

# THE WEST SUFFOLK (MODIFICATION OF BOUNDARY CHANGE ENACTMENTS) REGULATIONS 2018

## **1. About this report**

- 1.1 Section 15 (subsections (12) and (13)) of the Cities and Local Government Devolution Act 2016 (“the 2016 Act”) requires that at the same time as laying a draft of a statutory instrument containing regulations under this section before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- 1.2 This report must include:
- a) a description of any consultation taken into account by the Secretary of State,
  - b) information about any representations considered by the Secretary of State in connection with the regulations, and
  - c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.
- 1.3 This report accompanies the draft West Suffolk (Modification of Boundary Change Enactments) Regulations 2018 and the linked statutory instrument, the draft West Suffolk (Local Government Changes) Order 2018.

## **2 Description of the proposal to merge the councils**

- 2.1 The Government made a manifesto commitment to supporting those authorities that wish to combine to serve their communities better, and the Ministry of Housing, Communities and Local Government is committed to consider unitarisation and mergers between councils when requested. The Government set out the criteria against which merger proposals would be considered in a Written Ministerial Statement on 7 November 2017. These are that:
- the proposal is likely to improve local government in the area (by improving service delivery, giving greater value for money, yielding cost savings, providing stronger strategic and local leadership, and/or delivering more sustainable structures);
  - the proposal commands local support, in particular that the merger is proposed by all councils which are to be merged and there is evidence of a good deal of local support; and
  - the proposed merged area is a credible geography, consisting of two or more existing local government areas that are adjacent, and which, if established, would not pose an obstacle to locally-led proposals for authorities to combine to serve their communities better and would facilitate joint working between local authorities.

- 2.2 St Edmundsbury Borough Council and Forest Heath District Council developed and consulted on a proposal to merge their respective local government areas and councils, which they submitted to the Secretary of State on 28 September 2017. The Secretary of State considered the proposals put forward by the two councils and, on 30 November 2017, announced that he was ‘minded to’ implement the proposal. There then followed a period for representations, which lasted until 19 January 2018. After carefully considering all the material and representations he received, the Secretary of State concluded that the criteria outlined above are likely to be fully met.

### **3. The effect of the statutory instruments**

- 3.1 As a manifesto commitment, the Government wishes to support those authorities that wish to combine to serve their communities better. The Secretary of State therefore considers that when an area comes forward with plans to merge which are locally-led and with the consent of those councils, whilst also meeting the criteria set down by the Secretary of State for council mergers (as outlined in paragraph 2.1), then these should be capable of being implemented without further delay. The Secretary of State has assessed the proposal submitted by the Forest Heath and St Edmundsbury on clear criteria and assessed that West Suffolk meets these criteria, concluding that there is evidence that the proposal commands local support and would improve local government and services in the area.
- 3.2 The Local Government and Public Involvement in Health Act 2007 Act (“the 2007 Act”) allows the Secretary of State to legislate for local government reorganisation involving council mergers and boundary changes after a proposal has been received from the local authorities and after the independent Local Government Boundary Commission for England (LGBCE) has undertaken a full boundary and electoral review of the area.
- 3.3 The first statutory instrument, the West Suffolk (Modification of Boundary Change Enactments) Regulations 2018, varies the 2007 Act in its application to Forest Heath and St Edmundsbury district councils. These regulations are made under provision introduced into the 2016 Act enabling regulations to be made to streamline the processes for local government reorganisation, for which provision is made in the 2007 Act.
- 3.4 Under the 2007 Act as proposed to be modified by these Regulations, it is proposed, subject to Parliamentary approval, to make the West Suffolk (Local Government Changes) Order 2018, which would establish the new non-metropolitan district and district council for West Suffolk.
- 3.5 To implement the proposal in a timely manner, regulations are made under section 15 of the 2016 Act which provides that Part 1 of the 2007 Act is to be varied in its application to the case of Forest Heath and St Edmundsbury so that the Secretary of State is able to act upon a submission from the local areas regarding re-organisation of the local boundaries whilst still maintaining the ability for the Local Government Boundary Commission for England to carry out an electoral review of the area.
- 3.6 In order that West Suffolk Council is established on 1 April 2019 and elections will take place in May 2019, the LGBCE will undertake an electoral review in advance of

this, and provide new warding arrangements in readiness for the May 2019 elections. This process retains a key role for the LGBCE in electoral review if the regulations and order are made, subject to Parliamentary approval. The LGBCE are content with this approach and we are in contact with them about how the electoral review would be undertaken for 2019 elections.

The West Suffolk (Modification of Boundary Change Enactments) Regulations 2018

- 3.7 Part 1 of the 2007 Act provides for structural and boundary change of local government areas and councils. Section 8 of the 2007 Act provides that the Local Government Boundary Commission may, either on their own initiative or at the request of the Secretary of State or a local authority, conduct a review of one or more local government areas. Where they have conducted a review under this section the Boundary Committee may recommend to the Secretary of State such boundary change as in consequence of the review seems to them desirable. “Boundary change” means the alteration of a local government area boundary; the abolition of a local government area or the constitution of a new local government area (or any combination of these). No recommendation may be made under section 8 which recommends some form of structural change (i.e. the creation of a single tier of local government in an area which previously had two tiers). Structural change is provided for in sections 1 to 7 of the 2007 Act.
- 3.8 Section 10 of the 2007 Act gives the Secretary of State power, by order, to make boundary changes to a local government area following a review by the Local Government Boundary Commission. The detail of what a section 10 order can include is set out in sections 11 and 12. A section 10 order can, for example, create a new local government area or abolish an existing one; move the boundary of any local government area; create a new council for the area or abolish an existing one and provide for a new name. A section 10 order can also make provision for “electoral matters” which, for example, includes the total number of members (councillors) of the authority; the number and boundaries of electoral areas and the number of councillors to be returned by each area. A section 10 order can also include transitional provision allowing, for example, for the appointment by the Secretary of State of members of an existing local authority to be members of a new local authority for a transitional period.
- 3.9 Section 15 of the Cities and Local Government Devolution Act 2016 (“the 2016 Act”) provides that the Secretary of State may by regulations (subject to the affirmative resolution procedure) make provision about the structural and boundary arrangements in relation to local authorities under Part 1 of the 2007 Act. In particular, by making provision as to how Part 1 of the 2007 Act is to apply in relation to particular cases (including by disapplying the application of Part 1 or applying it subject to any variations that are specified in the regulations).
- 3.10 Regulations under this section, so far as including structural or boundary provision in relation to a non-unitary district council area, may be made if at least one relevant local authority consents (i.e. one of the councils whose area falls within the area concerned). This consent requirement expires at the end of 31st March 2019 (but without affecting any regulations already made under this section by virtue of subsection (5)). After that date, the exercise of powers under section 15 will require the consent of all relevant authorities in the area in question.

- 3.11 These regulations made under section 15 of the 2016 Act would provide that Part 1 of the 2007 Act is to be varied in its application to the case of Forest Heath and St Edmundsbury so that those councils can make proposals for boundary change in their area to the Secretary of State rather than to the Local Government Boundary Commission and allowing the Secretary of State to implement those proposals by order under section 10 of the 2007 Act.

The West Suffolk (Local Government Changes) Order 2018

- 3.12 This Order is made in exercise of the powers conferred by sections 10, 11, 12 and 13 of the 2007 Act. It implements the proposal made by the two councils concerned under the 2007 Act that there should be a new non-metropolitan district council for West Suffolk.
- 3.13 Section 14 of the 2007 Act enables the Secretary of State, by regulations of general application, to make incidental, consequential, transitional and supplementary provision to give full effect to these local government changes. The Secretary of State intends to exercise his powers under this section to, among other things, make provision for transferring functions, property, rights and liabilities to the new council, as well as providing for transitional provisions relating to financial matters.

#### **4 Consultation**

- 4.1 Following the decisions of the councils to proceed in principle with the proposal to merge, the councils undertook a programme of engagement with residents and stakeholders from May 2017 to the end of August 2017. The engagement programme was comprised of the following activities: an independent, weighted to be representative, sample survey phone poll; a media campaign including press releases and promotion on social media; 52 media stories published or broadcast through local, national and local government news channels; publicity packs for councillors and town and parish councils; a dedicated webpage and online survey to collect comments on the proposals; formal communication to 162 stakeholders; presentations and talks at resident and business forums and public events; and staff briefings for frontline employees.
- 4.2 During the consultation phase, the two councils received expressions of support for the proposal from Suffolk County Council and all Suffolk district authorities. Letters of support were also received from neighbouring local authorities including Babergh and Mid Suffolk District Councils, Breckland District Council, Suffolk County Council, Cambridge City Council, Norfolk County Council, the Borough Council of King's Lynn and West Norfolk, and Braintree District Council. The Cambridgeshire and Peterborough Combined Authority also wrote a letter in support of the proposals.
- 4.3 The majority of town and parish councils that sent representations in response to the proposals were supportive. Seven responses were received from town and parish councils - four were supportive and three raised concerns. The primary concerns were for local decision making and service delivery. However, the two councils' existing experience of sharing services means they are confident the merger would result in the further simplification and streamlining of local decision making and service delivery processes.

- 4.4 Businesses are also supportive of the proposals. Both Local Enterprise Partnerships (LEPs) – New Anglia LEP and the Greater Cambridge, Greater Peterborough LEP – expressed support for the proposal. Other organisations that are supportive include the Suffolk Chamber of Commerce, the Newmarket and Bury St Edmunds Business Improvement Districts, and the Bury Market Traders. There were no negative representations from businesses or business groups.
- 4.5 Other public agencies support the proposal. West Suffolk Hospital NHS Foundation Trust, NHS West Suffolk’s Clinical Commissioning Group (CCG), and the Suffolk Police and Crime Commissioner were all supportive of the council merger and its ability to deliver better joint working and improved efficiency and effectiveness of services. Other than three parish councils, there were no negative representations from public sector organisations.
- 4.6 Independent polling organisation ComRes carried out a demographically proportionate telephone survey of 1,200 residents in Forest Heath and St Edmundsbury to gauge public support for the proposal. When asked “In general, to what extent are you favourable or unfavourable towards the proposed creation of a single District-level Council for West Suffolk”, 65% of adults said they were favourable to the proposal, compared to 19% who were unfavourable. When provided with further information about the proposal, within the same survey, including providing details of its potential benefits and concerns, 70% of local adults were favourable to the proposal and its impact, compared to 22% who were unfavourable.
- 4.7 The councils took steps to ensure that all residents, including those who were less likely or not able to engage via the dedicated website, were able to share their views on the proposals. The alternative methods of engagement included: customer service and other frontline staff were provided with information to answer questions and pass on feedback; Ward Members were provided with information to include in parish newsletters; hard copies of summary documents were shared with residents; posters were displayed in local libraries and GP surgeries, public meetings and engagement with local councillors were arranged. Officers also contacted the Disability Forum for Suffolk and Avenues East with information on the proposals and an invitation for further dialogue.
- 4.8 The Secretary of State announced on 30 November his initial decision that he is minded to implement the proposal from the two councils to merge. Following this there was a period of representations until 19 January 2018. During this period for representation the Secretary of State received letters of support for the proposal from local MPs; Sue Cook, Interim Chief Executive of Suffolk County Council; the Flagship Group, a local housing provider; John Griffiths, Leader of St Edmundsbury Borough Council and James Waters, Leader of Forest Heath District Council; Newmarket Business Improvement District (BID); NHS Suffolk; and Suffolk Chamber of Commerce. The Secretary of State received no representations opposed to the proposal.
- 4.9 From these representations, the majority of the representations indicated that they believe the merger would create cost savings, improve leadership and result in a stronger, more sustainable local government model. The submissions also supported

the principle that the merger commands a good deal of local support, particularly from key politicians and partner organisations. There was also a general consensus that the new geography will encourage partnership working and make the provision of housing and services more coherent.

## **5 Material considered by the Secretary of State from the local area**

- *A Single Council for West Suffolk* - Business Case submitted by Forest Heath District Council & St Edmundsbury Borough Council<sup>1</sup>
- Summary of outcome of opinion poll<sup>2</sup> and summary data tables from opinion poll<sup>3</sup> - both submitted by Forest Heath District Council & St Edmundsbury Borough Council (as detailed in paragraph 4.6)
- Summary and details of online and offline engagement consultation activities - submitted by Forest Heath District Council & St Edmundsbury Borough Council (as detailed throughout section 4)
- Letters received - submitted by Forest Heath District Council & St Edmundsbury Borough Council<sup>4</sup> (as detailed in paragraphs 4.2-4.5)
- Equalities Impact Screening Assessment - submitted by Forest Heath District Council & St Edmundsbury Borough Council
- Representations received to the Secretary of State between 30 November 2017 until 19 January 2018 (as detailed in paragraphs 4.8-4.9).

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<sup>1</sup> <https://democracy.westsuffolk.gov.uk/documents/s22109/COU.FH.17.026%20Appendix%20%20-%20Final%20business%20case.pdf>

<sup>2</sup> <https://democracy.westsuffolk.gov.uk/documents/s22109/COU.FH.17.026%20Appendix%20%20-%20Final%20business%20case.pdf>

<sup>3</sup> <https://democracy.westsuffolk.gov.uk/documents/s22111/COU.FH.17.026%20Appendix%204%20-%20Summary%20data%20tables%20from%20opinion%20poll.pdf>

<sup>4</sup> <https://democracy.westsuffolk.gov.uk/documents/s22113/COU.FH.17.026%20Appendix%206%20-%20Letters%20received.pdf>