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Our Reference: SRJ/JH

Review Manager (Devon Review)
The Boundary Committee for England
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Dear Sir

Draft proposal for unitary local government in Devon – July 2008

On behalf of East Devon District Council I am writing to you with the Council's formal response to the draft proposal and your request that comments are submitted to you by 26 September 2008.

Summary

I can confirm that after having carefully considered and debated all the matters arising from the publication of your draft report and indeed information and evidence that has come to light since the publication of the draft report East Devon District Council does not agree with your draft proposal.

It is my Council's considered view that the draft proposal neither adequately addresses the Boundary Committee's request for advice from the Secretary of State or indeed the 5 unitary criteria. We believe that there are alternative models for unitary local government within Devon (be it the current administrative boundary of Devon or indeed historical Devon including Plymouth and Torbay) which should be revisited and investigated, failing which we actually consider that the existing local government structure in Devon better delivers the Secretary of State's unitary criteria in aggregate than your draft proposal.

It is due to the short, medium and long term dangers inherent in the draft proposal that we consider the current structure and system of local government in Devon is better placed to achieve the 5 criteria. In case you have not previously been made party to the 'integrated Devon' submission made to the Secretary of State on 10 April 2008 a copy is attached. Indeed, noting in particular your paragraph 2.24 which emphasises the diversity of the areas under review, in terms of geography and population, together with the social and economic issues they face, all those with a passionate interest in seeing 'new' Devon survive and thrive would understand and endorse the sentiments that I am expressing on behalf of the Council.

I can also confirm for the avoidance of doubt that bearing in mind in particular the contents of the Pre-Action Protocol Letter that the Council sent to the Director of the Boundary Committee for England on 7 August 2008 that the comments that the Council makes in this letter are without prejudice to the legal issues that have already been raised with the Boundary Committee and which are to be the subject of further consideration through an application for judicial review.

Finally I have seen and read the objections submitted by many of the District Councils in Devon, the Town and Parish Councils of East Devon and endorse their concerns.

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Preliminary considerations

I have noted in particular the contents of pages 6 – 8 of the draft proposal and your summary of the general considerations affecting the context of modern local government. It is tempting to conclude that these contextual considerations have almost inevitably led to the draft proposal. On this basis I would wish to highlight the somewhat short-term nature of both legislative and policy approaches to local government and the consequential dangers of designing or recommending a radically different structure of local government based on these considerations. In particular I would highlight the legislative initiatives of Compulsory Competitive Tendering, Best Value, and Comprehensive Performance Assessment – all of which have had a relatively short shelf life and are now superseded. By analogy I see particular dangers in relying on Local Area Agreements, Multi Area Agreements, Comprehensive Area Assessment, Public Service Agreements and indeed White Paper proposals as necessarily providing a firm and fixed foundation for the design of the draft proposal.

The unitary criteria

I shall address these individually but noting in particular paragraph 4.4 of your report that the draft proposal is subject to consideration of its affordability and whether it will receive a broad cross section of support I deal with these matters first.

Affordability

As you are aware and indeed as you have explicitly intended, we only have a short period of less than 2 weeks to give a preliminary cursory consideration to the affordability proposals which have now been prepared by Devon County Council and submitted to you. The initial conclusion is that the draft proposal is affordable and that it could deliver future annual savings of approximately £18 million net from 2015. I would however make the following specific comments regarding the affordability details that have been provided:

- A period of only two weeks is woefully insufficient to fulfil your statutory obligation and to allow consultees to comment meaningfully on the detail and content.
- The affordability proposals include a 'policy aim' to reduce the level of Council Tax to that of the lowest in Devon, currently Exeter City Council. If this proves to be achievable then in the context of the residents of East Devon District Council it means in effect that the only tangible benefit they will see from all the change that will result from implementation of the draft proposal is the financial equivalent of £3.00 per calendar year (based on a Band D property). I raise the obvious question of whether it should be a proud boast of the Boundary Committee that it has recommended a saving of a penny a day for the 62,000 households within the current administrative boundary of East Devon.
- Achieving the intimated savings assumes that there will be a total of some 460 redundancies. Whilst all public sector organisations need to ensure that they operate in a businesslike and cost effective manner I query the resolve and commitment of a future unitary authority to deliver this level of redundancy, particularly bearing in mind that because of the centralising nature of the unitary proposal on Exeter itself it will likely mean that the redundancies will take place in the more disadvantaged rural remote areas of Devon rather than the relatively prosperous and affluent county centre.
- Affordability proposals also rely heavily on achieving information technology based savings of some £16 million. Whilst no doubt laudable, the majority of recent experience suggests that such assumptions should be treated with a heavy degree of scepticism and concern.

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- An analysis of the overall effect of these savings is that they will achieve a net saving of some £18 million over a gross combined revenue budget of £517 million. In effect, this equates to slightly more than a 3% saving which is suspiciously similar to the Gershon efficiency target which the County Council would have to face and therefore it is concerning to conclude that the abolition of the eight district councils within Devon is providing this opportunity to achieve an efficiency saving for the County Council in a way that is unlikely to challenge its organisational ethos and ability to address the particular challenges of being a unitary council.

Broad cross section of support

We are all aware that we are living in times when there is increasing disengagement and dissatisfaction as regards not just the public sector but many areas of authority. This is not helped by the public experience of alleged 'genuine open consultations' which rarely if ever seem to influence the final outcome of the original draft proposal. Indeed your paragraph 2.38 highlights this issue and in particular the aim of the 2006 White Paper to attempt to redress the balance. The relevant and concerning point regarding this is that whereas in paragraph 4.4 of the draft proposal you raise the question of whether the draft proposal will receive a broad cross section of support we both know that even if a clear majority of stakeholders or respondents to the consultation process express concern or objection to the draft proposal nevertheless this would not constrain you from selecting what limited support is received and interpreting that as a 'broad cross section of support'. I can confirm that the Council has encouraged people to write to the Boundary Committee expressing their views on the draft proposal. My analysis of the representations received and published on your website suggests an overwhelming majority of correspondents indicating that they do not support your draft proposal. Furthermore I can also confirm that having provided households within East Devon the opportunity to express their views an overwhelming 99% of those who replied (some 15884 households) said that they did not wish to see a change to the current local government structure and did not support your draft proposal. Details of this have already been provided to you.

Leadership

I note and endorse the comments in paragraph 2.30 of the draft proposal but would take them further and say that good leadership brings with it the power and ability to inspire and engage those whom the new unitary council will purport to lead. It brings with it an understanding or acceptance that concerns are shared and understood and that the leaders are not so far removed from those that they govern that a sense of alienation and disempowerment or irrelevance is experienced. On this basis it is my genuine belief that a unitary County Council would be too big and too remote to provide effective leadership (albeit one would inevitably accept it would have the ability to 'do strategy').

Empowerment of citizens and communities

I can but note with regard to this key criterion the concerns that the Boundary Committee raised in its draft proposal (summarised in paragraph 4.33) with the fact that we have received no further information in this consultation regarding the queries that have been raised about the Community Board arrangements and the service delivery arrangements. For many, including this Council, it is a fundamental flaw which demonstrates that there can be no confidence that this criterion will be adequately addressed. Differing assertions and costings have been provided across the county, depending on which representative of the County Council has been speaking at any particular meeting.

In your report, particularly in paragraphs 2.39 to 2.41, you set a 'high bar' regarding the empowerment of citizens and communities. Bearing this in mind I would ask you to reflect whether the proposed Community Boards, with their unclear and uncertain purpose, lack of legal status and likely revolving membership can adequately address this criterion. I know that much is made of the

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alleged confusion and duplication of the current system. However in such a large geographical it actually delivers the best of both worlds and I would challenge you to find a substantial proportion of residents who do in fact find the current system confusing.

It is the districts who are the first port of call for resolving queries or concerns. We may not be able to resolve all matters ourselves but actually we are a more certain and secure means of citizen and community empowerment than the untried and untested (and unknown) concept that your draft proposal seeks to favour.

With regard to the issue raised in paragraph 4.32 of your report and your request that all respondents give serious consideration to how any model of governance employed might be reflected in the number of councillors on the whole council you will be aware of the agreement in Cornwall for there to be 123 unitary councillors. One would assume based on the assumption that a ratio of approximately 1 councillor to 4000 residents is an appropriate figure then a Devon unitary council would have somewhere in the region of 170 councillors. I leave it for you to consider whether this is a manageable number in terms of allowing a unitary county council to deliver effective leadership as against the complimentary requirement that there is adequate representation in order to effectively deliver representation and neighbourhood engagement.

Value for Money

I note in particular the comments you make regarding this criteria in paragraphs 2.45 to 2.52 of the draft proposal and in essence the assumption that any local authority will take the requirement to deliver effective and efficient services in an integrated and coherent way, maximising collaboration and technology, seriously and therefore this is a criteria that would be addressed properly whether by the draft proposal or indeed any other unitary proposal that the Boundary Committee might subsequently decide to publicise or endorse. I would only comment that in the light of all that is currently unknown (and even if provided not binding) how you can have the confidence that this draft proposal will satisfy this criterion.

The two unitary authority pattern

We have very little to say regarding this idea set out in section 5 of the draft proposal document. We fail to see in what way it has merit since all that precedes it in the draft proposal document damns its likelihood of being able to meet the 5 unitary criteria. The only purpose it seems to have served through being included in the draft proposal document is to have caused genuine confusion amongst potential respondents as to what is being proposed for consultation purposes.

Conclusion

I recognise that the Boundary Committee has a difficult job to do. Nevertheless it accepted the request from the Secretary of State to undertake a structural review within a very short period of time whilst its resources have been stretched through structural reviews in other parts of the country together with the other 'normal' workload of the Boundary Committee. For all these considerations it is tempting to conclude that the recommendation of a unitary county council has been far more influenced by issues of practical politics; particularly what is (relatively speaking) the simplest and quickest way of implementing unitary government before the next general election. I hesitate to include the word 'local' since the general consensus of all those that I have engaged with during this consultation process is that whatever the review is about it is not about 'local' government.

Yours faithfully



Cllr. Miss Sara Randall Johnson
Leader of the Council

Copied to: Hugo Swire MP
Angela Browning MP