

Chief Executives of all local  
authorities in Devon, Norfolk and  
Suffolk

Our Ref: PR

7 December 2009

Dear Chief Executive

**PROPOSALS FOR UNITARY LOCAL GOVERNMENT IN DEVON, NORFOLK, AND  
SUFFOLK**

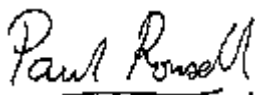
1. I copied to you my letter of 2 December 2009 notifying the Boundary Committee that the Secretary of State, pursuant to his powers set out in section 4(3) of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), has substituted the later date of 8 December 2009 for the date of 15 July 2009 for the Committee to provide advice in relation to Devon, Norfolk and Suffolk.
2. You will recall that in my letter to you of 29 June I set out the Secretary of State's intended approach for taking statutory decisions in relation to any proposals received by him for unitary local government in Devon, Norfolk and Suffolk. The Secretary of State intends to adopt that same approach (as set out in paragraphs 7 to 13 of the 29 June letter – for convenience reproduced in the annex to this letter) to the taking of his statutory decisions.
3. The 2007 Act provides that the Secretary of State may not make an order to implement any unitary proposals – either the original or any alternative unitary proposals - or reach a decision to take no action in relation to such proposals, before the end of six weeks beginning on the date by which the Boundary Committee has been requested to advise - in this case 8 December 2009. The 2007 Act also provides for a four week period during which those who have made any representations to the Boundary Committee in response to the publication of any draft alternative unitary proposals may make representations to the Secretary of State about any alternative proposal the Committee makes to the Secretary of State.

4. As set out in my letter of 29 June the Secretary of State has recognised that in the case of Devon, Norfolk and Suffolk there has been a range of diverse views about possible unitary structures and sometimes contentious debate. Accordingly, he considered that there should be a longer period for the making of representations to him about any unitary proposals than the statutory four week period. He remains of this view.
5. He also recognised in that 29 June letter the importance of minimising the continuing period of uncertainty for the councils and local communities concerned. He concluded that in the circumstances following a 15 July deadline for advice a nine week period for representations would be appropriate.
6. The Secretary of State has now considered the appropriate period for representations in the circumstances now prevailing. First, the prolongation of uncertainty brought about by the recent litigation is of considerable concern and reinforces the need to minimise the continuing period of uncertainty that is faced by councils and the local communities concerned. Secondly, the Secretary of State notes that the nine week period previously proposed straddled the extended holiday period over August, whilst any period following the 8 December would straddle the much shorter Christmas holiday period, a period around which council business commonly continues not least connected with councils' budget considerations. Thirdly, the Secretary of State also notes that a timetable for concluding the statutory restructuring process involving a nine week period for representations is highly likely to mean that if he were to decide to implement any unitary proposals, Parliamentary consideration of the orders implementing those proposals would be unable to take place until the next Parliament, and hence implementation would be unlikely before 1 April 2012. In contrast the Secretary of State believes that with a six week period for representations there is a reasonable prospect, subject to Parliamentary approval, of any new unitary proposals which he decides to implement being established on 1 April 2011.
7. This belief is based on the experience of implementing the nine unitary authorities which were created on 1 April 2009. In the case of these unitary authorities the orders were made in February and March 2008, allowing a period of some 12 months for implementation. Any consideration of orders in the next Parliament is likely to be significantly less than 12 months ahead of 1 April 2011. Creating new unitary authorities other than at the beginning of the financial year would be impractical and without precedent, leading to the likelihood of implementation being delayed by a further 12 months.
8. Accordingly, having specified 8 December 2009 as the date by which the Boundary Committee is to submit any advice, the Secretary of State has concluded that a six week period for making representations is both appropriate and sufficient. He has thus decided that the period for making representations on unitary proposals will commence on 8 December 2009 and end on 19 January 2010.

9. I also explained in the 29 June letter that during the period for representations, further representations could also be made about any of the original unitary proposals submitted to the Secretary of State by Exeter City Council, Ipswich Borough Council and Norwich City Council. This remains the case, and as emphasised in the 29 June letter representations on any original unitary proposal which had previously been put to the Secretary of State need not be, and should not be, repeated. The letters recording the reasons for the decisions taken by the Secretary of State on 5 December 2007 in relation to these original proposals can be found at the following link  
<http://www.communities.gov.uk/localgovernment/strategies/strongprosperous/publications/policydocuments/decisionletters/proposalsdecember2007/>
10. As explained in the 29 June letter, all representations should be made in writing, and if possible sent by email to:
- [DevonStructures@communities.gsi.gov.uk](mailto:DevonStructures@communities.gsi.gov.uk) in relation to representations on any unitary proposals for the county area of Devon;
  - [NorfolkStructures@communities.gsi.gov.uk](mailto:NorfolkStructures@communities.gsi.gov.uk) in relation to representations on any unitary proposals for the county area of Norfolk; and
  - [SuffolkStructures@communities.gsi.gov.uk](mailto:SuffolkStructures@communities.gsi.gov.uk) in relation to representations on any unitary proposals for the county area of Suffolk.
11. Alternatively, representations may be sent to:
- Unitary Structures Team  
Department for Communities and Local Government  
Zone 3/J1  
Eland House  
Bressenden Place  
London  
SW1E 5DU
12. As explained above, all representations are to be received by **19 January 2010**.
13. To assist those making such representations, any unitary proposals for the three county areas which the Secretary of State is considering will be available as follows. Any alternative unitary proposal made by the Boundary Committee will be available from the Committee and the original unitary proposals submitted by Exeter City Council, Ipswich Borough Council and Norwich City Council will be available from the council concerned (see appendix for website details and postal addresses).
14. I further explained in the 29 June letter that there will be an opportunity during the period for representations for a delegation from each affected council, or where councils so choose a joint delegation from several councils, to meet Ministers in order to make oral representations on any unitary proposals for Devon, Norfolk and Suffolk. As stated in that letter, a prerequisite for a meeting with Ministers is that the delegation must be led by an elected representative from the area (for example, a council leader or local MP).

15. If your council wishes to make oral representations during the period for representations please contact the Department's Local Structures Team to make the appropriate arrangements on [structures@communities.gsi.gov.uk](mailto:structures@communities.gsi.gov.uk) or 0303 4442577.
16. Once the Secretary of State has taken his statutory decisions he will announce them to Parliament. Where a decision is taken to implement a unitary proposal the necessary draft structural change Order would then be laid before Parliament and I will write again about seeking views on any draft structural change orders. Such orders would provide, if approved by Parliament, for any new unitary council to be established on 1 April 2011.
17. We are making this letter available to those individuals and bodies who were copied the letter of 29 June. We are also asking the Boundary Committee, if it has decided to make an alternative unitary proposal to the Secretary of State, to bring this letter to the attention of those persons it has informed under section 6(5) of the 2007 Act. As before, we would also ask your council to bring this letter to the attention of such individuals and bodies as it considers appropriate. Finally, the Department is making this letter available on its website at <http://www.communities.gov.uk/localgovernment/restructuring/boundarycommittee/>
18. Any queries about this letter should be sent to the above postal or email addresses. Alternatively, please contact us using the telephone numbers as follows:
- Devon – 0303 444 2641
  - Norfolk – 0303 444 2580
  - Suffolk – 0303 444 2579

Yours sincerely



**Paul Rowsell**

## **ANNEX – EXTRACT FROM LETTER OF 29 JUNE 2009**

### **The Secretary of State's approach to his statutory decisions**

The Secretary of State intends to adopt the following approach to the taking of his statutory decisions.

Where the Boundary Committee makes one or more alternative unitary proposal for an area, the Secretary of State will reach a view as to whether or not he shares the Boundary Committee's judgement about each alternative unitary proposal's capacity in aggregate, if it were to be implemented, to deliver the outcomes specified by the criteria. Where the Boundary Committee considers that an alternative unitary proposal does have the capacity, and the Secretary of State shares this view, he will also consider whether or not it would be desirable to modify the proposal. At this stage, he will consider whether, if modified, the proposal would have the capacity to deliver the three long-term outcomes specified by the criteria - effective strategic leadership; neighbourhood empowerment; and value for money and equity on public services ("the long-term outcomes") – to a greater extent.

Where the Secretary of State concludes that an alternative unitary proposal does not have the capacity to deliver the outcomes specified by the criteria, he will again consider modification with a view to deciding whether the proposal would have the capacity to deliver the outcomes, if it were modified.

Irrespective of whether the Boundary Committee makes any alternative unitary proposals, the Secretary of State will consider whether the view reached on the original unitary proposal on 5 December 2007 – namely that it would not be reasonably likely, if implemented, to achieve the outcomes specified by all the five criteria – should be changed. The Secretary of State will also consider whether the original unitary proposal would have the capacity to deliver the outcomes specified by the criteria, if it were to be modified.

Having identified those unitary proposals – either the original unitary proposal or any alternative unitary proposals made by the Boundary Committee and modified as the case may be - that in his judgement would have the capacity to deliver the outcomes specified by the criteria, the Secretary of State will then reach a judgement on whether to implement any of them. In deciding which, if any, of these unitary proposals should be implemented he will consider the merits of each proposal, as a whole, having regard to the extent to which each has the capacity to deliver the long-term outcomes.

The importance of a unitary proposal delivering the long-term outcomes was recognised by the Secretary of State in the approach adopted when previously taking statutory decisions about unitary proposals in December 2007 and early 2008. In those cases where there were two unitary proposals for the same area, both of which were reasonably likely, if they were implemented, to have the capacity to deliver the outcomes specified by the criteria, the Secretary of State decided to implement the proposal which the Secretary of State judged would be expected to deliver the long-term outcomes to the greater extent.

Where the Secretary of State is minded to implement a modified unitary proposal, before reaching a final conclusion, he will consider whether to provide for a period of time for representations to be made on any such proposed modifications. In considering this issue, the Secretary of State will have regard in particular to the scale of the modification proposed.

## **Appendix – Website details and postal addresses for the Boundary Committee, Exeter City Council, Ipswich Borough Council and Norwich City Council**

### The Boundary Committee

Address: The Boundary Committee  
Trevelyan House  
Great Peter Street  
London  
SW1P 2HW

Website: <http://www.electoralcommission.org.uk/boundary-reviews/>

### Exeter City Council

Address: Exeter City Council  
Civic Centre  
Paris Street  
Exeter  
Devon  
EX1 1JN

Website: [www.exeter.gov.uk](http://www.exeter.gov.uk)

### Ipswich Borough Council

Address: Ipswich Borough Council  
Grafton House  
15-17 Russell Road  
Ipswich  
Suffolk  
IP1 2DE

Website: [www.ipswich.gov.uk](http://www.ipswich.gov.uk)

### Norwich City Council

Address: Norwich City Council  
City Hall  
Norwich  
Norfolk  
NR2 1NH

Website: [www.norwich.gov.uk](http://www.norwich.gov.uk)