

Norfolk District Councils

Boundary Committee Consultation Response Document

September 2008



Borough Council of
King's Lynn &
West Norfolk



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SECTION 1 – EXECUTIVE SUMMARY

“It is clear that there is overwhelming support for the retention of the existing two-tier structure of county and district councils. Taking this into account, and considering all the other evidence in the light of the statutory criteria, we are recommending no change to the present structure of local government in the area... the manner in which any given structure is managed is probably as important as the structure itself... In particular we would like to see more management authority and responsibility devolved to local communities...”

Sir John Banham letter to Secretary of State, 15th December 1994

It is the contention of the five signatory councils to this report (Breckland Council, Broadland District Council, King’s Lynn and West Norfolk Borough Council, North Norfolk District Council and South Norfolk Council) that the statement above – first expressed some fifteen years ago – remains as true today as it was then.

The Boundary Committee’s proposals for Norfolk are high risk for the almost one million people who live and work in Norfolk, for hundreds of local communities, for the Boundary Committee and its ability to command respect in its future work, and for the Government at this time of economic uncertainty.

These are also high cost proposals that run counter to any logical interpretation of how Norfolk works, how people live their lives, how communities interact and how services can be efficiently and effectively delivered across the county.

They are based on consultation with “stakeholders” rather than consultation with the local people who will ultimately pay for any change. This consultation was based on ‘concepts’, on flawed data unsupported by clear analysis and with no time for consultees to adequately consider the costs of change.

With so little detail to examine in the proposal, detail that is not binding on any transition or new authority, we have had little time to constructively respond.

We do not believe these proposals work across an area the size of Norfolk. We contend that they represent at best a ‘fudge’.

The consultation undertaken by the five signatory districts (and that undertaken by the Boundary Committee) shows a widespread feeling that we should continue on our existing performance journey without the disruption of re-organisation.

We are currently delivering improvements together, increasingly discharging the principles of ‘place-shaper’ as well as providers of quality services. We believe we can continue to deliver these improvements, working together, to improve local places and improve services, benefiting local people *without* the need for this high cost, high risk, highly disruptive, unnecessary and unwanted review.

In summary, our key arguments against the Boundary Committee's draft alternative proposal are that the options reported on the 7th July are:

- **high risk – and an avoidable risk at that**
- **bad for democracy – reducing the number of directly elected councillors by nearly three-quarters**
- **bad for the economy and economic regeneration of our places, in a time of global economic uncertainty**
- **bad for council tax payers, the very people who will pay the cost of change have not been actively consulted on these proposals and haven't asked for them**
- **bad for local services, increased remoteness of decision-making and commissioning taking services further away from the people who rely on them¹**
- **bad for communities who rely on local champions to ensure that places develop in a way that suits local needs**

¹ In the absence of any detail within the Boundary Committee report we are reliant on published County Council work to date

SECTION 2 – INTRODUCTION

“...structural reform should not become a diversion for the other reforms suggested here – and past experience shows us that it can absorb huge amounts of energy to relatively little effect.”

Mulgan, G and Bury, F (2006) ‘Local Government and the case for double devolution’, in ‘Double Devolution’ Ed Geoff Mulgan & Fran Bury, the Smith Institute

The District Councils presenting this joint paper to the Boundary Committee believe the service improvements it is claimed would be delivered by unitary status in Norfolk would be better delivered by improved two-tier working.

We believe the key tests for any unitary status proposals are:

- Do the proposals involve high risk?
- Do the proposals give proper consideration to any decent viable alternatives?
- Do the proposals enhance democracy?
- Do the proposals support the local economy?
- Do the proposals deliver a fair deal for local taxpayers?
- Do the proposals deliver improved services?
- Do the proposals strengthen communities?

On this basis we must oppose the Boundary Committee’s proposals because they fail all of the tests above. Not only do they fail our own tests for unitary local government but they fail by some distance to meet the five criteria set out by the government. These are detailed elsewhere in this document as are the arguments on which we base this conclusion.

In our submission the Boundary Committee’s draft proposals for unitary local government in Norfolk (and Suffolk) and the assumptions and arguments which underpin them are fundamentally flawed for a number of reasons.

As the attached report from Prof. Steve Leach indicates (see appendices)

- The draft proposals have been developed in isolation from a consideration of relevant government policy and without reference to their compatibility with the structure of local government in the remainder of England (see for example ‘Communities in Control’).
- There are a number of major inconsistencies between the draft proposals and the decisions made by DCLG in November 2007 regarding the 16 proposals for unitary status considered at that time.
- The basis upon which the draft proposals have been made is far from clear. No serious attempt is made to compare viable options or to justify key assertions made. The draft proposals report is virtually evidence-free.
- There is a failure to adequately recognise the speculative nature of the submissions made by Norfolk County Council and Norwich City Council, and to recognise the impossibility of ensuring the implementation of the proposals involved in all three options

- The concept of 'neighbourhood empowerment' is accorded a degree of vagueness and imprecision which precludes a realistic assessment of the feasibility of its achievement in the various options identified.
- There is no attempt to compare the merits of any of the unitary options recommended with the potential of an improved two-tier system of local government to deliver the required objectives/criteria.

If the Boundary Committee's proposals were to be approved...

- The largest county-based unitary authority outside Birmingham would be established, with a population greatly in excess of any of the unitary counties introduced following the DCLG's 2007 exercise. A unitary Norfolk runs counter to the Secretary of State's decision regarding Cheshire (population size 680,000). The decision letter on Cheshire contained the following significant passage, ***"The Secretary of State took the view that a single unitary authority would be too big, and there were risks that the authority would be seen as remote by local people and hence less able to deliver neighbourhood empowerment."*** If Cheshire is perceived as being 'too big' to deliver neighbourhood empowerment, does this conclusion not apply more so to Norfolk?
- The 'preferred option' would challenge the appropriateness of the group of unitary authorities around Bristol, Middlesbrough and Kingston-upon-Hull. The logical implication would be the return of Avon, Cleveland and Humberside as unitary authorities, a proposition which is not likely to appeal to the current (or any other) government.
- In addition to this, both the 'Wedge' and 'Donut' alternatives are so light on detail as to be little more than lines on a map. They both appear to represent a 'fudge', a solution to a problem that hasn't been clearly defined and that attempts to answer a question about the east of the county and Norwich to the expense of the rural majority of the county. Can anyone think of anything that links Diss with Holt and Hunstanton? The rest of the county, in each example, is no more than an afterthought.
- The implications for the number of elected councillors would be devastating. The 'preferred options' for Norfolk would imply a 70% cut in the number of local councillors. Apply this kind of reduction more generally and there would be an outcome totally out-of-line with the government's commitment to enhanced/strengthened roles for local councillors.

It is also important to note that we have not been able to subject the Boundary Committee's proposals to the level of scrutiny they deserve or the level of scrutiny we would have wished to subject them to. This is because, as both the Secretary of State and the Boundary Committee concede, any sensible assessment of draft proposals requires an understanding of sufficient information about the assumptions and arrangements that underlie any proposals. Proposals can only be understood as a package comprising a "structure", "service and financial assumptions" and "arrangements".

It is further expressly acknowledged that the assessment of affordability turns on an understanding of such matters. But the Boundary Committee asserts that in publishing its draft proposals it is unnecessary for the Committee to trouble itself with such matters. Instead, the approach that is taken is that the development of underlying assumptions and arrangements can be left to consultees. The result of this approach is to defeat any meaningful consultation because Norfolk authorities have not been provided with even basic information about the "package".

Assumptions and arrangements obviously bear on affordability and value for money and without this information we are unable to give a fully informed or completely meaningful response to the Committee.

Furthermore the Boundary Committee has consistently argued that it is not permitted to consider the current two-tier scheme of local government or to compare it with any proposed unitary structure. This position has consistently informed the Committee's approach. We believe this approach to be wrong and it is certainly not what Norfolk tax payers would expect. We would argue the Boundary Committee has discretion in this matter rather than a duty to make a unitary proposal to the Secretary of State. We believe the Boundary Committee has not fully appreciated this.

SECTION 3 – OUR COUNCILS’ CONCLUSIONS

Do we need more risk in uncertain times?

“It is argued that reorganising local government, particularly in two-tier shire areas, can provide greater efficiency and improve accountability... The past experience of reorganisation in this country provides a warning about the risks of poorly executed change, and shows that it is by no means a panacea...”

Sir Michael Lyons (2007) ‘Lyons Inquiry into Local Government – Final Report’ TSO, Exec Summary Para 70

It is our contention that the Boundary Committee’s draft proposals (the main proposal and the two further proposals in which the Boundary Committee has said it sees merit) are untried and untested.

There is a high level of risk that none of the proposals will work well for a significant proportion of Norfolk’s residents and businesses. As has been clearly stated in the past any pattern of local government that worked for 80% of the population but not for the remaining 20% would be a failure. It is our contention that the Boundary Committee’s draft proposals would not work for 80% or anything like 80% of the county. Stakeholders from the west of the County – both at the Boundary Committees own listening events and at the focus groups we have held – have insisted that none of the proposals will work for them.

It is also important to note that the district councils in rural Norfolk have a track record of service improvement without “above inflation” council tax increases. We doubt that any new unitary authority could match that level of performance.

Furthermore, there is a risk that the new unitary authority would do as Durham and Northumberland have done... tear up key elements of the proposals and cut back services in order to balance the books.

In addition there are various further risks associated with the Boundary Committee’s draft proposals. There is:

- The risk that high start up costs will not be recovered
- The risk that key staff will be lost during the process
- The risk of loss of focus on service improvement, housing growth and major regeneration and economic development
- The risk that important community projects will lose momentum
- The risk that major ICT changes will over run in cost and time especially as the budget for such changes is small and the timescale for change is unrealistic
- The risk that the assumptions made by Norfolk County Council officers will prove to be greatly over optimistic concerning the deliverability and realism of savings which appear to primarily come from the reduction of District Council staffing levels where the County Council has minimal knowledge
- The risk that vulnerable people – particularly children – will ‘fall through the net’ during the changeover/ disaggregation process

- The risk that citizens will become totally disengaged from a remote council with so few frontline councillors across such a large area
- The risk that the draft proposals for devolution and local structures are unlikely to be affordable and will not deliver stated outcomes due to an evident lack of real understanding of local issues and needs and the complexity of community development.

There is also a risk associated with the remapping of existing locality structures such as local strategic partnerships and local area partnerships which will be completely repackaged according to the NCC proposal. This will fragment current working arrangements and networks, destroy existing close working relationships and jeopardise the significant momentum gained around community engagement and local community projects.

Over all our concern is that the Boundary Committee's draft proposals are clearly bad for Norfolk and represent a backward step for local government in the county.

We have a viable, low risk alternative

“District council’s have an essential role in place-shaping. They lead on many of the services which are essential to delivering the strategic priorities in the county-wide LAA, including housing, planning and leisure services. They are also essential for building strong links with local people, neighbourhoods and parish councils.”

Local Government White Paper ‘Strong & Prosperous Communities’ (2006)
Chapter 5, Para 5.52

There is a clear and viable, low risk alternative to the Boundary Committee's proposals and the committee has the power to recommend this alternative – the continuation of the current two-tier system of local government – if it cannot identify one or more options which meet the five criteria.

To justify a major constitutional change of this nature, a more appropriate test would be a requirement to **demonstrate** that one (or more) unitary options achieve the five criteria **more effectively** (on balance) than the existing two-tier system. That is the test which the Boundary Committee should apply if its recommendations are to have real credibility.

Our critique of the three options referred to by the Boundary Committee (see appendices) indicates that the current system is already effectively delivering on this agenda and, given the opportunity, could achieve even more through savings / service improvements / neighbourhood empowerment etc *without* the risk posed by restructuring.

We agree with the Lincolnshire two-tier pathfinders: “In principle, two-tier local government is a more appropriate model of government for a large county area such as Lincolnshire than a unitary model. It recognises and reflects the principle of subsidiarity: that is, that decisions should be taken at the level closest to the people most directly affected by them and believes that two-tier working in a county as diverse as Lincolnshire delivers more effectively on this principle”.

Two-tier working builds on the best of what we are already collectively doing rather than wiping this away and replacing it with something new. We propose to continue to work collaboratively to:

- engage with local people within their communities
- develop and deploy a joined-up approach to achieve seamless service delivery
- offer a ‘one stop’ approach to customer services
- simplify and rationalise the way in which services are delivered
- realise efficiency savings to provide opportunities for service transformation

These aims are being met by building on the very real strengths of the two-tier system in a way that virtually eliminates the risks associated with structural change. Professor Leach summarises the advantages of two-tier working as:

- A better alignment with the different levels of community identity than any single unitary option could provide.
- A recognition that different spatial scales are appropriate for different services and functions and that accountability for such functions is best served by directly-elected authorities (e.g. development control is much more appropriately handled at district than county level, whilst highway planning clearly needs a larger (county-level) area).
- A more realistic capacity for neighbourhood empowerment which is best led and managed at a district level (with county input where relevant).
- A more community-relevant capacity for strong accountable local leadership with strategic leadership focused at the county scale.

These opportunities build on the principles published in the Lyons report, where he identifies the following principles of effective two-tier working, principles that Norfolk’s councils are already working towards:

- A shared agenda across councils in both tiers but with room for preservation of local identities and differing priorities
- A common understanding of respective roles and responsibilities without ‘turf wars’
- Strong leadership of place, at different levels, with different partners taking the lead at different times
- A sense of accountability which accepts shared responsibility, without any blame culture, with the ability to make difficult decisions and tough choices, for example about resource allocation
- Governance and service provision designed to support effective external partnerships, with issues being discussed at the right tier
- Easily accessible service provision which is fully transparent to users and utilises shared, locality-based access channels, and
- Efficient operations in both front and back office, avoiding duplication and accepting that savings may accrue in a different tier to where the action (and even initial investment) is undertaken

It is clear from this that improvements to the existing arrangements meet the key criteria against which unitary proposals are tested

- **Strengthens strategic leadership** – particularly through place-related democratic leadership that identifies and tackles local needs, co-ordinating actions through Local Strategic Partnerships.
- **Improves neighbourhood empowerment** – with local councillors and residents feeding local knowledge into local councils, who in turn engage with local people to co-ordinate a response with other organisations to tackle local issues.
- **Are affordable** – incurring minimal additional costs, let alone the estimated £18m transition costs for the proposed single county unitary council. (It is also important to note at this point that we believe the figure of £18m is a gross underestimate of the true transition costs.)
- **Have a broad cross-section of support** – the majority opinion of those consulted was to retain existing arrangements.
- **Deliver Value for Money and equity** – by delivering cost-efficient services that meet local needs without resorting to universal services.

Two-tier working is a system that works yet can still be improved. In addition, continuing to refine the two-tier arrangements undermines two arguments fundamental to the Boundary Committee's proposals:

1. The need to re-create the administrative equivalent of district councils to provide the bureaucratic processes and safeguards that will try to balance competing demands and calls for resources across a county the size of Norfolk. Why would anyone want to replace seven district councils with five area committees and over 20 community partnership boards? Each of these would require resourcing, including officer support at both administrative and strategic levels. The latter is particularly important as the ability to manage a delicate political interface between the needs of a geographical area and the corporate direction of the organisation requires some high-level skills. There is no indication in the preliminary financial information that the costs of implementing these structures is adequately accounted for.

2. Not only do these structures recreate existing arrangements, but they are not based on any existing neighbourhood geographies. Currently each district operates sub-district partnerships, under the district LSP, and based on areas that reflect local communities. In many cases these mirror the police's safer neighbourhood areas. Within these structures, contacts, relationships, local knowledge and joint-working cultures are developed. It is because of this that local service improvements and successes in tackling some of the really tough issues are achieved at this very local level. The proposals are all structurally-based and take no account of the fact that successfully tackling important local issues requires people working together. This wealth of experience, good-will and knowledge would be unnecessarily lost through the proposed restructure, a loss that can be avoided by continuing to improve existing arrangements.

In addition, it is important to note the progress made in each district area by councils developing their partnership arrangements. This has provided a focus for the work of a range of locally-based or locally-organised organisations. It is difficult to see how organisations such as the Hospital in King's Lynn, the College of West Anglia or Paston College, will have a voice in these new arrangements. They are certainly not going to be able to resource attendance at half a dozen community boards. But the success of partnership working locally means that in effect council's are operating as a 'virtual unitary' already.

“I agree with the government that improved working is also needed in two-tier areas. And that authorities in these areas need to aspire to operate as ‘virtual’ unitaries...”

Sir Michael Lyons (2007) ‘Lyons Enquiry into Local Government – Final Report’ TSO, Exec Summary Para 71

Many of the key challenges for the areas outside Norwich and Great Yarmouth are effectively ignored in the Boundary Committee report. The impact of climate change and rising sea levels, coastal erosion and fluvial flooding, the geographic scale and character of the rural part of the county, skills shortages, migrant workers, community cohesion, and rural deprivation are largely glossed over or ignored altogether. The silence on these issues reflects the reality of the authors of the original proposals who are wedded to an out dated paradigm of local government as providers of statutory services rather than the dynamic enabling organisation attuned to its local issues and geared up to lead, orchestrate and convene that is essential to the delivery of effective strategic leadership. The models proposed are not in tune with the perspectives and spirit of the Lyons review or the thrust of Government policy.

It is simply not clear how this function will be delivered by a single council or even two councils of the nature proposed by the Boundary Committee. And yet Norfolk’s existing councils already have a track record of success in shaping local places for the future.

“There are significant opportunities to improve the quality & efficiency of services by joint working – either between some of the 388 councils in England, with other local service bodies, or at a regional or national level. We want all local authorities to unlock these potential benefits by delivering more services in collaboration with each other, with other local public service providers and with the private or third sector.”

Local Government White Paper (2006) ‘Strong & Prosperous Communities’ Chapter 7, Para 7.20

The government itself continues to see improved two-tier working as a viable option – the two-tier pilots prove this. In Lincolnshire they have found the particular value of the two-tier system is that it provides a much greater level of local representativeness and accountability than would be possible through a unitary solution based on a large geographic area such as Lincolnshire. Any comparative evaluation of two-tier and unitary models should recognise the importance of democratic vitality.

The Minister for Local Government has recently written in positive terms about progress made in the DCLG 'improved two-tier' pathfinder schemes. The Lincolnshire example provides a particular encouraging indication of what can be achieved by a county and seven districts working together, in a county area with many similarities to Norfolk including an expanding city at its centre, surrounded by a series of largely rural district councils.

So, is there a case for change?

Citizen panel research in Norfolk shows people are currently satisfied with their local district councils. Across the five districts, average satisfaction levels have improved from 56% to 61%. This compares very favourably with satisfaction levels for the County Council. (BVPI 3 – Satisfaction with the Council, change over three year period 2003/04 & 2006/07)

The two-tier system has great strengths and benefits that are highly valued by its citizens and businesses across Norfolk. The clumsy attempts to create 'area committees' and community partnership boards illustrate clearly the need to overcome the fundamental problem created by the sheer size of Norfolk. Norfolk County Council's proposals are an attempt to solve a 'problem' that doesn't exist. There is a much more effective, elegant and cost free way of improving local government in Norfolk and that is to retain and improve the current two-tier system of local government.

SECTION 4 – EVALUATION AGAINST THE SECRETARY OF STATE’S CRITERIA

Criteria 1 – Strong, effective and accountable leadership

“Report after report has affirmed the importance of strong local leadership for building well governed places and creating social cohesion”

Ten Principles of Place, Robert Hill, wiring in ‘The Politics of Place’, Leadership Centre for Local Government

To think that changing the structure of local government will, of itself, lead to stronger leadership is based on wishful thinking rather than evidence. To deliver effective leadership local government structures need to:

- Reflect the economic geography of their area
- Be built upon the distinctiveness of a coherent location
- Have strength and scale to make an impact on the regional and national stage without being so large and diverse that they lack focus and impact locally
- Have a culture and ethos that is dynamic, cross cutting and forward thinking

All three of the draft proposals for Norfolk promoted (or referred to) by the Boundary Committee fail on all counts.

Bad for the economy

“Having considered all this material, it is clear to the secretary of State that the economic realities of an area are a significant factor in strategic leadership”

Secretary of State’s decision letter to Cheshire Council, 18 December 2007

The Boundary Committee’s draft proposal creates a unitary authority which fails to reflect the economic geography of Norfolk. It creates an authority which seeks to incorporate two entirely distinct and competing sub regions. One based on Norwich in the east and the second based on King’s Lynn in the West.

The reality of the two separate sub regions is recognised and reflected in both the Regional Economic Strategy (EEDA) and the Regional Spatial Strategy (EERA). There is little to connect these two sub regions, and there are minimal interdependencies between them and their respective networks of market towns. A structure built upon such a fundamentally unsound basis will inevitably fail to deliver growth and regeneration.

These problems are compounded by the approach taken in Norfolk County Council's proposal document.

- It is overwhelmingly 'Norwich centric' providing for a Norwich Development Board, a major economic body with a very significant budget
- There is no recognition of the need for equivalent arrangements proposed for King's Lynn or Thetford. This approach must be to the detriment of the Kings Lynn sub region.
- It is based upon the entirely incorrect premises repeated a number of times in both the County Council's proposal documents and the Boundary Committee's report that 'Norwich is the economic driver for the whole of Norfolk. This is simply wrong.
- It shows no recognition of the key sectors in the economy beyond the Norwich sub region
- The business community in the west of the County has unanimously condemned this proposal fearing that the Kings Lynn sub-region will be marginalised and down-graded.

The 'Donut' and the 'Wedge' proposals both compound the serious problems identified above by splitting the Norwich economic sub region. These models fly in the face of all current economic thinking concerning the vital role of the 'City Region'.

In order to overcome these self created problems the two authorities would inevitably need to set up bureaucratic 'multi area agreements' in order to try to reconnect Norwich to its economic hinterland.

The proposals both leave the 'remainder Norfolk' authorities with huge geographical area which have no economic coherence or rationale, and which run the risk of marginalising towns and villages in the east of the county.

By its own conservative estimate the County Council admits that unitary status proposals will result in 530 jobs being lost. This will have a significant effect on the local economy.

As the Secretary of State herself said in December 2007, "the more an authority's area matches that economic reality, the more likely that it will be effective in providing the strategic leadership necessary to create prosperity". None of the Boundary Committee's draft proposals even come close to matching Norfolk's economic reality; as a consequence they will inevitably be bad news for Norfolk's economy.

Strategic leadership

Strategic leadership works most effectively where it is built on the distinctiveness, opportunities and strengths of an area. The Boundary Committee report and the underlying concept documents (where they exist at all) do not formulate solid proposals about how the real issues facing Norfolk residents outside of Norwich and Great Yarmouth will be addressed. Passing reference is made to some – but by no means all – of the issues. However, none of the proposed unitary authorities have robust plans to tackle key local issues or offer solutions that that would deliver greater success than that delivered by the County Council and the Districts to date.

The draft proposals fail to build on the distinctiveness, opportunities, strengths and challenges in Norfolk's communities and sub regions. There is little reference to the role and potential of the County's market towns in relation to the Norwich growth agenda. There is no reference to the potential of and issues faced by the County's seaside resorts, scant mention of the sub regional role of King's Lynn and its growth agenda nor of the issues faced by Thetford and its growth agenda, and nothing at all about the rural isolation and economic marginalisation of the fen villages in the west. Each of these areas currently receives and will continue to need tailored, localised solutions to ensure the economic prosperity of Norfolk in the future.

The proposals all seek to incorporate the town of Lowestoft into Norfolk. This is in defiance of the traditions and identity of the people of Lowestoft who strongly identify with Suffolk not Norfolk. This demonstrates all too clearly the insensitive, theoretical, indeed ham fisted approach taken by the Boundary Committee throughout this process.

The 'Donut' and the 'Wedge' proposals are entirely focused upon the needs and aspiration of Norwich, Great Yarmouth and Lowestoft and give no thought or consideration to the rest of Norfolk. As a result – under these proposals – the huge remainder of Norfolk authorities have no identity, coherence or logic.

Scale is important in delivering effective strategic leadership

“While we take no view as to the optimum size of unitary authorities, a county unitary with a population of approximately 800,000 and a large geographical area represents challenges to effective strategic leadership and neighbourhood empowerment”...

BCFE(08)14 'Update on Preliminary considerations for Norfolk structural review' Report to 21st May BC meeting

Norfolk is simply much too big in geographical and population terms. The largest county to be awarded unitary status to date is Cornwall (population: 524,000). In several other counties of similar size, concern has been expressed by DCLG about the risk of such authorities being seen as 'remote' by local citizens. In North Yorkshire, the Secretary of State noted that “due to the large geographic areas involved, there are concerns that a county-wide unitary authority may have difficulties effectively representing its electorate and would be seen as remote by most of its citizens.”

Norfolk would become the largest authority in Britain (in terms of population) after Birmingham. In Cumbria – which has a smaller population than Norfolk but is a similar geographical size – the Secretary of State also recognised that, “due to the large geographic area involved, there are concerns that a county-wide unitary authority may have difficulties effectively representing its electorates.” The Secretary of State also noted that Cumbria would not be capable of providing effective strategic leadership.

With over 900,000 residents Norfolk has twice the population of the sovereign state of Luxembourg and with dimensions of 40 miles from north to south and 70 miles from east to west Norfolk covers an area of over half a million hectares, more than twice the size of Luxembourg.

Norfolk is a county with tremendous economic, social and geographical diversity and complexity. It is faced with a bewildering range of very different and distinct challenges and issues including...

- Urban development in Kings Lynn, Thetford, Norwich
- A declining seaside resort in Great Yarmouth
- The needs of market towns to compete and thrive
- The growth agenda for Norwich, Broadland, South Norfolk, Kings Lynn and Thetford
- Rural economy issues
- Environmental issues and the need to reduce our carbon footprint
- Coastal erosion and fluvial flooding
- Low skill levels and a general skill shortage
- An ageing population
- Poor transport links

This complexity and diversity would present enormous challenges to a single local authority. It would be very difficult to effectively drive forward a comprehensive, focused, place shaping agenda or to overcome the serious economic obstacles faced by Norfolk's many communities. Under the current two-tier system this diversity and complexity is addressed through the locality leadership provided by the Borough and District councils which would be lost under any of the unitary proposals.

Changing the structure will not deliver stronger leadership

"I believe that local government needs to have the dynamics of far reaching reform and new challenges. To work in collaboration, to reflect the realities of housing markets, travel to work areas, supply chain relations and infrastructure needs"

John Healy, Local Government minister, speech to IPPR Conference, 15 May 2008

The Boundary Committee draft proposals provide no confidence that an authority will be established which offers a step change in style or approach to that prevailing in the county council. The proposed structure appears to seek to merely "bolt on" district services to the existing structure.

The current two-tier system as we have demonstrated earlier in this report provides strong and appropriate leadership for the higher level strategic issues at the county level; place and community leadership at the district levels and local/neighbourhood leadership at the town and parish level.

The Boundary Committee's draft proposals attempt to compensate for and replicate the role of the district councils through the creation of area committees, area lead members, and community partnership boards. This approach would actually significantly increase both the distance and the number of layers between the elected leadership and the local resident. This is simply not sensible or accountable leadership.

There is nothing in the Boundary Committee's proposals that gives confidence that vital areas of performance including poor levels of educational attainment (particularly in the west of the county and in some urban areas) will achieve the improvement needed. If anything, launching into a massive and expensive reorganisation of local government has the potential to greatly reduce the focus on service improvement.

Conclusion

The 'Wedge' and the 'Donut' options give so little consideration as to how they might operate in the greater part of Norfolk that there can be little hope that they have anything to offer the majority of Norfolk's citizens.

All three proposals contain such fundamental and basic weaknesses that they will inevitably fail to deliver strong, effective and accountable, strategic leadership to the citizens and communities of Norfolk.

- They fail to reflect the economic reality of the County
- They fail to build on the distinctiveness of the County
- They will fail to deliver the dynamic, cross cutting and forward thinking culture needed
- They propose councils that would be too big, too remote, too complex and too diverse to achieve focused and accountable leadership.

Criteria 2 – Neighbourhood empowerment

“Without local democracy, there is no democracy”

Hazel Blears MP, Secretary of State for Communities and Local Government,
Speech to LGA Conference, ‘Local Democracy in the Twenty-First Century’
3rd July 2008

The County Council’s proposals are highly bureaucratic involving the creation of five scrutiny areas and 21 Community Partnership Boards in addition to Town and Parish Councils and the unitary authority itself. This will increase red tape dramatically.

In an interview with the Local Government Chronicle (24 July 2008) the Chair of the Boundary Committee was asked about concerns that local community boards enjoyed no statutory status or powers and could be modified, neutered or even abolished by a future unitary administration. Mr Caller dismisses this concern saying, “Any new unitary coming in takes its own decisions. I cannot set binding requirements, but if a leadership makes promises on neighbourhood engagement and then fails to deliver, no doubt the electorate will reflect on that.”

The policy objective of improved neighbourhood empowerment underlies much of the content of the recent White Paper (Communities in Control: Real People Real Power) and is reflected in one of the criteria the Boundary Committee is required to address. However, it is clear that the level of localism which the White Paper wishes to facilitate involves much smaller sub-units than the 36,000 population Community Partnership Boards (CPBs) proposed by the county council. It is important that the recommendations made by the Boundary Committee ensure that the development of this localist policy stream is facilitated. It is highly questionable whether a unitary authority of the size and scale proposed could develop effective structures and processes for operating at the required local/neighbourhood level.

The proposals are also bad for the cohesiveness of our communities. Norfolk has experienced significant challenges to local cohesion recently which require a place-sensitive response between all parties involved. The role of existing district councils in being the ‘eyes and ears’ of their communities should not be underestimated. We simply do not see how an organisation of the size proposed would be able to put in place systems that would harness local knowledge and generate and execute a timely and appropriate intervention. The districts currently provide this first line of defence in our communities.

Bad for democracy

“It is my long held belief that local government is the point at which people can best connect with politics. That local democracy is central to strong communities. That local involvement and trust in people is how we make public services respond to people’s needs.”

John Healy, speech to LGA Annual Conference, 2nd July 2008

The 2006 White Paper emphasised the importance of the role of local representative ‘front line’ councillors. They are referred to in the White Paper as ‘the bedrock of local democracy’. The Boundary Committee’s preferred option for Norfolk envisages a reduction in the number of councillors from 406 to a maximum of 120 (and quite possibly fewer) – a 70% decrease. Recent research suggests that the average amount of time councillors spend on their duties has nearly doubled from 52 hours a month in the mid-1960s to 95 hours a month in 2006. Even if the overall workload were not to increase the implication is that each councillor in a unitary Norfolk would be spending 320 hours a month – or 75 hours a week - on council business.

Each councillor in the new proposed unitary authority will represent many thousands of constituents and will certainly not know their constituents in the way that they do now.

Much power will reside in the hands of very few people who could live more than 60 miles from the areas they are making decisions about. The governance structures proposed do not engage imaginatively with residents’ perspectives beyond bland statements of intent such as wanting to ‘break down the barriers between ordinary folk and public services’.

Almost all of the references to community governance are framed within the context of public services and what they can or cannot do for communities. Rarely is mention made of what communities can do for themselves as contributors when they play the part of a full partner, demonstrating a failure to understand the concept of community governance at a meaningful level. The proposals cannot therefore be seen to address the neighbourhood empowerment criteria.

Creating a more participatory democracy requires a healthy representative democracy at local level. The Boundary Committee’s proposals would involve a ratio of citizen to councillor of almost 7600 to 1. This would be highest in England and would be unworkable without a substantial number of paid support officers.

“It is at the local level, in the places where people live, that they have much of their personal contact with public services and most opportunity to share in their governance. Place still plays a significant part in most people’s identity and, even in a more mobile age, many people who move do so within a small geographical area. Experiments can be piloted locally, fitted to a recognition and celebration of the fact that places differ profoundly from each other. So, linking people more securely and confidently with the governance of their own communities at a local level is a key part of the wider governance infrastructure of which local government is an integral part.”

‘Representing the Future’ The Report of the Councillors’ Commission (DCLG) December 2007

We argue that Norfolk County Council’s analysis is very confusing when one of the government’s stated reasons for unitary status is to reduce confusion and complexity. The approach shows no understanding of the issues in a large rural area. A new unitary leadership is not necessarily going to be the same as the outgoing county council leadership and would not, therefore, be bound by previous commitments. It is clear, therefore, that any proposals at this stage are just words uttered to meet a “criteria” with no real impact or meaning.

Criteria 3 – Affordability

“One of the main rationales for centralisation was the claim that there are economies of scale in service delivery. Surprisingly, however, there is no evidence for economies of scale in the main services that have been centralised, and the only detailed analyses that have been done show very few, if any, economies of scale above the very smallest district councils.”

Mulgan, G and Bury, F (2006) 'Local Government and the case for double devolution', in 'Double Devolution' Ed Geoff Mulgan & Fran Bury, The Smith Institute

We have very serious reservations concerning the available financial estimates. The financial information relating to the Boundary Committee's three proposals was only made available to us on 15th September 2008. Furthermore the information and assumptions on the Norwich, Lowestoft, and Great Yarmouth authority have been produced by Norfolk County Council without input from Great Yarmouth Borough Council, the authority that has been leading on this model.

The assumptions made for the 'rest of Norfolk' unitary for the 'Wedge' and 'Donut' models appear to be a relatively crude scaling back of the single county financial projections.

In light of the complexity and importance of the proposals presented we are not prepared to make premature comments on the figures and will therefore make no comment until we have had adequate time to fully assess the assumptions which lie behind the figures and to robustly test and examine the headline figures presented to us.

Our initial impression is that the scale of the savings appears to be overstated and the costs of transition are under estimated. We believe there is a serious risk that the proposals may jeopardise the financial stability of future service delivery.

In particular, we have concerns over the two other options published by the Boundary Committee. These can be summarised as follows:

The 'Wedge'

- We doubt that the Wedge Authority would be able to generate savings from current district-based services as there would be great pressure not to lose jobs from each of the three deprived areas. We do not believe that assets could be easily rationalised. The same applies to the residual unitary authority for the rest of the county.
- Given the Government's requirement to repay transitional costs within five years and the issues, such as low levels of educational attainment, crime and disorder, economic deprivation that will be priorities for the new Council, there is every likelihood that discretionary services would be reduced or cease altogether.

The 'Donut'

- The 'Rest of Norfolk' Council would be larger than any existing unitary council anywhere in England with a sparse population leading to high service delivery costs.
- Given the Government's requirement to repay transitional costs within five years and the issues, such as low levels of educational attainment, crime and disorder, economic deprivation that will be priorities for the new Council, there is every likelihood that discretionary services would be reduced or cease altogether.

In general terms we feel the financial assumptions have many shortcomings for example the apparent lack of understanding of existing budgetary pressures and constraints within district councils, the ongoing requirement to meet efficiency targets, the possible double counting of efficiency gains and a complete under-estimate of the costs and resourcing requirements to deliver the localisation agenda.

Criteria 4 – Broad cross section of support

“...we could not recommend (to the Secretary of State) something that might be really good for one area, but not for the whole county. Any pattern that worked really well for 80% of the population but not for the other 20% would have been a failure”

LGC Interview with Max Caller, Chair, Boundary Committee, 24th July 2008

The Boundary Committee has presented proposals for consultation, the preferred proposal, together with the proposals widely referred to as the ‘Wedge’ and the ‘Donut’. None of these proposals have attracted a significant level, or broad cross section, of support.

The Boundary Committee’s own consultation has been quite deliberately restrictive and limited. Furthermore, the entire consultation exercise has been conducted without the consultees having available to them verified financial information concerning the Boundary Committee’s draft proposals. In our view this consultation process has been fundamentally flawed.

It is abundantly clear there is little support across Norfolk for any of the unitary proposals considered by the Boundary Committee. Consequently we urge the Committee to make a clear and unequivocal decision that it is unable to recommend any unitary authority option for Norfolk.

The district councils in Norfolk have conducted their own qualitative research locally involving key opinion formers, including business leaders, voluntary organisations, Town and Parish Councils, professional bodies and sector specific groups.

The key messages articulated by these groups are summarised below.

Reaction to the single county unitary (plus Lowestoft)...

Focus group participants were:

- Consistently opposed to this model
- Regarded it almost universally as too big and too remote
- Bemused that there is no rational or business case to justify the proposed upheaval
- Very concerned about the impact of the transition period whilst change is made on service delivery and key economic regeneration projects
- Consistent in strongly articulating their preference for the two tier system
- Concerned at the likely trend towards centralisation in Norwich and subsequent neglect of rural issues
- Angry (particularly the business community) that the proposals fail to reflect the economic (and social) realities of Norfolk

Reaction to the 'Donut'...

Focus group participants were:

- Overwhelming opposed to this model
- Concerned that the Council for the rest of Norfolk retains all the disadvantages of the single county unitary but with a lower population base
- Concerned (especially the business community) that this model fails to reflect the economic reality of Norfolk
- Consistent in seeing this model as too big and too remote
- Unconvinced of the need for change

In addition there was very strong opposition from residents of those areas identified for incorporation into Greater Norwich.

The 'Wedge'...

Focus group participants were:

- Generally of the view that this model was unbalanced with one large centre of population at the extreme western edge
- Concerned that the council for the rest of Norfolk was lacking in coherence, vision and focus
- Of the view that the 'Wedge' was a 'fix' for poorly performing councils
- Of the view that the remainder of Norfolk council was still too big and too remote with no natural administrative centre
- Concerned (especially the business community) that this model fails to reflect the economic reality of Norfolk
- Concerned that resources would be focused on the 'Wedge' authority at the expense of the rest of Norfolk

It is clear from these responses that there is a strong and consistently held view across rural Norfolk that none of the unitary options are considered acceptable and that all are felt to be inferior to the current two-tier arrangements.

Responses posted on the Boundary Committee website

We have analysed the responses posted onto the Boundary Committee website up to 18 September 2008. These are summarised in the tables below. It is clear that while there is no broad cross section of support for any of the options tabled by the Boundary Committee there is a broad cross section of support for the existing two-tier local government arrangements.

| Overall totals | Responses | % of total |
|---------------------------|------------------|-------------------|
| Pro two-tier working | 366 | 57.6 |
| Pro single county unitary | 126 | 19.8 |
| Pro 'Wedge' | 9 | 1.4 |
| Pro 'Donut' | 40 | 6.3 |
| Pro East / West | 26 | 4.1 |
| Pro Norwich City | 10 | 1.6 |
| Pro other | 58 | 9.1 |
| TOTAL | 635 | 100.0 |

| Categorisation | Responses | % of total |
|-----------------------|------------------|-------------------|
| Local Organisations | 17 | 2.7 |
| Residents | 230 | 36.2 |
| Online | 361 | 56.9 |
| Political Groups | 3 | 0.5 |
| Parish/Town Councils | 24 | 3.8 |
| TOTAL | 635 | 100.0 |

With less than one in five respondents supporting the Boundary Committee's draft proposal and three times as many people supporting two-tier working (an option that was not even put to them!) it would simply be untrue to suggest there is any sense of broad cross sectional support.

Political opposition to the Boundary Committee's draft proposals

While Norfolk County Council is the proponent of the Boundary Committee's preferred draft proposal, the council has, nonetheless, made its preference for the existing two-tier arrangements clear. At its Council meeting on 15 September 2008 members voted overwhelmingly to pass the following resolution by 42 votes to 20.

- 1. The County strongly opposes the need for the Boundary Committee review of arrangements in Norfolk and the procedure adopted. The existing two and three tier structure is entirely adequate for the task of responding to the needs of Norfolk residents. Retaining the status quo should have been included as an option.**
- 2. Any further efficiency would be better achieved and local democracy & accountability better preserved by joint working between the existing authorities on the basis of the Norfolk shared services model.**
- 3. The territorial integrity of the counties of Norfolk & Suffolk should be preserved.**

4. Any final proposal which involves a change to the status quo should not be implemented without being put to a vote by the government for people of Norfolk.
5. Of the options put forward by the Boundary Committee we believe the single county option (without Lowestoft) to be preferable for the reasons set out in the report but this does not detract from our main contention that no change is necessary.

All of the eight District Councils in Norfolk plus Waveney are uniformly opposed to the Boundary Committee's preferred draft proposal with just one council supporting the 'Wedge' and one the 'Donut'. Seven of the eight Councils have expressed a clear preference for the status quo.

Norfolk's Town & Parish Councils are almost uniformly opposed to the three proposed models:

| Parish & Town Councils | |
|-----------------------------------|-----------|
| Pro status quo | 17 |
| Pro single county unitary | 2 |
| Pro wedge | 0 |
| Pro donut | 0 |
| Pro East / West | 1 |
| Pro Norwich City | 0 |
| Pro other | 4 |
| TOTAL | 24 |

All of Norfolk Members of Parliament are opposed to the single county unitary proposal preferred by the Boundary Committee and an overwhelming majority are also opposed to both the 'Wedge' and the 'Donut' proposals.

Conclusion

None of the Boundary Committee's proposals have a broad cross section of support and consequently should be rejected.

In 1994 Sir John Banham said, "It is clear that there is overwhelming support for the retention of the existing two-tier structure of county and district councils." Nothing has changed since then. It is clear that today there is still overwhelming support for the retention of the existing two-tier structure of county and district councils.

Put simply there is no clamour for change in Norfolk and no need for change.

Criteria 5 – Value for money

“In the 1960’s and 1970s local government was reorganised in a way that gave priority to the alleged efficiency gains of operating on a larger scale. Strategic local government did not emerge but rather larger units, more susceptible to control by managers and professionals, were created. Moreover, in the creation of larger units, local government lost touch with people’s felt sense of community”

Prof Gerry Stoker (2006) ‘New Roles & Structures for Local Government’, in ‘Double Devolution’ Ed Geoff Mulgan & Fran Bury, the Smith Institute

The proposals are bad for council tax payers

By effectively working together Norfolk’s district councils and county council already have lower costs per head of population and per household than unitary authorities with an equivalent population and rural/urban mix. The waste collection and disposal service is a good example. Waste collection is currently dealt with by seven District Councils and waste disposal is dealt with by the County Council. But on both a “per head” and “per household” basis costs are actually below those of equivalent unitary authorities.

It is not clear how the new unitary authority proposes to prioritise spending between different areas but what little guidance is contained in the County Council’s proposal suggests that resources will be directed into the current Norwich City area. In addition we believe the county council has underestimated the real transition costs as has happened with other unitary authorities notably Northumberland.

The County Council claims there will be a number of savings but these are simply “guesstimates”. Savings are seen as flowing primarily from the removal of duplication at district council level. But, of course, over 80% of local government services by value are delivered by the county. We are bound to ask... if the County Council has found a way of making dramatic savings why not make them right now. After all, the county controls the lion’s share of the budget.

In addition the district councils are considerably leaner than county and have a better record at controlling costs and keeping down council tax. Even if there were some short term savings the prevailing culture at Norfolk County Council would see a rapid erosion of such savings as their addiction to the maximum permitted annual council tax increase would be unlikely to change.

Furthermore the proposed Norfolk County Council structure for the new authority is not transformational but instead based on a ‘bolt on’ approach to the council’s current structure.

With five Area Communities, 21 Community Partnership Boards, PAs, and case workers for over-stretched councillors etc. etc. costs are bound to rise inexorably.

The proposals are bad for services

“The past experience of reorganisation in this country provides a warning about the risks of poorly executed change, and shows that it is by no means a panacea”

Sir Michael Lyons (2007) ‘Lyons Inquiry into Local Government – Final Report’ TSO, Exec Summary Para 70

These proposals will involve severe service disruption. They will involve a “levelling down” of local services. For example, West Norfolk will lose its weekly bin service if this service is standardised as is suggested in the single County proposal. Services will not be tailored to local needs or delivered locally, particularly discretionary services. Local initiatives will come under inevitable threat. Voluntary sector funding will face stringent cuts. All this in a county with more people aged over 60 than any other age group, where 20% of the local population is aged over 65 and 10% is aged over 75. Many of these people are in special need of local services.

“The size and rurality of the county pose significant challenges to the County Council for transport and service delivery”

Corporate Peer Review – Visit to Norfolk County Council (May 2007) IDeA [para 12]

The current differences in the nature and levels of services provided by different districts reflects the preferences of local people and awareness of and sensitivity to local issues. The responsiveness of districts to those preferences both in terms of the nature and level of service and the level of council tax they are willing to pay is an important element of local governance and service delivery in an area the size of Norfolk.

“Overall, international comparisons against a range of measures including competitiveness, improved public services and participation in local democracy suggest that centralised governance is often associated with poorer performance and decentralisation with better performance.”

Young Foundation (2006) ‘Neighbourhood Involvement in Public Service Delivery’

SECTION 5 – SUMMARY & CONCLUSIONS

“Whilst this reorganisation process is ours, the proposals are not. All the proposals for change are yours, which makes this local government reorganisation and restructuring different from previous ones. It’s not imposed by the government, it’s proposed by councils.”

John Healey, Speaking at an IDeA Seminar, September 2007, before imposing the process on seven Norfolk Councils that didn’t ask for it

We contend that the reasoning behind the Boundary Committee’s preferred option – a unitary Norfolk with Lowestoft added – is fundamentally flawed for several reasons:

- It ignores the implications of other relevant elements of government policy – notably neighbourhood empowerment, place shaping, and the advocacy of enhanced roles for councillors – all of which should have been taken into account
- It ignores the implications of the government’s response to the bids for unitary status made in the 2006-2008 period – in particular the basis for its rejection of the bids from North Yorkshire, Cheshire and Cumbria – and its acceptance of the bid from Bedford
- It seeks to justify the ‘unitary Norfolk’ proposal on the grounds that the influence of Norwich extends well beyond the City’s proposed boundaries and encompasses the whole of Norfolk and beyond. It offers no evidence to justify this assertion, which is in fact contradicted by journey-to-work evidence and other data
- The argument that an authority the size of the unitary Norfolk plus Lowestoft can incorporate a significant degree of devolution to local communities is unconvincing, and does not constitute an adequate response to the government’s localism agenda as set out in the recently-published White Paper
- It fails to explain or justify why the preferred option for Norfolk is so fundamentally different from the preferred option for Suffolk
- It makes no attempt to assess the preferred options against the potential benefits of an improved two-tier system in Norfolk
- We believe that the intellectual rigour which might reasonably be expected to support important constitutional change is frankly absent from the Boundary Committee’s draft proposals for Norfolk. Specifically there is:
 - A notable absence of any material on affordability and ‘value for money’ which renders a meaningful comparative evaluation of options impossible
 - A perception of Norfolk as a de facto Greater Norwich, which is asserted rather than demonstrated through the use of relevant evidence
 - A failure to justify the different ‘preferred options’ for Norfolk and Suffolk
 - An almost total reliance on the speculative submission from Norfolk County Council, with scant regard for the demonstrable limitations of credibility in this submission
 - An inability to identify and critically evaluate the feasibility of introducing genuine ‘neighbourhood empowerment’ in a large diverse county area

- The current proposals in the Boundary Committee’s report would, if implemented, set a precedent for a local government structure in the shire areas with profound differences from the current system elsewhere in England. There would be a vast reduction in the number of councillors. A large number of local communities with strong identities would lose any form of democratic identity. If replicated across the country we would be moving even further away from the local government structures which exist throughout Europe. This would be a change of profound constitutional significance which cannot be allowed to develop without a much fuller consideration of the implications than is provided by the Boundary Committee’s current approach.
- We believe that the two alternative proposals referred to by the Boundary Committee are also fatally flawed, as explained in the appendices to this report.

The conclusion we draw is that the Boundary Committee should not feel obliged to recommend a unitary option given that such an option would not be a demonstrable improvement on an improved two-tier system in Norfolk. The Boundary Committee’s contention that “the status-quo would only result if we were unable to identify any unitary pattern that meets the criteria on the Secretary of State’s guidance” is unnecessarily restrictive.

In summary, our key arguments against the Boundary Committee’s draft alternative proposal are that the options reported on the 7th July are:

- **high risk (and an avoidable risk)**
- **bad for democracy – reducing the number of directly elected councillors by nearly three-quarters**
- **bad for the economy and economic regeneration of our places, in a time of global economic uncertainty**
- **bad for council tax payers, the very people who will pay the cost of change have not been actively consulted on these proposals and haven’t asked for them**
- **bad for local services, increased remoteness of decision-making and commissioning taking services further away from the people who rely on them²**
- **bad for communities who rely on local champions to ensure that places develop in a way that suits local needs**

² In the absence of any detail within the Boundary Committee report we are reliant on published County Council work to date

Appendix One

The Boundary Committee Draft Proposals for Unitary Local Government in Norfolk

A Critical Analysis

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Introduction

The Boundary Committee's draft proposals for unitary local government in Norfolk (and Suffolk) and the assumptions and arguments which underpin them are fundamentally flawed for a number of reasons, summarised below and subsequently elaborated in the remainder of this report.

The draft proposals are developed **in isolation from a consideration of relevant government policy** (beyond the narrow remit provided in its brief) and without **reference to their compatibility with the structure of local government in the remainder of England.**

There are a number of **major inconsistencies between the draft proposals and the decisions made by DCLG** regarding the 16 proposals for unitary status (November 2007) and the justification made for them.

The **intellectual basis for the draft proposals is weak.** No serious attempt is made to compare viable options, or to justify key assertions made, on the basis of evidence. The report is virtually evidence-free.

There is a **failure to adequately recognise the speculative nature of the submissions made by interested parties** (particularly the submission from Norfolk CC) and to recognise the impossibility of ensuring the implementation of the proposals involved.

The concept of '**neighbourhood empowerment**' is dealt with a degree of **vagueness and imprecision which precludes a realistic assessment of the feasibility of its achievement** in the various options identified.

There is no attempt to **compare** the merits of any of **the unitary** options recommended **with the potential of an improved two-tier system** to deliver the five objectives/criteria identified.

In conclusion the draft proposals and the way they have been justified **do not provide an adequate or acceptable basis for the public consultation process which is currently in progress**, nor for any recommendation which is subsequently made by the Boundary Committee.

The justification for these conclusions is set out in subsequent sections of this critique. The first section identifies key aspects of the policy context of the Boundary Committee's brief which have been ignored or marginalised. The second section summarises the conclusions reached by DCLG (and the justifications for them) in their November 2007 decisions letters, which are relevant to the Norfolk context. The third section highlights the inconsistencies and lack of crucial evidence in the Boundary Committee's 'Draft Proposals' report. The fourth and fifth sections single out and discuss two particular areas of concern in this draft report; the BCs reliance on the submission provided by Norfolk CC (which is itself subject to a critical analysis) and the unconvincing way in which 'neighbourhood empowerment' is defined and evaluated. In the sixth section the lack of any comparative evaluation of unitary structure with an (improved) two-tier system is identified and challenged. Finally there is a short conclusions section which summarises the main shortcomings of the 'draft proposals' report and the process which has underpinned it.

Lack of consideration of relevant context

The brief provided to the BC by DCLG ('Request to the Boundary Committee to Advise') is the logical starting point for any evaluation of alternative options. However the brief is a relative narrow one, in two important respects:

It does not discuss the compatibility (or otherwise) with the existing local government structure in England of any proposals the BC might make, for the three counties it has been asked to review.

It does not identify certain relevant aspects of government policy which have a clear relevance to local government structure

In our view, these are important considerations which we would expect a professional formulation and comparative review of options to take into account. There is as yet no evidence that this has happened.

The Local Government map of England

The current territorial structure of local government in England is a mess. It contains a host of inconsistencies, resulting from a series of ill-advised government interventions (the ultimately abortive organic change initiative in 1978; the abolition of the GLC and metropolitan county councils in 1986; the outcome of the Banham and Cooksey Commission (1996-97); and the recent DCLG 'unitary authorities' initiative (2007)).

All these initiatives were partial reorganisations, and demonstrated scant regard for the wider and longer-term implications of the proposals which were made for local government structure in England. The Boundary Committee have the opportunity to learn from these shortcomings, and consider the broader implications of its proposals.

In so far as there is an identifiable trend in these initiatives, it can be characterised as a 'drift towards unitary authorities'. But this has been a partial and disjointed process, with at no stage a clear acceptance by any government (or commission) that unitary local government is the best option, nor any decisive evidence produced to demonstrate that this is so. For example:

In 1994-95, the Banham Committee having considered a wide range of evidence (including public opinion and community identity) concluded that a change to unitary structures could not be justified in 34 of the 39 counties it reviewed. A total of only 30 new unitary authorities were created as a result of this process. In 2000, the Labour government re-introduced a Greater London authority (the GLA), and in doing so, a two-tier system of local government in London. It would not appear, therefore, that 'public confusion' or 'multiple levels of leadership' were seen as serious impediments to this eminently sensible policy initiative.

The 2006 White Paper and the 2007 Local Government Act, whilst falling short of recommending the re-introduction of the six metropolitan counties, clearly recognised the need for strategic leadership and joint action in these areas. In fact the logical conclusion to be drawn from the analysis in the White Paper was that metropolitan-wide authorities (similar to the GLA) would be beneficial.

The 2006 initiative (following the White Paper) which invited bids for unitary options also invited bids for improved two-tier arrangements. This demonstrates that the government is (or was then) open-minded about the respective merits of unitary and two-tier systems.

The conclusion we would draw is that the BC should not feel obliged to recommend a unitary option, unless it is convinced that such an option would be a demonstrable improvement on an (improved) two-tier system in Norfolk. The BC's position that 'the status-quo would only result if we were unable to identify any unitary pattern that meets the criteria on the Secretary of State's guidance' (p 9) is unnecessarily restrictive. Given the vagueness of the criteria, and the subjectivity inherent in applying them it would be surprising if the BC were unable to identify one or more such 'unitary patterns'. A much more rigorous test in the light of the uncertainty around the respective merits of unitary and two-tier systems would be a requirement to demonstrate that the option(s) identified are on balance likely to prove superior to the status-quo (this issue is re-visited in Section (6)).

In relation to the existing local government map of England, the BC should seriously consider the future implications of the proposals it is making. If the BC's preferred option were to be implemented, then....

Norwich would become the only sizeable city in England not to have its own democratic identity and hence a major influence on its own future. The unitary

status enjoyed by places such as Torbay, Slough, Thurrock, Bracknell Forest and Rutland would be totally incongruous if Norwich (as it exists or on extended boundaries) were not to enjoy equivalent status.

The largest county-based unitary authority outside Birmingham would be established, with a population greatly in excess of any of the unitary counties introduced following the DCLG's 2007 exercise. If a unitary Norfolk is a good idea, why not a unitary Lancashire, Hampshire, Essex or Kent?

The 'preferred option' would raise issues about the viability of a range of existing counties where the main city or town operates as a unitary authority within a wider two-tier system. If the de facto boundary of Greater Norwich is Norfolk, it is not at all unlikely that a similar conclusion would apply to Leicester/Leicestershire, Nottingham/Nottinghamshire and Stoke-on-Trent/Staffordshire.

It would certainly challenge the appropriateness of the group of unitary authorities around Bristol, Middlesbrough and Kingston-upon-Hull. The logical implication would be the return (in some form) of Avon, Cleveland and Humberside respectively as unitary authorities, a proposition which is not likely to appeal to the current (or any?) government!

The implications for the number of elected councillors in England would be devastating. The 'preferred options' for Norfolk would imply a 70% cut in Norfolk. Apply this kind of reduction more generally and there is an outcome totally out-of-line with the government's commitment to enhanced/strengthened roles for local councillors, especially those at the front line (see below for further discussion of this point).

The general point is that the preferred options in Norfolk (and Devon) would have a profoundly destabilising influence on the local government map of England. It would heap inconsistency upon inconsistency. It is difficult to believe that the government would welcome this kind of outcome. But it would follow logically from the 'preferred options' currently on the table.

Government policy context

There are three features of government policy which, whilst not necessarily referred to explicitly in the brief provided to the BC, have a clear relevance for the process of developing options, and which should therefore be explicitly addressed by the BC.

An enhanced role for local councillors

The 2006 White Paper emphasised the importance of the role of local representative 'front line' councillors. They are referred to as 'the bedrock of local democracy'. The White Paper (and the 2007 Local Government Act which implemented it) sought to strengthen and widen their role in a range of different ways including (local) community leadership and advocacy and involvement in a strengthened overview and scrutiny system. The average amount of time councillors spend on their duties has nearly doubled from 52 hours a month (1964, Maud Committee) to 95 hours a month in 2006 (IdeA/LGA/LEAR 2007) – and that was before the 'strengthened role' provisions came in.

The 'preferred option' for Norfolk envisages a reduction in the number of councillors from 406 to 120 (Norfolk CC submission) – a 70% decrease. The resulting ratio of electors to councillors would be much higher than in any existing or planned unitary authority. Even if the overall workload were not to increase (despite the expectations involved in the 2007 Act) the implication is that the workload demands on councillors in a unitary Norfolk would be formidable.

The White Paper also includes a commendable objective to improve the representativeness of the overall body of councillors in England to give a more balanced age/sex/ethnicity profile. In the jostling for nomination amongst existing councillors for the greatly reduced number of positions, it is likely to be the experienced councillors, who are well-established within their local parties, that win out in any competition with younger less experienced would-be candidates.

The importance of place-shaping

In the otherwise unjustly-neglected report by Sir Michael Lyons (National prosperity, local choice and civic engagement, 2006) one concept has been adopted and widely-used by the government – that of ‘place shaping’. The BC report also makes several references to it. It is an idea with continuing relevance on the policy agenda.

As a close reading of Sir Michael’s report demonstrates, the idea of place-shaping has a much greater potential if it is applied to places which have real meaning for local residents. MORI research over the years has shown that the strongest levels of community identity are with villages, neighbourhoods and towns rather than local authority areas of county or district scale.

The impact of the BC’s preferred option in Norfolk would be eliminate at a stroke a number of local authorities which are centred on ‘real places’ and which have a legitimate lead role in place-shaping, in particular Norwich, Great Yarmouth and Kings Lynn. The prospect of a large county such as Norfolk taking the lead in the ‘place shaping’ of Norfolk, Great Yarmouth and Kings Lynn seems wholly incompatible with the spirit of the concept place-shaping.

The importance of neighbourhood empowerment and civic engagement

This policy objective underlies much of the content of the recent White Paper (Communities in Control: Real People Real Power) and is reflected in one of the criteria the BC is required to incorporate. However it is clear that the level of localism which the White Paper wishes to facilitate involves much smaller sub-units than the 36,000 population Community Partnership Boards (CPBs) proposed by the county council. It is important that the recommendations made by the BC ensure that the development of this localist policy stream is facilitated. It is highly questionable whether a unitary authority of the size and scale proposed could develop effective structures and processes for operating at the required local/neighbourhood level. (See Section 5). The proposals in the White Paper are aimed at extending the rights and powers of local people to influence the future of their own localities. The proposals for a unitary county appear to pull in the opposite direction – there would be less local accountability and less democratic representation.*

The various points made in the section about the wider implications of the BCs proposals for local government structure in England, and the importance of reflecting government priorities (even where they have not been highlighted in the BC's brief) illustrate the importance of the Committee understanding and taking into account this wider context. There is still time for it to do so.

* The Community Partnership Boards proposed by Norfolk CC would not be democratically representative

Inconsistency of BC draft proposals with November 2007 DCLG decisions

The criteria which DCLG applied to the 26 bids for unitary status which they received in March 2007 are almost identical to those set out in the brief provided by the Department to the Boundary Committee, in relation to its work in Norfolk, Suffolk and Devon ('Request to Boundary Committee to Advise' February 2008). It might therefore be anticipated that the Boundary Committee would pay due regard to the conclusions reached by DCLG, in this earlier process of applying the same criteria.

There is in fact no evidence that Boundary Committee (BC) have done so. In particular, there is no indication in the draft proposals that it is aware of the DCLG's reservations about large unitary authorities, the hypothetical nature and/or complexity of the devolution arrangements proposed in some cases, nor the economic diversity perceived in some of the county areas involved. There is surely an onus on the BC to compare its proposals, and the justifications for them, with the earlier judgements made by DCLG. It may reach different conclusions, but it would certainly need to justify them, if it did so.

Set down below are the conclusions reached by DCLG in July 2007 which have relevance to Norfolk.

Size issues

The largest county awarded unitary status by DCLG was Cornwall (524,000). In several other counties of equivalent (or greater) size, concern was expressed by the DCLG about the possibility of unitary authorities of this size – particularly where they were also of large scale geographically – being seen as 'remote' by their citizens.

In North Yorkshire, the Secretary of State 'was aware that due to the large geographic areas involved, there are concerns that a county-wide unitary authority may have difficulties effectively representing its electorate and would be seen as remote by most of its citizens' (decision letter 25 July 2007).

In addition...

'The neighbourhood arrangements that are being proposed to mitigate the effects of size are so complicated – operating at a number of spatial levels – that there is a risk that they will prove unworkable' (ibid).

North Yorkshire's population (580,000) is significantly less than that of the preferred option in Norfolk (868,000). Its geographic area is smaller, but comparable in scale (803 hectares c.f. 537 hectares). The complexity of the devolution arrangements proposed by Norfolk CC are certainly no less than those proposed by North Yorkshire CC (see Appendix B of the Norfolk CC submission).

For the two reasons set out above, North Yorkshire was judged not to meet the criterion of 'neighbourhood flexibility and empowerment'. Yet in the draft proposals for Norfolk, there has been no consideration of such potential problems.

In Cumbria CC (population 495,000; area 681,000 hectares) the Secretary of State also recognised 'that, due to the large geographic area involved, there are concerns that a county-wide unitary authority may have difficulties effectively representing its electorates'. (Decision letter, July 25 2007). Of particular significance is her view that Cumbria would not be capable of providing effective strategic leadership.

'She notes that Cumbria is unique geographically, and that East/West links are very poor. She recognises that significant differences in history and economy between the coastal parts of the county, the rural southern area and the northern part of the county' (ibid).

With a few minor adjustments, she could have been writing about Norfolk! The Cumbria bid was deemed not to meet the criterion of 'strong, effective and accountable strategic leadership', for the reasons set out above. Again, the BC's draft proposals for Norfolk

demonstrate no awareness that there is even an issue to consider, in circumstances which are distinctly similar to Cumbria.

In turning down the bid for unitary Cheshire (population size 680,000) in favour of an East/West split, the Secretary of State's decision letter contained the following significant passages:

'The Secretary of State took the view that a single unitary authority would be too big, and there were risks that the authority would be seen as remote by local people and hence less able to deliver neighbourhood empowerment'.

'She also noted that a single unitary authority would not reflect the economic reality that many consultees perceive splits Cheshire between East and West, and hence be less able to provide strategic leadership'.

Her views on the neighbourhood arrangements proposed by the county are of particular relevance in the Norfolk context.

'The Secretary of State has considered carefully the information you have put forward about your neighbourhood arrangements. She accepts that what is proposed is imaginative and interesting, but considers that these proposals are largely theoretical. She notes this contrasts with the proposed neighbourhood arrangements in the two unitary options, which builds on current experience developed by district councils on the ground'

If Cheshire was perceived as being 'too big' to deliver neighbourhood empowerment, does this conclusion not apply more so to Norfolk? Are the concerns about the economic diversity of Cheshire not equally relevant to Norfolk? And the 'theoretical nature' of Norfolk CC devolution proposals are equally apparent as in the Cheshire case. There is no track record of devolution to local communities by Norfolk CC. The District Councils have a much more impressive track record in this respect implementing neighbourhood charters in Kings Lynn, devolving budgets to community partnerships and running neighbourhood management schemes.

In summary, the unitary bids from Cheshire, Cumbria and North Yorkshire – all with significantly smaller populations than Norfolk – were rejected on the grounds of size, remoteness, economic diversity and the complexity (or theoretical nature) of their devolution proposals, leading to perceptions that the criteria of strategic leadership and/or neighbourhood empowerment could not be met. The BC should explain why the same conclusions are not appropriate for a much bigger county (in population terms), with similar characteristics to the three whose bids were rejected. The need for such a justification in these circumstances, is equally applicable to the two other (two unitary) options identified for consultation, both of which include large unitary county-based authorities (in one case (pattern B) significantly larger than any unitary county so far established in the other (pattern A) of equivalent size to the largest designated unitary county).

The intellectual limitations of the case set out in the draft proposals

The intellectual rigour which one might reasonably expect from a body charged with recommending an important constitutional change is worryingly absent in the way in which the draft proposals in Norfolk have been developed and justified. The following major shortcomings can be identified.

No justification for short-listing certain of the proposals submitted, but not others, a shortcoming linked to

.....the omission, at this crucial stage of any material on affordability and 'value for money' which renders a meaningful comparative evaluation of options (including the options which are discounted at this stage) impossible.

A perception of Norfolk as a de facto Greater Norwich, which is asserted rather than demonstrated through the use of relevant evidence.

A failure to justify the different 'preferred options' for Norfolk and Suffolk.

A failure to explain the illogicalities of proposing one county unitary as the preferred option in Norfolk (with two as 'alternative patterns'), whilst two unitary authorities are the preferred option in Suffolk (with one as an alternative pattern).

An over-reliance on the submission of Norfolk CC, with scant awareness of the limitations of credibility in submissions from interested parties.

An inability to identify and critically evaluate the feasibility of introducing genuine 'neighbourhood empowerment' in a large diverse county area.

The final two issues are dealt with in Sections 4 and 5 below. In this section the first five issues are discussed, together with a range of more detailed shortcomings in the proposals document.

The process of short-listing and the omission of key criteria

The BC received seven proposals – or ‘concepts’ as it called them – which are summarised on p 23-6 of the Draft Proposals document.* The number of unitary authorities proposed varied from one to four. Only one included Waveney/Lowestoft. The others covered the existing county of Norfolk.

None of the proposals was, on the face of it, incompatible with the BC’s guidelines or with recent decisions on unitary authorities made by DCLG. As the BC acknowledges (p 9) ‘size is not a factor that appears in the Secretary of State’s guidance to us’. It goes on to add ‘we have no fixed view about the optimum size of the unitary authority. The DCLG designated two unitary authorities in Bedfordshire of 153,000 and 241,000 respectively. The average size of authorities in the ‘four unitary’ proposals in Norfolk is between 205,000 and 235,000 (depending on the option). The average size of the unitary authorities proposed in the City/Coastal/Rural proposal is 265,000, which is a figure close to the population of Northumberland, Shropshire and West Cheshire. There is clearly no basis for excluding any of the options presented on the basis of the size of the authorities proposed.

Yet in Norfolk - - and indeed in Devon – the BC’s preferred options have been for unitary authorities of a size and scale unprecedented elsewhere in England. A unitary Norfolk (plus Lowestoft) would have a population of 868,000, second only to Birmingham, and which, with the rate of growth anticipated, would approach Birmingham’s population in the medium term. (A unitary Devon would have a population of 704,000).

It is by no means clear how the BC has reached this position. Indeed one of the major shortcomings of the prioritisation process is that very little is recorded about the arguments set out by the authorities submitting proposals, apart from those from Norfolk CC, which are referred to copiously.

* There were a handful of other options identified (pp 26-27), which were not further considered.

The March 2007 DCLG decision letters, which allowed 16 proposals to proceed to consultation whilst eliminating a further 10, whatever their limitations, did at least evaluate each proposal against the five criteria identified, and thus provided a rationale for the selection process which could be assessed by those seeking to understand the outcomes. No such process is carried out by the BC in Norfolk. Any choice between alternative proposals in a process embracing five criteria will necessarily involve a trade off between the perceived capacity of the alternatives to meet the criteria (for example witness the contortions involved in the DCLG's justification of its preference for an East/West split in Cheshire rather than a unitary county). The BC's Norfolk report does not provide a parallel basis for an external assessment of the logic behind its preferences. Having listed the seven options (pp 23-6) the preferred option (and the two alternatives) are identified and discussed on pp 39-45 with hardly a shred of comparative evaluation (vis-à-vis the other four options). There is no way in which a detached observer can understand why any of the options were sidelined, or why the 'wedge' was dreamed up.

It would in any event have been difficult for the BC to carry out an evaluation of the type undertaken by DCLG in 2007, because of its bizarre omission of any application of the affordability/value-for-money criteria to the seven options at this stage. Indeed given the lack of any significant evidence of patterns of support, the prioritisation process hinges on the BC's views about strategic leadership and neighbourhood empowerment capacity, where in neither case are its arguments remotely convincing.

Yet one wonders if the BC has already formed a judgement about 'value for money', irrespective of its omission from the current analysis. The LGC interview with the Committee chair includes the following quote:

'It's very easy to say these are super-size councils, but this is not about that. It is about the mix offered of strategic leadership and neighbourhood engagement, and **the potential for better value for money**'. (LGC 24 July 2008 p 16 – our emphasis).

Of particular concern in this connection is the heavy reliance on the discussion on pp 39-45 on the arguments put forward by Norfolk CC, and the total omission of arguments put forward by other authorities. This problem is discussed further in Section 4.

To summarise, the process whereby the BC have identified a preferred option and two alternatives, and eliminated all the others has been partial, unsystematic and opaque. It provides a totally unacceptable basis for a major constitutional change of this nature.

Debatable characterisation of Greater Norwich

One valid basis (amongst others) for the designation of unitary authorities is the identification and definition of city regions. Strategic planning is facilitated in circumstances where there is an identifiable local economy and a focused pattern of journeys to work, shopping and recreation within the area concerned. It was a concern that cities such as Norwich, Ipswich and Exeter **on their existing boundaries** did not reflect the real extent of the city regions associated with such places that motivated DCLG to ask to BC to consider (inter alia) an extended definition of such cities as a basis for unitary authority designation.

In its justification for the identification of Norfolk (plus Lowestoft) as its preferred option, the BC makes the following argument:

‘The evidence available to us suggests that the economic social and cultural reach of the city extends far beyond its immediate border, in some cases to the coast, the county boundary and beyond’. (p40)

At a superficial level this assertion may well be true – Norwich is the only major city in northern part of East Anglia, and it might be expected that residents of Thetford, Kings Lynn and Wells-next-to-the-Sea would pay the occasional visit to Norwich for shopping or recreational purposes. But as a justification for recommending what would be the second largest unitary authority in England in population terms (and nearly 70% larger than any of the county-based authorities designated in November 2008) it is totally inadequate.

Given the huge significance of the change that is being proposed, it is bizarre (and unacceptable) that the BC does not include in its report a proper detailed analysis of the evidence which it considered justified its preferred option. There is in fact a good deal of

evidence which would suggest that the BC has not begun to do justice to the complexity of socio-economic identities and movement pattern in Norfolk.*

Journey to Work Patterns

An analysis of journey-to-work patterns, which one would expect to be seen as the most important single indicator of the extent to which the boundaries of Greater Norwich and Norfolk do or do not coincide, is illuminating. As Table 1 shows only two of the Norfolk districts – Broadland and South Norfolk export large numbers of employees to the City of Norwich (42% and 31% of their working populations respectively). All the other districts have a high degree of self-sufficiency in place of residence/place of work terms, ranging from 71.5% in Breckland to 94% in Kings Lynn and West Norfolk. The percentage of residents living in these districts but working in Norwich ranges from 1% (Kings Lynn and West Norfolk) to 10% (North Norfolk). How this evidence squares with the ‘Greater Norwich is equivalent to Norfolk’ hypothesis is difficult to understand!

* See for example the LGA report (September 2008) the Regional Spatial Strategy etc.

Table 1

Travel to work Patterns (within Norfolk)

| District | Total Working within District | % | Total working outside District | % | Total working in Norwich | % |
|---------------------------|-------------------------------|------|--------------------------------|------|--------------------------|----|
| Breckland | 35,762 | 71.5 | 14,226 | 28.5 | 4,574 | 9 |
| Broadland | 24,441 | 44 | 31,196 | 56 | 23,602 | 42 |
| Great Yarmouth | 28,727 | 86 | 4,706 | 14 | 2,133 | 6 |
| Kings Lynn & West Norfolk | 47,942 | 94 | 3,213 | 6 | 561 | 1 |
| North Norfolk | 30,317 | 76 | 9,520 | 24 | 3,994 | 10 |
| Norwich | 38,806 | 76 | 12,267 | 24 | 38,806 | 76 |
| South Norfolk | 26,013 | 56.5 | 20,095 | 43.5 | 14,456 | 31 |
| TOTAL | 232,000 | 71 | 96,000 | 29 | 88,300 | 27 |

The most recent attempt to define UK City Regions, based on a statistical analysis carried out by Michael Coombes (University of Newcastle) demonstrates clearly that Kings Lynn and West Norfolk is not part of a Greater Norwich City Region, but rather is part of a City Region focused on Peterborough (see Building a New Britain: An Alternative Approach to devolution and local governance in the UK: City Region Campaign 1996).*

* See also the sub-regional map in the recent LGA report (September 2008)

Diversity of local economies

The local economies of places outside the Greater Norwich area (as identified in the Norwich Growth Point Plan) are largely independent of Greater Norwich. The BC itself recognises the distinctive local economies of Great Yarmouth (and indeed Lowestoft). A parallel distinctiveness is apparent (inter alia) in the North Norfolk coastal towns, Kings Lynn, Thetford and Diss.

A further questionable argument (or assumption) in the BC report is that it is somehow beneficial in economic regeneration terms for an authority with a distinctive economy (e.g. Great Yarmouth) to be linked with a separate authority (in this case, Norfolk or (on the two unitary pattern A model) Norwich) with a different local economy. No evidence is provided for this assumption, and the countervailing argument – that Great Yarmouth itself is best equipped to sort out its own economic future (an outcome to which it has already made substantial progress) is equally persuasive – if not more so. Why should one expect a predominantly rural county such as Norfolk to give a particular priority to a declining seaside resort/fishing town which constitutes only a small proportion of its overall population? And why, under the ‘wedge model (Greater Norwich/Great Yarmouth/Lowestoft) would Great Yarmouth (or indeed Lowestoft) necessarily benefit from inclusion in an authority dominated by Greater Norwich. The precedents are not encouraging. The failure of Lancaster City Council to address the problems of the declining seaside resort of Morecombe led in the 1990’s to the formation of the Morecombe Bay Independents, a party which actually formed a minority administration during that decade. Nor has the juxtaposition of Bootle, Formby/Maghull and Southport in the MB of Sefton been a stimulus to economic recovery in Bootle, nor to strong and effective leadership.

Community identity

It may well be that there is in Norfolk an ‘historic identity’ and (to a degree) a set of ‘contemporary social and economic relationships’ (p 40). The same point could be made regarding Cheshire and Bedfordshire, but was viewed by DCLG as less important than other considerations. Again there is a worrying lack of evidence underpinning the BC’s judgement. If ‘community identity’ is seen as important – which in our view it should be – then where is the evidence that it is stronger in relation to Norfolk than it is to sub-areas within it (this issue is discussed in greater detail in Section 4).

The irrelevance of recent performance assessment

At two points in the key analytical section of the Norfolk report (pp 39-49) reference is made to the recent performance of authorities involved in making bids.

‘We acknowledge that the CCs present performance and capacity to deliver effective services can only provide a broad indicator of the future performance of a county-wide unitary authority. However we note that it already carries out many of the large-scale local authority functions and **received a three-star rating from the Audit Commission in its CPA** (our emphasis) (p 43)

On the other hand

‘However we note that the Audit Commissions opinions in respect of the financial year 2006/07 for both Great Yarmouth BC and Norwich City Councils, and has **also expressed a number of concerns relating to financial management at each authority.** (our emphasis) (p 45)

Are we to conclude that recent performance indicators of the type noted in the above quotations, have formed part of the BC’s comparative evaluation of options process? If so the inclusion of this type of material is wholly inappropriate. Councils CPA assessments can change over time, sometimes spectacularly. Councils lose stars and gain them. Failing authorities transform themselves North Shropshire moved from poor to excellent over a period of 2-3 years! In any event the CAA process will be different

from the CPA. Current performance has no place in an exercise of this nature and the BC should make this clear.

In addition the point made on p 7 and 42 that council services account for some 80% of local government expenditure in the County is misleading. Roughly half of the budget of all county councils is 'passported' to schools, with very little discretion in how the budgets should be deployed. It would be more realistic to assert that two thirds of local government expenditure (excluding schools budgets) is the responsibility of the county council and one third of the district councils. This expenditure balance provides a significantly different perspective than the 80/20 split. In any event, it is hard to see the relevance of the point that is being made. Are we to imply that there is a 'de facto' case for large unitary counties across the country because of their alleged dominance of local government expenditure in their areas?

Differences and similarities between Norfolk and Suffolk

The preferred option for Norfolk is one in which the democratic identity of the City of Norwich disappears. In contrast, in the county of Suffolk the preferred option is one which retains the City of Ipswich (and extends it to incorporate the port of Felixstowe) and envisages a second unitary authority for the remainder of Suffolk.

How is this major difference in the respective recommendation justified? The answer is not particularly convincing! It is asserted (rather than demonstrated).

'we are not at this point persuaded that Ipswich is fundamental to the economic development of Suffolk as a whole ...we do not consider that Ipswich acts as the same economic driver for the rest of the county as is the case with some other county towns (e.g. Norwich in Norfolk).(p 52).

To justify what follows from this perception, the BC surely has to produce some concrete comparative evidence about journey-to-work patterns linking Greater Norwich and the rest of Norfolk and the patterns linking Greater Ipswich with the rest of Suffolk respectively.

There is a further inconsistency. The case for linking Ipswich with Felixstowe in a unitary authority is apparently stronger than the case for linking Norwich with Great Yarmouth (and maybe Lowestoft also) in a unitary authority. But little evidence is presented as to why the first linkage has a greater significance than the second link. Again the point is asserted rather than demonstrated, viz

‘we acknowledge the economic importance of Ipswich to the surrounding areas, in particular the nearby port town of Felixstowe we consider that the planned future growth within this sub-region will benefit by having an authority uniting two of the principal towns of the sub-region’. (pp 52-3).

The viability of the remainder of Suffolk as a predominantly rural unitary authority is apparently less problematical than the prospect of ‘the remainder of Norfolk’ being designated in a similar way. Yet on the face of it, the cases seem very similar in nature. However we are bound to add that, in our view, if the sphere of influence of Norwich is defined on the basis of the proposed boundaries for Greater Norwich as it is in the two unitary pattern B option, then the case for a large unitary county, (previously linked to the need to respond to the reality of the **wider** definition of Greater Norwich) is totally undermined, and the need to reconsider other unitary models for the county area becomes paramount.

Critique of the case presented by Norfolk CC

As was the case with the 2006-08 DCLG – led unitary initiative, a key component of the process is a ‘bidding system’. Local authorities have the opportunity to present proposals (or ‘concepts’ in this case). The BC then reviews the strengths and weaknesses of these concepts, and identifies a preferred option (or options).

The partisan nature of local authority submission

Inevitably what the BC will receive in these circumstances are ‘partisan’ submissions from ‘interested parties’, which present their cases in the best possible light. Appropriate metaphors include ‘beauty contests’ or ‘sales pitches’ from consultants (or property developers). Rosy pictures are painted of the way local government would work under the proposed new arrangements. Public confusion will be swept away, strong effective leadership will emerge, democracy will be enhanced, and large amounts of money will be saved.

It is of course perfectly understandable that local authorities whose futures are at stake will make submissions of this nature. However for a process whose starting point is a bidding system of this nature to have any kind of credibility, it is essential that the adjudicatory body (in this case the BC) should be able to draw on independent sources of evidence about the issues raised (and claims made) in the submission documents. For example if an authority makes assertions about the extent of the sphere of influence of a town or city, it is important that the BC is in a position to evaluate this claim using (inter alia) relevant journey-to-work evidence (see Section 3).

In other words, there is a balance to be sought between a ‘**reactive**’ mode of operation on the part of the BC (how convincing do we find the different submissions?) and a **proactive** mode (‘what information do we need to unearth or commission to help us make an informed decision?’). A proactive perspective may of course lead to BC to identify proposals that differ from those submitted by any of the local authorities involved.

A strong proactive ‘research’ element in the process is particularly important in a situation, where the resources available to the different authorities making bids vary so markedly. A county council such as Norfolk is in a position to devote considerably more

time and expertise to developing submission than smaller district councils such as North Norfolk or Breckland. This phenomenon was apparent in the recent DCLG-led process, and may have something to do with the fact that in seven of the areas in which unitary government was initiated, five of the successful proposals were for unitary counties.

In Norfolk the submission presented by the county council (April 2008) was 285 pp in length (including appendices). Its 'response to questions' document (May 2008) was nearly 100 pp long.* It could be argued that this degree of detail goes way beyond what was implied by the BC's request for the submission of 'broad concepts for unitary structure for the county'.

This imbalance would be less significant, if it were clear that the BC were able to submit the Norfolk CC bid to effective critical scrutiny, and to develop a credible evidence base which would permit to carry out an effective **comparative** evaluation. Unfortunately, neither of these conditions appear to have been met. The crucial section of the 'Draft Proposals' report which develops and justifies the preferred option relies almost wholly on the content of the Norfolk CC submission. Numerous references are made to 'county council concept'; none are made to any of the other concepts submitted by other authorities which might present an alternative view of the merits of a unitary county. Much of what the CC has claimed appears to have been 'taken on trust'. The BC does seek 'further information' about specific aspects of the CC's concept, but this kind of request is very different from a genuine evidence-based critical appraisal.

The impossibility of enforcing implementation

The second major problem with a decision process which is largely reactive to the bids which are submitted is that there is, as the BC acknowledges, no guarantee that the successful bidder will actually implement the proposals set out in the submission. Nor is it a reasonable requirement that they should do so. The new authority (or authorities) whatever form it takes, will indeed be a new (rather than a successor) authority.

* Despite the fact that the Boundary Committee asked proposers to limit their submissions to 30 pages, in each case.

The preferred option (for example) might be based on the existing county, but it would take in new areas (Lowestoft) and have new responsibilities (housing, planning etc). It will be a 'new authority', constituted through new elections, not a redefined variant of the existing county council.

It follows that it is unrealistic to expect the new authority to feel obliged to implement the proposals of a now defunct predecessor authority. This conclusion is recognised in the DCLG's guidance to the BC, the BC's own report (p 17) and in published comments made by its Chair. Responding to the point that the 'local boards' proposed by Norfolk (and other counties) could be modified, neutered or even abolished by a future unitary administration, he dismisses this concern in the following terms.

'any new authority coming in takes its own decisions. I (sic) cannot set binding requirements, but if a leadership makes promises on neighbourhood engagement and then fails to deliver, no doubt the electorate will reflect on that'. (LGS 24 July 2008 p 16)

This is indeed 'cloud-cuckoo land'. When was a local election last decided by the failure of an administration to implement a commitment to a particular form of devolved decision-making arrangements? The outcome of local elections are rarely (if ever?) determined by such issues. In so far as local issues do make a difference, it is invariably in relation to substantive policy decisions which directly affect local people.

The reality is that to make judgements about the superiority of one submission as opposed to others, on the basis of a set of proposals for devolution (or indeed executive government and leadership) which there is no guarantee that the new authority will adopt, and no means of requiring to do so is a totally indefensible way of making such decisions. Yet the proposals made by Norfolk CC have already had a huge influence on the BCs thinking. This totally unsatisfactory state of affairs only confirms the point made earlier about the over-emphasis of the BC on a reactive mode of analysis, as opposed to the carrying out (or commissioning) of a tranche of independent evidence, which would enable it to transcend the self-serving and ultimately unenforceable propaganda of 'interested parties'.

Alternative scenarios for frontline councillors and 'Norwich cabinet members'

Nowhere is the 'best scenario' nature of the CC's case more blatantly illustrated than in the two illustrations included in the submission – the first focused on the Norwich Cabinet Member (p 4) and the second on the 'frontline councillor' (p 15). These illustrations have presumably contributed to the BCs positive view of the devolution arrangements proposed by the CC. Set out below are two very different, but equally plausible scenarios of how these two mechanisms might operate in reality.

Scenario (1) : The frontline Councillor

The frontline councillor for a rural division is also the cabinet member for transportation in the new county-based unitary authority. Because of the demands of his cabinet role, he has much less time available to play his frontline councillor role. The disparity of commitment he displays to this role soon becomes apparent to key activists from his area within the Community Partnership Board, who note the greater involvement and commitment of other councillors on the Board (none of whom are cabinet members) to their locality-based activities. In particular, the cabinet member finds it hard to attend the meetings of the 12 parish councils within his patch, a fact which causes increasing resentment amongst the parish councillors concerned. Nor does he have time to contribute to the development of parish plans.

Within the cabinet, in response to an unfavourable grant settlement, it is recognised that major savings have to be achieved during the next financial year. As part of a package of cuts, aimed, inter alia, at protecting the education budget, it is agreed the subsidies to bus companies which currently operate services in the more rural parts of the county should be reduced. The impact on the division represented by the cabinet member for transportation is considerable. Local people organise a petition to 'save our local bus services' and contact their local member to seek his support. He replies that he cannot do so. The decision to cut rural bus services has been made by the cabinet to ensure that other higher priority services can be protected, and that as a cabinet member bound by collective responsibilities, he is bound to support the decision. It is, he says, 'in the best interests of the county as a whole'.

Local people are outraged, not least because there is no local councillor they can turn to, to promote their cause. The chair of the most active parish council in the area comments to the local press 'if the district council was still in existence, our local councillor would have spoken out for us and helped us fight our case'. Local people increasingly disregard their 'frontline councillor' in issues of local representation and advocacy, and at the next election he is heavily defeated by an independent member sympathetic to the cause of restoring local bus services.

Scenario 2: The Norwich Cabinet Member

Although the new Norfolk County Unitary authority is heavily Conservative-dominated, the group of councillors returned from the City of Norwich (defined on existing boundaries) is not. The largest group is Labour with the Greens a close second, and with Conservatives holding only two seats in the city.

Recognising the major challenge of incorporating a group of disenchanting Norwich-based councillors into the new unitary authority, the leader, despite some pressure from his closest associates to do otherwise, honours the commitment made in the Norfolk CC bid document to allow the cabinet member for Norwich to be elected by a 'majority of his/her Norwich councillor colleagues'. This group of councillors elects a Labour member to carry out this role – the only Labour councillor on an otherwise Conservative-dominated cabinet.

The cabinet member for Norwich finds it difficult working with a group of cabinet colleagues whose priorities he does not share, and in particular the requirement that he abides by the 'collective responsibility' principle involved. Tensions within the cabinet intensify over the preparation of the first budget for which the new council is responsible. The cabinet member for Norwich feels that the particular urban problems and needs of the city are not recognised by the other cabinet members all of whom represent areas in the more rural parts of the county. He feels that the allocation of resources between Norwich and the remainder of the new authority is unfair. Internal disputes come to a head over the imaginative proposals for devolution within Norwich, which the cabinet member has developed with a group of

his city-based councillor colleagues. The leader and the cabinet member with responsibility for resources consider the proposals too ambitious and (in particular) too expensive. Their preference is for a much more limited system of community forums, costing a mere 20% of the Norwich councillors' favoured option.

When the proposal from the cabinet member for Norwich is rejected in cabinet, he resigns his post, and institutes a press conference, which is attended by all his Norwich colleagues, to explain why he has done so and which results in widespread coverage in the local media. The leader then approaches one of the two Conservative councillors from Norwich inviting him to become the 'cabinet member for Norwich'. He refuses, on the grounds that he sympathises with the view of the ex-cabinet member that 'Norwich is not getting its fair share'. The leader then appoints a Conservative councillor from Thetford as the 'cabinet member for Norwich'. The Norwich councillors refuse to work with her. The council becomes increasingly internally divided between a rural-based Conservative majority and an angry and disenchanting all-party group from Norwich.

It could (and no doubt will) be argued that these two scenarios are totally hypothetical. Indeed they are – but no more so than the two scenarios presented in the county council's submission, which assume an unproblematic implementation of a set of political management arrangements, and totally ignore the role which party politics invariably plays in the way in which such structures are interpreted. Indeed, one of the fundamental shortcomings of the County Council's case (and the BC's response to it) is its political naivety. The introduction of new structures is treated as if it were a **managerial** restructuring. As everyone who works in local government knows, the reality is very different. Party politics can and often does distort the operation of officer-inspired structures, and it is quite proper (in principle) that it should do so.

Community identity and place-shaping

The Norfolk CC submission also claims that evidence of community identity strengthens the argument for a unitary county.

‘Local residents have a strong sense of the county of Norfolk as the (sic) place to which they belong. This is evidenced consistently by research surveys. The results of the latest Citizens Panel survey by MORI (November 2007) confirms that this remains the case. Asked how strongly they felt they belonged to their neighbourhood, the nearest town, their district and their county, people from the 7000 strong panel identified most strongly with their neighbourhood (73%) and then with the county of Norfolk (68%)’.

The BC will no doubt wish to check the reliability of this survey, particularly given the disparity between the above results and those which emerged from the MORI survey for the Banham Commission in 1992-3*, where the level of identity which was strongly felt for neighbourhood and town greatly exceeded that felt for the county council or district council areas (which were broadly equivalent). If the BC considers community identity to be important – which in our view it should – it would do well to commission its own independent survey which explored perceptions of community identity.

Even if one were to accept the evidence from the CC MORI survey, there are two important reservations to be made. First, both this survey and the earlier Banham Commission one confirm that ‘the neighbourhood’ enjoys the highest level of ‘strong’ identity. As argued in Section 4 the Norfolk CC devolution proposals do not propose devolution to neighbourhoods, but rather to large sub-units of the county with average populations of 36,000 (there are 5 English local authorities in existence with population sizes of this magnitude!). Secondly evidence from the DoE (as it was then) – commissioned qualitative survey on community identity (Hodges and Kelly, 1992) concluded that

‘The most powerful loyalties are sometimes to wider areas....which **may have little day-to-day significance, but a good deal of historical and cultural meaning**’ (our emphasis)

* It is difficult for us to evaluate the validity of the CC’s conclusions without an opportunity to look in detail at the survey results.

As noted in Section 1 the BC's report refers from time-to-time to the importance of 'place-shaping'. A fundamental condition of effective place shaping is that the 'places' identified should have a real significance for the people who live in them. It is questionable (to say the least) whether the subsuming of a large town like Kings Lynn, which has a local economy and community identity quite separate from that of Greater Norwich, within an amorphous 'unitary Norfolk plus Lowestoft' begins to respond to the importance of the 'place shaping' agenda.

Leadership and Neighbourhood Empowerment

The BC report makes no substantive reference to the level of support, affordability, nor value for money (apart from a worrying pre-emptive and unsubstantiated throwaway comment on VFM mentioned earlier). The preferred option (and presumably the basis for discounting other options) is thus at this stage wholly dependent on the BC's views about the two remaining criteria – 'strategic leadership' and 'neighbourhood empowerment'.

The relationship between 'strategic leadership' and 'neighbourhood empowerment'

The report shows no awareness that these two criteria pull in opposite directions. Effective strategic leadership typically suggests larger rather than smaller local government units. However neighbourhood empowerment logically points in the direction of smaller rather than larger governmental units. As Chisholm and Leach (2008 p 38-9) have argued.

'If there were to be real power at the most local level, that would place limits upon the capacity to take strategic decisions, and vice versa. To a significant extent the two criteria pull in opposite directions. If there is more of the one, there is liable to be less of the other, and for this reason they cannot be treated as independent of each other. It is impossible to maximise both simultaneously because they are reciprocally constrained.

Consequently, the following assertions may be made with confidence. A small unitary authority, such as any of the four cities, has much more scope for empowering its citizens and neighbourhoods than a large one, primarily because there would be no reduction in the number of councillors. On the other hand, such an authority would have little real opportunity for Strategic leadership because so many issues relate to matters beyond the city's borders, requiring negotiations and compromises at numerous levels. Conversely, a large unitary authority, such as a county, would be better placed to 'punch its weight' at the regional and national levels and is therefore likely to be better placed to

offer Strategic leadership than a small unitary council, but its very size would make it harder to achieve genuine Neighbourhood empowerment and citizen engagement. The basic fact is that there is a trade off between the two desirable goals.

Despite this obvious dilemma, the DCLG presented the two criteria as if they were independent, to be achieved in equal measure irrespective of the size of the proposed unitary council’.

The logic of the BC’s argument for a ‘unitary Norfolk plus Lowestoft’ (in so far as a logic can be discerned) is that strategic leadership capacity will be enhanced in an authority with these boundaries more so than in any of the other options. As discussed in Section 3, the BC would need to make a far more convincing evidence-based argument that ‘unitary Norfolk plus Lowestoft’ constitutes a more appropriate strategic area than any of the other options, than it manages to do on pp 40-42. But even if it were able to do so, there would remain a much greater degree of uncertainty than the BC acknowledges about the capacity of an authority, of this scale and size to deliver ‘neighbourhood empowerment’ in any meaningful sense of the term.

The meaning of ‘neighbourhood’

First, let us be clear what the term ‘neighbourhood’ implies. It has previously been used by the government to characterise relatively small areas, within towns and cities, which (ideally) have a degree of perceived identity for their residents, in a way which provides a basis for action (often remedial – as in ‘neighbourhood action areas’, sometime participatory, as in ‘neighbourhood forums’). When ‘neighbourhood empowerment’ re-emerged on the policy agendas during David Miliband’s term of office as Secretary of State for Communities and Local Government, it was clear from his usage of the term that the above characterisation applied. Neighbourhoods were viewed as spatial areas of between 5,000 and 10,000 (a size criteria which reflects a well-established sociological use of the term). What has been proposed in the Norfolk CC submission, and evaluated in positive terms in the BC’s report (see p 42) bears no resemblance to the common conception of ‘neighbourhoods’. 22 Community Partnership Boards – average size 36,000 – are proposed, including ‘special arrangements’ for the City of Norwich. The whole of Kings Lynn and Great Yarmouth are amongst the areas so

defined. In other cases, towns with distinctive identity e.g. Holt, Sheringham and Wells – are lumped together to give the (spurious) appearance of manageability to the proposed system.

The complexity of the Norfolk CC proposal

Any viable system of neighbourhood empowerment would need to involve units much smaller than 36,000 - in the one case the individual market towns, seaside resorts and other significant settlements within Norfolk and in the other multiple sub-areas **within** the larger settlements of Norwich, Great Yarmouth and Kings Lynn (and Lowestoft. But to do so would result in a system of mind-boggling complexity, even greater than that of proposals tabled by the county council. Taking a size definition of neighbourhoods at the maximum level (10,000), a total of 80 neighbourhoods would be implied. If the 'empowerment' element of 'neighbourhood empowerment' were to be taken seriously – which should indeed be the case – we would be dealing with a devolved decision-making (and budgeting ?) system linking one unitary authority with 80 sub-units (and possibly also involving 22 'intermediate' Community Partnership Boards). The bureaucratic complexity of such a system is hugely more demanding than anything which already exists in English local government.

There are several existing examples of local authorities who have introduced imaginative schemes of devolution of decision-making to sub-units (i.e. local improvement). They all involve sub-units of considerably smaller populations than those proposed by Norfolk CC or considerably smaller numbers of them or both. Table 2 sets out brief details of some of the 'leading edge' schemes involved.*

* The comparisons made by Norfolk CC with devolution proposals made by other counties in their successful unitary status bids are not valid, because none of these schemes has yet been introduced (and one suspects that in some cases never will be!)

Table 2

Devolution schemes currently in operation

| | No of sub areas | Average population | Degree of Delegation |
|---------------------|-----------------|--------------------|----------------------|
| LB Kingston | 4 | 34,000 | HIGH |
| Rochdale MBC | 4 | 51,000 | HIGH |
| Salford MBC | 9 | 24,000 | MODERATE |
| Tameside MBC | 9 | 23,500 | MODERATE |
| South Somerset DC | 5 | 30,000 | HIGH |
| East Leigh DC | 5 | 23,000 | HIGH |
| Norfolk CC Proposal | 22* | 36,000 | LOW |
| Cumbria CC | 6 | 81,000 | HIGH |

* including Norwich

It is apparent from the above table that the complexity of the proposed Norfolk CC devolution scheme goes well beyond anything within the experience of existing local authorities. It was noted in Section 2 that the DCLG rejected the North Yorkshire unitary bid on the basis of the complexity of its devolution arrangements. The Norfolk CC proposals are palpably more complex. The DCLG rejected the Cheshire bid on the basis

of the hypothetical nature of the devolution proposals involved (and which in fact involved sub-units of a similar population size and area/scope to those proposed by Norfolk CC. It would be a big mistake if the BC were to continue to recommend a unitary authority for Norfolk CC (plus Lowestoft) on the assumption that the devolution arrangements proposed are workable. It is highly unlikely that they would be.

The inability of the CC to deliver effective neighbourhood empowerment is in fact acknowledged in Appendix B – Community Governance in Norfolk – a report commissioned by Norfolk CC (p 19).

‘One lesson from the Young Foundations analysis of neighbourhood working and community governance is about the size of the community areas required for Norfolk. The Young Foundation comment ‘where a council’s area governance structures match geographic identities and are set up to engage effectively and reciprocally with a range of services and communities, they can fulfil many if not all of the functions of community governance. **However area structures typically cluster around a few wards. This makes them less natural as forums for community engagement**’. (Our emphasis)

The CC’s reaction to this is that

‘In Norfolk it is not practical to set up small structures on a coherent county-wide basis in the short-term. **Larger areas are inevitable if progress is to be made speedily....**’

In other words the CC are acknowledging that they cannot (at least in the short-term) deliver a system of **neighbourhood empowerment** which will deliver the benefits of local commitment and engagement which the government is seeking. The best that can be offered is a series of 22 Community Partnership Boards in large chunks of the county (including a single CPD equivalent for Norwich) which do not begin to reflect units of real **local** community identity. In addition to this, the submission is noticeably vague about the powers which the CPDs will actually have. On p 18 is listed a range of largely procedural powers (e.g. ‘carry out community needs assessment’, ‘hold the council to account’, ‘oversee delivery of LAA outcomes’). When it comes to exemplifying decision-making powers (p 19), it is stated

'They (the CPDs) may wish to extend or amend opening hours of key community facilities such as libraries, or use part or all of their community kitty to match fund and make happen valuable community initiatives....'

It would be helpful for the BC to inform itself of the range of functions devolved to area committees in places like Rochdale, Kingston-on-Thames and Cumbria. By comparison the level of devolution proposed by Norfolk is derisory.

Costs of genuine devolution

There is a further important issue. Devolved arrangements which involve a genuine empowerment for the sub-units concerned do not come cheap. Any assessment of the affordability/value-for-money of the Norfolk CC proposals must incorporate a realistic estimate of the costs involved. (see Chisholm and Leach 2008, Chapter 4). Equally any CC view about the costs involved should be critically analysed on the basis of the actual level of empowerment involved. Tokenistic schemes of devolution require much lower levels of resources than schemes of genuine devolution.

Improved Two-Tier Working as a Viable Alternative

The BC has the power to recommend the continuation of the status-quo (two-tier system of local government) if it cannot identify one or more options which meet the five criteria. As argued in Section (1) we regard this as an unhelpful test. To justify a major constitutional change of this nature, a more appropriate test would be a requirement to **demonstrate** that one (or more) unitary options achieve the five criteria **more effectively** (on balance) than the existing two-tier system. That is the test which the BC should apply if its recommendations are to have real credibility.

The government itself continues to see improved two-tier working as a viable option. The Minister for Local Government has recently written in positive terms about progress made in the DCLG 'improved two-tier' pathfinder schemes. The Lincolnshire example provides a particular encouraging indication of what can be achieved by a county and seven districts working together, in a county area with many similarities to Norfolk (an expanding city at its centre, surrounded by a series of largely rural district councils). Box 6.1 sets out the key features of the Lincolnshire pathfinder project.

Box 6.1 Key features of Lincolnshire Two-Tier Pathfinder Project

Enhancing Shared Services

In Lincolnshire all eight authorities collaborated to establish the Lincolnshire Shared Services Partnership, a 10-year vision which aims for locally determined, integrated, easily accessible public services' which are 'responsive to local voices' and 'creative in our solutions'. The overall objectives of the partnership are:

- To engage with local people within their communities
- To develop and deploy a joined-up approach to achieve seamless service delivery
- To offer a 'one stop' approach to customer services
- To simplify and rationalise the way in which services are delivered
- To realise efficiency savings to provide opportunities for service transformation

The first phase of this partnership focuses upon two complementary strands of work. First **Shared Service (horizontal integration)** component seeks to develop shared back office services in relation to training, procurement, legal services, ICT support, property management and building control. The principal aim of this horizontal

integration is to simplify and rationalise shared services, thereby delivering efficiency and effectiveness and ensuring that Lincolnshire continues to attract and retain high quality staff in these core areas. Second, the **Strategic Transformation (vertical integration)** component addresses the way in which citizens, communities and customers experience local government, by focusing upon three areas: customer feasibility studies are currently under way to establish ways of ensuring more joined up working. Customer services will seek to offer seamless and 'one stop' approaches, played out especially in relation to revenue and benefits. Street scene will focus upon the way in which neighbourhood functions such as street signage, grass-cutting, litter collection and so on, are managed and integrated, making them more responsive to local needs.

Strengthening strategic leadership

The Lincolnshire bid argues that the case for strong **individual** leadership is not proven, particularly in large diverse counties such as Lincolnshire. What is required **is effective** leadership, and collective leadership is likely in certain circumstances, to prove more effective than strong individual leadership. Leadership should be related to 'place-shaping': that is, the **places** which are meaningful to local people. There are many such places in Lincolnshire, from county level to small towns and villages.

In relation to the county level the key proposal in the pathfinder bid is the establishment of the 'leaders Group' on a collective leadership mechanism, building on a mechanism which is already in operation. This would be used to provide a strategic leadership capacity, with input into the county and districts' **LSPs**. It would also be used as a **mechanism for advocacy** in relation to external bodies (regional, national, European) whose functions impinged upon the county. At the same time, the legitimate local responsibilities of district council leaders within their area would continue to be recognised and indeed positively valued.

Neighbourhood empowerment

The approach adopted in the Lincolnshire pathfinder to enhanced community engagement and empowerment is based on experimentation and the use of pilot schemes. The challenges of neighbourhood empowerment and community engagement are complex. There are no simple solutions. The submission incorporates a commitment to experiment with alternative, and possible

complementary, approaches which are likely, in due course, through shared experience and learning, to provide a clearer and more integrated picture of the best way forward. The approach can be summarised as follows:

A programme for community development

The development of an integrated learning capacity

The further development of a series of on-going projects

The initiation of a set of 'pilot schemes' to explore other possibilities of neighbourhood engagement (including parish partnerships, sub-district area committees, neighbourhood management schemes, empowered local councillor)

The drawing together of the experience gained into a more integrated approach to neighbourhood engagement by the end of the pathfinder project

Where there is no consensus about the best way forward, there are considerable advantages in the continued existence of a number of **different** authorities. Learning capacity is much greater in these circumstances than if there were a single unitary authority.

The BC makes absolutely no reference to the possible strengths or weaknesses of the existing two-tier system (or an improved version of it) in Norfolk. There is therefore nothing we can provide by way of commentary. This is an omission which should be rectified. The two-tier system has a number of real strengths which should at the very least be 'weighed in the balance'. They include:

A better alignment with the different levels of community identity than any single unitary option could provide.

A recognition that different spatial scales are appropriate for different services and functions and that accountability for such functions is best served by directly-elected authorities (e.g. development control is much more appropriately handled at district than county level, whilst highway planning clearly needs a larger (county-level) area).

A more realistic capacity for neighbourhood empowerment which is best led and managed at a district level (with county input where relevant).

A more **community-relevant** capacity for strong accountable local leadership (with strategic leadership focused at the county scale).

Two quotes from the Lincolnshire Pathfinder bid illustrate further why it is so important that the two-tier option is brought back into the frame in Norfolk.

‘In principle, two-tier local government is a more appropriate model of government for a large county area such as Lincolnshire than a unitary model. It recognises and reflects the principle of subsidiarity: that is, that decisions should be taken at the level closest to the people most directly affected by them and believes that two-tier working in a county as diverse as Lincolnshire delivers more effectively on this principle’.

‘The Lincolnshire authorities are confident that considerable efficiency savings can be achieved by the shared services programme. However, there is a balance to be achieved between efficiency savings and the health of local democracy. The particular value of the two-tier system is that it provides a much greater level of local representativeness and accountability than would be possible through a unitary solution based on a large geographic area such as Lincolnshire. Any comparative evaluation of two-tier and unitary models should recognise the need for a balance to be struck between efficiency savings and democratic vitality’.

Conclusions

As has been demonstrated, the reasoning behind the BC's 'preferred option' – a unitary Norfolk with Lowestoft added – is fundamentally flawed for several reasons:

- (i) It is developed in isolation from the existing pattern of local government outside Norfolk (as it is in Suffolk and Devon), and would result in a series of anomalies, inconsistencies, and highly questionable precedents which would further disrupt the rationale for the existing system elsewhere in England.
- (ii) It ignores the implications of other relevant elements of government policy – notably neighbourhood empowerment, place shaping, and the advocacy of enhanced roles for councillors – which should have been taken into account.
- (iii) It ignores the implications of the government's response to the bids for unitary status made in the 2006-2008 period, in particular the basis for its rejection of the bids from North Yorkshire, Cheshire and Cumbria, and its acceptance of the bid from Bedford.
- (iv) The BC seek to justify the 'unitary Norfolk' proposal on the grounds that the influence of Norwich extends well beyond the City's proposed boundaries or Greater Norwich and encompasses the whole of Norfolk (and beyond). It offers no evidence to justify this assertion, which is in fact contradicted by journey-to-work evidence and other data.
- (v) Its arguments that an authority the size of the unitary Norfolk plus Lowestoft can incorporate a significant degree of devolution to local communities and (in particular) neighbourhoods within Norwich and the other larger towns are unconvincing, and do not begin to constitute an adequate response to the government's localism agenda as set out in the recently-published White Paper.
- (vi) It fails to explain or justify why the preferred option for Norfolk is so fundamentally different from the preferred option for Suffolk.
- (vii) It is over reliant on the submission from Norfolk CC, the partisan and speculative nature of which it fails to recognise.
- (viii) It makes no attempt to assess the preferred options against the potential benefits of an improved two-tier system in Norfolk.

These arguments also apply in principle to the two alternatives which the BC put forward – the 'doughnut' and the 'wedge', both of which would include a unitary residual county as large (or larger) in area and population and covering as great (or greater) degree of

diversity in local communities as any existing or proposed unitary authority in England and Wales. However in these options, further flaws become apparent, in particular:

The 'doughnut' and 'wedge' options which separate Greater Norwich (and/or Great Yarmouth/Lowestoft) from the rest of the county totally undermine the case for a 'residual' unitary county outside these areas. The residual county would become an authority of considerable population size and area without a focus. It would be illogical in these circumstances not to reconsider some kind of alternative unitary configuration for the remaining area.

The justification for the 'wedge' linking Norwich, Great Yarmouth and Lowestoft is unconvincing in economic terms and ignores the difficulties of place-shaping in an authority which links communities with different economies and identities.

The BC's task is to demonstrate that the unitary options it is considering could better achieve the five objectives (criteria) identified by the government than any alternative structures. The arguments set out in the BC's report do not begin to make a convincing argument of this nature. Compared with the work of the Banham and Cooksey Commission (1991-96) there is an almost total lack of detailed analysis of relevant evidence. The criteria of affordability and value for money are not addressed at this stage, which raises important concerns about how they will subsequently be brought into the argument. The three remaining criteria – strategic leadership, neighbourhood empowerment and stakeholder/public support – are dealt with in a sketchy fashion, relying on assertion rather than evidence. As a result of this unsatisfactory process, the agenda on which the profoundly important decision about the future of local government in Norfolk and Suffolk will be made is already shaped and constrained in a way which excludes a range of equally plausible options.

The current proposals in the BC's report would, if implemented, set a precedent for a local government structure in the shire areas with profound differences from the current system. There would be a vast reduction in the number of councillors in England. A large number of local communities with strong identities (e.g. Kings Lynn – and indeed Norwich itself in the 'preferred option') would lose any form of democratic identity. As a nation we would be moving even further away from the local government structures which exist throughout Europe, none of which would involve a system with the characteristics that now appear to be emerging here (large scale unitary authorities, untypically high population per councillor ratios, sizeable towns (and cities) with no local

democratic identity).^{*} This would be a change of profound constitutional significance which cannot be allowed to develop without a much fuller consideration of the implications than is provided by the BC's current approach.

^{*} The proposed unitary council in Norfolk would have a population twice that of Luxembourg, and 20 times its area. In Luxembourg there are **3** levels of government.

Appendix Two

Comments on the proposals for empowerment of citizens and communities in a Norfolk Unitary County

These comments are made in the light of the Boundary Committee's comments in its proposal for a Norfolk Unitary County; the Local Government and Public Involvement Act 2007 which placed the new statutory 'duty to involve' on all Best Value Authorities and the Communities in Control White paper published in July 2008; experience of supporting the further development of the neighbourhood management model being piloted by the Borough Council for Kings Lynn and West Norfolk; and the experience of developing a neighbourhood and locality planning framework for a mixed urban/rural population of 500,000 in the North of England.

The Boundary Committee specifically invited comments about the proposed 21 Community Partnership Boards: their accountability; roles and responsibilities; and the relationship between them and Parish and Town Councils.

Community Partnership Boards (CPB) - In the proposals as outlined, the 'lens' through which the policy and practice are viewed is, not surprisingly, the lens of the Local Authority and its partner public services. The governance proposals do not engage with the citizen or community perspective much beyond wanting to 'break down the barriers between 'ordinary folk 'and public services' (Norfolk County Council). The emphasis is on what the public services could manage, not what is needed for active participation and engagement.

Almost all the discussions of the Boards and community governance are framed within the context of public services, what they can or cannot do for communities. Rarely is mention made of what communities can do for themselves as contributors to building a good quality of life or the money they can lever in where there is a plan in which they are a full partner. This is a missed opportunity especially when large tracts of the County are deeply rural and public services

are stretched to the limit, thereby making voluntary effort and action vital for ensuring a decent quality of life for citizens.

From research undertaken by The Young Foundation (and quoted by the County Council in its proposals for the CPBs) the following finding has been made about sizes of population that support effective community governance: 'Where a Council's area governance structures cover small populations, match geographic identities and are set up to engage effectively and reciprocally with a range of services and communities, they can fulfil many if not all of the functions of community governance. However area structures typically cluster together a few wards. This makes them less natural as forums for community engagement (while valuable for elements of service co-ordination and devolved decision-making).'

The CPB proposals for Norfolk are about 'middle ground' (between neighbourhood/village and County) working and decision-making. This level is crucial for supporting and co-ordinating the public service responses to what should be neighbourhood/village level of planning and action. In addition they would have a vital role to play in gathering up the common (and the very particular) messages from the neighbourhood/village level to inform 'area' devolved decision-making or forwarding them to inform County and Regional planning and budget setting. However this is different to central government's policy and legislation when it speaks of the duty to involve, neighbourhood working, engagement and decision-making.

There is no evidence provided that citizens, as individuals or as part of local communities with which they strongly identify, will have enhanced opportunities to influence and participate in real decision-making through the Community Partnership Boards. The representatives of citizens and communities necessarily will be small on the Boards themselves. Therefore there is a danger that people in Norfolk will be losing their current rights at least to be politically represented in real decision-making about the public resources which they provide through their taxes.

There is no evidence provided that the Community Partnership Board areas do 'chime with local people'. In the proposals made by the County this was expressed as a hope, rather than certain knowledge. If the Unitary County is confirmed as the right way forward, it would be important for some research to be undertaken to enable people to have a say in the shaping of the final areas.

Neighbourhood/Village arrangements to support empowerment and engagement

As the Boundary Committee notes: 'One of the most important challenges... would be to demonstrate that it would not be too large to deliver the empowerment of citizens and communities'. The County Council has suggested that further devolvement to parish and town councils might provide an answer.

Certainly the network of 500 parish and town councils demonstrates that there is already a framework in place at the neighbourhood/village level. It also demonstrates the scale of what a unitary authority would have to relate to in terms of engagement and empowerment. At the moment only 14 of the 500 Parishes have been achieved the status of being a Quality Town Council. There are parish councils where elections are unnecessary as too few people stand for office. This does not augur well for their being able to play a leading role in citizen empowerment and engagement.

On the other hand, additional devolution could be made dependent upon the parish councils achieving the 'Quality' status. This could be the starting point for the neighbourhood/village level work. To become a 'Quality' parish council, each council is required to develop a parish plan. It is not a great leap to imagine this planning as a whole village activity, with local residents and frontline workers serving the village working to support the parish council to produce this plan. The approach has been modelled in Bradford District where Parish Councils have developed their plans with local people. In one case the Parish Council set up a specific village group to develop the plan. The Parish Council then took responsibility for the parts of the plan that they could carry out. A further outcome was that where neighbourhoods/villages were allowed to define their

locality and produce their plans, they were often keen to link with neighbouring neighbourhoods/villages to develop joint responses to common issues such as youth work.

To ensure consistency and fairness across 500 councils would require an appropriate bureaucracy and professional developmental support to ensure quality participation and engagement. This would be a significant cost for such a large authority.

The risk is that for a new authority the scale of the challenge of ensuring engagement and involvement across such a large population and geography would prove so daunting that effectively in the short to medium term very little would happen other than a few pilots. People would have lost their current democratic entitlement with little or no opportunity to be involved in other ways.