

## BCFE (09) 8<sup>th</sup> Meeting

Minutes of meeting held on 26 May 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  
Professor Colin Mellors (by speakerphone)  
Dr Peter Knight CBE DL

Also present:

Archie Gall	Director
Elizabeth Morrow	Senior Lawyer
Louise Footner	Senior Lawyer
Gareth Nicholson	Media and Public Affairs Officer
Alison Wildig	Review Manager
Sam Hartley	Review Manager
Richard Buck	Review Manager
Kalim Anwer	Review Officer
Tim Bowden	Review Officer
William Morrison	Review Officer
Megan Bayford	Review Assistant

Apologies:

Jane Earl

**1. Minutes of previous meetings**

1.1 With a minor amendment, the minutes were agreed.

**2. Matters arising**

2.1 The Committee welcomed Louise Footner back after her maternity leave.

**3. Structural reviews update:**

**3.1 Topline information on representations received**

3.2 The Review Officers for Devon, Norfolk and Suffolk gave individual oral reports on the number and broad content of representations received during the round of consultation on the further draft proposals.

3.3 The Chair confirmed that the Committee are not looking only at the latest round of consultation in isolation, but those from the first consultation and considering all responses received throughout the process.

3.4 The Committee noted that there were differences in the tone of representations across the three counties, in particular that Suffolk respondents seemed to be more receptive to structural change.

**3.5 Legal advice on any Boundary Committee advice – BCFE (09) 23**

3.6 [Redacted]

[Redacted]

[Redacted]



### **3.10 Report structure**

3.11 The Director said that the text in the draft report was for illustrative purposes only, intended to provide the Committee with some context for the report structure. The intention was that each of the reports would be prefaced by a letter from the Chair to the Secretary of State responding to the request for advice on all three counties. The reports would then provide details of the Committee's rationale for its advice in a specific county.

3.12 The Committee proposed a number of detailed changes to the report structure. It asked that both the letter and the reports be more positive in tone. The Chair said that, after the submission of any advice to the Secretary of State, he would write to her with the Committee's more general observations on the review process.

3.13 The Director confirmed that the final reports would contain a quantitative analysis of representations received in an appendix.

### **3.14 Affordability – submission of new figures**

3.15 The Review Manager reported on a meeting with the independent financial consultants (IFCs) about the submission of new figures by Norwich City Council.

3.16 The Committee confirmed that any decisions that they take in relation to affordability would not automatically reflect the views of the IFCs on whether any particular pattern is likely to have the capacity to meet the affordability criterion.

3.17 The Review Managers confirmed that representations from other authorities in all three counties would not require substantive detailed re-analysis of financial workbooks work by the IFCs but that all additional representations would be considered by the IFCs and their views would be presented to the Committee for its consideration on 15 June 2009.

3.18 The Committee noted that they will take no decisions on the new figures until the IFCs' presentation at the Committee meeting on 15 June 2009.

## **4. Structural reviews: city boundaries – BCFE (09) 22**

- 4.1 The Director began the discussion by reminding the Committee that the discussion on two-unitary authority boundary issues was without prejudice to any decisions it may take at its meeting on 15 June on what advice, if any to provide the Secretary of State. He also reminded the Committee that structural reviews were not to be treated as administrative boundary reviews. Accordingly, the statutory criteria in relation to the latter (community identity and interests, and effective and convenient local government [Section 5 of the Local Government and Public Involvement in Health Act]) did not apply in considering the detailed boundaries of any two-unitary authorities. The Committee should only have regard to the Secretary of State's criteria and guidance in the request for advice.
- 4.2 The Director also said that, in considering whether to alter any of the administrative boundaries that had been subject to consultation, the Committee should apply the same test to the representations received as it would in, for example, an electoral review. That is to say, that the representation contains sufficient persuasive evidence as to warrant the Committee moving away from a draft recommendation.
- 4.3 The Committee noted the Director's advice and agreed that, without prejudice to any decisions it may take on unitary patterns at its meeting on 15 June, it should consider the boundary issues in the context of the Secretary of State's criteria and guidance. In doing so, it would need to satisfy itself that there was sufficient evidence to warrant a change from its consultation draft proposals. That evidence would need to relate solely to the purpose of the review – providing any advice to the Secretary of State with any advice on alternative proposals for structural change.
- 4.4 The Review Officer (Norfolk) presented a report on representations received relating to the boundaries of a Greater Norwich UA. The Committee discussed whether there was compelling evidence to move away from the boundary that it consulted on. It noted that while there were some good reasons for using the A47 as the southern boundary of any Greater Norwich authority, the evidence received during both consultation periods was not persuasive enough to justify a modification to its further draft proposal.
- 4.5 The Review Officer (Suffolk) presented a report on representations received relating to the boundaries of the Ipswich & Felixstowe UA in Suffolk. Of the modifications proposed, after some discussion, the Committee felt there was persuasive evidence presented by the parish of Burstall to join its neighbour of Sproughton CP in the Ipswich & Felixstowe UA. Other proposed modifications to the Ipswich & Felixstowe UA boundary were considered but, because they were either not supported by the parishes concerned or there was insufficient evidence, the Committee felt there was insufficient compelling evidence to further modify the boundaries.

- 4.6 The Review Officer (Devon) presented a report on representations received relating to the boundaries of the Exeter & Exmouth UA. The Committee considered that removing Exmouth from the authority would have a detrimental impact on the viability of the authority and no evidence to the contrary had been received. The Committee agreed there was no compelling evidence in other the other representations received to warrant a modification to the boundaries in its further draft proposals
- 4.7 The Committee concluded that in the event that it decided to put forward any two-unitary patterns to the Secretary of State as an alternative proposal, and in light of any further representations received, it would recommend in Norfolk and Devon that the boundary as outlined in its draft proposals reports should be used. In Suffolk, the Committee agreed that the boundary should be the same with the exception of Burstall parish which should be included in Ipswich & Felixstowe.

## **5. Structural reviews risk register – BCFE (09) 24**

- 5.1 The Review Manager presented an updated version of the structural reviews risk register.
- 5.2 The Committee noted the updates.

## **6. Request to undertake an electoral review of Stoke-on-Trent – BCFE (09) 25**

- 6.1 As an adviser to the former Stoke-on-Trent Governance Commission, Joan Jones declared an interest and took no part in the discussion of Stoke-on-Trent.
- 6.2 The Review Manager presented a paper on the Government's request to the Commission to direct the Committee to conduct an electoral review of Stoke-on-Trent. The Director said that, given the unusual source of the request, as the Electoral Commission's Head of Boundary Reviews, he had written to both Stoke-on-Trent City Council and the Stoke-on-Trent Transition Board seeking their views on the need for an electoral review. The Transition Board had responded in the affirmative, and a copy of its response was tabled.
- 6.3 The Director confirmed that the main issue for the Electoral Commission to consider was whether there was sufficient rationale to direct the Committee to undertake the review. The only criterion which applies to this situation was that of "effective and convenient local government".
- 6.4 The Committee agreed that one of its underlying principles is to assist English local government and this review was the type of exercise the Committee should be involved in. The Committee agreed that the Electoral Commission should be advised that, in its view, the best

interests of local government would be served by it being directed to undertake an electoral review of Stoke-on-Trent.

- 6.5 The Director noted that this review may be the first test of the newly independent Committee's Order making powers and the draft negative resolution procedure in Parliament. The Committee noted that it would be important for it to engage widely with all interested parties as early as possible in the process. A consultation and engagement plan was being devised by the Review Manager.

## **7. Electoral reviews risk register – BCFE (09) 26**

- 7.1 The Review Manager presented an updated version of the electoral reviews risk register.
- 7.2 The Committee noted the updates.

## **8. Operational report – BCFE (09) 27**

- 8.1 The Director presented the operational report.
- 8.2 The Chair enquired about progress in Cornwall. The Review Manager advised that contacts with the Council were still on hold until after the European and local elections. The Committee members with responsibility were briefed after the meeting.
- 8.3 The Committee noted the report.

## **9.0 Any other business**

- 9.1 There was no other business not on the agenda.

## **June 2009**