

*These notes refer to the Local Government Act 2010  
(c.35) which received Royal Assent on 16 December 2010*

# **LOCAL GOVERNMENT ACT 2010**

---

## **EXPLANATORY NOTES**

### **BACKGROUND**

4. The Local Government Act 2010 gives effect to the Government's commitment in the Coalition Programme for Government, published on 20 May 2010, to put a stop to existing proposals for the restructuring of councils in Norfolk, Suffolk and Devon. Specifically the Act prevents the implementation of any unitary proposals that remain outstanding. A single tier local government structure, commonly referred to as a unitary authority, differs from a two tier local government structure, i.e. a county and a district council, each exercising different functions for the same area, by having only one authority exercising all local government functions for an area.
5. The Local Government and Public Involvement in Health Act 2007 (the 2007 Act) introduced a mechanism pursuant to which principal authorities, either a county or a district council, could submit to the Secretary of State for Communities and Local Government proposals for introducing a single tier of local government in a particular area and which empowered the Secretary of State to implement such proposals by order.
6. In October 2006, the then Secretary of State published a policy document which contained five criteria and invited proposals for unitary government in England which met these criteria. In response to this invitation, in January 2007, proposals for unitary local government were made by Exeter City Council, Norwich City Council and Ipswich Borough Council, all district councils, for a unitary council on their existing boundaries. The Secretary of State then undertook a consultation on the proposals.
7. On 25 July 2007 the Secretary of State took "minded to" decisions that Norwich's proposal did not meet all five criteria and should be referred to the Boundary Committee for advice; and that Exeter's and Ipswich's proposals did meet all five criteria but that there were financial risks, and further information would be requested. On 5 December 2007, the Secretary of State took the view, on the basis of the material then available to her, that Exeter's and Ipswich's proposals did not meet the affordability criterion and should be referred to the Boundary Committee for England for advice.
8. On 6 February 2008 the Secretary of State asked the Boundary Committee to advise upon proposals for Exeter, Norwich and Ipswich. The Boundary Committee provided its advice on 7 December 2009.
9. The Secretary of State carried out a further 6 week consultation on all the unitary proposals, including the proposals made by Exeter, Norwich and Ipswich, which ended on 19 January 2010. Following the conclusion of the consultation the then Secretary of State decided to implement by order the proposals for unitary authorities in Exeter and Norwich. Parliament approved the Orders and they were made on 25 March 2010. The Orders have subsequently been quashed by the High Court on a judicial review brought by Devon County Council and Norfolk County Council.
10. In February 2010, when final statutory decisions were taken on unitary proposals in Devon and Norfolk, the Government did not take a decision on the Suffolk proposals. Instead, the Government proposed a County Constitutional Convention comprising the

*These notes refer to the Local Government Act 2010  
(c.35) which received Royal Assent on 16 December 2010*

principal authorities in Suffolk and their MPs to reach a consensus on a possible unitary solution.