

The Local Government Review in England

Research Paper 95/84

5 July 1995



The Local Government Act 1992 created the Local Government Commission, an independent body which completed a review of the structure of local government in the English shire counties in January 1995. In March the Government announced that fresh reviews would be conducted in a number of shire districts under a reconstituted Commission. This paper sets out this and other recent developments and also gives details of Orders implementing structural changes in nine counties which are due to be debated in the Commons on 6 July.

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I Background

The present structure of local government in the non-metropolitan counties derives from the *Local Government Act 1972*. The Act established the county councils in their current form and set up the Local Government Boundary Commission for England whose first task was to make recommendations for the pattern of district councils. The Commission's proposals were accepted by the Government and given effect by the *English Non-Metropolitan Districts (Definition) Order 1972*, SI 1972/2039. The Act also put a duty on the Commission to review periodically the areas of the county councils, and to keep the areas of the non-metropolitan districts under review. The new structure came into force on 1 April 1974.

Local Authority Functions in the Shire Counties

County councils' principal responsibilities include:

education, personal social services, libraries, museums and art galleries, structure plans, highways and parking, refuse disposal, mineral and gravel extraction control, fire and rescue services, civil defence, weights and measures and consumer protection services

Shire districts' principal responsibilities include:

housing, environmental health services, refuse collection, local plans and development control, a variety of licensing and registration functions, markets, land charges, parks, recreation and leisure facilities generally, museums and art galleries (concurrently with county councils), car parks, crematoria and cemeteries.

Parish and community councils, where they exist, have discretionary powers concerning lighting, allotments, open spaces and recreation grounds, public clocks and car parks

In a debate on the poll tax on 5 December 1990 Michael Heseltine, the then Environment Secretary, said that a comprehensive review of local government was underway and that "we rule nothing in and nothing out".¹ Mr Heseltine made statements on the Local Government Review in England on 21 March and 23 April 1991.² A consultation paper, *The Structure of Local Government in England* [Dep 6993] was published on 23 April. Mr Heseltine made clear that there would be no significant change in the structure of local government in London or the metropolitan areas, but set out the following reasons why, in the Government's view, the two tier structure in the shire counties needed to be re-examined.

¹ HC Deb Vol 182 c319

² HC Deb Vol 188 cc401-402; HC Deb Vol 189 c901

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First, unitary authorities are more clearly responsible for the delivery of services, and more clearly accountable for the bill local people are expected to pay. Secondly, two tiers may lead to excessive bureaucracy and duplication of effort. Thirdly, the Government are committed to developing the concept of enabling authorities. Councils will increasingly be able to take advantage of competition between those seeking to provide a service. It is, therefore, less important today to insist on councils of a particular size. Fourthly, the Government intend to increase the momentum of their existing policies to enable decision-making and responsibility to be more directly in the hands of the people. Fifthly, the present structures of local government do not win universal favour with local people, who have their own ideas about what sort of structure would best reflect local loyalties and communities.

The consultation paper proposed the establishment of a new independent body, the Local Government Commission. It would carry out the work formerly done by the Local Government Boundary Commission, which would be abolished. In addition it would look at cases for change to the current two-tier structure in the shire counties in England. The Government would set guidelines for the review; within these guidelines the Commission would advise the Secretary of State on structural reforms and any arrangements which were needed for the performance of local government functions.

It was proposed that any new authorities should be responsible for most local government functions in their areas: hence the term unitary authorities. The Consultation Paper stated that where change was proposed in an area,

"There must be a proper justification for the upheaval and costs which are inevitably involved in reorganisation. Change must be worthwhile and cost-effective"³.

After the Commission had made a final proposal for an area the Secretary of State would reach a decision and would invite Parliament to bring the decision into effect by Order.

These proposals were subsequently enacted in the *Local Government Act 1992*. Fuller details of the background to the review are given in Research Paper 95/3.

³ Para 40

II The Progress of the Review

The Local Government Commission was established in July 1992 under section 12 of the *Local Government Act 1992*. Sir John Banham, then Director-General of the CBI and a former Controller of the Audit Commission, was appointed as its chairman.

On 3 June 1992 Michael Howard, then Secretary of State for the Environment, announced a "rolling programme" of reviews of the shire counties of England⁴. The review was to be carried out in five "tranches". The Local Government Commission was to go through each tranche in turn conducting reviews area by area. Under the initial timetable announced by Mr Howard the Commission's recommendations for the shire counties would have taken effect between 1994 and 1998. The "artificial" shire counties created by the previous reorganisation in 1974, which had frequently been cited as evidence of the need for change, were among the first counties to be reviewed. The review started in August 1992, in the Isle of Wight, and the review of the first tranche of shire counties⁵ was completed in January 1994.

In recommending alternative structures the Commission were required to take account of the need:

- (a) to reflect the identities and interests of local communities; and
- (b) to secure effective and convenient local government.⁶

The Government issued guidance on the conduct of the review to the Commission.⁷

Following widespread criticism of a perceived lack of consistency in the Commission's early recommendations, there was intense speculation during the summer of 1993 that the review would be speeded up or abandoned, or truncated by allowing councils to opt-in to the review process if they were unhappy with arrangements in their own areas⁸. A report in the *Local Government Chronicle* suggested that the new Secretary of State John Gummer favoured the 'opt-in' solution but that it was overruled by the Prime Minister⁹. On 30 September 1993 Mr

⁴ HC Deb Vol 208 cc545-6W

⁵ Avon, Gloucestershire, Somerset, Cleveland, Durham, Derbyshire, Humberside, Lincolnshire, North Yorkshire and the Isle of Wight

⁶ Local Government Act 1992, section 13(5)

⁷ *Policy Guidance to the Local Government Commission for England*, June 1992, Dep 8073, revised November 1993, Dep 9829.

Procedure Guidance to the Local Government Commission for England, June 1992, Dep 8073 revised November 1993, Dep 9879.

⁸ See for example *Financial Times* 26 July 1993 "Council reformer meets resistance"

⁹ 30 July 1993 "Major rejects Gummer's review plans"

Gummer announced that the review would be speeded up in order to "counter uncertainty about the future and so ensure effective provision of local services"¹⁰. This move was condemned by the Labour Party as "'an unwarranted political interference' in the work of an ostensibly independent body"¹¹. After the first tranche reviews the Commission were also directed to perform a second review in three counties: County Durham, Derbyshire and Gloucestershire. For the first two, the Commission had recommended a hybrid solution (the two-tier structure to remain intact in most of the county, but with unitary districts resuming responsibility for all services in one or more areas within the county), and in Gloucestershire it had recommended the status quo.

The Minister for Local Government David Curry announced on 22 November 1993¹² that the Secretary of State had directed the Local Government Commission to submit all reports on the remaining counties on or before 31 December 1994. The Commission in turn made it clear to councils that it did not expect them to carry out public consultation, "expensive presentations" or financial assessments during the remainder of the review¹³. The Commission also announced that it would apply certain assumptions on costs based on its experience during the first tranche reviews to all councils to be reviewed during 1994¹⁴.

A noticeable feature of the second phase of the review was that district councils in a number of counties produced joint submissions to the Commission¹⁵, responding to the passage in the Government's revised Policy Guidance which stated that "proposals which are put forward by groups of authorities will be an important starting point for the Commission" [Dep 9829].

In May 1994 the Local Government Commission announced that it intended to leaflet all residents in the areas under review, setting out the options for reform.¹⁶ The leaflets each had a questionnaire which could be returned to the Commission free of charge. The Commission later published the results of NOP analyses of the responses to the questionnaires and the results were widely interpreted as indicating that, of the available options, public opinion favoured the status quo in the majority of counties. For example, in the first batch of responses to be analysed¹⁷, the status quo or a hybrid solution was the most popular option in 8 out of the 10 counties surveyed¹⁸. The Association of District Councils accused county council staff of distorting the results of the consultation exercise: it claimed that in Cheshire

¹⁰ *DoE News Release* 630, "Speed up for local government review"

¹¹ *Guardian* 30 September 1993 "Local government review speeded up"

¹² HC Deb Vol 233 cc8-10W

¹³ *Renewing Local Government in the English Shires*, HMSO, December 1993, paras 109, 114.

¹⁴ *Ibid*, para 110.

¹⁵ See *Local Government Chronicle* 11.2.94 "Districts compromise over shire options"

¹⁶ *Municipal Journal* 13.5.94 "Government confirms Cleveland councils must exist before elections"

¹⁷ NOP Analysis of Public Consultation Responses, 27.9.94: Beds, Berks, Cheshire, Cumbria, Hampshire, Kent, Lancs, Oxon

¹⁸ *Financial Times* 28.9.94 "Councils shake-up finds scant backing"

27% of the 4,400 letters received by the Commission "could be traced to Cheshire County Council and its staff"¹⁹.

In its progress report of December 1993 the Commission had already made clear its view that it would be "most unwise to press ahead with changes to create unitary authorities unless there is clear local support for change, and there are local champions for particular local solutions".²⁰ It was not surprising, therefore, when the results of the consultation exercise led the Commission to recommend the status quo or hybrid solutions in many areas. The final reports for the remaining counties were issued between October 1994 and January 1995: further details of all of the Commission's recommendations are given in Appendix I.

Final Recommendations of the Local Government Commission:

i) 10 Counties with Unitary Structures

Avon, Bedfordshire, Berkshire, Buckinghamshire, Cleveland, Dorset, Humberside, Isle of Wight, North Yorkshire, Somerset
(Isle of Wight: unitary county. Remainder: unitary districts)

ii) 11 Hybrid Counties (one or more unitary districts; status quo elsewhere in the county)

Derbyshire, Devon, Durham, East Sussex, Essex, Hampshire, Hereford & Worcester, Leicestershire, Nottinghamshire, Staffordshire, Wiltshire

iii) 18 Status Quo Counties (retention of the two-tier system)

Cambridgeshire, Cheshire, Cornwall, Cumbria, Gloucestershire, Hertfordshire, Kent, Lancashire, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Oxfordshire, Shropshire, Suffolk, Surrey, Warwickshire, West Sussex.

¹⁹ Ibid

²⁰ Renewing Local Government in the English Shires, HMSO, para 119.

III Recent Developments

A. Government Decisions on the Commission's Recommendations

The Government has now given decisions on the Commission's recommendations for all of the shire counties: the full list is set out in Appendix I.

On 2nd March 1995 the Secretary of State for the Environment John Gummer made the first of two statements to the House which announced a distinct change of direction for the review.²¹ The Government started the review with a marked preference for unitary councils (although it was repeatedly stressed that a national blueprint for unitary authorities would not be imposed). During the course of the review the Local Government Commission declined to recommend unitary structures for large parts of rural England and the Secretary of State announced on 2nd March that the government would accept the retention of a two-tier structure in 17 counties where the Commission had recommended no change. This would be subject to two provisos, however. The first was that in some of these counties one or more individual districts should be referred back to the Commission for further reviews:²²

First, the commission has recommended the status quo for a small number of district councils which are among the largest non-metropolitan towns and cities in England. Many of those councils used to be county boroughs and so have a tradition of unitary local government. They are also often areas where there is a significant need for economic and social regeneration.

The business community, deliverers of personal social services and the voluntary sector often believe that that need can best be met by bringing all of the responsibilities of local government under one roof. There are some other councils where the commission has appeared to accept that logic. I believe that we must at least test the case for consistency in this matter.

The new **Policy and Procedure Guidance** which has since been issued to the Commission sets out the case for unitary government which the Government believes may apply in the districts which are to be reviewed again:²³

The case for change

The Government considers that moving to a unitary structure of local government has the capacity to improve the co-ordination and quality of services. A unitary structure

²¹ HC Deb Vol 255, cc 1183-5

²² Ibid, c 1183-4

²³ Dep 1912 (3s), paras. 8-9

concentrates all the resources available to local government in a particular area within a single authority, and allows it to formulate clear objectives and policies for its services to local people. A unitary structure overcomes the problems of competition and overlap that may be associated with a two-tier structure. In some cases it can also result in reduced costs and bureaucracy. It is a clear and accountable form of local government. The Commission's report, "Renewing Local Government in the English Shires: A Report on the 1992-1995 Structural Review" expands on the arguments to be considered.

One context in which the Government sees potential for increased local authority effectiveness and convenience through unitary local government is in those areas where there is a clear need to address problems of economic decline, by promoting new economic growth and regeneration. The Commission will wish to assess the contribution that different structures of local government might make to the economic and other needs of the areas under review, mindful of the impacts, both direct and indirect, which such a change may also have on neighbouring areas of the same county not included in the current review. Economic problems may be associated with the decline in significant parts of the industrial, commercial or service sectors. For example, several of the districts which the Commission is being directed to review fall within the area of the Thames Gateway, for which the Government has recently published new strategic guidelines. Here, as elsewhere, the Commission will wish to assess the contribution which a change to unitary local government might make to achieving the objectives of regeneration. Unitary councils acting as a single focus can help in promoting multi-agency programmes through mechanisms such as the Single Regeneration Budget.

In all, nine districts were highlighted for definite fresh reviews:

Peterborough (Cambridgeshire)
Warrington (Cheshire)
Thurrock, Basildon (Essex)
Rochester upon Medway, Gillingham (Kent)
Blackburn, Blackpool (Lancashire)
Northampton

Possible further reviews in a further nine districts were also announced:

Huntingdonshire (Cambridgeshire)
Halton (Cheshire)
Exeter (Devon)
Gloucester
Gravesham, Dartford (Kent)
Broxtowe, Gedling, Rushcliffe (Nottinghamshire).

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The districts of Norwich (Norfolk) and The Wrekin²⁴ (Shropshire) were added to the list of 'possibles' on 21st March following representations from the shadow Environment Secretary Frank Dobson.²⁵ Mr Gummer stated that he would be "unlikely to want to add to the list" but on 22nd June he relented and announced that Spelthorne in Surrey should be reviewed again.²⁶

I have carefully considered all the requests which I have received, and in the light of those representations I have concluded that the district of Spelthorne in Surrey should be added to the list of reviews. Spelthorne is in many ways similar to the Berkshire districts which are to be given unitary status, and the proximity of Heathrow airport creates unusual and specific problems for the authority. Against that background I judge that the district's case for unitary status deserves to be considered.

Mr Gummer also announced on 22nd June that the "possibles" would definitely be reviewed again by the Commission.²⁷

second proviso was as follows:²⁸

I said that accepting the status quo recommendations was subject to two provisos. The second is this: in their response to the commission and their representations to me, many county and district councils admitted that the two-tier system can and must be improved,

Many have made explicit promises about improved co-operation and-where it is appropriate-delegation of functions. Many, indeed, have written such promises in the literature they have sent out in their areas. We are compiling a list of those for each county council. I shall be reminding each of them of the promises that they have made, and I shall be asking them to report to me on the implementation of what are, after all, their own commitments.

On 21st March Mr Gummer announced the Government's decisions on the remaining shire counties. Consequently the final outcome of the review for most areas is now known, subject to Parliamentary approval and further reviews in some cases, and the final pattern of local government in the shires will follow a very different pattern from what might have been anticipated at the start of the review in 1992.

²⁴ includes Telford

²⁵ HC Deb Vol 257, c147

²⁶ HC Deb Vol 262, CC 353-4W

²⁷ Ibid

²⁸ HC Deb Vol 255, 2.3.95, c 1185

Government Decisions on Local Government Structure

i) 5 Counties with Unitary Structures

Avon, Berkshire, Cleveland, Humberside, Isle of Wight,
(Isle of Wight: unitary county. Remainder: unitary districts)

ii) 15 Hybrid Counties

Bedfordshire, Buckinghamshire, Derbyshire, Devon, Dorset, Durham, East Sussex, Essex,
Hampshire, Hereford and Worcester, Leicestershire, North Yorkshire, Nottinghamshire,
Staffordshire, Wiltshire

iii) 9 Possible Hybrid Structures (subject to further reviews for individual districts)²⁹

Cambridgeshire, Cheshire, Gloucestershire, Kent, Lancashire, Norfolk, Northamptonshire,
Shropshire, Surrey

iii) 10 Status Quo Counties

Cornwall, Cumbria, Hertfordshire, Lincolnshire, Northumberland, Oxfordshire, Somerset,
Suffolk, Warwickshire, West Sussex

The new **Policy and Procedure Guidance** to the Commission sets out the way in which the Government sees the new direction of the review:³⁰

When the county structure reviews were started, it was thought likely that where the Commission proposed change the entire two-tier structure in a county would be replaced by unitary authorities and many proposals from local authorities reflected that belief. However in many areas the Commission recommended a "hybrid" solution. In addition, the Secretary of State's decisions have made it clear that the Government is also content for "hybrid" solutions to emerge from the review, with some districts in a county becoming unitary but with a two-tier system remaining elsewhere. The review which the Commission is now directed to undertake is in the fresh context of this emerging pattern of local government structure in England.

²⁹ If the fresh reviews do not lead to the creation of more unitary authorities, counties in this group will retain the status quo.

³⁰ Dep 1912 (3s), para 4

B. Parliamentary Approval for Structural Changes

Parliamentary approval has been given to the Government's decisions on Avon, Cleveland, Humberside, the Isle of Wight and North Yorkshire.³¹ A unitary county council was established on the Isle of Wight on 1st April 1995 and preparations are in hand for unitary districts to take over the counties' functions in Avon, Cleveland, Humberside and the City of York on 1st April 1996.

On 6 July, Orders implementing structural change in the following counties are due to be debated in the Commons:

Bedfordshire:	Unitary Borough of Luton; status quo in rest of county
Buckinghamshire:	Unitary Borough of Milton Keynes; status quo in rest of county
Derbyshire:	Unitary City of Derby; status quo in rest of county
Dorset:	Unitary Boroughs of Poole and Dorset; status quo in rest of county
Durham:	Unitary Borough of Darlington; status quo in rest of county
East Sussex:	Unitary Borough of Brighton and Hove (the two existing boroughs combined); status quo in rest of county
Hampshire:	Unitary Cities of Portsmouth and Southampton; status quo in rest of county
Staffordshire:	Unitary City of Stoke-on-Trent; status quo in rest of county
Wiltshire:	Unitary Thamesdown District (includes Swindon); status quo in rest of county

These are all counties in which no further district reviews are due to take place. Subject to Parliamentary approval, the starting date for the proposed unitary authorities listed above is 1st April 1997.

³¹ Avon: HC Deb Vol 255, 22.2.95, cc 402-428; HL Deb Vol 561, 27.2.95, cc 1310-4, 1337-41. SI 1995/493
Cleveland: HC Deb Vol 252, 11.1.95, cc 201-228; HL Deb Vol 560, 23.1.95, cc 925-964. SI 1995/187
Humberside: HC Deb Vol 255, 28.2.95, cc 900-948; HL Deb Vol 562, 6.3.95, cc 74-110. SI 1995/600
Isle of Wight: HC Deb Vol 241, 18.4.94 cc 689-706; HL Deb Vol 554, 28.4.94 cc 871-880. SI 1994/1210
North Yorks: HC Deb Vol 255, 28.2.95, cc 900-948; HL Deb Vol 562, 6.3.95, cc 74-110. SI 1995/610

The Government's policy is that "wherever possible there will be all-out elections to shadow unitary authorities in the May preceding the April start-up date"³². Provision for the creation of shadow authorities is contained in part 3 of the *Local Government Changes for England Regulations 1994* [SI 1994/867]. Of the above proposed unitary councils, only Brighton and Hove would be a new authority. In every other instance, existing districts are due to inherit unitary status and these will be "continuing authorities" and will not technically speaking be considered "shadow authorities" in the period preceding reorganisation. Nevertheless the Orders giving effect to the reorganisation give them extra powers to plan for transition in what is termed the "preliminary period". In cases where there will be continuing authorities the Government's policy is that there will generally be all-out elections to continuing authorities in the May before they assume unitary status. The "continuing authorities" listed above will all follow that pattern

C. A New Look for the Local Government Commission

Mr Gummer announced on 2nd March that the Local Government Commission would be reconstituted under a new chairman before commencing the fresh reviews.³³

I believe that those new reviews must be carried out by a reconstituted commission which can look at the cases afresh. I am most grateful to Sir John Banham for having offered his resignation as chairman of the commission. I would like to take this opportunity to thank Sir John for the significant contribution that he has made as chairman, particularly in the establishment of the commission, in responding to the acceleration of the review process and in delivering the structure recommendations for all areas by January this year.

I shall be consulting the opposition parties about a successor, and I hope to announce a name shortly. I will be considering with the new chairman what other changes should be made to the commission, most of whose members' terms of office expire in June.

The manner of Sir John Banham's departure provoked speculation in the press and in local government circles that he had in fact been sacked.³⁴ The terms under which the chairman is appointed suggest that Sir John's acquiescence was required, as the Secretary of State may only remove a member of the Commission if he is satisfied that he is unable or unfit to carry out the functions of a member, or he has not complied with the terms of his appointment.³⁵

³² David Curry, HC Deb, Vol 248, 2.11.94, c1150W

³³ HC Deb Vol 255, c 1184

³⁴ For example, a leading article in the *Daily Telegraph* stated that "Sir John was, in effect, sacked because he failed to heed a long succession of ministerial hints that his review should replace the present two-tier system of district and county councils with a single tier of large, all-purpose unitary authorities" ["Back to square one" 6.3.95]

³⁵ *Local Government Act 1992*, Schedule 2 para. 1(5)

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On 21st March Mr Gummer announced that Sir David Cooksey, then chairman of the local government and health service 'watchdog' the Audit Commission, would become the new chairman of the Local Government Commission. He said that the appointment would be for one year initially, "by which time we expect the new programme of shire district structural reviews to have been completed".³⁶ Professor Malcolm Grant, one of the original Local Government Commissioners, has been acting chairman pending Sir David's arrival at the Commission. Sir David was reported in the *Local Government Chronicle* to have dismissed the suggestion that he would be seen as being appointed to do the bidding of ministers,³⁷ and in the *Financial Times* on 5th July he was reported as saying that there was "no presumption" that the 21 councils to be re-reviewed will be recommended for unitary status: "I would be surprised if we accepted or rejected the case for all the authorities".

The Local Government Minister David Curry announced the remaining commissioners on 20 June:³⁸

Mr. Curry: Sir David Cooksey will be chairman. We have asked four of the existing commissioners to remain on the commission and they have agreed to do so. They are: Professor Malcolm Grant, Ken Ennals, Robert Scruton and David Thomas.

In addition, four new commissioners will be appointed with effect from 1 July 1995. They are: Peter Brokenshire, chairman of Redbridge and Waltham Forest family health services; Professor Michael Clarke, Professor and Head of the School of Public Policy, university of Birmingham; Helena Shovelton, chairman of the National Association of the Citizens Advice Bureaux; and Norman Warner, managing director of Warner Consultancy and Training Services Ltd.

The appointment of Professor Michael Clarke, who had previously been extremely critical of the review, was seen widely as a sign that the Government did not require the new Commission to relinquish its independence.

The Commission's former chief executive Martin Easteal resigned in May 1995, stating that the new reviews would benefit from "a different approach by a new chief executive".³⁹ He was replaced by Bob Chilton, who has been seconded from his post as director of local government studies at the Audit Commission.⁴⁰

³⁶ HC Deb Vol 257, c145

³⁷ "Cooksey seeks quick fix for re-review" 24.3.95

³⁸ HC Deb Vol 262, cc 145-6W

³⁹ *Local Government Commission News Release* No 168, 9.5.95, "Chief Executive of the Commission Steps Down"

⁴⁰ *Local Government Commission News Release* No 169, 11.5.95, "Local Government Commission Appoints New Chief Executive"

On 29 June David Curry formally directed the Commission to undertake the fresh district reviews listed above. He also issued new **Policy and Procedure Guidance** to the Commission⁴¹ and directed the Commission to "have regard to the guidance... in relation to the policy to be taken into account, and the procedures to be adopted, in undertaking its reviews".⁴² The new guidance is considered below. The fresh district reviews were launched formally on 5th July 1995.

D. The Other Parties' Positions on the Review

The Labour and Liberal Democrat parties both support the principle of unitary local government in the context of elected regional assemblies. In contrast to both parties' outright opposition to the Government's plans for the reform of local government in Scotland and Wales (on the grounds that change was being imposed from above), Labour and the Liberal Democrats did not oppose the creation of the Local Government Commission during the passage of the Local Government Bill of 1992-3.

As the review progressed, however, the Labour Party in particular grew increasingly uneasy over the way in which it was being conducted, principally due to concern over the effect on staff⁴³ and its fear that the Government would "cherrypick" for reorganisation only those areas in which it wished to see the demise of 'unpopular' (i.e. Labour controlled) county councils. During the debate on the draft *Isle of Wight (Structural Change) Order*, Doug Henderson, then Labour's local government spokesman, set out the following conditions for continued Labour support on the review:⁴⁴

I make the Opposition's position clear to the Government. We stated in meetings that were held with authorities throughout the country that we will examine each order on its merit. But that approach is not without condition. The Government should not take our attitude to the order as a signal of our attitude to mainland reorganisation. I warn the Government tonight that parliamentary support for the procedures of the review will depend on undertakings being given on the following five issues: first, that the review will be thorough and genuinely cover the country as a whole; that there will be no cherry picking of areas such as Cleveland, Humberside, Derbyshire or Avon; that the review will be completed; that recommendations will be acted on; and that consistent principles will be adopted throughout.

Secondly, there should be no gerrymandering of specific boundaries for narrow party political advantage. Thirdly, in shadow authorities, there should be all-out elections-as I argue for

⁴¹ Dep 1912 (3s)

⁴² Ibid

⁴³ see Research Paper 95/3

⁴⁴ HC Deb Vol 241, 18.4.94, cc693-4

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the Isle of Wight-from day one. Fourthly, in subsequent years, a third of the council should be up for election annually. That could be advantageous for the Government, because if they accepted condition three -that there should be all-out elections-and suffered a horrendous defeat, if there are elections on the basis of a third of the council, it is easier for the Government to recoup some of their position in later years. So there may be strong arguments in that for the Government. Fifthly, the Government should meet the reasonable representations that will be made to them by the staff commission about the way in which staff are treated when their jobs have been changed as part of the reorganisation.

The Liberal Democrats have also expressed frustration over the conduct of the review, highlighting their dissatisfaction with the Commission's departure from the unitary ideal in its recommendations. A press release by the party's local government spokesman David Rendel described the review as "a missed opportunity - to decentralise political authority from central government to the regions and on down again to districts and parishes"⁴⁵.

The Labour Party's front-bench team was consulted prior to Mr Gummer's statement on 2nd March and Frank Dobson, the shadow Environment Secretary, broadly welcomed the new direction for the review:⁴⁶

Mr. Frank Dobson (Holborn and St. Pancras):
On behalf of the Labour party, I welcome much of the statement, and thank the Secretary of State for the discussions which preceded it. The overall effect of what he has announced should deliver much of what we have been calling for.

The proposals made by the Local Government Commission were inconsistent, and displayed neither rhyme nor reason. Rutland, with 33,000 people, was to get independence, while Northampton and Blackburn, both with more than 180,000 people, were not. We were seeking consistency. We were also calling for the House to be given an overall view of the likely proposals for the whole country.

Today's announcement recognises that the present shambles could not be continued. It creates a reasonable prospect of some consistency across the country, and gives a reasonable indication of the likely outcome of the review in every part of England. As that is what we were asking for, I

very much welcome the Government's Positive response to the points that we have been making, in Public and in private.

If we take together the decision so far announced by the Secretary of State, the further recommendations for change made by the commission and the list of authorities which the Local Government Commission is to be asked to re-examine, we see that most of the former large county boroughs are likely to regain their former status, and some additional major urban councils are likely to join them.

Taken together with the list put forward by the Secretary of State, unitary status seems likely to be achieved by Blackburn, Blackpool, Bournemouth, Brighton, Basildon and Thurrock, Darlington and Derby, Exeter, Gravesham and Dartford, Gloucester, Halton, Leicester, Luton, the Medway towns, Nottingham, Northampton, Milton Keynes, Peterborough, Plymouth, Portsmouth, Reading, Slough, Southampton,

⁴⁵ "'Making a molehill out of a mountain' - Rendel" 15.12.94

⁴⁶ HC Deb Vol 255, cc 1185-6

Stoke-on-Trent, Thamesdown and Warrington.

However, a limited number of other councils clearly qualify for unitary status under the Secretary of State's new criteria. Therefore, I suggest to the Secretary of State that he at least consider the case for Cambridge, Ipswich, Norwich, Oxford and The Wrekin, which seem to meet his overall criteria. I hope that, in deference to other hon. Members, he will agree to consider other borderline candidates for the list of councils to be referred back to the commission.

Mr Dobson also welcomed the departure of Sir John Banham, stating that "for this proposal to work, changes had to be made at the top of the Local Government Commission".⁴⁷

⁴⁷ Op cit, c1186

IV The Legal Framework for the Fresh Reviews

The *Local Government Act 1992* established the Local Government Commission for England and abolished the Local Government Boundary Commission. In addition to the new powers given to the LGC (see below), the broad functions of the old Commission were transferred to the new Commission. Details of the progress of the Local Government Bill through the Lords are given in Reference Sheet 92/1.

A. The Conduct of the Review

1. The Local Government Act 1992

Section 13 places a duty on the Commission to conduct reviews of such local authority areas as directed by the Secretary of State and to recommend to him whether or not structural, boundary or electoral changes should be made. Changes recommended by the Commission should take account of the need:

- (a) to reflect the identities and interests of local communities; and
- (b) to secure effective and convenient local government.⁴⁸

The **Policy and Procedure Guidance** issued to the Commission expends on these somewhat vague criteria: see section 2 below.

The kinds of change which the LGC may recommend are defined as follows⁴⁹:

- "(a) a structural change is the replacement, in any non-metropolitan area, of the two principal tiers of local government with a single tier;
- (b) a boundary change is any of the changes specified in subsection (3) below, whether made for the purpose of facilitating a structural change or independently of any such change; and
- (c) an electoral change is a change of electoral arrangements for any local government area whether made in consequence of any structural or boundary change or independently of any such change."

⁴⁸ section 13(5)

⁴⁹ section 14(1)

In the definition of structural change above, the phrase "the replacement... of the two principal tiers of local government with a single tier" means one of the following⁵⁰:

- "(i) the transfer to a council for a county consisting of that area of the functions in relation to that area of district councils; or;
- (ii) the transfer to a district council for that area of the functions in relation to that area of a county council."

This means that when a unitary or hybrid structure is created in a given area using the existing boundaries of the county or district councils, the unitary council or councils in that area must be continuing authorities. It proved impossible in most cases during the previous stages of the review to create a "fresh start" involving new councils which did not inherit the identity of any of the existing authorities in that area despite statements by the Local Government Commission that this would have been desirable.⁵¹

The boundary changes which may be recommended by the Commission are set out in section 14(3) and include the creation, alteration and abolition of local government areas in London and the metropolitan areas as well as in the shire counties. Thus although Greater London and the metropolitan areas fall outside the scope of the present review, future boundary reviews of those areas could be ordered by the Government without the need for further legislation.

Various electoral changes may be recommended by the Commission, including the number of councillors for an area, warding details, the years in which councillors are to be elected (ie. whether by thirds or by whole council elections).

The Local Government Commission also has a duty under Section 13 to conduct periodic reviews of local government areas in England (independently of the major reviews described above) to find out whether electoral changes are needed. Details of the Commission's proposals for carrying out this duty are given in Appendix 3.

When making recommendations for structural change, the Commission must also make recommendations on matters such as the need for joint arrangements in areas affected by the change.

⁵⁰ section 14(2)(b)

⁵¹ See for example: *Renewing Local Government in the English Shires*, HMSO, March 1995, p94

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Section 15 specifies certain general procedural requirements which the Commission must conform to, most notably the need to inform and consider representations by interested parties when conducting a review of any area. Section 15 also provides that on receipt of a final report from the Commission, the Secretary of State

"may, if he thinks fit, direct the Local Government Commission to conduct a further review of any area to which the report relates and to make revised recommendations as respects that area."

Section 16 requires the Audit Commission, if so required by the Local Government Commission, to produce a written opinion as to the likely impact of any proposed changes on economy, efficiency and effectiveness in the provision of services provided by the authorities affected.

2. The Policy and Procedure Guidance

On 29 June 1995 the Local Government Minister David Curry directed the Commission to conduct further reviews of local government structure in 21 districts and issued combined **Policy and Procedure Guidance to the Local Government Commission for England**⁵². Details of the policy guidance issued during the previous stages of the review are given in Research Paper 95/3.

The guidance expands on the criteria for local government changes set out in section 13 of the 1992 Act (that the Commission's recommendations should take account of the need to reflect the identities and interests of local communities and to secure effective and convenient local government). For example, para. 11 acknowledges that the criteria listed above may be contradictory to some extent:

The criteria may interact, and it is possible that one element may be satisfied only at the expense of making another element harder to attain. The Commission will need to consider the overall effect of change in relation to the criteria when deciding whether or not to recommend such change to the Secretary of State.

The guidance then goes on to enlarge on each criterion in turn. In particular, the following points are noteworthy:

LOCAL IDENTITY

- The guidance points out that there is an important difference between loyalty to an institution (eg. a county or district council) and a sense of place (eg. an historic county or city); the Commission is advised that it "will wish to examine both of these" [para

⁵²Dep 1912 (3s)

12].

- The Commission is advised that it will need to take account of expressions of local opinion, but the guidance cautions that "local opinion is only one element of community identity" [para 15].
- The Commission is warned against "over-reliance on a simple snapshot of public opinion at any particular point in time" because the structure it recommends "will need to serve the community for many years" [para 16].
- Although all expressions of local opinion should be taken into account, some are said to be more representative of the views of a community as a whole. "In according weight to expressions of public opinion, the Commission should have regard to the reliability of the method of data collection, the representativeness of the sample, and the quality of the arguments deployed" [para 17].

EFFECTIVE AND CONVENIENT LOCAL GOVERNMENT

- Although reorganisation should be worthwhile and cost-effective over time, the Commission "is not precluded from recommending an option which would be more expensive than the status quo if it believes that the cost would be outweighed by other considerations". In contrast with the earlier stages of the review in the shire counties, the Commission is not provided with a standard methodology for determining costs and benefits [paras 20-21].
- The Commission is instructed to look at representation and the provision of services from the viewpoint of the citizen, not the authority. It should take into account the extent to which a possible structure might improve responsiveness to local people. For example, it should consider the potential effect on elected members' ability to give political leadership, and on the level of understanding of local government, and participation in it, by local people and organisations [paras 24-25].
- Where the Commission recommends a unitary authority, the aim should be to make it responsible for all local government functions (rather than having functions of the existing authorities passed to joint boards). This is because "the potential benefits of unitary authorities will be lost if those authorities (and hence the communities they represent) do not have such direct responsibility" [para 26].
- Any new structure should enable functions to be performed in a way which is cost-effective, is responsive to local needs and conforms with statute, EU directives and

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regulations and national policy requirements [para 27]. General guidance on issues affecting individual services is given in Annex B of the guidance.

- The viability of a county council if a district or districts within its area were to be given unitary status must be taken account of by the Commission [para 28].
- No maximum or minimum size of authority is prescribed in the legislation or the draft guidance. "There should be no presumption that any authority must deliver all its services in-house; where it is efficient and effective to do so, the Government encourages authorities to buy in services from the private and voluntary sectors. Local authorities also have the power to enter in joint [voluntary] arrangements with each other" [para 30]. To date, the Local Government Commission has adopted the approach that in general, unitary authorities should have a population in the range of 150,000 to 250,000, but this rule of thumb has been broken where the Commission judged that the circumstances warranted it.

The guidance also reminds the Commission that local authorities may enter into voluntary joint arrangements for providing services, and gives advice on other aspects of reform such as ceremonial arrangements. Guidance on the procedural requirements for reviews are set out at paras. 41-58.

B. Implementation of the Local Government Commission's Recommendations

Section 17 sets out the procedure for implementation of the Commission's recommendations. Where the Secretary of State receives a final report from the Commission and does not wish to direct it to carry out a further review of the area [section 15] he may, "if he thinks fit", make an Order giving effect to the recommendations "with or without modifications" [section 17(1)].

The modifications which the Secretary of State may make to the Commission's recommendations are defined in **section 28(1)** as additions, alterations and omissions. The Department of the Environment has interpreted this power fairly narrowly, so the Secretary of State cannot change the LGC's proposals out of all recognition. Thus if the Secretary of State wishes to make major changes which the Commission has not recommended he must make use of the power under section 15(6) to order a further review of an area, in the hope that on a subsequent review the Commission will make proposals which are more to his liking.

The Secretary of State must wait for at least six weeks after receiving a final report from the

Commission before making an order [section 17(2)], to give time for consultation on the proposals. During this time he may direct the Commission to provide additional information on the proposal.

Using the order making power contained in section 17 the Secretary of State may abolish existing counties and districts; create unitary authorities; make appropriate electoral arrangements; set the number of councillors for any authority; and make corresponding arrangements for public bodies in the area affected by the order. Further details of the powers relating to the implementation of structural change are given in Part II of Research Paper 95/3.

If an order under section 17 does any of the things listed below it is subject to the affirmative procedure, that is to say a draft of the order must be laid before and approved by resolution of each House of Parliament. The affirmative procedure applies if the order:

- a) effects a structural change;
- b) establishes a joint authority;
- c) effects only electoral changes or relates only to parishes

[section 26]

An SI subject to the affirmative procedure may be debated in Committee or, if de-referred from the Committee, may be taken on the floor of the House. Important SIs are more likely to be debated on the floor of the House.

If a section 17 Order does none of the things listed above (for example, if only a boundary change is made) it is subject to the negative procedure. **Section 26(2)** of the 1992 Act provides that any Order made under part II of the Act which would otherwise be considered hybrid will not be considered hybrid for the purposes of the standing orders of either House of Parliament. The procedure for hybrid instruments in the Lords is complex and would slow down considerably the progress of any Order deemed hybrid.

V Conclusion

Although the local government review has not impacted upon the public consciousness with particularly great force, it has been subject to some of the most virulent criticism which has been faced by the Major Government. A leading article in the *Financial Times* of 3rd March 1995 suggested that "the government appears unable to touch local government without engineering a policy disaster".⁵³ The review was speeded-up in September 1993 but this failed to halt the flow of controversy and criticism.⁵⁴

The Government appears to have fared much better with the change in the direction of the review which was announced in March 1995: the Labour Party has dropped its outright opposition to the review and there have been a number of favourable articles in the press. A leader in the *Daily Telegraph* of 6th March suggested that Mr Gummer "seems to be finally moving in a broadly sensible direction"⁵⁵ and the *Guardian* also gave its broad approval.⁵⁶ The *Times*, on the other hand, described Sir John Banham's departure from the Local Government Commission as a "grave loss to local government".⁵⁷

The Local Government Commission had been in the process of preparing a report on the review as a whole when Mr Gummer made his Commons statement of 2nd March. When the report was eventually published the Commission made a number of criticisms of its terms of reference, in particular the fact that its remit extended only to structure, and that "it had no standing with respect to the powers of local authorities, their finance and their internal management".⁵⁸

The news release issued to coincide with the publication of the Commission's overview made a point which was in danger of being overlooked given the circumstances of Sir John Banham's departure:⁵⁹

The overwhelming majority of the Commission's final recommendations have been accepted by the Government. The areas of England where the Commission's recommendations have been accepted contain some 25 million people, against only 2.5 million where its recommendations have been rejected (a further 2.5 million live in areas likely to be further reviewed). Putting it another way, the Commission's recommendations for some 250 out of a total of 296 district council areas have now been accepted, only 26 rejected and around another 20 are to be reviewed again.

⁵³ "Local fiasco"

⁵⁴ See Research Paper 95/3, pp 39-40

⁵⁵ "Back to square one"

⁵⁶ "Survival of the shires" 3.2.95. This *Guardian* leading article did, however, draw unfavourable comparisons between the regained autonomy of the old county boroughs and the continued absence of a London-wide authority

⁵⁷ "Banham bows out" 3.2.95

⁵⁸ *Renewing Local Government in the English Shires: A Report on the 1992-1995 Structural Review*. HMSO, March 1995, para. 229

⁵⁹ Local Government Commission for England News Release No 164 "Commission's final report published today" 28.3.95

The 18.1 million people (37.4 per cent of the population of England) live in areas which have had unitary authorities for some years - the London boroughs and the metropolitan districts. The areas for which new unitary authorities have already been agreed by the Government will add 6.8 million people and bring the total living in unitary areas to 51.5 per cent of the population. The 2.7 million who live in areas where there are to be fresh reviews represent a further 5.6 per cent of the English population.

If Scotland and Wales are included, 33.0 million people - 58.3 per cent of the population of Great Britain - will soon be living in areas with unitary authorities and the addition of the English areas with fresh reviews would increase this total to 35.7 million, or more than 63 per cent of the population.⁶¹

⁶¹ Mid 1993 population estimates (OPCS Monitor PP1 94/2 and Monthly Digest of Statistics June 1995 Tables 2.1, 2.2).

Appendix 1: County-by-County Progress of the Review

Procedure in Brief:

1. Draft report by Local Government Commission
2. Final recommendations by Local Government Commission
3. Sec of State agrees or rejects proposals, or directs LGC to review area again
4. Both Houses must agree any changes, which are implemented by Order

N.B. "Status quo" means the retention of a two-tier structure in all or part of a county.

County	Recommendation	Outcome/date
Avon	4 unitary councils: Bristol, S. Gloucestershire, N.W. Somerset, Bath & N.E. Somerset (Report issued 20 Dec '93)	Approved in Commons: 22.2.95 Approved in Lords: 27.2.95 Starting date: 1.4.96
Bedfordshire	3 unitary councils: Bedford, Luton, Central Beds (Report issued 26 Oct '94)	Proposal for unitary Luton accepted by S of S : 2.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97 Status quo for remainder of county
Berkshire	5 unitary councils: Newbury, Reading, Slough, Wokingham, Royal E. Berkshire (Report issued: 15.12.94)	6 unitary councils (all existing districts to be given unitary status) ⁶² Announced by S of S: 21.3.95 Provisional starting date: 1.4.97
Buckinghamshire	4 unitary councils: Milton Keynes, Aylesbury Vale, Wycombe, Southern Bucks (Report issued 26 Oct '94)	Proposal for unitary Milton Keynes agreed by S of S: 2.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97 Status quo for remainder of county

⁶² Newbury, Reading, Wokingham, Bracknell Forest, Windsor & Maidenhead, Slough

County	Recommendation	Outcome/date
Cambridgeshire	status quo (Report issued 26 Oct '94)	Further reviews announced for Peterborough (2.3.95) Huntingdonshire (22.6.95); Status quo for remainder of county
Cheshire	status quo (Report issued 26 Oct '94)	Further reviews announced for Warrington (2.3.95) and Halton (22.6.95); Status quo for remainder of county
Cleveland	4 unitary councils: Hartlepool, Stockton-on-Tees, Middlesborough, Redcar & Cleveland (Report issued 8 Nov '93)	Approved in Commons: 11.1.95 Approved in Lords: 23.1.95 Starting date: 1.4.96
Cornwall	status quo (Report issued 11 Jan '95)	Agreed by S of S: 2.3.95
Cumbria	status quo (Report issued 26 Oct '94)	Agreed by S of S: 2.3.95
Derbyshire	1 unitary council (Derby) + status quo (Report issued 11.1.95) ⁶³	Agreed by S of S: 21.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97
Devon	2 unitary councils (Plymouth, Torbay) + status quo (Report issued: 15.12.94)	Further review for Exeter announced 22.6.95 Unitary status for Plymouth, Torbay agreed by S of S: 21.3.95 Provisional starting date: 1.4.97 Status quo for rest of county
Dorset	4 unitary councils: Bournemouth, Poole, Western Dorset, Eastern Dorset (Report issued: 15.12.94)	Unitary status for Bournemouth + Poole agreed by S of S: 21.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97 Status quo for rest of county

⁶³ The Commission's original recommendation (issued in November 1993) was for 2 unitary councils (Derby, N.E. Derbyshire) plus the status quo. This was rejected by the Secretary of State, who ordered a second review for Derbyshire on 29.11.93. The Commission presented its revised proposals for Derbyshire on 11.1.95

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County	Recommendation	Outcome/date
Durham	1 unitary council (Darlington) + status quo (Report issued 15 Dec '94) ⁶⁴	Accepted by S of S: 2.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97
East Sussex	1 unitary council (Brighton & Hove) + status quo (Report issued: 15.12.94)	Agreed by S of S: 21.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97
Essex	1 unitary council (Southend) + 2 tier system with minor changes (Report issued 15 Dec '94)	Further reviews for Thurrock + Basildon announced 2.3.95 Unitary status for Southend agreed by S of S: 21.3.95 Provisional starting date: 1.4.97 Status quo for rest of county
Gloucestershire	status quo ⁶⁵ (Report issued 11 Jan '95)	Further review for Gloucester announced: 2.3.95 Status quo for remainder of county
Hampshire	3 unitary councils (New Forest, Portsmouth, Southampton) + status quo (Report issued: 26.10.94)	Unitary status for Portsmouth + Southampton agreed by S of S: 21.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97 Status quo for rest of county: No unitary for the New Forest
Hereford & Worcester	unitary council for Herefordshire; status quo for Worcestershire (Report issued: 15.12.94)	Agreed by S of S: 21.3.95 Provisional starting date: 1.4.97
Hertfordshire	status quo (Report issued 11 Jan '95)	Agreed by S of S: 2.3.95

⁶⁴ This recommendation was initially made by the Commission on 8.11.93. It was rejected by the Secretary of State, who ordered a second review for Durham on 29.11.93. The Commission presented its proposal for Durham for the second time on 15.12.94

⁶⁵ This recommendation was originally presented by the Commission in Dec '93. It was rejected by the Secretary of State, who ordered a further review on 2.3.94. The Commission presented its recommendation for Gloucestershire for the second time on 11.1.95

County	Recommendation	Outcome/date
Humberside	4 unitary councils: Hull, N. Lincolnshire, N.E. Lincolnshire, East Riding of Yorkshire (Report issued Jan '94)	Approved in Commons: 28.2.95 ⁶⁶ Approved in Lords: 6.3.95 Starting date: 1.4.96
Isle of Wight	unitary county council: "The Island Council" (Report issued April '93)	Approved in Commons: 18.4.94 Approved in Lords: 28.4.94 Starting date: 1.4.95
Kent	status quo (Report issued 26 Oct '94)	Further reviews announced for Rochester, Gillingham (2.3.95), Gravesham, Dartford (2.3.95) (22.6.95). Status quo for remainder of county
Lancashire	status quo (Report issued 26 Oct '94)	Further reviews for Blackburn + Blackpool announced by S of S: 2.3.95 Status quo for remainder of county
Leicestershire	2 unitary councils (Leicester & Rutland) + status quo (Report issued: 15.12.94)	Agreed by S of S: 21.3.95 (Final agreement on unitary status for Rutland given on 22.6.95)
Lincolnshire	status quo (Report issued 24 Jan '94)	Agreed by S of S: 25.10.94
Norfolk	status quo (Report issued 15 Dec '94)	Further review for Norwich announced: 22.6.95 Status quo for rest of county (2.3.95)
N. Yorkshire	3 unitary councils: York, N. Riding, W. Riding (Report issued 24 Jan '94)	Proposal for enlarged unitary York approved in Commons: 28.2.95 Approved in Lords: 6.3.95 Starting date: 1.4.96 Status quo for rest of county

⁶⁶ Secretary of State's original decision amended prior to Commons debate: a fresh review will be ordered for Goole area in Humberside which, pending the outcome of the review, will be part of the new E. Riding of Yorks authority (HC Dev Vol 255, 22.2.95, c197W)

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County	Recommendation	Outcome/date
Northamptonshire	status quo (Report issued 15 Dec '94)	Further review announced for Northampton: 2.3.95 Status quo for remainder of county
Northumberland	status quo (Report issued 15 Dec '94)	Agreed by S of S: 2.3.95
Nottinghamshire	1 unitary council (Nottingham) + status quo (Report issued: 15.12.94)	Further reviews for Broxtowe, Gedling, Rushcliffe announced 22.6.95 Unitary status for Nottingham agreed by S of S: 21.3.95 Provisional starting date: 1.4.97 Status quo for rest of county
Oxfordshire	status quo (Report issued 26 Oct '94)	Agreed by S of S: 2.3.95
Shropshire	status quo (Report issued 11 Jan '95)	Further review for the Wrekin (Telford) announced 22.6.95 Status quo for remainder of county (2.3.95)
Somerset	3 unitary councils: Mid Somerset, S. Somerset, W. Somerset (Report issued 20 Dec '93)	Rejected by S of S in favour of status quo: 25.10.94
Staffordshire	1 unitary council (Stoke-on-Trent) + status quo (Report issued: 15.12.94)	Agreed by S of S: 21.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97
Suffolk	status quo (Report issued 15 Dec '94)	Agreed by S of S: 2.3.95
Surrey	status quo (Report issued 15 Dec '94)	Further review for Spelthorne announced 22.6.95 Status quo for rest of county (2.3.95)

Warwickshire	status quo (Report issued 15 Dec '94)	Agreed by S of S: 2.3.95
West Sussex	status quo (Report issued 15 Dec '94)	Agreed by S of S: 2.3.95
Wiltshire	1 unitary council (Thamesdown) ⁶⁷ + status quo (Report issued: 15.12.94)	Agreed by S of S: 21.3.95 Debate in Commons due: 6.7.95 Provisional starting date: 1.4.97

⁶⁷ includes Swindon

Appendix 2: Tables

Appendix 3: Periodic Electoral Reviews

The LGC has a duty under Section 13 of the *Local Government Act 1992* to conduct periodic reviews of local government areas in England (independently of the major reviews described above) to find out whether electoral changes are needed. Section 13(3) specifies that so far as is reasonably practicable, the first periodic electoral review for an area should be conducted between ten to fifteen years after the Local Government Boundary Commission conducted a review of local electoral arrangements⁶⁸ in that area. Subsequent electoral reviews should take place at ten to fifteen year intervals. In May 1995 the Local Government Commission published a consultation paper setting out its proposed approach to the periodic reviews.⁶⁹ The Commission sought views on issues such as the number of councillors appropriate to different types of authority; whether single member wards should be recommended where practicable; whether all authorities with one or two member wards should have whole council elections; and whether the Commission's proposed work programme and procedure, etc, was adequate.⁷⁰

The Commission's proposals for the work programme and timetable for its periodic electoral reviews of local government are reproduced below.

WORK PROGRAMME

73 As matters stand at present, it is expected that the Commission's work programme over the next three years will be as follows:

1995/96

Commence periodic electoral reviews of three metropolitan county areas

- Tyne & Wear (five district councils)
- West Yorkshire (five district councils)
- West Midlands (seven district councils)

1996/97

Complete all periodic electoral reviews commenced in 1995/96

Commence periodic electoral reviews of three metropolitan county areas

- Greater Manchester (ten district councils)
- Merseyside (five district councils)
- South Yorkshire (four district councils)

⁶⁸ Under Schedule 9 of the *Local Government Act 1972*.

⁶⁹ **Periodic Electoral Review: A Consultation Paper.**

⁷⁰ Op cit, pp 31-2

Commence periodic electoral review of Suffolk (seven district councils plus county divisions)

1997/98

Complete all periodic electoral reviews commenced in 1996/97

Commence periodic electoral reviews of the 32 London boroughs

- 74 The order in which review areas appear in the programme has largely been determined by Ministerial announcements about possible structural, boundary and electoral reviews which the Commission may be directed to undertake. For example, the Commission has been directed to conduct a boundary and electoral review of the Goole area (currently part of Boothferry District), and this may impinge on Doncaster, in South Yorkshire. In addition, the Secretary of State has indicated that he may direct the Commission to conduct boundary reviews of Sefton (Merseyside), Bristol, Kingston upon Hull, and the boundary between Kensington & Chelsea and Hammersmith & Fulham. In the Commission's view, these boundary issues should be resolved before the Commission conducts a periodic electoral review of the authorities concerned.
- 75 The Commission's intention to include Suffolk within its 1996/97 programme of reviews reflects the fact that it had been specifically requested by the Government to undertake a full electoral review of Suffolk Coastal District (which has significant electoral imbalances) as part of its structural review of the county. In the event, this did not prove possible. Accordingly, the Commission considers that it would be desirable to undertake an early periodic electoral review of the county area.
- 76 In 1998/99 and thereafter, the Commission would propose reviewing the electoral arrangement of authorities in shire county areas.
- 77 It is for consideration whether, in reporting to the Secretary of State, the Commission should submit final recommendations for all authorities in a given area at the same time, or whether it should submit reports for individual authorities as and when it is in a position to do so. This issue is more relevant in shire county areas, where the Commission will also be reviewing the electoral arrangements of county councils.
- 78 Given that county division boundaries should be based on district ward boundaries, the Commission is minded to defer submitting reports on the districts until it is also in a position to submit a report on the county council's electoral arrangements. While county division boundaries will not be a consideration in shire county unitary authorities, the Commission would propose to treat these authorities as part of their ceremonial county areas for the purposes of scheduling reviews and reporting to the Secretary of State.

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REVIEW TIMETABLE

79 In conducting its reviews, the Commission will be following the consultation procedures set out in section 15 of the 1992 Act, and will seek to complete each review within a period of around iilnc months. Accordingly, it is proposed that the review process should take the form of the following:

Stage One - eight weeks Commencement of review and submission of proposals for changes to electoral arrangements

Stage Two - twelve weeks Commission considers proposals, determines draft recommendations and prepares public consultation report

Stage Three - six weeks Commission publishes draft recommendation report and invites representations

Stage Four - eight weeks Commission considers representations, reaches conclusions on final recommendations and submits a final report to the Secretary of State

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