

Appendix 1

Summary of Secretary of State's decisions and comparative data

Outcomes - proposals for future unitary structures

Decision - Yes, implement proposal

| Authority submitting proposal | Proposed unitary structure | Key comments in decision letter - relating to size of area and cross-section of support | Area (km ²) | Population / population density | Means of public consultation and result |
|-------------------------------|----------------------------|---|-------------------------|-----------------------------------|---|
| Wiltshire County Council | County unitary | '...the proposal would command a broad cross-section of support from a range of stakeholders, both public and private sector, as well as some support from the general public' | 3,255 | 446,700 / 137 per km ² | MORI poll 78% agreed that 'rather than creating a single council providing all services across the whole of Wiltshire, it would be better if the existing County Council and the four district councils worked more effectively together' |
| Cornwall County Council | County unitary | 'A single unitary council would be the best way of addressing and providing leadership for Cornwall's unique identity' '...the proposal would command a broad cross-section of support from a range of stakeholders, both public and private sector, as well as some support from the general public' 'Whilst certain districts carried out polling which came down heavily against the unitary proposal, the climate in which the polls took place suggests that the results need to be viewed with caution' | 3,547 | 517,300 / 146 per km ² | Local poll The question on the polling card was: "Do you want local Council services delivered as proposed by Cornwall County Council in their bid for a single (unitary) Council for Cornwall?" Result was 81% against (almost 72,000 people responded). |
| Durham County Council | County unitary | 'Whilst she recognises that the districts carried out polling which came down heavily against the proposal for a unitary council for Durham, the climate in which the polls took place, including the information that was available to voters either directly or as a result of press debate suggests that the results need to be viewed with caution' | 2,232 | 499,800 / 224 per km ² | County wide referendum 76% (119,439) voted against a single unitary council (over 156,000 people voted) |

| Authority submitting proposal | Proposed unitary structure | Key comments in decision letter - relating to size of area and cross-section of support | Area (km ²) | Population / population density | Means of public consultation and result |
|-------------------------------|----------------------------|---|-------------------------|----------------------------------|--|
| Shropshire County Council | County unitary | <p>'The Secretary of State considers that whilst there is strong opposition from some district councils, the proposal has the support of key stakeholders in the public sector and business.'</p> <p>'In addition, whilst certain districts carried our polling which came down heavily against the proposal for a unitary council for the County, the Secretary of State considers that the climate in which the polls took place, including the information that was available to voters either directly or as a result of press debate suggests that the results need to be viewed with caution'</p> | 3,197 | 289,100 / 90 per km ² | <p>Three district polls</p> <p>Bridgnorth 85% against (46.6% turnout)</p> <p>Shrewsbury and Atcham 67.2% against (37.7% turnout)</p> <p>South Shropshire 56.7% against (41.9% turnout)</p> |
| Northumberland County Council | County unitary | <p>'Although Northumberland is large geographically, it is fairly small in population terms'</p> <p>'The Secretary of State considers that although large geographically, the innovative neighbourhood arrangements...will enable local communities to influence local service delivery'</p> <p>'..whilst the districts rely heavily on the 2004 referendum, which produced a majority against the single unitary option, it is significant that in that referendum the single unitary option nevertheless had significant support - over 40%'</p> | 5,026 | 311,400 / 62 per km ² | <p>On the 4th November 2004 over 51% of the electorate in Northumberland voted in a referendum and gave their views on how unitary government should be introduced in Northumberland.</p> <p>121,961 people voted.</p> <p>56.2% voted in favour of the creation of two new authorities in Northumberland.</p> <p>43.8% voted in favour of a single unitary council for Northumberland.</p> |

Decision - Undertake further work and submit additional information on the financial viability of proposal

| Authority submitting proposal | Proposed unitary structure | Key comments in decision letter | Area (km ²) | Population / population density | Means of public consultation and result |
|-------------------------------|----------------------------|--|-------------------------|------------------------------------|---|
| Bedford Borough Council | Bedford unitary | '..[The Secretary of State] notes that almost 30,000 people have expressed a view in favour of the proposal including a petition signed by over 20,000 people' | 476 | 153,000 / 321 per km ² | Various petitions |
| Chester City Council | 2 unitary Cheshire | 'The Secretary of State notes that there appears to be mixed evidence of a broad cross section of support. She notes that the bid has strong support amongst other principal councils with four of the districts offering their support for the proposal in one form or another, whilst the remaining two districts oppose both Cheshire unitary options' '...whilst the districts carried out polling which came down heavily against both unitary proposals in Cheshire, she considers that the climate in which the polls took place, including the information that was available to voters either directly or as a result of press debate suggest that the results need to be viewed with caution' | - | - | Various polls, including a countywide MORI poll MORI poll showed 52% for improved two tier working, 16% for single unitary and 23% for two unitary option. |
| Ipswich Borough Council | Ipswich unitary | | 39 | 118,200 / 3030 per km ² | Mori survey of 1,000 residents between 5th and 9th June 2007. 61% of those who expressed a preference supported a unitary Ipswich. |
| Exeter City Council | Exeter unitary | | 47 | 117,600 / 2502 per km ² | MORI poll in summer 2006 showed local public support for a unitary council in Exeter, by a margin of two to one |

Decision - not to allow proposal to proceed to implementation but to refer it to the Boundary Committee to advise

| Authority submitting proposal | Proposed unitary structure | Key comments in decision letter | Area (km ²) | Population / population density | Means of public consultation and result |
|-------------------------------|----------------------------|---|-------------------------|---------------------------------|--|
| Norwich City Council | Norwich unitary | 'She intends to ask them [the Boundary Committee] to look at local government structures in Norfolk with a view to their making an alternative unitary proposal, if they see fit, not based on the City's current boundaries' | - | - | <p>Various polls including MORI survey</p> <p>MORI survey showed that of 846 interviews in Norwich City:</p> <p>41% agreed there was a need to change to a single authority in the City 25% disagreed 26% neither agreed nor disagreed 7% didn't know</p> |

Decision - not to implement proposal

| Authority submitting proposal | Proposed unitary structure | Key comments in decision letter | Area (km ²) | Population / population density | Means of public consultation and result |
|-------------------------------|----------------------------|---|-------------------------|-----------------------------------|---|
| Somerset County Council | County unitary | <p>'...whilst the bid does command some support, representations from a range of stakeholders, both public and private sector, as well as the majority of views expressed by the general public, indicate that the proposal would not command a broad cross-section of support from a range of stakeholders'</p> <p>'She notes that whilst the climate in which the polls were conducted suggests that the results should be viewed with some caution, there was a high turnout and a very high percentage of voters opposed to the proposal'</p> | 3,452 | 515,600 / 149 per km ² | <p>Countywide referendum</p> <p>82% voted against creating a unitary authority.</p> <p>Turnout was 48%.</p> |

| | | | | | |
|-----------------------------------|-------------------|---|-------|--------------------------------------|--|
| North Yorkshire County Council | County unitary | '...due to the large geographic areas involved, there are concerns that a county-wide unitary authority may have difficulties effectively representing its electorate and would be seen as remote by most of its citizens' | 8,040 | 582,000 / 72 per km ² | MORI survey Questionnaires were sent by MORI to 605 parishes in North Yorkshire. 64% responded. 68% would prefer to see the district and county councils working better together. |
| Cumbria County Council | County unitary | '...she does not consider that a single unitary authority for Cumbria would be capable of providing effective strategic leadership given the particular circumstances of Cumbria. She notes that Cumbria is unique geographically and that East/West communication links are very poor' | 6,823 | 498,800 / 73 per km ² | MORI poll 77% agreed that rather than creating a single council for Cumbria, it would be better if the existing councils worked together more effectively. |
| Cheshire County Council | County unitary | '...the proposals for a single unitary for Cheshire would meet the five criteria, but in comparison with the two unitary, a single unitary authority would be too large and there are risks that the authority would be seen as remote by local people' | 2,083 | 679,700 / 326 per km ² | Various polls, including a countywide MORI poll MORI poll showed 52% for improved two tier working, 16% for single unitary and 23% for two unitary option. |
| Northumberland districts | 2 unitary | '...whilst there is support for this proposal from a broad range of stakeholders, the proposals lack support from any key public sector stakeholders' | 5,026 | 311,400 / 62 per km ² | 2004 referendum 121,961 people voted. 56.2% voted in favour of the creation of two new authorities in Northumberland. 43.8% voted in favour of a single unitary council for Northumberland. |
| Bedfordshire County Council | County unitary | | 1,192 | 397,700 / 334 per km ² | Various petitions |

Appendix 2

Decision letters
Department for Communities & Local Government

25 July 2007

25 July 2007

Chief Executive
Bedford Borough Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted a proposal for future unitary structures before our 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. However, the Secretary of State recognises that there are risks to the two-unitary proposals achieving the outcomes specified by the affordability criterion. You will therefore be invited to undertake further work and to submit additional information on the financial viability of your proposal. The Secretary of State will have regard to this information, together with any other relevant information, before taking a final decision if and when the Local Government and Public Involvement in Health Bill is enacted.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

The Secretary of State similarly took the view that in respect of the proposal for a single unitary authority for Bedfordshire, there was also a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. However, she took the view that, on balance, your proposal would deliver to a greater extent the long-term outcomes specified by the criteria around strategic leadership, neighbourhood empowerment and value for money and equity on public services. Consequently, she is minded to implement your proposal if and when the Local Government and Public Involvement in Health Bill is enacted, rather than that for a single unitary authority – subject, of course, to being satisfied about the risks to your proposal's financial viability.

These decisions were reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria, the Secretary of State reached the following views on your proposal.

Strong, Effective and Accountable Strategic Leadership

The Secretary of State recognises that Bedford Borough has already implemented a directly elected mayoral model which has proved successful and that there is alignment between the cabinet portfolios and the corporate directorates. Accordingly, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by this criterion.

Neighbourhood Engagement

The Secretary of State notes that ward councillors will have an enhanced role as local champions and there will be a portfolio holder with cabinet responsibility for neighbourhood engagement. Taken together with proposals for comprehensive neighbourhood plans, which will act as a framework for local service delivery, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

The Secretary of State acknowledges there are concerns that as a unitary authority the Borough would be taking on new responsibilities with regard to children's services and adult social care. However, she notes that Bedford Borough are planning to work with Central Bedfordshire in the area of children's services and more generally that the Borough Council has a very strong track record of delivery and exceptionally high CPA rating for "use of resources". This gives her considerable confidence that a unitary Bedford, based on the Borough could provide high-quality "county" services. Accordingly, she concluded that, on balance, there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State notes that the creation of 2 unitary authorities from the 4 councils that currently exist should produce savings. She thus concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion. However, she considers that there are risks to the financial case set out in the proposal. These relate to the potential diseconomies of scale inherent in disaggregating county services and the identified potential savings that the new unitary councils could achieve. As set out above, you will therefore be asked to undertake further work and to submit additional information on the financial viability of your proposal.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State acknowledges the concerns raised by key stakeholders in the public sector with regard to co-terminosity and that many have said that as they currently only deal with the County Council, having to liaise with two authorities will be burdensome as they would have to manage multiple interfaces. However she also notes the support for the proposal from within Bedford, where local businesses and people see Bedford's interests being best served by a single council with all the local government levers at its control. In particular she notes that almost 30,000

people have expressed a view in favour of the proposal including a petition signed by over 20,000 people. She therefore concludes, on balance, that there is a reasonable likelihood of your proposal achieving the outcomes specified by this criterion.

Conclusion

In judging between the two proposals for Bedfordshire, the Secretary of State considered which of the proposals were likely to deliver to the greatest extent the outcomes on leadership, neighbourhood empowerment and public services. The Secretary of State took the view that, in particular, the creation of a unitary authority for Bedford would enable strong concentration on the differing needs of Bedford and the mid and south of the county, and hence would result in your proposal being more able to meet these criteria.

Your proposal was, of course, based on the proposition that the rest of Bedfordshire should also become unitary. We agree that if Bedford is to become unitary the remainder of the two-tier County would be unviable. Since there is no acceptable, substantive proposal for the rest of Bedfordshire, the Secretary of State will be inviting Bedfordshire County Council, along with the district councils of South and Mid-Bedfordshire to submit proposals for a unitary solution meeting the five criteria for the remainder of the Bedfordshire county area.

If you have any queries about the substance of the decision you should write in the first instance to Mark Barnett at mark.barnett@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Somerset County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted on 24 January 2007 a proposal for future unitary structures. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is not a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by all the criteria set out in the invitation. Consequently, she is minded not to implement your proposal.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

Strong, Effective and Accountable Strategic Leadership

She considers that the proposal for a strong countywide local strategic partnership linked through to continuing LSP's in each of the current district areas, together with a proposed corporate structure focussed on area-based working, would provide strong strategic leadership for the county. She also recognises the potential for increased remoteness between councillors and electors but considers that the proposals for area working and the role of the unitary councillor mitigates this potential risk. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

She considers that the proposal that eventually all services will be managed and delivered in 4 local areas under the direction of 4 "Area Committees", together with delegated community funding for frontline councillors, would give local people the opportunity to influence service delivery. She also recognises concerns that proposals for devolution of powers and budgets beyond these Area Committees are not clear and that the absence of meaningful devolution could be a step backwards from the current successful local working practices in some parts of the county. She recognised, however, that clarity and devolution could readily be introduced. On balance therefore she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

She recognises that the economies of scale that could be achieved by a single authority, together with a single management structure and the efficiency savings that could be achieved with an integrated back office system, mean that local people would benefit from more efficient and effective local services. She also recognises that concerns to ensure service delivery does not follow a "one size fits all approach" and reflects differing needs across the county are likely to be alleviated by the area working structure. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

She considers that, if implemented, the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. She also recognises questions about the realism of the on-going savings projected in the proposal and the projected transition cost figures, which arguably understate the impact of contract novation. Overall, however, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Supported by a Cross Section of Partners and Stakeholders

She considers that whilst the bid does command some support, representations from a range of stakeholders, both public and private sector, as well as the majority of views expressed by the general public, indicate that the proposal would not command a sufficient broad cross-section of support from a range of stakeholders. She notes that whilst the climate in which the polls were conducted suggests that the results should be viewed with some caution, there was a high turnout and a very high percentage of voters opposed to the proposal. Accordingly, she concluded that there was not a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Terry Willows at terry.willows@communities.qsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Shropshire County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted a proposal for future unitary structures by the 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the invitation. Consequently, she is minded to implement your proposal if and when the Local Government and Public Involvement in Health Bill is enacted.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal:-

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

Strong, Effective and Accountable Strategic Leadership

The Secretary of State believes that the proposed corporate structure with an inclusive approach towards all Members, has the potential to maximise talent and capacity and contribute to strong strategic leadership. She also recognises that there is commitment to embed strong partnership working across the public sector and plans to have three Area Partnerships in addition to the Local Strategic Partnership to focus on 'place' rather than 'interest'. She concluded that there is a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State considers that plans for delegation of services to 27 local joint committees will ensure that local communities have sufficient opportunity to influence local service delivery. She concluded that there was a reasonable likelihood of the proposal meeting achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

The Secretary of State considers that the proposal is likely to provide opportunities for improved service delivery, such as the proposed 'One-Door' access to services. In addition, she considers that a single unitary authority will be able to exploit economies of scale. Accordingly, she concluded that there is a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

The Secretary of State considers that the financial case is reasonably robust and there is little risk that the proposal would be unaffordable. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State considers that whilst there is strong opposition from some district councils, the proposal has the support of key stakeholders in the public sector and business. In addition, whilst certain districts carried out polling which came down heavily against the proposal for a unitary council for the County, the Secretary of State considers that the climate in which the polls took place, including the information that was available to voters either directly or as a result of press debate suggests that the results need to be viewed with caution. Overall therefore, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Leigh Bura at leigh.bura@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Norwich City Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted on 25 January 2007 a proposal for future unitary structures. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is not a reasonable likelihood that, if implemented, the proposal as submitted, would meet the criteria set out in the invitation. Consequently, she is minded not to allow your proposal to proceed towards implementation. However, she intends to refer the proposal to the Boundary Committee as soon as they are able to advise, (that is, if and when the Local Government and Public Involvement in Health Bill is enacted). She intends to ask them to look at local government structures in Norfolk with a view to their making an alternative unitary proposal, if they see fit, not based on the City's current boundaries.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal.

Strong, Effective and Accountable Strategic Leadership

She considers that the proposed corporate "hub" structure, integrating directorates, strategic priorities and overview and scrutiny, would enable a clear strategic focus on Norwich's urban priorities. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

In particular, she considers that the proposals for neighbourhood empowerment such as the integration of neighbourhood-based Children's and Adults Services and the possibility of local participatory initiatives would give local residents a real opportunity to influence neighbourhood affairs. Whilst she notes some concerns as to the corporate capacity of the Council to deliver these ambitious initiatives, she recognises the potential for a council to enhance its capacity. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

On balance, although she considers that the service priorities of any new unitary authority, together with proposals for the integration of key service areas, may potentially deliver public services focussed on the urban needs of Norwich's citizens, she also recognises that value for money service delivery may potentially be compromised by the city's small population and the difficulty of managing cross-border issues. She therefore concluded that there was not a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

She considers there are a number of risks to the financial case set out in the proposal relating to the feasibility of achieving the potential costs and savings projections in the circumstances of Norwich. She also has concerns about the reliability of the financial data submitted in the proposal. Accordingly, she concluded that there was not a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Supported by a Cross Section of Partners and Stakeholders

She considers that, if implemented, the proposal would command a cross-section of support from a range of stakeholders, both public and private sector, as well as some support from the general public. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Terry Willows at terry.willows@communities.qsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Northumberland County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted a proposal for future unitary structures before the 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. Consequently, she is minded to implement your proposal if and when the Local Government and Public Involvement in Health Bill is enacted.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal:

Strong, Effective and Accountable Strategic Leadership

The Secretary of State considers that a single unitary authority will ensure an effective voice for Northumberland at regional and sub-regional level and will best safeguard the interests of rural Northumberland. Although Northumberland is large geographically, it is fairly small in population terms. Moreover, the Secretary of State considers your council's proposals involving simplifying and streamlining the governance and partnership arrangements for the area will enable effective strategic leadership to be provided. She therefore concludes that there is a reasonable likelihood of the proposal achieving the outcomes specified by the criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State considers that although large geographically, the innovative neighbourhood arrangements based around significant delegation to three area committees and effective community engagement in 26 community areas, will help ensure that the authority is not seen as being too remote and will enable local communities to influence local service delivery. She considers these arrangements will have the capacity to achieve effective neighbourhood empowerment. Accordingly she concluded that there is a reasonable likelihood of the proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

The Secretary of State notes that your proposal would provide the potential for significant improvements in service delivery. As well as retaining the existing pattern of county services, the new authority would be able to exploit the synergies that exist between some county and district services. In addition, she notes that a single authority for Northumberland would be able to exploit potential economies of scale with substantial revenue savings per annum. Accordingly she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State notes that the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. Accordingly she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State considers that there appears to be at least a reasonable level of support for the proposals. She notes that key stakeholders, including the Chief Constable and North East Chamber of Commerce, are strongly supportive. She also recognises that whilst the Districts rely heavily on the 2004 referendum, which produced a majority against the single unitary option, it is significant that in that referendum the single unitary option nevertheless had significant support – over 40%. On balance therefore, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Mark Barnett at mark.barnett@communities.gsi.gov.uk.

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Alnwick District Council
Blyth Valley District Council
Berwick-upon-Tweed District Council
Castle Morpeth District Council
Tynedale District Council
Wansbeck District Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, the Northumberland District councils submitted a proposal for future unitary structures by the 25 January deadline. I wrote to you on 8 February 2007 informing you that your councils' proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is not a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by all the criteria set out in the invitation. Consequently, she is minded not to implement your proposal.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria, the Secretary of State reached the following views on your proposal.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

Strong, Effective and Accountable Strategic Leadership

The Secretary of State recognises doubts that the split between rural Northumberland and the urban SE is as obvious as claimed. She notes that there are significant interactions and commuter flows between the two which mean that a high degree of strategic co-ordination and coherence is needed. She is also of the view that there is a real risk that two authorities would be unable to “punch their weight” at regional and sub-regional level; and that the authorities would lose out in relation to the large unitary authorities, such as Newcastle and Gateshead. Accordingly she concluded that there is not a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State considers that, whilst there are risks that the proposed area and community boards will lack capacity to take-on any meaningful delegation of services/decisions, the basic structure proposed by SE and Rural Northumberland is workable and that the risks are probably manageable. Accordingly she concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

The Secretary of State believes that the proposals will remove the confusion that currently exists about which tier of local government delivers which service. However, she is of the view that the two unitaries would in all their circumstances suffer from capacity and resource constraints that would threaten the delivery of specialist services and the ability of the authorities to react to change. She also considers there is a real risk to services – particularly the delivery of county services; children’s services, adult social care – as a result of the complex joint arrangements proposed in the two unitaries model. She is also of the view that the proposals – if implemented would have cost implications for other public sector bodies – Fire, Police and Health, who would have to carry out some internal reorganisation to

adapt to the new arrangements. Accordingly she concluded that there is not a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State considers that the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. Accordingly she concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State acknowledges that, whilst there is support for this proposal from a broad range of stakeholders, the proposals lack support from any key public sector stakeholders. Accordingly she concluded that there is not a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Mark Barnett at mark.barnett@communities.gsi.gov.uk.

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
North Yorkshire County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted a proposal for future unitary structures before the 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is not a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by all the criteria set out in the invitation. Consequently, she is minded not to implement your proposal.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria, the Secretary of State reached the following views on your proposal.

Strong, Effective and Accountable Strategic Leadership

Whilst North Yorkshire is not a coherent economic unit, the Secretary of State considers that strong coterminosity with key public sector providers and the proposed simplification of partnerships across the county area is likely to contribute to strong strategic leadership and reduce the number of interfaces partners have to engage with. She on balance concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State considers that the proposals for One-Stop-Shops and Neighbourhood Management Teams will ensure visibility and access at the local level. However, she is also aware that due to the large geographic areas involved, there are concerns that a county-wide unitary authority may have difficulties effectively representing its electorate and would be seen as remote by most of its citizens. The neighbourhood arrangements that are being proposed to mitigate the effects of size are so complicated –operating at a number of spatial levels – that there is a risk that they will prove unworkable. In these circumstances, she concluded that there is not a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

The Secretary of State considers that the proposal outlines opportunities for improvements in service delivery through the redesign of services and rationalisation of management and back office service delivery functions. This means that there is a high probability that local people would benefit from more efficient and effective services. On this basis, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State considers that the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. On this basis, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State notes that all District Councils are opposed to this proposal. However, she acknowledges the proposal has the broad support of a range of key stakeholders in the public sector who do not believe geography to be an issue as many of them deliver across the same spatial scale. She also recognises that there is both support and opposition within the business community. She notes the polling commissioned by district councils did not show a clear outcome of informed opinion. She concluded on balance that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Leigh Bura at leigh.bura@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Ipswich Borough Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted on 24 January 2007 a proposal for future unitary structures. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. However, the Secretary of State recognises that there are risks to your proposal achieving the outcomes specified by the affordability criterion. You will therefore be invited to undertake further work and to submit additional information on the financial viability of your proposal. The Secretary of State will have regard to this information, together with any other relevant information, before taking a final decision if and when the Local Government and Public Involvement in Health Bill is enacted.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal.

Strong, Effective and Accountable Strategic Leadership

She considers that the strong overarching role for the local strategic partnership and an enhanced scrutiny function with scope for community involvement will enable a clear strategic focus on Ipswich's urban priorities. She recognises that there are concerns about Ipswich's appreciation of its and the wider county's interdependence. However, on balance, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

She considers that the proposals for neighbourhood empowerment based around Area Committees and Area Forums and the proposed Youth Council mean that local residents will be given a real opportunity to influence neighbourhood affairs. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

She considers that the service priorities of any new unitary council, together with proposals for the integration of back office functions and a strong centralised customer services plan, will deliver effective and efficient public services focussed on the urban needs of Ipswich's citizens. She recognises that there may be some diseconomies of scale for both Ipswich and the County Council. She also recognises doubts about the ability to achieve the proposal's forecast savings in Children's Services, and concerns about the loss of knowledgeable staff and possible disruption to service delivery during transition. However, she recognises that a council can enhance its capacity and take measures to overcome any skills shortage. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

On balance, she considers that if implemented the proposal would be reasonably likely to be affordable, but considers there are a number of risks to the financial case set out in the proposal. These relate to the potential diseconomies of scale inherent in disaggregating county services and the identified potential savings that a new unitary council could achieve. As set out above you will therefore be invited to undertake further work and to submit additional information on the financial viability of your proposal.

Supported by a Cross Section of Partners and Stakeholders

She considers that, if implemented, the proposal would command a cross-section of support from a range of stakeholders, both public and private sector, as well as some support from the general public. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Terry Willows at terry.willows@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Exeter City Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted on 25 January 2007 a proposal for future unitary structures. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the invitation. However, the Secretary of State recognises that there are risks to your proposal achieving the outcomes specified by the affordability criterion. You will therefore be invited to undertake further work and to submit additional information on the financial viability of your proposal. The Secretary of State will have regard to this information, together with any other relevant information, before taking a final decision if and when the Local Government and Public Involvement in Health Bill is enacted.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal.

Strong, Effective and Accountable Strategic Leadership

She considers that the strong overarching role for the local strategic partnership and enhanced scrutiny function would enable a clear strategic focus on Exeter's urban priorities. She also recognises that the proposal would deliver strategic leadership for Exeter residents despite the dilution of coterminosity with other public sector providers in the county area, which may render it harder for effective county-wide strategic leadership to be provided. On balance, however, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

She considers that the proposals for local neighbourhood partnerships for articulating community issues and shaping local service priorities mean that there will be genuine opportunities for neighbourhood engagement under a new unitary authority. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

She believes that the identified service priorities of a new unitary council, together with the proposals for joint working, shared back office systems and joint strategic planning/commissioning with a number of other public sector bodies (including the County Council) where appropriate, will mean effective and efficient public services focussed on the urban needs of Exeter's citizens. She also recognises that Exeter's population size and its impact relative to its economic catchment and travel to work area mean that there is a risk to service delivery, particularly with regard to children's services and strategic services such as planning, economic development and

transport. Overall, however, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

On balance she considers that, if implemented, the proposal would be reasonably likely to be affordable, but that there are a number of risks to the financial case set out in the proposal. These relate to the potential diseconomies of scale inherent in disaggregating county services and, the potential impact of removing the County's internal cross subsidy. As set out above you will therefore be invited to undertake further work and to submit additional information on the financial viability of your proposal.

Supported by a Cross Section of Partners and Stakeholders

In particular she considers that, if implemented, the proposal would command a cross-section of support from a range of stakeholders, both public and private sector, as well as some support from the general public. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Terry Willows at terry.willows@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Durham County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 25 October 2006, your council submitted a proposal for future unitary structures before the 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. Consequently, she is minded to implement your proposal if and when the Local Government and Public Involvement in Health Bill is enacted.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria, the Secretary of State reached the following views on your council's proposal.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

Strong, Effective and Accountable Strategic Leadership

She considers that a single unitary authority for Durham will be capable of providing effective leadership at regional and sub-regional level and will be able to argue the county's corner in discussions with other regional partners, including the unitary authorities in Newcastle, Gateshead and Teeside.

She further considers that the streamlined partnership arrangements and the coherence between strategic planning processes and corporate structures suggest that the authority will be capable of delivering effective strategic leadership within the county and of working with key partners. She therefore concluded that there is a reasonable likelihood of the proposal achieving outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

Notwithstanding the size of the proposed authority, the Secretary of State considers that the neighbourhood arrangements based around significant devolution of power and decision making to 13 "Area Partnerships", will reduce the risk of the authority being seen as remote from local people and will enable local communities to influence decisions that affect their lives.

She further considers that the proposals provide strong "top-down" corporate and neighbourhood governance arrangements that avoid the risk of significant duplication of effort on the part of the council and that of principal partners. She therefore concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

The proposals appear to the Secretary of State to provide the potential for significant improvements in service delivery and to create the potential for significant economies of scale.

She further considers that as well as removing the confusion which exists in two-tier areas about which tier delivers which services, plans for single points of access to citizens should greatly improve access to services. Accordingly she concluded that there is a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

The Secretary of State notes that the financial case is robust and there is little risk that the proposal would be unaffordable. She thus concluded that there is a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State notes that of those that responded directly to the consultation, there appears to be at least a reasonable level of support in most sectors.

Whilst she recognises that the districts carried out polling which came down heavily against the proposal for a unitary council for Durham, the climate in which the polls took place, including the information that was available to voters either directly or as a result of press debate suggests that the results need to be viewed with caution. On balance therefore, she concluded that there is a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Mark Barnett at mark.barnett@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Cumbria County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted on 24 January 2007 a proposal for future unitary structures. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is not a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by all the criteria set out in the Invitation. Consequently, she is minded not to implement your proposal.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal.

Strong, Effective and Accountable Strategic Leadership

The Secretary of State considers the proposed streamlining and simplification of partnerships across the county area and coterminosity with key partners is likely to contribute to strong strategic leadership. However, she does not consider that a single unitary authority for Cumbria would be capable of providing effective strategic leadership given the particular circumstances of Cumbria. She notes that Cumbria is unique geographically and that East/West communication links are very poor. She recognises the significant differences in history, and economy between the coastal parts of the county (and particularly the ex-Lancashire south-east coastal strip around Morecambe Bay), the rural southern area, and the northern part of the county. On balance, she concluded that there is not a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State recognises that, due to the large geographic areas involved, there are concerns that a county-wide unitary authority may have difficulties effectively representing its electorate. She is also mindful that some partners are concerned that the remit of the proposed structures are unclear. However she considered that piloting of community board arrangements and the establishment of a Community Board Governance Review Board will help alleviate these issues. On balance she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

The Secretary of State notes that the proposal outlines opportunities for improvements in service delivery through the redesign of services, and rationalisation of management and backoffice service delivery functions mean that there is a high probability that local people will benefit from more efficient and effective services. Accordingly, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State considers that the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. Accordingly, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State considers that there would appear to be at least a reasonable level of support across a range of sectors, including the PCT. She acknowledges that the proposal does not have the support of the districts, whilst the views of business are mixed. However, of those that responded directly to the consultation, the Secretary of State notes that there would appear to be a broad majority in favour in amongst the third sector. On balance she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Leigh Bura at leigh.bura@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Cornwall County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted on 24 January 2007 a proposal for future unitary structures. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. Consequently, she is minded to implement your proposal if and when the Local Government and Public Involvement in Health Bill is enacted.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

Strong, Effective and Accountable Strategic Leadership

She considers that a single unitary council would be the best way of addressing and providing leadership for Cornwall's unique identity. She also recognises that co-terminosity with other significant public sector partners, and the enhanced prominence for a single strategic partnership for Cornwall, will streamline partnership working and deliver strong and effective strategic leadership of the public service agenda. She further recognises that concerns as to the viability of democratic links between councillors and their electorate appear to have been mitigated with the proposal for significantly increasing (possibly up to doubling) the current number of councillors at county level. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State considers that the proposed neighbourhood arrangements for the establishment of 16 "Community Network Areas" would offset the risks of the council being seen as too remote and would provide genuine opportunities for neighbourhoods to influence local service delivery and shape their local communities. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

The Secretary of State considers that the proposal to integrate back-office functions, consolidate management functions and enable greater cross-discipline working, together with the scope for more effective joint commissioning with other public sector service providers (e.g. the PCT), will mean more effective and efficient services for local people. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

The Secretary of State considers that, if implemented, the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by the criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State considers that, if implemented, the proposal would command a broad cross-section of support from a range of stakeholders, both public and private sector, as well as some support from the general public. She notes that whilst certain districts carried out polling which came down heavily against the unitary proposal, the climate in which the polls took place suggests that the results need to be viewed with caution. Overall she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Terry Willows at terry.willows@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Chester City Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, Chester City Council submitted a proposal for future unitary structures before the 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. However, the Secretary of State recognises that there are risks to the two-unitary proposals achieving the outcomes specified by the affordability criterion. You will, therefore, be invited to undertake further work and to submit additional information on the financial viability of your proposal. The Secretary of State will have regard to this information, together with any other relevant information, before taking a final decision if and when the Local Government and Public Involvement in Health Bill is enacted.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

The Secretary of State similarly took the view that in respect of the proposal for a single unitary authority for Cheshire, there was also a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. However, she took the view that, on balance, your proposal for two-unitary authorities for Cheshire would deliver to a greater extent the long-term outcomes specified by the criteria around strategic leadership, neighbourhood empowerment and value for money and equity on public services. Consequently, she is minded to implement your proposal if and when the Local Government and Public Involvement in Health Bill is enacted, rather than that for a single unitary authority – subject, of course, to being satisfied about the risks to your proposal's financial viability.

These decisions were reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria, the Secretary of State reached the following views on your proposal:

Strong, Effective and Accountable Strategic Leadership

The Secretary of State recognises that the new authorities would be better able to align their policies and programmes within the natural economic focus of Manchester and Liverpool. She considers that partnerships would be simplified – two unitaries would have a broad degree of co-terminosity. Whilst she notes concerns about the potential capacity risks associated with the appointment of a single director for children's services and health and social care, the Secretary of State recognises the increased potential for joint appointments and commissioning through the proposed "People" services block. Overall, therefore, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State notes that there is strong potential for neighbourhood empowerment with a powerful role for area committees. She also recognises that many partners consider that questions remain on the precise structure and functions

of area committees although she considers that the appointment of a cabinet member with overall responsibility for neighbourhood arrangements will aid delivery of the proposals. She also notes the concerns that the proposed size of electoral divisions present a potential risk to councillors' capacity to engage with the electorate, but acknowledges that members, as frontline councillors will be supported by area facilitators. On balance, therefore, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

The Secretary of State, considers that simpler means of contact and the provision of neighbourhood based contact centres means that local people will benefit from more efficient and effective services. She also considers that the proposal appears to provide the potential for significant improvements in service delivery through the proposed reconfiguring and co-ordinating of services across three themes (people, places and performance). Accordingly, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State notes that the creation of two unitary authorities out of the seven councils that currently exist should produce savings. On balance, she concluded that, if implemented, there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion. However, she considers that there are risks in the financial case as set out in the proposal. These relate to the potential diseconomies of scale inherent in disaggregating county services and the identified potential savings that new unitary councils could achieve. As set out above, you will therefore be invited to undertake further work and to submit additional information on the financial viability of your proposal.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State notes that there appears to be mixed evidence of a broad-cross section of support. She notes that the bid has strong support amongst other

principal councils with four of the districts offering their support for the proposal in one form or another, whilst the remaining two districts oppose both Cheshire unitary options. Finally, whilst the districts carried out polling which came down heavily against both unitary proposals in Cheshire, she considers that the climate in which the polls took place, including the information that was available to voters either directly or as a result of press debate suggests that the results need to be viewed with caution. On balance, therefore, she concluded that there is a reasonable likelihood that the outcomes specified in this criterion will be achieved by your proposals.

Conclusion

In judging between the two proposals for Cheshire, the Secretary of State considered which of the proposals were likely to deliver to the greater extent the outcomes on leadership, neighbourhood empowerment and public services. The Secretary of State took the view that there is a natural East-West split in Cheshire and the two new unitaries would ensure strategic alignment with the natural economic focus of Manchester and Liverpool, and, therefore, your proposal would be more able to provide effective strategic leadership. . She also notes that two unitaries will not be as remote as a single unitary and will better meet the needs of community engagement and local accountability, and hence will be more able to deliver neighbourhood empowerment.

If you have any queries about the substance of the decision you should write in the first instance to Leigh Bura at leigh.bura@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Cheshire County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted a proposal for future unitary structures by the 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. However, the Secretary of State judges that the proposal from certain district councils in Cheshire for a two-unitary Cheshire would deliver to a greater extent the long-term outcomes specified by the criteria around strategic leadership, neighbourhood empowerment and value for money and equity on public services. Consequently, she is minded not to implement your proposal but instead to implement the two-unitary proposal if and when the Local Government and Public Involvement in Health Bill is enacted.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

These decisions were reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria, the Secretary of State reached the following views on your proposal:

Strong, Effective and Accountable Strategic Leadership

The Secretary of State considers the proposed simplification of partnerships across the county area, coupled with a clear role for the executive, is likely to contribute to strong strategic leadership. She also recognises that the coherence between strategic planning processes, corporate structures and scrutiny arrangements suggest that the new authority will be capable of delivering effective strategic leadership. On balance, therefore, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Neighbourhood Flexibility and Empowerment

In particular, the Secretary of State considers that the proposed delegation of budgets and decision-making to 15 area committees should deliver strong neighbourhood engagement. She is also aware that there are concerns that the proposed size of electoral divisions present a potential risk to councillors' capacity to engage with the electorate, and that this might be a particular issue for councillors within the executive. However, the Secretary of State acknowledges that members, both as frontline councillors and in their executive roles within area committees, would receive strong officer support, with a role for IT and technology in addressing some of the geographical issues. On this basis, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

In particular, the Secretary of State considers that simpler means of contact, better co-ordination of information and access hubs for each area committee mean there is a reasonable likelihood that local people would benefit from more efficient and

effective services. She also recognises that the proposal appears to provide the potential for significant improvements in service delivery. Accordingly, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State considers that the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. On this basis, she concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State acknowledges that the proposal does not have the support of the districts, whilst the support of some key stakeholders is mixed. However, of those that responded directly to the consultation, the Secretary of State considers there to be a broad majority in favour amongst parishes, the third sector and amongst business interests and the public. Whilst the districts carried out polling which came down heavily against the proposal for a unitary council for the County, the Secretary of State considers that the climate in which the polls took place, including the information that was available to voters either directly or as a result of press debate suggests that the results need to be viewed with caution. On balance, therefore, she concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criteria

Conclusion

In judging between the two proposals for Cheshire, the Secretary of State considered which of the proposals were likely to deliver to the greater extent the outcomes on leadership, neighbourhood empowerment and public services. She takes that the view that the proposals for a single unitary authority for Cheshire would meet the five criteria, but in comparison with the two unitary, a single unitary authority would be too large and there are risks that the authority would be seen as

remote by local people and hence less able to deliver neighbourhood empowerment. She also notes that a single unitary would not reflect the economic reality that many consultees perceive splits Cheshire between the East and West and hence be less able to provide strategic leadership. Finally, although the potential economies of scale would be larger for a single unitary, this needs to be balanced against the other criteria, where her judgment is that the single authority would deliver worse strategic leadership and poorer community and neighbourhood empowerment

If you have any queries about the substance of the decision you should write in the first instance to Leigh Bura at leigh.bura@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Bedfordshire County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted a proposal for future unitary structures before our 25 January deadline. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with the further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the Invitation. However, the Secretary of State judges that the proposal from Bedford Borough Council would deliver to a greater extent the long-term outcomes specified by the criteria around strategic leadership, neighbourhood empowerment and value for money and equity on public services, provided that there is a unitary solution for the remainder of the county area. Consequently, she is minded not to implement your proposal but instead to implement the two-unitary proposal if and when the Local Government and Public Involvement in Health Bill is enacted.

These decisions were reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all other relevant information available. In relation to each of the five criteria, the Secretary of State reached the following views on your proposal.

Strong, Effective and Accountable Strategic Leadership

The Secretary of State, considers that the simplified partnership structure linking strategic planning and delivery, together with the role of the leader and executive on those partnerships, means that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Neighbourhood Flexibility and Empowerment

The Secretary of State considers that the proposed greater responsibility for frontline councillors with delegated budgets and the focus on parishes is likely to deliver neighbourhood empowerment and that the proposals which build on existing arrangements and with locality forums with chairs reporting back to the executive will ensure that 'place-based' issues in the area are raised properly. However, she considers that these arrangements involve little real delegation. Overall however, she concluded that there is a reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Value for Money and Equity on Public Services

The Secretary of State considers that the 'hub and spoke' model of service delivery is well thought through and the potential for business process re-engineering of all services, means that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Affordability

The Secretary of State considers that the financial case looks reasonably robust, although the projected savings figures appear very high and there is a risk that they could only be achieved if service levels were cut. Even if projected savings were unrealisable, however, there is a reasonable likelihood that the proposal would be likely to be affordable and could be funded. On this basis, she concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Supported by a Cross Section of Partners and Stakeholders

The Secretary of State acknowledges that most stakeholders who responded from the public, private and third sector support this proposal. She concluded that there is reasonable likelihood of your proposal achieving the outcomes specified by the criterion.

Conclusion

In judging between the two proposals for Bedfordshire, the Secretary of State considered which of the proposals were likely to deliver to the greater extent the outcomes on leadership, neighbourhood empowerment and public services. She takes the view that the neighbourhood arrangements in your proposal would involve little delegation to communities and hence would be less able to provide effective neighbourhood empowerment. She also takes the view that your proposal is less able to provide effective strategic leadership.

As you are aware, Bedford Borough's proposal for a unitary Bedford, was based on the proposal that the rest of Bedfordshire should also become unitary. Since there is no acceptable, substantive proposal for the rest of Bedfordshire, the Secretary of State intends to invite your council, along with the district councils of South and Mid-Bedfordshire to submit proposals for a unitary solution for two the remainder of the Bedfordshire county area.

If you have any queries about the substance of the decision you should write in the first instance to Mark Barnett at mark.barnett@communities.gsi.gov.uk.

Yours sincerely,

P Rowsell

25 July 2007

Chief Executive
Wiltshire County Council

Our Ref:
Your Ref:

BY EMAIL

Dear Chief Executive,

PROPOSALS FOR FUTURE UNITARY STRUCTURES

In response to the Invitation to councils in England issued by the Secretary of State on 26 October 2006, your council submitted on 25 January 2007 a proposal for future unitary structures. I wrote to you on 8 February 2007 informing you that your council's proposal conformed to the terms of the Invitation and on 27 March 2007 informing you that your proposal, together with further information that you provided to explain and clarify it, would be proceeding to stakeholder consultation.

I am now writing to inform you that, in the Secretary of State's judgement, there is a reasonable likelihood that, if implemented, the proposal would meet the outcomes specified by each of the criteria set out in the invitation. Consequently, she is minded to implement your proposal if and when the Local Government and Public Involvement in Health Bill is enacted.

This decision was reached having regard to your council's proposal, the further information that you have submitted, the responses to the stakeholder consultation and all relevant information available. In relation to each of the five criteria the Secretary of State reached the following views on your council's proposal.

P Rowsell
Deputy Director Local Democracy
Department for Communities and Local Government
5/E8 Eland House
Bressenden Place
London
SW1E 5DU

Tel

Strong, Effective and Accountable Strategic Leadership

She considers that the proposals for the establishment of a reinvigorated strategic partnership – a “Wiltshire Assembly” – and a public sector board appointed with key public service partners will deliver strong and effective strategic leadership of the public service agenda for the county. She also recognises that the strong link to place, through the establishment of 20 “Community Area Boards”, provides compelling evidence that a unitary council would not be too remote from all of its communities. Accordingly, she concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Neighbourhood Flexibility and Empowerment

She considers that the role of the Community Area Boards in determining strategic direction and service delivery at the local level will ensure that local people have a real opportunity to influence local services and shape the communities in which they live. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Value for Money and Equity on Public Services

She considers that the proposal’s commitment to service redesign involving service users and customers, together with the commitment to rationalise management and back office service delivery functions, mean that local people will benefit from more efficient and effective services. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Affordability

She considers that, if implemented, the financial case looks reasonably robust and there is little risk that the proposal would be unaffordable. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Supported by a Cross Section of Partners and Stakeholders

She considers that, if implemented, the proposal would command a broad cross-section of support from a range of stakeholders, both public and private sector, as well as some support from the general public. She concluded that there was a reasonable likelihood of the proposal achieving the outcomes specified by this criterion.

Conclusion

If you have any queries about the substance of the decision you should write in the first instance to Terry Willows at terry.willows@communities.gsi.gov.uk .

Yours sincerely,

P Rowsell

Appendix 3

Shrewsbury & Atcham Borough Council Judicial Review
Background information

Judicial Review: Summary of action taken by Shrewsbury & Atcham Borough Council

Shrewsbury & Atcham Borough Council have applied for a judicial review of the action of the Secretary of State in reaching her decision to consider abolishing the existing Shropshire councils to create one unitary council for the county.

The grounds for the review are:

- **The Secretary of State has no power to initiate consultation;**
The Local Government Act 1992 states that this role denotes she must request the Electoral Commission to recommend structural changes.
- **Absence of power to respond to invitation/consultation;**
Further to the above, local authorities who submitted bids were acting improperly as there is no basis of power for such action.
- **The Shropshire “One Council” proposal did not meet the Secretary of State’s criteria;**
The criteria outlined in the Invitation (s3) were that proposals should demonstrate:
 - affordability (during transitional period and beyond)
 - a broad cross-section of support
 - strong, effective and accountable strategic leadership
 - the devolution of power to local communities
 - provision of efficient and cost-effective services involving those communities.
- **Unfair and biased process;**
The CLG website (www.communities.gov.uk) only makes reference to Shropshire County Council’s website, where the “for” case is presented. There is no reference to opposing views, nor links to where these could be found.

The full legal case, which provides further evidence for the arguments above, follows this document.

The actions taken so far, and future actions are:

| Date | Action taken |
|-----------------|---|
| 27 January 2007 | Decision by the Council for JR in the event that the Secretary of State progresses the Shropshire unitary bid to the second stage of consultation. |
| March 2007 | SABC in informal discussions with Paul Rowsell, CLG regarding concerns over Shropshire unitary bid. |
| 10 April 2007 | CLG officially informed of claim for JR against Secretary of State’s decision to consider Shropshire for unitary status. |
| 13 April 2007 | Deadline for the Secretary of State to withdraw from consultation process and cease any further steps towards policies outlined in the White Paper. |

| | |
|------------------------|--|
| 19 April 2007 | Application for JR & injunction proceedings produced by Andrew Arden QC and Jonathan Manning (Barrister) and sent to High Court. |
| 24 April– 11 June 2007 | Witness statements submitted to High Court. |
| 8 May 2007 | Acknowledgement of service (after which Judge considers whether application can proceed). |
| 18 June 2007 | Permission granted by Mr Justice King for SABC to proceed with JR. |
| 12 & 13 September 2007 | Final hearing in High Court. SABC to challenge Secretary of State. |

The councils in support of SABC are:

- Craven District Council
- Hambleton District Council
- Harrogate Borough Council
- Ryedale District Council
- Scarborough Borough Council
- Carlisle Council
- Selby District Council
- Kennet District Council
- Bridge North District Council
- Salisbury District Council
- West Wiltshire District Council
- Chester-le-Street District Council
- Chester City Council
- City of Durham Council
- Derwentside District Council
- North Shropshire District Council
- Easington District Council
- Teesdale District Council
- Sedgefield Borough Council
- Wear Valley District Council
- Carrick District Council
- Penwith District Council
- Kerrier District Council
- Congleton Borough Council
- Crewe & Nantwich Borough Council
- Eden District Council
- South Lakeland District Council
- South Shropshire District Council

The MPs in support of SABC are:

- Michael Ancram (Devizes)
- John Bercow (Buckingham)
- Peter Bone (Wellingborough)

- David Burrows (Enfield Southgate)
- Ronnie Campbell (Blythe Valley)
- Stephen Crabb (Preseli Pembrokeshire)
- David Davis (Monmouth)
- Nadine Dorries (Mid Bedfordshire)
- Michael Grove (Surrey Heath)
- John Greenway (Ryedale)
- Greg Hands (Hammersmith & Fulham)
- Robert Key (Salisbury)
- Jacqui Lait (Beckenham)
- Eric Pickles (Brentwood & Ongar)
- Caroline Spelman (Meriden)
- Sir Nicholas Winterton (Macclesfield)

*R (Shrewsbury & Atcham Borough Council) v
Secretary of State for Communities and Local Government*

*N461
Sections 5 and 8*

STATEMENT OF FACTS AND GROUNDS FOR REVIEW

LEGAL BACKGROUND

1. The procedure by which the Respondent may initiate a structural change in respect of a local government area in England is laid down by statute: Local Government Act 1992 (the “1992 Act”), s.13, as substituted by the Local Government Commission for England (Transfer of Functions) Order 2001, S.I.2001/3962, Sch.1, para.1.

2. Structural change, in this context, means “the replacement, in any non-metropolitan area, of the two principal tiers of local government with a single tier”: 1992 Act, s.14(1)(a).

3. The statutory procedure is as follows. The Respondent may request the Electoral Commission to recommend, in respect of a specified area in England, whether a structural change should be made: 1992 Act, s.13(1). Where the Electoral Commission receive such a request, they may direct the Boundary Committee for England to conduct a review of the area and recommend whether a structural change should be made: s.13(2).

4. In carrying out their functions under s.13, the Electoral Commission and the Boundary Committee for England are obliged to have regard to -

- (a) the need to reflect the identities and interests of local communities,
- (b) the need to secure effective and convenient local government,
- (c) the need to secure equality of representation (for the purposes of the Local Government Act 1972, Sch.11, paras 1(2)(a) and 3(2)(a)), and
- (d) any scheme for elections specified by Order under Local Government Act 2000, s.86 (*i.e.* an Order specifying, in particular, the frequency of elections in respect of the principal council(s) to which it relates and the proportion of seats to be subject to re-election at each such election): s.13(5).

5. The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under s.13, which may, *inter alia*, require the latter to have regard to guidance given by the Respondent as to matters to be taken into account in considering structural changes: s.13(7)(a).

6. Structural changes are effected by order, made by the Respondent, with or without modifications: 1992 Act, s.17(1).

7. These are the only powers the Respondent currently has to cause the replacement of two tiers of local government with one. The Bill currently before Parliament - the Local Government and Public Involvement in Health Bill ("the Bill") - would grant her greater powers, broadly in the terms described below, which she is seeking to exercise before the said Bill has become law.

THE WHITE PAPER AND INVITATIONS

8. In October 2006, the Respondent published *Strong and prosperous communities, The Local Government White Paper* (the *White Paper*), as a prelude to proposed legislation (*i.e.* the Bill).

9. Paragraph 3.55 stated:

"In some county areas there is a widely held view that moving to unitary structures would be the best way of overcoming the risks and challenges of two-tier arrangements. Such a move would improve accountability and leadership, increase efficiency, and improve outcomes for local people. We are, therefore, now inviting local authorities in shire areas to make proposals for unitary local government that:

- enhance strategic leadership, neighbourhood empowerment, value for money and equity;
- command a broad cross-section of support; and
- are affordable, representing value for money and meeting any costs of change from councils' existing resources."

10. The *White Paper* made specific reference, at para.3.57, to an accompanying document which contained the invitation referred to at para.3.55: *Invitations to councils in England to make proposals for unitary structures & to pioneer, as pathfinders, new two-tier models*, DCLG October 2006 (*Invitations*).

11. It then continued, at para.3.58:

“We would welcome proposals for unitary local government by 25 January 2007. We will then assess the proposals against the criteria set out in the Invitation. Following these proposals, and depending on their number and quality, we hope to announce preliminary decisions by the end of March 2007, consult with stakeholders and make our final decisions by early July 2007.”

 12. *Invitations* stated its purpose as being to “meet the commitments in the Local Government White Paper to invite: i) local authorities in shire areas to make proposals for unitary local government...”: para.1.1.

 13. The invitation contained within *Invitations* was made on terms: see Section 2, paras 2.3-2.7. The most significant of the terms, in this context, was that in submitting a proposal:

“councils must have regard to the guidance set out in sections 3-6. Any proposal should conform to the criteria set out in section 3 of the Guidance.”: para.2.6.

 14. The criteria set out at section 3 were summarised at para.3.1 in the following terms:

“The criteria with which any proposal must conform are:

 - i) the change to the future unitary local government structures must be:
 - affordable, *i.e.* that the change itself both represents value for money and can be met from councils’ existing resource envelope; and
 - supported by a broad cross section of partners and stakeholders; and
 - ii) those future unitary local government structures must:
 - provide strong, effective and accountable strategic leadership;
 - deliver genuine opportunities for neighbourhood flexibility and empowerment; and
 - deliver value for money and equity on public services.”
-
15. The Respondent explained the manner in which she intended to handle proposals received by the deadline of January 25, 2007 (*Invitations*, section 5). There would be a three-stage process:
 - (i) stage one, taking place between the end of January and the end of March 2007, at which the Government would “carefully consider”

(para.5.2) proposals to ensure that they conformed to the terms of the invitation (para.5.3) and that they met the criteria in *Invitations*, section 3 (para.5.8);

(ii) stage two, taking place between the end of March and the end of June 2007, at which the Government would consult with partners and stakeholders in the areas affected by the proposals (para.5.10), the business case contained in the proposal may be developed further (para.5.11), and the financial case underpinning the proposal would be “subject to limited assurance in relation to the submissions of baseline figures” carried out by the Audit Commission (para.5.11); and,

(iii) stage three, following the consultation period, at which the Government would announce, by the end of July 2007, which proposals would proceed to implementation (para.5.12).

16. It was recognised that implementation of a proposal would require primary legislation (para.5.19).

Stage One

17. At stage one, “proposals will be subject to an initial assessment to ensure that they conform to the terms of the invitation” (*Invitations*, para.5.3), following which “[t]hose which confirm will be assessed against the criteria in section 3 of this invitation.” (*Invitations*, para.5.4). The Respondent stated (para.5.5) that, in carrying out this assessment:

“the Government may request further information from the council/councils submitting the proposal, from other councils affected by the proposal, and from such other persons or bodies as it considers appropriate.”

18. Where information was not available to the Government, or otherwise, *Invitations* stated that the Government could make such assumptions and estimates as it saw fit (para.5.6).

19. By para.5.7:

“The Government will reach its judgment on a proposal having regard to the proposal, to any information submitted to it following a request as described in paragraph 5.5 [above, para.17], and to such assumptions and estimates as it has made in connection with the proposal. It may also have regard to any other information available to it and Government policy which it considers relevant to reaching the judgment”.

20. Only proposals which in the Government's opinion "meet the criteria set out in section 3 will proceed to stage 2 of the process." (para.5.8).

THE BILL

21. On December 13, 2006, the Respondent introduced the Bill into Parliament. At the date of issue of these proceedings,

- (i) the Bill has passed through Public Bill Committee Stage in the Commons,
- (ii) has not yet been the subject of Report,
- (iii) has not yet gone to the House of Lords,
- (iv) is expected to be subject to further amendments (although not necessarily to the Part of the Bill in question), and
- (v) accordingly has not currently become law.

22. The relevant provisions are to be found in Part 1 of the Bill.

23. Clause 2 of the Bill currently states, so far as material:

"(1) The Secretary of State may invite or direct any principal authority to make one of the following proposals—

- (a) a Type A proposal;
- (b)-(d) ...

(2) A Type A proposal is a proposal that there should be a single tier of local government for the area which is the county concerned.

(3)-(7) ...

(8) An invitation or direction may either—

- (a) be such that the authority may choose whether to make a Type A, Type B, Type C or combined proposal; or
- (b) specify which one of those kinds of proposal is invited (or, in the case of a direction, required)."

24. Clause 3 of the Bill currently states, so far as material:

"(1)-(2) ...

(3) An invitation under section 2 may specify a date by which a proposal may be made.

(4) ...

(5) In responding to an invitation under section 2, or complying with a direction under that section, an authority must have regard to any guidance from the Secretary of State as to—

- (a) what a proposal should seek to achieve;

(b) matters that should be taken into account in formulating a proposal.

(6)-(7) ...”

25. Clause 4 of the Bill currently states, so far as material:

“(1) This section applies where the Secretary of State receives a proposal from one or more authorities in response to one or more invitations or directions under section 2.

(2) Unless subsection (3) applies, the Secretary of State must consult the following about the proposal—

(a) every other authority affected by the proposal; and

(b) any other person he believes to have an interest.

(3) ...

(4) For the purposes of this section an authority is “affected by” the proposal if it is a principal authority for an area which is, or any part of which is, in an area that the proposal suggests should have a single tier of local government.

(5) The Secretary of State may request the Boundary Committee to advise, no later than a date specified in the request, on any matter that—

(a) relates to the proposal; and

(b) is specified in the request.

(6) ...”

26. Clause 21 of the Bill currently states:

“If before the commencement of this Chapter—

(a) an invitation in accordance with section 2 was given,

(b) guidance was given by the Secretary of State for the purposes of section 3,

(c) a proposal was made in response to such an invitation, or

(d) consultation was carried out by the Secretary of State for the purposes of section 4,

it is immaterial that the invitation or guidance was given, the proposal made, or the consultation carried out, before rather than after that commencement.”

FACTS

27. Shropshire is a shire area and, as such, falls within the invitation: above, paras. 9 and 12. It comprises a county council and five districts: Shropshire County Council, the Claimant, Bridgnorth District Council,

Oswestry Borough Council, North Shropshire District Council and South Shropshire District Council.

28. The Claimant is the district council for the Borough of Shrewsbury & Atcham which is situated in the central part of the county of Shropshire. Its local government area has a population of around 100,000. It has 40 elected members and employs approximately 650 staff. Under the system for categorising the performance of local authorities known as Comprehensive Performance Assessment (Local Government Act 2003, ss.99, 100), it enjoys the highest rating that may be awarded, as an “excellent” authority.

29. Shropshire County Council, Oswestry Borough Council and South Shropshire District Council have, in response to *Invitations*, jointly made a proposal (the Proposal), the effect of which, if implemented, is that all the current councils will be abolished and replaced by a single unitary authority.

30. The Proposal, entitled *One Council*, was submitted to the Respondent by those councils within the time allowed and was therefore subject to stage one consideration.

The independent reviews

31. During December 2006, the Claimant commissioned two independent reviews of the Proposal: *Review of the risks of the Unitary Council Option*, Capita Advisory Services, produced on January 9, 2007; and, *One Council for Shropshire? A critique of the submission by Shropshire CC, Oswestry BC and S. Shropshire DC*, Professor Michael Chisholm, produced on January 10, 2007. Both of these reviews were submitted to the Respondent by the Claimant to assist her with her stage one consideration of the proposal.

32. Both the reviews clearly demonstrated that the mandatory criteria for progression to stage two of the process, set out at *Invitations*, section 3 (see, above, para.14), were not met. There was also a comprehensive critique of the Proposal with detailed evidence submitted to the Secretary of State on January 24, 2007.

33. **Capita** In terms of affordability (criterion i), first bullet, set out at para.14, above), Capita concluded that the proposal “presents a high risk scenario in view of a lack of supporting evidence in the Business Case” (executive summary, para.1.4, p.5), *i.e.* that, according to the review’s methodology (see para.3.2.1, p.13,), the risks were likely to occur and were

significant in terms of their impact, with the consequence that all the projected benefits during the payback period would be negated on the risk-adjusted worst case (executive summary, para.1.2, p.4; summary conclusions, para 3.5, 4, p.34).

34. **Chisholm** Professor Chisholm SCD FBA, Emeritus Professor, University of Cambridge, concluded that:

(i) as to affordability and value for money, (criterion 1, first bullet; criterion 2, third bullet, set out above at para.14), the transitional costs had been significantly underestimated and the costs/savings comparison was not valid, as the proposal compared net costs with gross savings (executive summary, paras 1-4, p.3), and the figures were in any event unreliable (executive summary, paras10-15, p.4);

(ii) that the impression given of public support (criterion 1, second bullet) was inaccurate, was based on consultation with only 44 citizens and 12 stakeholders (executive summary, para.20, p.4), that the consultants who had conducted the market research (Ipsos MORI) had themselves concluded that “there is no evidence from our discussion evenings that there is likely to be a groundswell of opinion among the general public in favour of change to local government structure in the county, unless the tenor of the debate in the county changes” (Chisholm, para.4.3, p.16); and,

(iii) that the proposals for neighbourhood empowerment (criterion 2, second bullet) (*i.e.* local committees and enhanced parish council structures) were neither coherent nor, in part, legally possible and included no set up costs (executive summary, paras15-19, p.4).

35. The Claimant also commissioned an independent poll of the electorate undertaken by Electoral Reform Services, as to whether there was public support for the creation of a unitary local authority. 27,087 people responded to this, of whom 67.2% favoured continued two-tier local government. Similar polls conducted in Bridgnorth D.C. and South Shropshire D.C.’s areas also supported the retention of two-tier local government. At Bridgnorth D.C. 19,665 valid votes, of whom 85.6% favoured continued two tier and at South Shropshire D.C., 14,396 valid votes of whom 56.7% did not support creating One Council for Shropshire.

36. The Claimant and the two other Councils submitted the results of their polls to the Respondent.

THE DECISION

37. On March 27, 2007, the Respondent announced that the Proposal had successfully progressed to stage two of the process. The Respondent asserted that “[a]ny assessment of the proposals against the criteria is...necessarily a process of judgement, reaching a view as to the likelihood of a proposal if implemented achieving the outcomes specified by each of the criteria” (Decision Letter, March 27, 2007). The decision was therefore expressed in terms of the Respondent’s view of the likelihood (high, reasonable or low) of the achievement of the outcomes specified in the five criteria (above, para.14).

38. Accordingly, the Respondent has noted the Proposal on its own website, and, by way of consultation with the general public (in Shropshire), has simply provided a link to the Proposal itself as it appears on Shropshire’s website, even though it has had the Claimant’s materials referred to at paras 31-36, above, and, as could have been simply established, are available on the Claimant’s website, to which there is no corresponding link.

39. On March 28, 2007, the Claimant wrote to the Respondent seeking confirmation - in the light of the “likelihoods” (above, para.37) way in which decision had been expressed - that the basis of the decision remained that the Respondent was satisfied that the Proposal met the criteria set out in *Invitations*, and requesting the suspension of the consultation process should legal proceedings be commenced.

40. On March 30, 2007, the Respondent replied, stating that:
“...the Government was satisfied that there was a reasonable likelihood that, if implemented, each of these proposals would achieve the outcomes sought by the 26 October Invitation. I can confirm therefore, that on the basis of the information currently available to us, the Government’s current opinion is that Shropshire County Council’s proposal meets the criteria set out in the Invitation.
The Government’s intention is to take decisions before the end of July about which unitary proposals should be implemented. Before taking such decisions, as explained in the Invitation and made clear in Tuesday’s announcement, we will reassess the proposals against each of the criteria set out in the invitation. The reassessment will have regard to all the information that we receive during the consultation and all other available information. In these circumstances, we do not believe that it would be appropriate to delay, or suspend the consultation period.”

41. On April 10, 2007, the Claimant sent a letter before claim, summarising its proposed grounds of challenge and seeking a suspension of the process, failing which a claim for interim relief would be made.

42. The Claimant asked the respondent to reply by 4 pm on April 13, 2007. A reply was received by fax at 3.40 pm on April 13, 2007 requesting more time to consider the Claimant's case. As the Respondent refused to extend the consultation period, their request for more time was likewise refused.

GROUNDINGS OF CHALLENGE

Ground 1 – no power to undertake stage two of the process

43. The Respondent has no power at all to undertake stage two of the process on which she has now embarked.

44. Her powers, in respect of structural changes, are contained in the Local Government Act 1992 as amended (above, paras 1-6), by which she may request the Electoral Commission to recommend structural or boundary changes (s.13(1)), she may issue guidance (s.13(7)(a)), and she may implement structural changes recommended in this manner, with or without modifications, by Order (s.17(1)).

45. The Claimants accept as arguable the proposition that the Respondent's powers under the 1992 Act may be sufficiently broad to enable her to invite proposals from local authorities for structural changes, in order to inform her decision whether or not to request the Electoral Commission to recommend such changes.

46. The current process is, however, entirely unrelated to, and not for any purpose connected with, that Act. To the contrary, the Respondent is purporting to give effect to the provisions of the *White Paper* in which she stated her intention of “now inviting local authorities to make proposals for unitary government” (para.3.55, emphasis added, see, above, para.9) by January 25 2007, which proposals she would “then assess...*against the criteria set out in the Invitation*” and make her final decision by early July 2007 (para.3.58, emphasis added, set out above at para.11).

47. Nor does the Bill confer any powers whatsoever on the Respondent to conduct the current process. “Paving legislation” is the established legislative

technique in cases where a government wishes to advance proposals without awaiting a full statutory scheme, but it has not been adopted here.

48. If enacted, Part 1, Chapter 1, would confer power on the Respondent to initiate and conduct a process such as that she is currently undertaking (see particularly clauses 2-4 [above, paras 23-25]), but until they pass into law, they have no more legal force than any other proposal for legislative change and the statutory scheme of the 1992 Act remains in force.

49. Thus, not even clause 21 of the Bill (saving for invitations and consultation carried out before commencement of Part 1, Chapter 1 of the Bill) can save the current process, as clause 21 itself has no force until the Bill becomes law.

50. In any event, even if the Bill is passed, clause 21 will not authorise *pre-Act* activity, only that between passage of Act and commencement of the relevant provisions. At no time earlier than enactment is there (or will there have been) any section 2 “in accordance with” which any invitation could have been issued, section 3 “for the purposes of” guidance, or section 4 “for the purposes of” which any consultation can be carried out).

Use of existing powers

51. There is authority for the proposition (see *R v. Secretary of State for Health, ex p. Keen* (1990) 3 Admin.LR. 180, QBD), that a Secretary of State (and, in that case, also a Regional Health Authority (R.H.A.) and District Health Authority (D.H.A.)) may be entitled to use *existing* powers (in that case, under National Health Service Act 1977, ss.1-3 and 23) for the purpose of making preparations for the implementation of a Bill that had not yet been enacted (and thus incur expenditure while doing so). The Bill in question, in that case, was to provide for the establishment of NHS Trusts to run “self-governing” NHS hospitals.

52. Woolf L.J., giving the only reasoned judgment, held not that the Secretary of State had a general, freestanding power to incur expenditure to prepare for certain hospitals acquiring Trust-status, but that the existing provisions of the National Health Service Act 1977, in particular, ss.2, 3(1) and 23, conferred sufficiently broad powers on the Secretary of State to enable him to do so. He said, at 187E-F:

“The conclusion I have come to on a consideration of the legislation to which I have been referred is that while the Secretary of State does not

have power to approve an application and an R.H.A. or D.H.A. does not have the power to make a binding decision to apply for NHS Trust status for a hospital within their area in anticipation of the Bill becoming law, there is nothing to prevent the Secretary of State and the two authorities deploying their resources *under their existing powers* to enable the necessary steps to be taken to prepare an application, so that when the legislation is passed the application can be made promptly if this is in accordance with the decision which is then made.” (emphasis added).

53. In this case:
- (i) not only is there no analogous existing power on which the Respondent can rely; and,
 - (ii) in any event, the Respondent is purporting to do that which the court in *Keen* held could not be done prior to the enactment of the empowering legislation, namely to give provisional approval to an application for unitary status (stage one), to consult on it (stage two) and then to give final approval to the application (stage three), delaying only implementation of the final approval until the enactment of primary legislation (see, above, paras 15-16, and *Invitations* para.5.19).
54. Such general function that government ministers may have to decide and/or express policy can provide no authority for the implementation (including the invitation of applications, and the processing and approving them) of such policies before they become law. The undertaking of a series of specific steps designed to bring about the implementation of structural changes to local government areas in a manner which runs contrary to its designated statutory process cannot be justified on the basis of any such general policy-making discretion (see *Keen* above). Neither the White Paper nor the Bill nor any other power confers any shred of authority on the Respondent to ignore, or disapply, the statutory provisions of the 1992 Act, which remain in force, in favour of a wholly different, extra-statutory process such as she is now purporting to undertake.
55. The Respondent, accordingly, has no power to conduct the consultation process she has now purported to initiate, and her decision to do so is erroneous in law.
56. To the extent that she has embarked upon this exercise in the belief that she has power to do so, in reliance on the White Paper and/or the

provisions (and specific terms of the current Bill, and/or in the belief that should the Bill become law it will retrospectively validate her conduct, she has misdirected herself in law.

Absence of power to respond to invitation/consultation

57. The local authorities who have responded to the *Invitations*, by submitting the Proposal and other, like proposals for their areas, have no power to do so – *i.e.* to respond to an unlawful invitation and to incur expenditure in so doing. This, too, is clear from the passage cited from the judgment of Woolf L.J. in *Keen*, above, para.52 (“...an R.H.A. or D.H.A. does not have the power to make a binding decision to apply for NHS Trust status for a hospital within their area in anticipation of the Bill becoming law...”).

58. While it is correct that local authorities enjoy relatively broad powers of “well-being” under Pt 1, Local Government Act 2000, these are not available for an authority to rely on in relation to an invitation from central government under powers which do not yet exist.

59. Put another way, any such decision would necessarily premise the legality of the invitation and would accordingly itself comprise a misdirection in law.

60. Likewise lacking, for the same reasons, is any power on the part of an authority opposed to the proposals (such as the Claimants), now asked to respond to consultation during the current stage of the process, to incur expenditure in responding, yet such a response is - plainly - a necessary part of the consideration of any Secretary of State (regardless of issues, addressed below, of when it must be taken into account).

GROUND 2 - The Proposal did not meet the Respondent’s criteria

61. Even if all of the foregoing were incorrect, the Respondent has in any event failed properly to apply her own published mandatory criteria, and/or to carry out any proper assessment of Shropshire’s proposal against those mandatory criteria, in deciding to allow it to move forward to the formal consultation stage (see, above, paras14, 20).

62. In considering this ground, it is necessary to draw a distinction between an initial assessment of a proposal (*e.g.* on its face), to be followed by a more detailed assessment at a later stage, and an assessment, to be followed

by consultation on it, *e.g.* to attract and raise different perspectives and considerations.

63. In the present case, stage one did not comprise only an initial assessment but a proper assessment of compliance with the criteria: see above, para.17 (and, in particular, the quotations from *Invitations*, paras 5.3 and 5.4).

64. No issue is taken with the approach of the Respondent so far as quoted and set out at para.37, above, *i.e.* that the assessment necessarily comprised a process of judgment, and that it was for her to set her standard of satisfaction in relation thereto.

65. That, however, does not entitle the Respondent to ignore available information which informs the process of judgment and proceed to stage two (with its attendant costs for both proposing and opposing authorities and other parties), whether on the basis that it could be taken into account at stage two (as appears to have been the case - see para.40, above) or otherwise, *i.e.* even if it was intended to take the information into account at stage two, on the approach announced in *Invitations*, it could not be left out of account at stage one.

66. It is not known whether the Respondent took any account of the materials at paras 31-36, above. The fact that she has at no time referred to them, and the substance of the reply of March 30, 2007, at para.40, above, suggest that she did not do so. In this respect, attention is also drawn to *Invitations*, para.5.7 (quoted at para.19, above), that she “will” reach her judgment having regard to the proposal and any information submitted “following a request as described in paragraph 5.5” but otherwise only “may...have regard to any other information available”: the information provided by the Claimant was not pursuant to a para.5.5 request.

67. The Claimant contends that this is a misdirection of law. In light of the public expenditure implications of proceeding with a process such as this, and absent statutory authority to do so, it is not for the Respondent to decide that she will not consider relevant information. The material submitted by the Claimant was clearly relevant to the question whether the Respondent’s published criteria were met, which the Respondent was obliged take into account.

68. Even if the Respondent did take that material into account, no reasonable Respondent could have concluded that the criteria were met.

GROUND 3 - Unfair Process

69. Additionally and independently of the foregoing, the Respondent's conduct of the current stage two consultation process, is unfair, partial and unbalanced. It is based on her Department's website which, when accessed, does no more than link to the Proposal, where only the case in favour of structural change is presented, without any reference whatsoever to alternative or additional sources of information or even that there are opposing points of view.

70. In its letter of April 10, 2007, the Claimant drew attention to this and to the availability of its materials referred to at paras 31-36, above, on its own website. The Claimant required the Respondent, if and when the process may be lawfully recommenced, to add a reference and link to the page of the Claimants' website on which their materials are to be found. The Respondent has refused to do so.

INTERIM RELIEF

71. The stage two process has already begun and the Respondent intends to conclude it by the end of June 2007, allowing just 12 weeks for consultation. By the letters of March 30, 2007 and letter dated April 13, 2007, the Respondent has refused to suspend the process pending the outcome of a challenge.

72. The Claimant seeks interim relief, staying the stage two process pending the outcome of this challenge. It is submitted that neither the Respondent nor the authorities responsible for the Proposal will be prejudiced by the grant of such relief, given that implementation cannot take place until the Bill has been enacted and the relevant provisions commenced. The suggestion in the *Invitations*, para.5.22, is that implementation is intended to take place in time for the May 2008 elections. The stay of the stage two procedure while these proceedings are heard would not jeopardise that timescale. The Claimant would seek expedition of its claim, should permission be granted, in any event.

73. If, however, interim relief were refused, the Claimant would be obliged either to incur the considerable expenditure of replying to the stage two consultation process, which would prove to be both unlawful and wasted if the

challenge succeeds, or else would forfeit its ability to take part in the consultation process at all, should its challenge fail.

74. It is submitted that in the light of the strength of the challenge, the absence of prejudice to the Respondent or third parties of (if the Claimant's challenge proves unsuccessful) a brief delay in the process, and the existence of clear prejudice to the Claimant if interim relief is refused, the claim for interim relief should be granted.

ANDREW ARDEN QC
JONATHAN MANNING

Appendix 4

Draft Implementation Timetable
Wiltshire County Council

And

Countdown to a new council
Extract from Bitesize – Unitary Wiltshire.
Issue 1, July 2007

| One Council for Wiltshire Transition Plan | | 2007 | | | | | 2008 | | | | | 2009 | | | | | | | | | | | | | | | | |
|--|--|------|---|---|---|---|------|---|---|---|---|------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | A | S | O | N | D | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | A | M | J | J | A | S | O |
| Milestones | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Council leaders and chief executives meet | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| County council meeting to sign off implementation orders | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Royal assent | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Secondary legislation passed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Elections for new council | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Vesting day | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medium term financial strategy completed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Top team in post | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Key tasks | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Workstream plans completed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Appointments to programme management structure completed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Communications plan completed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Stakeholder consultation workshops | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Citizens Panel set up | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WORKSTREAMS | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Frontline | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Data gathering on key services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Service plans for new council complete | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Full transition plan published | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Delegation options agreed with parish and town councils | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Governance and Community Leadership | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commission brief re governance review of City of Salisbury | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commission completed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Area board terms of reference defined | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 area boards created | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Run awareness campaign for prospective councillors | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Induction plan for councillors finalised | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Member accommodation and facilities in place | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Member induction completed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Resources | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Property strategy completed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Service area milestones / deliverables confirmed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Business Management Programme | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Preferred bidder chosen to implement management systems | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final contract signed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Go live | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ICT | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Decision re single email address and website | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Technical audit of district councils complete | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Telephone systems working across five councils (May 08) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| HR | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Protocols agreed for pre-Vesting Day filling of jobs | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Transfer arrangements confirmed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pay Reform complete | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dept structure proposals ready | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Interim management team confirmed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Finance | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Baseline service 06/07 service performance levels | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Consolidating financial management | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Countdown to a new council

These timescales were provided by the county council in their bid document to the Government. Some of the specifics may change, but the direction is expected to remain broadly the same.

July to November 2007 - initial joint planning and preparation

- Organise work across the five councils using existing structures - such as the Wiltshire Improvement Partnership and Customers First - to undertake joint service planning
- Consult all interested parties about transition - staff, unions, business, parish and town councils, existing community partnerships, voluntary sector, public sector, local strategic partnerships
- Complete thorough data capture exercise on staff, current contractual obligations and likely commitments, ICT, assets and service levels

November 2007 to May 2008 - detailed planning

- Prepare staff structures for services that will be subject to major initial change
- Develop detailed transitional management arrangements for district staff who will, in the interim, remain area focused
- Identify and potentially select lead officers to drive early change initiatives
- Prepare for elections in May 2008
- Elections in May 2008 for 98 councillors, representing the current county council electoral divisions

May to July 2008 - transitional leadership

- Establish the new Council, appoint Leader and Executive
- Appoint the current county council chief executive on a fixed term contract to April 2009 to ensure initial continuity
- Appoint a transitional management board, with directors for community services (inc. adult care), children's services, resources (inc. revenues & benefits), environmental services (inc. development control and planning), change and integration (inc. housing and leisure)
- Appoint an interim director of district operations, on a fixed term, to manage district staff during the period between vesting and their full functional integration into the new authority
- Select and augment the board by statutory officers and, as necessary, others such as HR and ICT

August 2008 (vesting day) to April 2009 (new authority and transition)

- Establish transitional team responsible for leading the transition under the direction of the new Leader and Cabinet, including appointments to the new service structures
- Set in hand arrangements for the appointment of a permanent chief executive and other senior management roles as necessary
- Develop and set the budget for 2009-10 and the medium term financial strategy for 2009-12

April 2009 - transition

- Finalise the permanent management structure under the new chief executive
- Make final appointments to the top team of directors
- Change front line and support services

