

For Reference

**Local Government
Boundary Commission
For England
Report No.519**

Review of Non-Metropolitan Counties

ISLE OF WIGHT

LOCAL GOVERNMENT

BOUNDARY COMMISSION

FOR ENGLAND

REPORT NO. 519

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

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SECRETARY OF STATE FOR THE ENVIRONMENT
ISLE OF WIGHT

INTRODUCTION

1. On 21 December 1984 we wrote to the Isle of Wight County Council announcing our intention to undertake a review under sections 48(1) and 48(5) of the Local Government Act 1972 for the purpose of considering whether or not to make such proposals in relation to the county, or the districts within the county, as are authorised by section 47 of the Act, and what proposals, if any, to make. Copies of the letter were sent to the principal local authorities in the Isle of Wight and Hampshire, all the parishes in the Isle of Wight, the Members of Parliament with constituency interests, the headquarters of the main political parties, various Government Departments which might have an interest, Wessex Regional Health Authority, British Telecom, Southern Electricity, Southern Gas, Southern and Wessex Water Authorities, the English Tourist Board, port authorities, local TV and radio stations serving the area, the local government press and the Isle of Wight and Hampshire Associations of Local Councils.

2. The two County Council were requested, in co-operation as necessary with the Borough Councils on the Island, to assist us in giving publicity to the start of the review by publishing a notice for two successive weeks in appropriate local newspapers so as to give the widest possible publicity. The Principal Councils were asked in particular to use their best endeavours to ensure that the issue of the consultation letter was drawn to the attention of those concerned with services such as administration of justice and police, in respect of which they have a statutory function.

3. A period of six months from the date of the letter was allowed for all local authorities, including those in the nearest counties, and anyone else interested in the review to submit to us their views in detail on whether changes in the county were desirable; if so, what those changes should be; and how they would serve the interests of effective and convenient local government.

THE SUBMISSIONS MADE TO US

4. In response to our letter we received submissions from the County Council and Medina and South Wight Borough Councils, together with a number of individual representations.

a. The Isle of Wight County Council

5. The purpose of the County Council's case was to seek to demonstrate to us that present arrangements for local government in the Isle of Wight, under which the Island had one County Council, two District Councils and was partly parished, "clearly failed to provide effective and convenient local government". We were invited to consider alternative arrangements in two progressive stages:

(a) the merger of the two Districts into one, within the existing County; and

(b) the creation of a single all-purpose Authority for the Island.

It was suggested that both stages should be supported by the completion of arrangements for Town and Parish Councils throughout the Island.

6. The County Council had formulated their case against the background of paragraph 11 of Department of the Environment Circular 12/84, which conveys the view that more radical changes such as the abolition or creation of a principal

area, will be appropriate only in the most exceptional circumstances, where present arrangements clearly fail to provide effective and convenient local government, and the view, acknowledged by your Department to be tenable in law, that there may be one district within and coterminous with a county.

7. Their case for a single District within the County was based primarily on the judgement that the Isle of Wight was a unique entity within England and Wales which needed no sub-division for district council purposes, and, conversely, that the existing artificial division into two Districts did not contribute to the achievement of effective and convenient local government. In terms of community of interest, they considered that the Island was one community as far as a sense of separation from other areas, stemming from social, geographical, economic and cultural influences, was concerned. The size and shape of the two Districts bore no relationship to the pattern of community life; development or expected development would have relevance to the Island as a whole; communications and transport facilities owed nothing to the District Council boundaries; the provision of most of the major services should be based either on the Island as a whole or on divisions smaller than the District Council areas; and there was nothing in the size and distribution of population in the two Districts which led to the more effective operation of local government services. In addition the merger of the two Districts should result in some financial savings from the disposal of surplus property and reductions in the numbers of Members, staff and council meetings.

8. In their case for a single all-purpose Authority the County Council pointed out that in the United Kingdom islands were usually treated differently from mainland authorities, and that the Western Isles and the Orkneys and Shetlands were each served by one all-purpose authority. The County Council had consistently sought or enquired about unitary government since 1957 and up to the passing of the Local Government Act 1972 their case for reorganisation had been

fought strenuously on that basis, and the existing two-tier structure had only been accepted as a compromise. In addition the economy and cost effectiveness of pooling expertise had already been recognised on the Island, with the County Council providing services (in return for payment) to both District Councils. The degree of intertwining at officer levels which already existed was significant and could be extended upon the merger of the two Boroughs, by the creation of a single officer team serving both the County and the new all-Island Borough. Also, the remaining services could be operated Island-wide. Finally, the County Council considered that if there was any cause upon which it was essential for the Island to speak with one authoritative and united voice, it was in the rebuilding of the Island's economy. The mechanism of an all-purpose Authority would provide the focus for the Island to promote itself, rather than its component parts and this was now greatly hindered by the existing local government structure.

9. The County Council's case attempted to demonstrate that the fusion of the two districts alone would bring benefits, but would leave the island just one small step away from the most effective and convenient local government - an all-Island all-purpose authority. We were, therefore, respectfully asked to accept the case as presented and: (1) to propose to the Secretary of State that the Districts of South Wight and Medina should be merged into one in the interests of effective and convenient local government; and (2) to recommend to the Secretary of State that the unique local government circumstances on the Isle of Wight justified an amendment to the law to permit an all-purpose County and Borough Council for the Island to be created. If the circumstances outlined for the Isle of Wight did not provide the 'very exceptional circumstances' required for change then it was hard to envisage any authority in any area ever being able to satisfy the criteria laid down for our guidance.

b. Medina Borough Council

10. Medina Borough Council's case was identical to the County Council's except that they omitted any intermediate stage such as one County and one Borough for the Island.

c. South Wight Borough Council

11. South Wight Borough Council submitted a case for the retention of the existing local government structure on the Isle of Wight as they were firmly of the view that the present arrangements did provide effective and convenient local government. They expressed considerable doubt as to the validity of the legal advice received by the County Council that the 1972 Act permitted one district only in the Isle of Wight and submitted that fresh legislation would be required not only for a unitary authority but even for the amalgamation of the two districts. In addition to disputing the need for change under paragraph 11 of Circular 12/84 they also did not consider that there had been any relevant changes in the pattern of development (paragraph 12) which would warrant revising the boundaries. In their view the case put forward by the County Council and Medina Borough Council for reorganisation was an argument for the national reorganisation of local government. The joint case questioned the effectiveness or otherwise of the national system and did not set out factors peculiar to the Isle of Wight because there were none which would warrant it being treated as a special case. The joint case also suggested that services such as housing, public health, local planning and entertainment were not being operated successfully, which was not so. The Borough Council submitted that a reorganisation per se would not result in more effective and convenient local government; the provision of basic services would not automatically be improved - there could be no guarantee that they would even be maintained, and the economy of the Island would not automatically be revitalised. Finally, they considered that present

arrangements whereby each authority retained its independence but worked in harmony with its neighbours where appropriate, clearly showed that on the Isle of Wight there most certainly was effective and convenient local government.

d. Representations

12. In addition to the submissions from the principal authorities we also received a number of individual representations. These took two forms, tear-off forms attached to a news sheet, Island News, which had been produced by the County Council and Medina Borough Council as part of their local consultation exercise, and letters from other local authorities, councillors, local organisations and private individuals.

13. Of the 297 Island News forms received, 160 were in favour of a unitary authority for the Island, 91 preferred to retain the existing system, 39 supported the merger of the two Borough Councils whilst retaining the County Council, 3 preferred a return to the pre-1974 local government structure, one wanted local government as in the Channel Islands, one preferred more the two district authorities, one wanted the Isle of Wight to be a district of Hampshire and one a proper business evaluation of the exercise.

14. The 83 letters received revealed a swing in the opposite direction. Only 18 favoured a unitary authority, 54 and two petitions with 36 signatures preferred retaining the existing system, 3 had no comments to make, one wanted the Isle of Wight to be a district of Hampshire, two objected to any association with Hampshire, one preferred a return to the pre-1974 local government structure, one found the present system inadequate and one considered that the larger the authority the more efficient it was likely to be.

SUPPORT FOR THE COUNTY COUNCIL'S AND MEDINA BOROUGH COUNCIL'S CASE

15. Of those who supported a unitary authority, all felt that in the longer term there would be improvements in services, particularly with regard to the present duplication of some services, and possible savings in this direction. In addition, many considered that the Island was over-governed for its size and that the reduction in the numbers of councillors and council meetings which should result from the proposals should bring about considerable savings. On the other hand, many of those supporting the case still had certain reservations, for example, about a possible growth in bureaucracy, the centralisation of local government away from the more remote areas and increased costs, especially, if as suggested, the unitary authority was to be supported by a network of parish councils throughout the Island.

OPPOSITION TO THE COUNTY COUNCIL'S AND MEDINA BOROUGH COUNCIL'S CASE

16. There was also considerable opposition to the County Council's and Medina's case on the grounds that there would be no financial savings or improvements in services, that the present system worked very well, and that there was already much co-operation between the local authorities on the Island where it was called for. The proposals were seen by some as a party political move, and, above all, those who opposed the merger did not consider that the County Council and Medina had clearly demonstrated that there were, in the words of DOE Circular 12/84, "very exceptional circumstances, where present arrangements clearly failed to provide effective and convenient local government." There was on the contrary evidence of a good deal of strong support for the services provided by South Wight, which clearly in the opinion of many residents was doing a good job for its area.

OUR CONSIDERATION OF THE SUBMISSIONS

17. We considered the submissions from the three principal authorities and all the other representations we received. We noted that the balance of opinion contained in the representations broadly reflected the findings of the MORI poll commissioned by the County Council as part of their consultation exercise, when four possible arrangements for local government on the Island had been canvassed. Of those who had subsequently written to us, roughly 60% supported the County Council's and Medina's case and 40% opposed it.

18. We were of the opinion that as a County the Isle of Wight was unique, both because it was an island and because of its size and population, which were little greater than those of an average sized district elsewhere in England. This uniqueness implied that a local government structure different from that on the mainland might be appropriate. It was clear that the island had a strong sense of unity, and that the planning and provision of many services needed to be considered over the island as a whole. The present level of co-operation, though it appeared to be good, could not provide the unity of purpose which would flow from a single authority, and which, in our view, would be of great benefit to the island. However, a unitary authority, which was the form of local government we would favour for the island, could not be achieved without legislation, which neither we nor a local authority could promote.

19. We had also been asked to consider the merits of an intermediate stage of one County Council and one District Council. One attraction of this proposal to those supporting it was clearly that, if accepted, it added weight to the longer term case for a unitary authority for the island. It could also lead in itself, they claimed, to simpler and more consistent local government on the island. But the disadvantages were, in our view, very great. In the first place, it might seem to be a significant step towards unitary government without a direct opportunity for

debate on that issue. Secondly, it would bring with it all the disruption and costs inevitable in a major local authority structural reform with the prospect of a further change to follow. Finally, having regard to the guidelines set out in Department of the Environment Circular 12/84, we recognised that if we were to propose the amalgamation of the two districts, it would have to be demonstrated that the present local government system had failed to provide effective and convenient local government, a proposition that had been strongly contested by South Wight Borough Council and by several bodies and individuals.

20. On all those grounds, we were therefore not prepared to accept this proposal. We also wished to record that, reading together sections 1 and 18 of the Local Government Act 1972, we had serious doubts whether it was legally possible to amalgamate these two districts under present legislation, though it was on other grounds that we rejected the proposal.

OUR INTERIM DECISION

21. Having therefore considered all the arguments put forward in the submissions from the principal authorities and the representations made to us, we concluded that while we would have proposed a unitary authority for the Isle of Wight if it had been in our power to do so, as it was not, the existing local government structure should continue unless and until the legislative provisions were changed. Therefore, in accordance with sections 48(1) and 48(5) of the Local Government Act 1972, we reached an interim decision to make no proposals for changes to the local government structure in the Isle of Wight.

22. Our interim decision was published on 22 April 1986. Copies were sent to all those who had received a copy of our letter of 21 December 1984 and those who had made representations to us. The County and the two Borough Councils on the Isle of Wight were asked jointly to arrange publication of a notice giving details of

our interim decision and to place copies of it on display at places where public notices are customarily displayed. They were also asked to place copies of the interim decision letter on deposit for inspection at their main offices for a period of six weeks. Comments were invited by 3 June 1986.

RESPONSE: TO OUR INTERIM DECISION

23. We received 18 representations in response to our letter. South Wight Borough Council, Chale, Gatcombe and Wootton Parish Councils, Sandown Town Council, the Isle of Wight Labour Party, NALGO, a County Councillor and two private individuals, favoured our interim decision but two private individuals strongly opposed it. The Isle of Wight County Council welcomed our finding in support of unitary government for the Island and urged us in our final decision to adhere to that finding and to submit it to you as part of our report. Medina Borough Council confirmed their previous views and considered that we should urge the Government to introduce legislation to make possible the necessary changes to secure a single all-purpose local authority for the Island with Parish and Town Councils. The Isle of Wight Conservative Association objected to our interim decision, as it was based, as they saw it, on an impediment in the existing law and one private individual appeared to suggest that the case for change had not been proved. Wessex Water Authority had no comment to make.

24. Although the majority of the representations supported our interim decision, a number had reservations about the views expressed in our interim decision. Both South Wight and NALGO were concerned about our statement that we would have proposed a unitary authority for the Isle of Wight, if it had been in our power to do so, and both said that as we had not accepted the case put forward by the County Council and Medina Borough Council that the present arrangements were not providing effective and convenient local government, they found it difficult to understand how we had come to the view that a unitary authority was the

appropriate form of local government for the Island. One of the private individuals who supported our decision also admitted to having been confused by this comment. Only the Isle of Wight Labour Party welcomed it, but they would like to see such a change made in the legislative provision following a national review of local government.

25. South Wight Borough Council challenged our opinion that as a County the Isle of Wight was unique and sought to prove that it was not, either in terms of size or population, when compared with average sized districts elsewhere in England. They also took issue with our view that there was a lack of unity of purpose on the Island as a result of the present local government structure and that such unity would automatically flow from a unitary authority. In support of their claim they reminded us of a point made in their original submission, that the districts in the Isle of Wight had completely different interests and a unity of purpose was much more easily obtained under the present system. Consequently, they urged us to re-assess our view that a unitary authority would be appropriate, and ultimately form the opinion that the evidence was totally insufficient to justify that preliminary view, and requested us to indicate to you that we would not have proposed a unitary authority even if it had been in our power to do so. This request was also made by a private individual; also by the Isle of Wight Conservative Association, who feared, for reasons they did not explain, that unitary government could lead to the Isle of Wight becoming a district of Hampshire.

26. On the other hand, the Isle of Wight County Council and Medina Borough Council welcomed our views on unitary government. The County Council stated that they had put forward as part of their case the intermediate stage of one county and one district for legal and tactical reasons. The impetus for their submission had been given by Lord Bellwin's acknowledgment on behalf of the Government that the County Council's view - that it was legally possible to have a single district within the County - was tenable, and thus by the fact that it offered us a way forward which was acknowledged to be legally possible at the present time, whereas unitary government was not.

27. As required by section 60(2) of the Local Government Act 1972, we have re-assessed our interim decision in the light of the representations made to us. We noted that although the majority of the representations supported our interim decision, the total response was very small compared with that at the start of the review. We deduced that our decision had probably been found widely acceptable, although it was evident from the representations we did receive that some people had not fully understood our reasoning. We have attempted to deal with the points made in paragraphs 28 to 32 below.

28. South Wight Borough Council, NALGO and one private individual felt our conclusion to be at variance with the view expressed elsewhere in our interim decision, that a unitary authority was the form of local government we would favour for the Island. The Isle of Wight County Council asked us to confirm that our comments concerning unitary government resulted from our analysis of the Island's requirements as a whole, without the need to consider the position of South Wight Borough Council in isolation. We now confirm that when we considered the original submission we looked at the Isle of Wight in the context of other islands in the United Kingdom which were either served by unitary authorities already or had a substantial degree of autonomy, and were satisfied that the Isle of Wight was the only "fully severed" island administrative unit in the United Kingdom with a two-tier structure, although its population was greater than the other island all-purpose authorities. We concluded that as a County the Island was unique, that the planning and provision of many services required to be considered over the island as a whole, and that in view of its island nature, size and population, a unitary authority was therefore the right form of local government, even though it could not be achieved without legislation.

29. However, we also had to consider the two stages proposed in the submission in the context of the guidelines set out in Department of the Environment Circular 12/84, and in particular paragraph 11 already referred to. From the submissions

and representations we had received, there was obviously strong and loyal support for the Borough Councils, particularly South Wight, and 40% of the representations considered that in terms of effective and convenient local government the existing system had worked well since 1974 and should be allowed to continue. It was not possible, therefore, to demonstrate that the present system had clearly failed to provide effective and convenient local government, even though we considered, and still do, that a unitary authority would, in principle be preferable. Taken together with the disadvantages we saw in the proposed intermediate stage, this led us to the conclusion that we could not support the County's submission.

30. The Isle of Wight County Council has also asked us to clarify the divergence, as they saw it, between our legal view and that expressed by your Department. All we would say is that, we took the view that it was debatable whether the Local Government Act 1972 did permit one district only in the Isle of Wight, as sections 1 and 18 appear to require the division of counties into two or more districts.

31. We were also asked by the County Council to restate our view that the intermediate solution was not "given a direct opportunity for debate." This was not, in fact, our view. The sentence in our letter referred to the issue of unitary government and it was this issue which we considered had not been given a full opportunity for public debate, partly because it was not a legal possibility and partly because it was in danger of being subsumed in the one county and one district debate.

OUR FINAL DECISION

32. Leaving aside these questions about our interim decision, the representations we received in response to it did not produce any new evidence which would justify changing our decision. We have therefore concluded that in the interests of effective and convenient local government it is right to confirm our interim decision to make no proposals as our final decision.

PUBLICATION

33. A separate letter, enclosing copies of the report, is being sent to the Isle of Wight County Council asking them, in co-operation with Hampshire County Council and the district councils in Hampshire and the Isle of Wight, to deposit copies of this report at their main offices for inspection over a six-month period and to put notices to this effect on public notice boards and in the local press. Copies of this report are also being sent to those who received our interim decision letter and to those who made comments.

LS

SIGNED: G J ELLERTON (Chairman)

J G POWELL (Deputy Chairman)

JOAN ACKNER

G E CHERRY

K J L NEWELL

G R PRENTICE

BRIAN SCHOLES

S T GARRISH

Secretary

11 September 1986