

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 (08) 11th Meeting

Minutes of meeting held on Thursday 14 August 2008 at 9.30am at Trevelyan House, Great Peter Street, London, SW1P 2HW

Present:

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

Also present:

Archie Gall	Director
Gareth Nicholson	Media Relations Officer
Bob Posner	Legal Counsel
Louise Footner	Lawyer
Sam Hartley	Review Manager (Devon)
Alison Wildig	Review Manager (Norfolk and Suffolk)
Richard Buck	Review Manager (Electoral)
William Morrison	Review Officer
Kalim Anwer	Review Officer
Tim Bowden	Review Officer
Paul Kingsley	Review Officer
James Ansell	Review Officer

1. Minutes of the last meeting: 19 June 2008 BCFE (08) 11th Meeting

1.1 Minutes from the previous meeting were agreed.

2. Matters arising

Pre-action protocol received prior to possible judicial review

2.1 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2.5 The Director advised that comments received from local authorities in relation to the financial workbooks will be forwarded to the financial consultants who can consider them in assessing affordability issues prior to reporting to the Committee in November 2008.

2.6 The Director invited the Committee to consider the approach it wished to take to the publication of the advice from the financial consultants. He advised that this information would in all likelihood come out at the end of the review process irrespective of any decision to publish at an earlier stage.

2.7 In discussion, the following main points were made:

- The Committee should be consistent and principled in its approach to the publication of information. This pointed to the publication of the consultants' report once it had been considered by the Committee.
- In the meantime, local authority finance officers would be able to infer broader financial and affordability implications from the workbooks.
- The Committee has been asked to consider whether any particular concepts have 'capacity of affordability', which was essentially a qualitative question.
- There was the potential for setting a precedent for the release of any advice provided to the Committee in the course of its deliberations. This could be dealt with by treating the consultants' report as a strand of evidence relevant to the review process.

2.8 The Committee agreed that the financial consultants' report should be published once the Committee had had the opportunity to consider it at the meeting in November. This was in the interests of transparency and openness, which had characterised the review process to date. Interested parties would then have the opportunity to comment on the report before the Committee submitted any advice to the Secretary of State.

2.9 The Committee asked Legal Counsel to ensure that the contract with the financial consultants did not prevent the publication of the consultants' report.

Lowestoft

2.10 The Director advised that, following discussions with the Committee's financial consultants, he had been advised that the workbooks Norfolk and Suffolk local authorities had been asked to complete could not be disaggregated in such a way as to model any significant modification to the Committee's draft proposals for Lowestoft. The issue was not so much the financial data but the underlying assumptions that might have to be made in relation to such matters as council tax equalisation, staff cost harmonisation, ICT costs, etc. Only the local authorities were in a position to make such assumptions.

2.11 In discussion, the following main points were made:

- The Committee had been under the impression that the financial workbooks could be disaggregated. If that was not the case, additional information should be sought as soon as practicable.
- It was entirely reasonable for the Committee to take the view that it required such information in relation to Lowestoft to enable it to take decisions on its advice to the Secretary of State;
- The views being received in meetings with local stakeholders were sufficient for the Committee to draw the conclusion that there was a lack of understanding of the Committee's flexible position with regard to

the Lowestoft transfer. As a result it was reasonable for the Committee to move forward to addressing the related issues of affordability at the present time.

- The Committee should state that the request for additional information was simply a question of getting the information that the Committee had always expected to receive and that the request is not a response to evidence received.

2.12 The Committee agreed that additional workbooks should be issued in relation to the Lowestoft area as soon as practicable. It also agreed that in future meetings with local authorities and other interested parties, it should seek to clarify its position in relation to detailed boundary matters.

3. Cornwall Council size – BCFE (08) 24

3.1 At the outset of discussion on Cornwall, the Chair advised that the Committee should seek to separate out any decision on council size for Cornwall from the issue of the remaining timetable for the Cornwall review.

Council size

3.2 The Review Officer (Cornwall) presented a paper on council size for the new Cornwall Unitary Authority.

3.3 The proposal for 123 members was submitted to the Committee by the Cornwall Implementation Executive (IE) after a revision of its previous proposal of a 130 member council. The Review Officer stated that since the Committee's request for further evidence from the IE with regard to council size, the IE had provided significant additional evidence with regards to political management structures, executive arrangements and Community Network Areas to support its 123 member proposal. It was also noted that the other submission received during the consultation stage suggested that the proposal of 123 members had garnered broad support from across the county.

3.4 The Review Officer also advised that there had been no significant new evidence received with respect to the 90 member proposal (which in fact was now for 87 members). He expressed the view of the Boundary Reviews Team that the Committee should adopt the proposal for a 123 member council as the basis of its draft recommendations.

3.5 The Director advised that there were also inconsistencies in the proposal for 87 members. The proposal did not support the IE's decisions with regard to political management and executive arrangements.

3.6 The Director stated that a 123 member authority would constitute the second largest in the UK after Birmingham. He also advised the Committee that if they had concerns and felt unable to accept the

evidence presented for any of the council sizes proposed, that the Committee would have no alternative but to formulate its own council size. This would have to be based on robust evidence.

3.7 In discussion, the following main points were made:

- There were concerns over the size of committees envisaged in the 123 member proposal, along with the fact that about a third of members would have some form of executive responsibility;
- Despite these concerns about the effectiveness of such a large council size the proposal was backed with evidence supplied by the IE. It was also noted that the evidence presented in support of the 123 member proposal was at least comparable to evidence accepted by the Committee in support of a 98 member council in Wiltshire. Given the history of this review, there seemed to be a need for the Committee to be clearer about the factors it would look for in taking decisions on council size.

3.8 The Committee agreed to base its draft recommendations for Cornwall on a council size of 123 members.

Cornwall review timetable

3.9 The Director advised that the electoral scheme submitted in conjunction with the 123 member proposal was not sufficiently well evidenced, developed or consulted upon to enable the Committee to simply publish the scheme as its draft recommendations. Given this, the Director concluded that at present he did not consider that implementation of the Cornwall review could occur prior to June 2009. As such, he proposed that the normal process of a 12 week consultation prior to the development of draft recommendations should be timetabled.

3.10 The Committee queried whether it had been clear in communicating to the relevant stakeholders in Cornwall that a move straight to the publication of draft recommendations would have to be predicated on them providing a thorough, well evidenced electoral arrangements proposal.

3.11 The Director stated that he had advised the IE of this in person when he met them on 11 July 2008. They had also been advised that, even in the event that all the detail and evidence had been provided, implementation prior to the elections could not be assured due to the previous delays in them providing evidence to the Committee.

3.12 Legal Counsel also expressed the view that given that the original review timetable had already been foreshortened, there was no possibility of a further shortening of the implementation timetable to attempt to meet a target date of June 2009.

- 3.13 The Committee agreed that given the 123 member electoral arrangements have not been consulted upon there could be no justification for short cutting the review process, particularly as the planned implementation date could not be met. The Committee also agreed that no consultations should take place in the lead up to local elections.
- 3.14 The Committee did, however, express concern that this could result in two elections in 2009, one in May/June on the existing electoral arrangements of 82 members and a second to implement new electoral arrangements
- 3.15 The Director advised the Committee that Cornwall could make a request to the DCLG to defer the ordinary day of elections until later in the year. However, this was not a matter for the Committee.

4. Structural review update

- 4.1 The Review Manager (Devon) distributed updated timetables with respect to the three structural reviews of Suffolk, Norfolk and Devon. He advised the Committee that further meetings had been requested by local authorities in each of the three areas.

Devon

- 4.2 The Review Manager (Devon) updated the Committee on the Devon review. He stated that the Boundary Reviews Team was looking at a tour of Devon for around 08 September 2008 and asked Deputy Commissioners to consider their availability for this time, although this might prove to be too early in the process. He also advised that there would be a need for a further roundtable meeting in Totnes to gather sufficient feedback on the draft proposals from local stakeholders.

Norfolk / Suffolk

- 4.3 The Review Manager (Norfolk and Suffolk) updated the Committee on the Norfolk and Suffolk reviews. She advised that roundtable meetings in both counties had been productive and gathered useful views and information, although the meeting in Lowestoft had not been as well attended as others. She also commented that the predominant view coming out of the roundtable discussions was against the status quo.
- 4.4 The Review Manager (Norfolk and Suffolk) advised that separate meetings with the 'wedge' and 'doughnut' proponents in Norfolk would go ahead and that there had been a request from Waveney District Council for a further meeting.
- 4.5 The Committee noted the reports.

5. Electoral Review update – BCFE (08) 25

- 5.1 The Review Manager (Electoral) presented a paper updating the Committee on the current electoral reviews (excluding Cornwall). He advised that in Wiltshire, Shropshire and West Sussex a decent quantity of submissions have been received during the Stage Three consultation on the Committee's draft recommendations and that this consultation will end on 25 August 2008. He ran through the main areas of contention that have been identified by respondents in each review, giving the Committee a brief overview of the issues involved.
- 5.2 The Review Manager expressed the view that the Boundary Reviews Team would be able to move towards the development of final recommendations in line with the Stage Four timetable. He also advised the Committee that tours of each county will soon be organised to help inform the Committee's view prior to developing its final recommendations.

5.3

6. Structural Review Risk Register

- 6.1 The issues arising with respect to risks in the structural review process had been discussed previously in the meeting (i.e. the potential for judicial review along with various issues around the financial consultants report). As such the Committee did not consider that further discussion was needed on this agenda item.

7. Electoral Review Risk Register

- 7.1 The Review Manager (Electoral) discussed the updated UA risk register. As detailed above, the main developments on the risk register relate to efforts to mitigate the possibility of unsatisfactory council size proposals being submitted by the relevant local authorities. These efforts focussed on increased and earlier communication with these authorities along with the planned meetings between Committee representatives and Durham and Northumberland authorities.

8. Any other business

Budget

- 8.1 The Director advised that an updated budget summary had been received from the Electoral Commission covering the work of Boundary Reviews along with the Implementation Team.
- 8.2 He advised that the 'normal' boundaries budget was generally on target although this budget would be decreasing in size as time goes on.
- 8.3 The Director further advised that the budget in relation to the structural reviews, unitary authority reviews and single member ward reviews was currently forecasting an underspend of £250K. However, he emphasised that the possibility of judicial reviews with respect to the structural reviews process meant that this figure may change significantly.

Committee appraisals

- 8.4 The Chair advised that he will be organising appraisals with Committee members in the near future.

Freedom of Information requests

- 8.5 The Review Manager (Norfolk and Suffolk) advised the Committee that it has recently received freedom of information requests in respect of the Norfolk and Suffolk structural reviews. She stated that these requests were being considered and would be responded to in due course.

September 2008