



Parish *Bulletin*

Local Government Review
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Councils' court victory sees Review put on hold

The review of local councils in Suffolk was officially put on hold by the Government on July 14, one day before the Boundary Committee for England (BCE) had been officially due to give its final recommendations.

The Government had little choice but to agree the delay after the judgement issued in the High Court on July 10 that the BCE's review had been flawed because it had failed to consider the case for three unitary councils in Suffolk that had been proposed by Suffolk Coastal and other local councils - **see page 2 for more details of the judge's ruling.**

"The goal of this Council was to ensure that the voice of all the communities in our district and the county as a whole would be listened to about what the future shape of local government should be in our county," said Councillor Andy Smith, Deputy Leader of Suffolk Coastal.

"If the Government still wants to proceed with setting up a unitary council in Ipswich and perhaps unitary councils in the rest of Suffolk, it must ensure that the BCE carries out a proper consultation of all the possible options.

"The judicial review of the BCE's actions to date was taken to the courts by three of our councils because we could not stand back and let this review be completed without it taking proper account of what our communities were calling for.

"If this Review is restarted, then the BCE must commit to taking a fresh and open look at our county, and show that it is ready to understand and listen to the needs and views of our many and varied communities.

"I suspect that our residents would rather that we and all the other councils actually concentrated on working together to provide better and more efficient services, particularly during these economically challenging times for us all," added Cllr Smith.



An extract from the July 14 letter

"First, the Secretary of State has decided to substitute a later day for the 15 July 2009 and hence the Boundary Committee is no longer requested to provide advice in relation to Devon, Norfolk or Suffolk by that date.

"Secondly, in view of the fact that permission to appeal against Mr Justice Foskett's decision has been granted, the Secretary of State intends that the later date which he will specify will be a date which will allow any appeal by the Boundary Committee, against that decision, to be determined. Therefore, to avoid specifying a date which might require advice to be given by the Boundary Committee to the Secretary of State prior to the determination of any appeal, the Secretary of State will specify the new date once it is clear as to when any appeal may be determined.

"Following the determination of any appeal the Secretary of State will consider whether any further later date should be specified. **He recognises however the importance of minimising further disruption and the continuing period of uncertainty** for the councils and local communities and **he will have regard to this when deciding what, if any, further later date should be specified**". (our emphasis)

Paul Rowsell, Deputy Director, Local Democracy at the Department for Communities and Local Government, replying to Archie Gall, Director of the Boundary Committee on July 14, 2009.

Judge quashes BCE's 'flawed' Review

A judge has ordered that the review of local government in Suffolk by the Boundary Committee for England (BCE) must take account of the case made by four Suffolk Councils for an Ipswich/ East/West split.

The judge concluded that there has been an 'unfairness' in the review so far, and that 'there was a flaw in the process' that led to the publication of the BCE's draft proposals, and made an order quashing the BCE's publication of its draft proposals on March 19, 2009.

The case was taken to judicial review by Forest Heath, St Edmundsbury and Suffolk Coastal, although as the judge points out two other councils are also 'generally supportive of the approach they advocate for the future of local government in Suffolk.'

'The essential argument advanced in these proceedings is that the serious proposal (characterised for short as an 'East/West/Ipswich split') they have put forward in the review process currently taking place has not been considered, and is not being considered, fairly,' said Mr Justice Foskett.

'This case concerns how the Boundary Committee should respond, at the pre-consultation stage, to apparently well-articulated and well-supported proposals by reputable local authorities. As it happens, the four local authorities concerned represent between then approximately 57% of the population of Suffolk. That does not give them the right to dictate the outcome of the statutory process with which this case is concerned, not indeed are they seeking to do that.

'However, they do, in my judgement, have the right to have their proposals fully and properly considered and evaluated at the pre-consultation stage,' added Mr Justice Foskett in his judgement.

The judge also criticises the approach taken by the BCE to the proposals submitted by the councils, questioning whether full and proper consideration had occurred as there had been no dialogue by the BCE with the councils as to whether all the required criteria for the proposals had been met.

'Not to engage in such a process and then to announce (obliquely) that the proposal does not meet the criteria would not, in my view, meet the expectations of someone who had seen the (BCE) slide talking of an 'open minded, accessible and consultative' approach by the Committee,' added Mr Justice Foskett.

In his further ruling on the case, the judge dismissed a Government request to defer or limit his ruling so that it did not affect the planned publication of the BCE proposals on July 15 and the scheduled decision by the Secretary of State for Communities and Local Government in October.

The leaders of the four councils Cllrs Mark Bee (Waveney), Ray Herring (Suffolk Coastal), John Griffiths (St Edmundsbury) and Geoffrey Jaggard (Forest Heath) said in response to the High Court judgement:

"This is an excellent result which fully vindicates our complaints that throughout the review to date, the BCE has failed to give any serious consideration to our proposals that the best unitary solution for the communities of Suffolk would be three councils based on East, West and Ipswich.

"The case was taken to court by three of our councils because we could not allow this review to be completed without it taking account of what our communities were calling for. Mr Justice Foskett's ruling should now mean that the voice of all the communities in Suffolk will be listened to about what the future shape of local government should be in our county.

"We would call on the Government and the BCE to accept this judgement and to put in place a review team that can deliver the open-minded, accessible and consultative review that we had been promised and that the judgement makes clear has not occurred."

What happens next?

The Boundary Committee for England has been given leave to appeal against the judge's decision - it now has to decide whether to exercise that right to appeal.

Because of the summer, it is unlikely that any appeal would be heard until October at the earliest. Whatever the result of the appeal, either side of the case could still seek to see that decision overturned.

If the BCE loses its appeal, it would have to restart its Review again from at least March 2009, taking full account of the proposal for three unitary councils in Suffolk. It only has to consider the proposals - it will still be free to make whatever final recommendations it wants to the Government. This Review is unlikely to start before November.

The Government will have to decide if it still wants to proceed with the Review - given that it may not have time before June 2010 (the latest a General Election can be called) to pass the laws to introduce any new councils. The Government does not have to accept whatever the final BCE proposals are.

This special edition of the Parish Bulletin has been produced by Suffolk Coastal's LGR team.

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