committee agreed to consider the communications strategy relating to any advice to be provided at a later date.

4.2 The Chair asked for a similar 'reflection' presentation to be made after the finish of the structural reviews.

5. City governance arrangements – BCFE (09) 16

5.1 The Director reminded the Committee that there had been a number of discussions over city governance arrangements at previous meetings. The current report covered two possible approaches. However, in considering these the Director advised that the Committee should be mindful of the Secretary of State's powers in relation to in relation to structural change. She could provide by Order that any shadow authority or implementation executive take particular actions or have regard to any arrangements proposed by the Committee. However, those powers did not extend to, and could not bind, any established local authority.

5.2 In discussion, the following points were made:

- A prescriptive document at this stage would not be helpful.
- In the past, county unitaries have been created which had cities of historical and economic importance;
- The Secretary of State does not have a power to create parish/town councils, only to alter the areas of existing councils;
- Individuals 'on the ground' needed to be given the opportunity to decide what form of local governance arrangements they consider appropriate for their area. That was the whole purpose of community governance reviews;

- A different perspective will need to be taken when thinking about the 'other' cities in a 2-unitary pattern (for instance, the role of Exmouth in a Devon/Exeter & Exmouth unitary pattern).

5.3 The Committee requested the Director to meet with CLG officials to discuss the Committee's views on city governance arrangements and the powers of the Secretary of State.

6. Boundary Committee transfer update – BCFE (09) 17

6.1 The Consultant presented a paper on the work being undertaken in preparation for the Committee's transfer out of the Electoral Commission.

6.2 The Committee agreed that it should hold a two-day event in the summer to consider corporate governance arrangements.

6.3 The Director gave an update on the progress of the LDEDC Bill.

7. Operational report – BCFE (09) 18

7.1 The Committee discussed the meetings the Director had held with Norfolk and Suffolk local authorities the previous day and the meetings to be held with Devon local authorities the following week.

7.2 The Committee agreed several additional meeting dates to consider structural reviews issue and dates for external briefings for the forthcoming Bedford, Mid Bedfordshire and Mansfield electoral reviews.

8. Any other business

8.1 There was no business not already on the agenda.

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