

Chief Executives of all local
authorities in Suffolk

Our Ref: PR

6 January 2010

Dear Chief Executive

**PROPOSALS FOR UNITARY LOCAL GOVERNMENT IN SUFFOLK: DRAFT
STRUCTURAL CHANGE ORDERS**

I wrote to you on the 7 December setting out the Secretary of State's approach for taking statutory decisions in relation to any proposals received by him for unitary local government in Devon, Norfolk and Suffolk. In that letter I said I would write again about the Secretary of State seeking views on any draft structural change orders giving effect to any decision he might take to implement a unitary proposal, and this letter provides information about this.

Once the period for making representations on unitary proposals ends on 19 January 2010, the Secretary of State, recognising the need to end uncertainty, intends to move forward as quickly as practicable. He, therefore, intends to take his statutory decisions under the Local Government and Public Involvement in Health Act 2007 as to whether to implement, with or without modification, any of the unitary proposals before him, or to take no action on them, as soon as practicable after 19 January. If he were to decide to implement any unitary proposal, he also thus intends immediately, or very shortly, after his decision to lay before Parliament a draft of an order, which if approved by Parliament, he would make to give effect to his decision. However, I would emphasise at this point that no decisions have as yet been taken.

Any such draft order would follow to a very large extent provisions made in the structural change orders, and other orders and regulations, implementing the nine unitary councils established on 1 April 2009. However, before laying any such draft order the Secretary of State would welcome views the councils potentially affected by his decision might have on the main possible transitional arrangements to be included in any order.

To facilitate such views, the Secretary of State has decided to make available now to the councils concerned short discussion papers on possible transitional provisions in respect of each of the unitary proposals before him and which might be included in any draft order, were he to decide to implement the proposal in question. These provisions are founded on the Government's discussion paper "*An approach to implementation*" published on 22 August 2007 and available at:

<http://www.communities.gov.uk/publications/localgovernment/unitarycouncilsimplementation> , and also reflect the experience gained from the practical implementation of the nine new unitary councils, summarised in the Department's publication "*Implementing unitary local government April 2009: Lessons Learnt*" published on 6 January 2010 and available at:

<http://www.communities.gov.uk/publications/localgovernment/unitarycouncillessons>

In relation to Suffolk there are three unitary proposals before the Secretary of State:

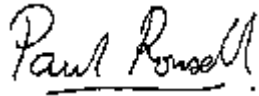
- the alternative unitary proposal made by the Boundary Committee for a single unitary council for the whole of the county of Suffolk;
- the alternative unitary proposal made by the Boundary Committee for a two unitary pattern comprising of a unitary Ipswich and Felixstowe and a Rural Suffolk unitary authority covering the remainder of the county of Suffolk; and
- the original proposal made by Ipswich Borough Council for a unitary council for the Ipswich Borough area (with no change to the existing two tier local government structure in the remainder of Suffolk).

Accordingly, I am now enclosing with this letter a discussion paper "*Proposals for unitary local government in Suffolk; possible transitional arrangements*". If you and your colleague officers would like a discussion about possible transitional provisions, without prejudice to the statutory decision the Secretary of State will take in relation to the unitary proposal concerned, please contact Ian Barber (ian.barber@communities.gsi.gov.uk tel – 0303 444 2578). Such a meeting – either at CLG or at your offices – would be an opportunity to discuss and hear your views on key transitional issues for which provision might be made in any draft orders. Alternatively, if you would like to put your council's views in writing to the Secretary of State, please send them to ian.barber@communities.gsi.gov.uk. Given the Secretary of State's intention to move forward as quickly as practicable, any such meeting should be held by **3 February 2010**, the date by which any written views on these possible transitional provisions should also be received by the Secretary of State.

For the avoidance of doubt I would stress that **any discussion as to the merits or otherwise of any particular pattern of unitary local government would be wholly outside the scope of these meetings**. The arrangements for making representations to the Secretary of State about the Boundary Committee's advice, or about any of the three original unitary proposals made by Exeter City Council, Ipswich Borough Council, and Norwich City Council are set out in my letter of 7 December, and require all such representations to be made by 19 January 2010. No decisions have as yet been taken on any unitary proposals.

Any queries about this letter should be sent to Ian Barber.

Yours sincerely

A handwritten signature in black ink that reads "Paul Rowsell". The signature is written in a cursive style with a horizontal line underneath the name.

Paul Rowsell

ANNEX – PROPOSALS FOR UNITARY LOCAL GOVERNMENT IN SUFFOLK

POSSIBLE TRANSITIONAL ARRANGEMENTS

A discussion document

Introduction

The Secretary of State has as yet taken no decisions as to whether to implement, with or without modification, any of the unitary proposals before him for Suffolk, or to take no action on them. However, were he to decide to implement any of these proposals, any draft structural change order to give effect to that decision would follow to a very large extent provisions that were made in the seven structural change orders, and other regulations and orders, made under sections 7, and 11 to 14 of the Local Government and Public Involvement in Health Act 2007 to implement the nine unitary councils established on 1 April 2009. These provisions were approved by Parliament and have successfully provided for the implementation of those nine councils.

However, it is recognised that councils potentially affected by a decision to implement a unitary proposal might have views on possible provisions in respect of the main transitional arrangements to be included in any draft structural change order. This discussion paper, which considers below transitional issues in respect of the unitary proposals currently before the Secretary the State, has been prepared to facilitate provision of such views.

Proposal for a single unitary council for the county of Suffolk

Timing of elections to preparing council

Provision could be made for the first election to Suffolk County Council – which will be the preparing council¹ if a single unitary for the County of Suffolk were to be implemented – to take place in May 2010 (at the same time as the local elections), with subsequent elections in 2013 and every four years thereafter. The grounds for this approach are:

- Legitimacy and accountability - experience from the nine unitary councils established on 1 April suggests there are significant advantages in having a political leadership with a clear and new mandate to implement a new unitary council and to take the radical and sometimes difficult decisions necessary for successful implementation;
- Leadership – members with a clear democratic mandate are more likely to have a bold vision for the new unitary council, have the legitimacy to engage strongly with partners, and put the council at the heart of delivering innovative and better value public services for their residents; and
- Solid foundations – once elections have been held, the senior officer structure for the new unitary can be bedded down providing a solid foundation and leadership for the transformational change needed for achieving unitary status.

¹ An existing council which, on the reorganisation date, has additional functions transferred to it and becomes a unitary council

An alternative, recognising the fact that there was an election to Suffolk County Council in June 2009, would be to have the first elections to the new unitary council in May 2011 (with subsequent elections in 2013 and every four years thereafter). This would, however, mean that additional transitional arrangements would need to be put in place with an Implementation Executive (a nominated body with no new democratic mandate – see below) responsible for leading preparations for the new council from the date of any order coming into force until after the May 2011 election.

Electoral arrangements

Provision could be made for the first election to the preparing council to take place on the basis of the current electoral divisions of Suffolk (i.e. 63 divisions, 12 returning two members and the remainder returning a single member per division). The grounds for this approach are:

- The need to provide for a councillor:elector ratio broadly in line with the unitary authorities created in 2009;
- The need to, as far as is practicable, minimise the scale of the task facing electoral administrators in preparing for May 2010 elections by using existing divisions (and therefore polling districts etc.) if at all possible; and
- The fact that these proposed electoral arrangements would only apply to the first election to the preparing council as after that election the new Local Government Boundary Commission for England will be required to consider whether electoral reviews for any new unitary authority are necessary.

An alternative would be for each existing division that returns a single member to return two members. This would mean a larger preparing council of 126 members, but would mean additional (though not insurmountable) complexities for electoral administrators and for the parties selecting candidates.

Transitional arrangements pending the first election

Provision could be made for the establishment of an Implementation Executive (IE), which will be a committee of the preparing council's Executive, but will comprise councillors from all affected existing councils (i.e. Suffolk County Council and each of the Suffolk district councils). This body would be responsible for leading preliminary preparations for the transfer of functions to the new unitary council until the first election. A possible composition of the IE could be that it should comprise 14 members, 7 members from the County Council and one member from each of the district councils; the leader of the IE should be the Leader of Suffolk County Council. The grounds for this approach are:

- Manageable size – the IE should be large enough to ensure each council and each political group is represented, but small enough to facilitate clear and effective decision-taking – experience suggests membership of around 12 to 20 members could be appropriate;
- Leadership - where there is a preparing council, that council should be in the driving seat leading preparations and as such should chair the IE and command a working (but not overwhelming) majority; and
- All political groups with a significant number of local councillors in the area should be represented on the IE.

An alternative would be to have a much larger IE of 28 members with each district council providing two members, and the county council 14 members. However, whilst

an IE of this size would perhaps be more inclusive and represent a broader cross section of local members, experience suggests that it would pose considerable obstacles to clear and effective decision taking.

Proposal for two unitary councils for the county of Suffolk

Timing of elections to shadow councils

Provision could be made for the first election to the shadow councils² for Ipswich and Felixstowe, and Rural Suffolk – if a two unitary solution for the County of Suffolk were to be implemented – to take place in May 2010 (at the same time as the local elections), with subsequent elections in 2015 and every four years thereafter. The grounds for this approach are:

- Legitimacy and accountability - experience from the nine unitary councils established on 1 April suggests there are significant advantages in having a political leadership with a clear and new mandate to implement a new unitary council and to take the radical and sometimes difficult decisions necessary for successful implementation;
- Leadership – members with a clear democratic mandate are more likely to have a bold vision for the new unitary council, have the legitimacy to engage strongly with partners, and put the council at the heart of delivering innovative and better value public services for their residents; and
- Solid foundations – once elections have been held, the senior officer structure for the new unitary can be bedded down providing a solid foundation and leadership for the transformational change needed for achieving unitary status.

An alternative, recognising the fact that there was an election to Suffolk County Council in June 2009, would be to have the first elections to the shadow councils in May 2011 (with subsequent elections in 2015 and every four years thereafter). This would, however, mean that additional complex transitional arrangements would need to be put in place with an appointed shadow council and shadow executive in each new unitary area responsible for leading preparations for the new councils. Experience from the nine unitary councils established on 1 April shows that this model implementation model poses difficulties and complexities for transitional planning.

Electoral arrangements

Provision could be made for the first election to the shadow councils to take place on the basis of the electoral arrangements set out in the annex to this discussion document. This would mean council sizes of 40 members for Ipswich and Felixstowe and 101 members for Rural Suffolk. The grounds for this approach and the proposed electoral arrangements set out in the annex are:

- The need to provide for a councillor:elector ratio broadly in line with the unitary authorities created in 2009;
- The need to, as far as is practicable, minimise the scale of the task facing electoral administrators in preparing for May 2010 elections by using existing divisions (and therefore polling districts etc.) if at all possible; and

² A new council which will become the unitary council on the reorganisation date; the existing district and county councils (as appropriate) continue to discharge their day-to-day functions alongside the shadow council until the reorganisation date

- The fact that these proposed electoral arrangements would only apply to the first election to the preparing council as after that election the new Local Government Boundary Commission for England will be required to consider whether electoral reviews for any new unitary authority are necessary.

Transitional arrangements pending the first election

If provision were made for the first election to the shadow councils to take place in 2010, provision could also be made for the establishment of a Joint Committee (JC) for each new unitary area comprising councillors from all affected existing councils (i.e. Suffolk County Council and each of the Suffolk district councils as appropriate) responsible for leading preliminary preparations until that first election. A possible composition of each JC could be that it should comprise 12 members, constituted as follows:-

- in Ipswich and Felixstowe – 6 members from Ipswich Borough Council, 3 from the County Council and one member from each of Babergh, Mid Suffolk, and Suffolk Coastal district councils, the leader should be the leader of Ipswich Borough Council; and
- in Rural Suffolk – 6 members from the County Council and one member from each of the district councils other than Ipswich Borough Council, the leader should be the leader of Suffolk County Council.

The grounds for this approach are:

- Manageable size – the JC should be large enough to ensure each council and each political group is represented, but small enough to facilitate clear and effective decision-taking – experience suggests membership of around 12 to 20 members could be appropriate;
- Leadership - where there is a preparing council, that council should be in the driving seat leading preparations and as such should chair the JC and command a working (but not overwhelming) majority; and
- All political groups with a significant number of local councillors in the area should be represented on the JC.

An alternative would be to put together larger JC's – perhaps 24 members each. However, whilst a JC of this size would perhaps be more inclusive and represent a broader cross section of local members, experience suggests that it would pose considerable obstacles to clear and effective decision taking.

Proposal for a unitary council for the Ipswich Borough area (with no change to the existing two tier local government structure in the remainder of Suffolk)

Timing of elections to preparing council

Provision could be made for the first election to Ipswich Borough Council – which will be the preparing council if the original proposal for a unitary Ipswich were to be implemented – to take place in May 2010 (at the same time as the local elections), with subsequent elections in 2015 and every four years thereafter. The grounds for this approach are:

- Legitimacy and accountability - experience from the nine unitary councils established on 1 April suggests there are significant advantages in having a

- political leadership with a clear and new mandate to implement a new unitary council and to take the radical and sometimes difficult decisions necessary for successful implementation;
- Leadership – members with a clear democratic mandate are more likely to have a bold vision for the new unitary council, have the legitimacy to engage strongly with partners, and put the council at the heart of delivering innovative and better value public services for their residents; and
 - Solid foundations – once elections have been held, the senior officer structure for the new unitary can be bedded down providing a solid foundation and leadership for the transformational change needed for achieving unitary status.

An alternative would be to have the first elections to the new unitary council in May 2011 (with subsequent elections in 2015 and every four years thereafter). This would, however, mean that additional transitional arrangements would need to be put in place with an Implementation Executive (a nominated body with no new democratic mandate – see below) responsible for leading preparations for the new council from the date of any order coming into force until after the May 2011 election.

Electoral arrangements

Provision could be made for the first election to the preparing council to take place on the basis of the current wards of Ipswich (i.e. 16 wards returning three members per ward). The grounds for this approach are:

- The need to provide for a councillor:elector ratio broadly in line with the unitary authorities created in 2009;
- The need to, as far as is practicable, minimise the scale of the task facing electoral administrators in preparing for May 2010 elections by using existing divisions (and therefore polling districts etc.) if at all possible; and
- The fact that these proposed electoral arrangements would only apply to the first election to the preparing council as after that election the new Local Government Boundary Commission for England will be required to consider whether electoral reviews for any new unitary authority are necessary.

Transitional arrangements pending the first election

Provision could be made for the establishment of an Implementation Executive (IE), which will be a committee of the preparing council's Executive, but will comprise councillors from Ipswich Borough Council and Suffolk County Council. This body would be responsible for leading preliminary preparations for the transfer of functions to the new unitary council until the first election. A possible composition of the IE could be that it should comprise 12 members, six members from Borough Council and six members from the County Council; the leader of the IE should be the Leader of Ipswich Borough Council. The grounds for this approach are:

- Manageable size – the IE should be large enough to ensure each council and each political group is represented, but small enough to facilitate clear and effective decision-taking – experience suggests membership of around 12 to 20 members could be appropriate;
- Leadership - where there is a preparing council, that council should be in the driving seat leading preparations and as such should chair the IE and command a working (but not overwhelming) majority; and
- All political groups with a significant number of local councillors in the area should be represented on the IE.

An alternative would be to have a larger IE, say of 16 members with each council providing eight members.

Contact: ian.barber@communities.gsi.gov.uk