

**THE DORSET (STRUCTURAL CHANGES) (MODIFICATION OF THE LOCAL
GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007)
REGULATIONS 2018**

AND

**THE BOURNEMOUTH, DORSET AND POOLE (STRUCTURAL CHANGES)
ORDER 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 Dorset (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2018 and the linked statutory instrument, the draft Bournemouth, Dorset and Poole (Structural Changes) Order 2018.

2. Description of the proposal to restructure local government in Dorset

- 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 locally led proposals for unitarisation and mergers between councils where requested.
- 2.2 On 28 February 2017, in response to a Parliamentary Question from Christopher Chope MP (PQN 65271)¹, the then Minister for Local Government Marcus Jones MP stated the criteria against which proposals for local government reorganisation would be assessed: namely that any proposal made by one or more councils in an area for reorganising that area’s local government will be considered, and a judgement in the round will be reached “as to whether the proposal, if implemented, is likely to improve the area’s local government, commands a good deal of local support in the

¹ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-23/65271/>

area, and whether the area itself is a credible geography for the proposed new structures.”

- 2.3 Bournemouth Borough Council, Christchurch Borough Council, Dorset County Council, East Dorset District Council, North Dorset District Council, Poole Borough Council, Purbeck District Council, West Dorset District Council, and Weymouth and Portland Borough Council developed and consulted on a proposal (“the proposal”) to reorganise local government in the area. Six of these councils: Bournemouth Borough Council, Dorset County Council, North Dorset District Council, Poole Borough Council, West Dorset District Council, and Weymouth and Portland Borough Council then submitted the proposal to the Secretary of State on 9 February 2017. In the Dorset area, there are currently two small unitary councils, Bournemouth and Poole, surrounded by a two-tier structure of Dorset County Council and the district councils of Christchurch, East Dorset, North Dorset, Purbeck, West Dorset, and Weymouth and Portland. The proposal is for the existing nine councils to be replaced by a single council for the areas of Bournemouth, Poole and the part of the county of Dorset currently comprising the Borough of Christchurch, and by a single council for the remainder of the Dorset county area.
- 2.4 On 7 November 2017, the Secretary of State announced² that having carefully considered all the material and representations he had received, he was “minded to” implement the proposal. There then followed a period until 8 January 2018 for interested parties to make representations, including that if the proposal is implemented it is with suggested modifications, and for councils to come forward with an alternative proposal.
- 2.5 Following the end of the period for representations, the Secretary of State has considered the proposal and, having had regard to the representations he received and all information available to him, decided that the proposal meets the stated criteria and should be implemented without modification, subject to Parliamentary approval. The Secretary of State announced this decision to Parliament on 26 February 2018.³

3. The effect of the statutory instrument

- 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 a council submits to him a locally-led proposal to restructure local government which meets the criteria for local government reorganisation (made public by the Secretary of State, as outlined in paragraph 2.2), then these should be capable of being implemented. The Secretary of State has considered the proposal submitted by the Dorset councils against these criteria, and his assessment of the evidence presented to him is that the proposal meets these criteria and that in the round, the proposal is likely to improve the area’s local government, commands a good deal of local support and is a credible geography.

² HCWS232 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-11-07/HCWS232/>

³ HCWS486 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-02-26/HCWS486/>

3.2 The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) provides that the Secretary of State may invite⁴ any principal authority to make one of three types of proposal for structural change, or a combined proposal. The types of proposal which may be made are for a single tier of local government for:

- the area of the county concerned (a “Type A proposal”);
- an area which is one or more districts in the county concerned (a “Type B proposal”);
- an area which consists of the county concerned or one or more districts in that county, and one or more adjoining counties or districts (a “Type C proposal”);
- two or more Type B or Type C proposals, or one or more Type B and one or more Type C proposals (“a combined proposal”).

3.3 Such a combined proposal has been made by a number of the principal authorities in the administrative county of Dorset and by the existing unitary authorities of Bournemouth and Poole. The proposal is a combination of: a Type B proposal - for unitarisation of five of the six districts in the existing administrative county of Dorset; and a Type C proposal - for unitarisation of the county and borough of Bournemouth with the adjoining borough of Christchurch and county and borough of Poole.

3.4 The Secretary of State may legislate to implement a proposal (subject to Parliamentary approval), with or without a modification, where the Secretary of State has consulted every authority affected by the proposal (except any authority which has made the proposal) and any other persons as are considered appropriate. The Secretary of State may also request the advice of the Local Government Boundary Commission for England where a proposal has been received in response to an invitation issued by the Secretary of State as detailed above.

The Dorset (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2018

3.5 Section 15 of the 2016 Act confers a power on the Secretary of State to make regulations (subject to the affirmative parliamentary procedure) which may disapply or vary the application of the 2007 Act provisions in relation to structural and boundary change. In particular, by making provision as to how Part 1 of the 2007 Act is to apply in relation to particular cases (including by removing the application of certain provisions in Part 1 or applying it subject to any variations that are specified in the regulations).

3.6 Regulations under section 15 of the 2016 Act relating to structural and boundary change may be made with the consent of the relevant local authorities until 31 March 2019. For a two tier area consent is required from at least one of the relevant authorities i.e. councils in that area. For the purposes of these Regulations, statute requires as a minimum that there is consent from Bournemouth Borough Council, Poole Borough Council, and from one authority within the Dorset county area. Consent was sought from all councils affected by the Regulations and the following eight councils gave consent to the making of these regulations: Bournemouth Borough Council; Dorset County Council; East Dorset District Council; North Dorset District

⁴ Section 2 also provides that the Secretary of State may direct a council to make a proposal, however section 3 provides that such a direction may not be given after 25th January 2008.

Council; Poole Borough Council; Purbeck District Council; West Dorset District Council; and Weymouth and Portland Borough Council; which is significantly above the minimum level of consent required by statute.

- 3.7 The Secretary of State considers it is appropriate to make Regulations under section 15 of the 2016 Act which provide that Part 1 of the 2007 Act is to be varied in its application to the case of the Dorset councils, reflecting the initiative of the Councils to develop and make a proposal for structural change in their area to the Secretary of State without an invitation having been received.
- 3.8 These regulations made under section 15 of the 2016 Act provide that Part 1 of the 2007 Act is varied in relation to Dorset, Bournemouth and Poole so that:
- the requirement for unitary proposals to be “invited” by the Secretary of State is disapplied; proposals may be made by any principal authority in Dorset;
 - any unitary proposal received by the Secretary of State from Dorset councils (not just proposals received in response to an invitation) may be implemented with or without modification by order;
 - the discretion for the Secretary of State to request advice from the Local Government Boundary Commission does not apply as the proposal has not been made in response to an invitation or direction. In any event, such advice is not required in this case, as the proposal has been made by the majority of councils in the area (following extensive local consultation) and the Secretary of State has decided to implement the proposal without modification;
 - the requirement for the Secretary of State to consult the councils affected by that proposal and other persons about that proposal does not apply (reflecting the extensive consultation undertaken by councils in Dorset and the period of representation following the Secretary of State’s announcement).
- 3.9 The Regulations would also allow for pre-existing proposals, such as the proposal received from the Dorset councils which was submitted to the Secretary of State in February 2017, before the Regulations would come into force, to be implemented. The Regulations would expire at the end of March 2020. This is to allow sufficient time, should the need arise for a further Order under sections 7, 11,12 or 13 of the 2007 Act to be made, in order to give full effect to the proposal.

Bournemouth, Dorset and Poole (Structural Changes) Order 2018

- 3.10 This Order is made in exercise of the powers conferred by sections 7, 11, 12 and 13 of the 2007 Act. It implements the proposal made under section 2 of the 2007 Act, as modified by the Regulations. The Order establishes the new local government structures and provides for the making of arrangements in preparation for the transition to the new councils.
- 3.11 The Order provides that, on 1st April 2019, the existing local government areas are abolished and the councils for those areas are wound up and dissolved. A new non-metropolitan county and a new non-metropolitan district, each to be known as Dorset, are established for the same area as the districts of East Dorset, North Dorset, Purbeck, West Dorset, and the borough of Weymouth and Portland, and a new district council – Dorset Council – is established for the area. A new non-metropolitan county and a new non-metropolitan district, each to be known as Bournemouth, Christchurch

and Poole, are established for the same area as the county and borough of Bournemouth, the borough of Christchurch, and the county and borough of Poole, and a new district council – Bournemouth, Christchurch and Poole Council - is established for the area. On and after 1 April 2019, the two new councils will be the sole local authorities⁵ for their respective districts.

4. Consultation

Consultation before initial decision

- 4.1 The nine councils in Dorset began developing proposals to reorganise local government in the area in 2016. Opinion Research Services (ORS) were commissioned to consult on different options for reorganisation, including to retain all nine councils (option 1) or to change from the nine councils to two unitaries (options 2a-2c).⁶ The findings of ORS were published in December 2016.⁷
- 4.2 The consultation period ran from 30 August 2016 until 25 October 2016 and residents and stakeholders were invited to provide feedback on all options through a variety of means to ensure all residents and stakeholders were able to share their views:
- an open consultation questionnaire for all residents, stakeholders and organisations;
 - a representative household survey based upon 20,000 randomly selected households;
 - a survey of all parish and town councils;
 - 15 deliberative workshops: 8 were held with members of the public; 3 with parish and town councillors; 2 with representatives of the voluntary and community sector; and 2 with members of the business community;
 - 9 in-depth telephone interviews were also conducted with representatives of some of Dorset’s largest companies;
 - written submissions: residents, stakeholders and organisations were able to provide their views by writing to Dorset’s councils or ORS.
- 4.3 The consultation received over 17,000 responses, broken down as follows:
- 12,542 open questionnaire responses;
 - 120 responses to the parish and town council survey;
 - 4,258 responses from the randomly selected representative households;
 - 158 residents, 117 parish and town councillors, 57 voluntary/community sector representatives and 53 business representatives attended workshops and in-depth interviews;
 - 82 written submissions.
- 4.4 The conclusion reached by ORS was that “across both the quantitative and deliberative means of consultation, there was clear and even emphatic support for

⁵ For these purposes ‘local authority’ does not include a parish council.

⁶ Page 9 of the ORS Reshaping Your Councils Consultation 2016, Final Report https://www.dorsetforyou.gov.uk/media/218499/Full-report-final-2016/pdf/2016_12_05b_Full_Report_FINAL.compressed.pdf

⁷ <https://news.dorsetforyou.gov.uk/reshapingyourcouncils/>

moving to two councils.” Almost three quarters (73%) of those responding to the representative household survey agreed with the proposal to replace the nine existing councils with two new councils, with 65% supporting the two council approach that was submitted in the proposal to the Secretary of State and is provided for in this Order. The ORS report also identified significant support from local businesses and the Dorset Local Economic Partnership.

Representations received after initial decision

- 4.5 Following the research from ORS, six of the nine Dorset councils formally submitted for the Secretary of State’s consideration a proposal for two unitary authorities. On 7 November 2017 the Secretary of State announced that he was ‘minded to’ implement the locally-led proposal for two unitary authorities. He also announced that before making his final decision, there would be a period until 8 January 2018 during which those interested could make further representations, including that if the proposal is implemented it is with suggested modifications. It was also open to any council in the area to come forward with an alternative proposal.
- 4.6 When announcing his “minded to” decision, the Secretary of State also noted that further steps were needed to secure local consent. When the proposal was submitted in February 2017 it was supported by six of the nine councils in the Dorset area. Christchurch Borough Council, East Dorset District Council and Purbeck District Council were not supportive of the proposal. Following the Secretary of State’s “minded to” decision, East Dorset and Purbeck made representations⁸ to the Secretary of State - East Dorset District Council now support the proposal, and Purbeck District Council have withdrawn their opposition to the proposal. Christchurch Borough Council remains in opposition to the proposal.
- 4.7 During the period of representation, 210 representations were received from members of the public, local councillors, businesses and community organisations. Submissions from members of the public were more likely to be opposed to the proposal, town and parish councillors were more likely to be in favour of the proposal, the submissions from county and district councillors were evenly split, while businesses and public bodies were predominantly supportive. Overall, the representations received were evenly split between positive and negative with 96 representations in favour, 12 neutral and 99 opposed. 3 representations were received which did not express views about the proposal.
- 4.8 During the period of representations, Christchurch Borough Council held a local advisory poll⁹ to inform the Council’s representation to the Secretary of State, declaring the result on 14 December 2017. The poll had a 54% turnout, of which 84% voted No to the question “Do you support the current proposal for a single Council covering Christchurch, Bournemouth and Poole?” Following the results of this poll, Christchurch Borough Council made a representation¹⁰ to the Secretary of State

⁸ Letter of 18 December 2017 from Cllr Flower, Leader of East Dorset District Council, to the Secretary of State and letter of 5 January 2017 from Cllr Suttle, Leader of Purbeck District Council, to the Secretary of State.

⁹ <https://www.dorsetforyou.gov.uk/christchurch/local-poll>

¹⁰ <https://news.dorsetforyou.gov.uk/2018/01/05/christchurch-council-makes-representation/>

containing an alternative proposal which the Secretary of State did not consider to be implementable.

- 4.9 Having had regard to all the evidence - the proposal, the representations received, the Christchurch advisory poll (which related to 6% of the total area population), representations about the poll, and all information available to him - the Secretary of State is satisfied that in the round across the Dorset area the criteria for local government reorganisation is met and the proposal is likely to improve the area's local government, commands a good deal of local support and is a credible geography.

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

- 5.1 Material submitted jointly by Bournemouth Borough Council, Dorset County Council, North Dorset District Council, Borough of Poole Council, West Dorset District Council, and Weymouth and Portland Borough Council:

- covering letter of 9 February 2017;
- Leaders' Statement;
- a summary of the proposals – “Future Dorset”;
- letters of support;
- voting record;
- Equality Impact Assessment;
- financial analysis of local government reorganisation, conducted by Local Partnerships (LP);
- the findings of a public consultation, undertaken by Opinion Research Services (ORS);
- an assessment of the case for change, undertaken by PricewaterhouseCoopers (PwC);
- the report and recommendations considered by all Dorset councils in January 2017.

- 5.2 All representations and correspondence received regarding the proposal, including representations received between 7 November 2017 and 8 January 2018.¹¹

¹¹ The representations received from Dorset Councils between 7 November 2017 and 8 January 2018, and all the other representations which the Secretary of State has received will be placed in the House of Commons in response to PQN 130263.