



Paul Rowsell
Ministry of Housing Communities and Local
Government
2 Marsham Street
London SW1P 4DF

By e mail

South Lakeland District Council
South Lakeland House
Lowther Street
Kendal
Cumbria
LA9 4DQ

Tel: 01539 733333
www.southlakeland.gov.uk

Date: 23 December 2020

Dear Paul,

Delivering unitary local government for The Bay and North Cumbria

Thank you for your letter of 21st December further to our response to the Secretary of State's invitation to submit a full proposal for unitary local government, in which you reference the potential complexities that can arise from a Type C proposal regarding both the local police force areas and the fire and rescue authorities areas.

The legal position.

We respectfully disagree with your proposition that a proposal for structural change under Part 1 of the Local Government and Public Involvement in Health Act 2007 must ensure that no unitary county council area or district council area is divided between two or more police areas. Specifically, the Secretary of State issued an invitation under section 2 of the Act to formulate a proposal, including a Type C proposal. Thus, he expressly contemplated an arrangement that involves one or more Cumbria districts and a district adjoining the county and necessarily cuts across police areas. In our view, he was entitled to do so for the simple reason that an invitation under section 2 must be concerned with, and confined to, existing units of local government, viz. "principal councils" and their geographical areas. Therefore, a proposal in response to an invitation under section 2 is not constrained by the structure of other bodies, such as the police, or legislation for their organisation.

We draw comfort for our approach from the knowledge that the Secretary of State is unlikely to have issued our councils with an invitation to submit a Type C proposal in the knowledge that the same could not be implemented because a new unitary authority's boundaries would not be congruent with the boundaries of an existing police area. Of course, it may be that following a reorganisation of local government to give effect to our Type C proposal the Secretary of State would wish to align the new authority's boundaries with those of a PCC and a police area. That would not present any difficulty, as might be expected, the 2007 Act make express provision for this kind of incidental or consequential change supplementary to an order for structural change.



In a similar vein, there are ample powers to reorganise the fire and rescue services along the lines of new local authority boundaries. In our view, this exercise would be perfectly straightforward, and ought to be viewed as a necessary incident or consequence of change that is calculated to secure the optimal arrangement of local government.

In summary, we are confident the Secretary of State has the ability to use his powers for the reorganisation of local government unconstrained by police and fire boundaries.

Assessing the impact of local government reorganisation on policing and fire and rescue

We have carefully considered alternative options for PCC boundaries and the fire and rescue service following a review of local government. Our provisional view is that it would be most convenient to make an order for the creation of unitary authorities that operate in the short term across existing police and fire authority areas. The PCC, police areas and fire authority areas could then (if appropriate) be reorganised after vesting day but within a defined period. The alternative, which is perfectly feasible, is to reorganise the police and fire and rescue services alongside the reorganisation of local government, so that their boundaries are settled on vesting day. The key point is that the effective, efficient and accountable operation of the police and fire and rescue services, and their geography, is not dependent on the structure of local government, although it is plainly important to ensure satisfactory working relationships are put in place.

We are alive to the advantages and disadvantages of each approach. The key point seems to us to be that it is entirely feasible to operate short term arrangements or to move rapidly to the geographical alignment of each function in a way that maintains clear local leadership and accountability without impeding operational efficiency or effectiveness. You have invited us to demonstrate that this is so by making an assessment of the impact of proposals by 7th January.

We welcome that invitation so that we may deepen our assessment as already presented. However, the response to it is not entirely straightforward. The need to further deepen the assessment has been exacerbated by the late submission to us of the consultation responses of the Lancashire PCC and the Cumbria Fire and Rescue Service (which arrived on the eve and the day our authorities met to approve the proposal). Plainly we wish to give due consideration to their observations. We are also aware of work within Government to review the role of Police and Crime Commissioners.

These considerations will inevitably involve further discussions and analysis, leading to our updated impact assessment. We would then be in a position to revert to the Secretary of State with our updated assessment. The difficulty we face is that you request a response by 7th January, whereas the Lancashire PCC and Cumbria Fire and Rescue are unable to meet us until early January and we wish to have the outcome from our requested meeting with Government, so we align local and national agendas. Therefore, the deadline you have set for the receipt of an impact assessment does not provide us with a reasonable opportunity to make a fully considered response. Viewing matters sensibly, and giving due regard to the need to proceed with reasonable expedition, we believe that a deadline should be extended to the 28th January in order to enable us to make a proper response. This should enable sufficient time for



our partners to engage with us after the Christmas period and amongst other existing commitments.

These considerations explain what is set out in our separate letter to you of 9 December 2020, wherein we have asked your office to organise a joint meeting with representatives from the department, the Home Office and relevant authorities in Cumbria and Lancashire as part of our on-going commitment to developing the proposal collaboratively. The object of that exercise would be to agree a process by which we can make a more informative assessment of the impact of our proposal rapidly to sufficiently inform your own decision making process. Therefore, we very much look forward to your response to this proposal and would be most grateful if you would indicate an early and convenient date for a meeting.

In conclusion

The Secretary of State has specifically invited proposals which may include Type C proposals. As illustrated by this letter, this type of proposal gives rise to additional complexity, and unfortunately the timetable set out in the Secretary of State's invitation for the submission of a proposal simply does not place us on an even footing with other authorities whose work was already advanced when the invitation was issued and whose proposals are technically more straightforward to develop, albeit likely to be less effective in practice. What is clear is that in so far as we are required to develop workable arrangements for collaboration with the police and fire and rescue services, this could be achieved easily in a variety of ways. Our clear view is that these matters (in so far as they are reflected by consultation responses received from the Cumbria and Lancashire PCCs and fire and rescue services) can be resolved successfully, and will result in the better governance of our areas.

The Bay is an exciting prospect for public service reform and resilient local government for our area which enjoys strong support from our stakeholders and communities. We appreciate your continued support in realising the vision for the Bay and North Cumbria as invited by the Secretary of State on the 9th October to submit our Type C proposal.

Yours sincerely,

Sam Plum
Chief Executive
Barrow Borough Council

Lawrence Conway
Chief Executive
South Lakeland
District Council

Kieran Keane
Chief Executive
Lancaster City Council

CC's— Secretary of State for Housing, Communities and Local Government
Minister for Regional Growth and Local Government