

THE EAST 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 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 East Suffolk (Modification of Boundary Change Enactments) Regulations 2018 and the linked statutory instrument, the draft East Suffolk (Local Government Changes) Order 2018.

2 Description of the proposal to merge the councils

- 2.1 The Government made a manifesto commitment to support 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 Suffolk Coastal and Waveney District Councils developed and consulted on a proposal to merge their respective local government areas and councils, which they

submitted to the Secretary of State on 3rd February 2017. The Secretary of State considered the proposals put forward by the two councils and, on 7th November 2017, announced that he was ‘minded to’ implement the proposal. There then followed a period for representations, which lasted until 8th 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 Suffolk Coastal and Waveney district councils on clear criteria and assessed that East 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 East Suffolk (Modification of Boundary Change Enactments) Regulations 2018, varies the 2007 Act in its application to Suffolk Coastal and Waveney 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 East Suffolk (Local Government Changes) Order 2018, which would establish the new non-metropolitan district and district council for East 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 Suffolk Coastal and Waveney 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 (LGBCE) to carry out an electoral review of the area.
- 3.6 In order that East Suffolk Council is established on 1 April 2019 and elections 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 East 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 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 Suffolk Coastal and Waveney 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 allow the Secretary of State to implement those proposals by order under section 10 of the 2007 Act.

The East 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 East 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

Consultation before initial decision

- 4.1. Following the decisions of the councils to proceed in principle with the proposals to merge, the councils undertook a programme of engagement with residents and stakeholders. The councils took steps to ensure all members of the community were aware of the proposal. The engagement programme was comprised of the following activities: an independent, weighted to be representative phone poll; open public consultation, with comments invited via a dedicated email address or by post; press releases and articles in the local press; outreach events with community groups; banners promoting the merger at council offices and libraries, and on-going website and social media promotion.
- 4.2. Open public consultation ran from 1st November to 12th December 2016. All interested stakeholders were invited to comment on and query the proposal. This was promoted online and through social media (including through a Facebook advert), the local press and emails to all key stakeholders. Responses were invited via a dedicated email address or by post.
- 4.3. Independent polling organisation ComRes carried out a demographically representative telephone survey of 1,000 residents in Suffolk Coastal and Waveney between 3rd October and 14th October 2016 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 East Suffolk”, 57% of local adults surveyed said they were favourable towards the proposal, compared to 22% who were unfavourable. The use of a demographically representative telephone poll carries some weight as it removes the propensity for

consultation responses to be heavily dominated by certain, sometimes self-selecting, groups. This ensures the whole community is represented in the decision making process.

- 4.4. Of the consultation responses from the public, 114 were against and 17 were in favour. Of the 114 residents who objected, a recurring concern was that a single council covering a larger geographic area would weaken local democracy. There were also concerns around certain areas being under represented. Following the consultation, a ‘myth-busting’ document was published on the councils’ shared website to address the principal concerns raised during the consultation process.
- 4.5. Information about the proposal was provided to the East Suffolk Partnership Forum (this included a workshop session for delegates), parish and town councils (through the Suffolk Association of Local Councils area forums and briefings), and a ‘Community Action Suffolk’ (CAS) local group meeting.
- 4.6. The majority of stakeholders were supportive, Suffolk County Council, the two district councils, some parish councils, the chambers of commerce and the Local Enterprise Partnership all expressed support for the proposal. Letters of support were also received from Mid Suffolk and Babergh Councils and Norfolk County Council.

Representations received after initial decision

- 4.7. After the Secretary of State announced his initial decision that he was minded to implement the proposal, there was a period for representations lasting from 7th November 2017 until 8th January 2018. 20 representations were received. Of these 17 were supportive of the proposal, one was neutral and two were opposed.
- 4.8. Those in favour of implementation included the Leaders of both councils, Suffolk County Council, the Leaders of Mid Suffolk and Babergh Councils, two parish councils, and a local MP.
- 4.9. The 17 supportive representations also included three housing associations, Norse Commercial Services, Community Action Suffolk, Firmstep, Places for People Leisure, Adnams PLC, Suffolk Libraries, East Coast Community Healthcare and the Local Enterprise Partnership. A member of the public also wrote in in support of the merger.
- 4.10. The two negative representations received were from a member of the public and a local councillor. Though their views were considered, the lack of evidence presented as part of their representations (and the fact that they were in the vast minority) meant that it was not considered that further action on them was necessary.

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

- *East Suffolk Business Case and Business Plan* - submitted by Suffolk Coastal and Waveney District Councils

- Further financial information submitted by Suffolk Coastal and Waveney District Councils
- Summary of representations received and summary data tables from consultation, both submitted by Suffolk Coastal and Waveney District Councils
- Representations received by the Secretary of State between the 7th November 2017 and the 8th January 2018.
- Equality Impact Assessment submitted by Suffolk Coastal and Waveney District Councils.