



3rd September 2018

Councillor Nick Rushton
Leader of the Council
Leicestershire County Council
Glenfield
LEICESTER
LE3 8RA

Dear Councillor Rushton

Local Authority Reform

We are writing following on from the information the County Council has provided to us about the proposals for public sector reform in Leicestershire, we have the following comments.

We are not opposed to looking at the question of reform and are open to considering all options. We recognise the opportunity to take a fresh look at the Leicestershire Local Government model and consider what model would help us continue to deliver quality cost effective local services to the community when we are faced with reductions in future funding.

It is true that we were taken by surprise by the County Councils announcement in July that proposes a unitary structure for Leicestershire, a decision which was taken unilaterally by the County Council without discussion with any of the District Councils within the county, who are of course, all fundamentally affected by this. It is regrettable that we have not seen any details of the County's proposals other than those which were outlined in the public report to the Cabinet on 6 July. It appears from the press comments that the only option which the Council is considering and will be consulting upon is for a unitary county council and as a key stakeholder we would have welcomed the opportunity to have been involved in the development of these proposals and to have seen the evidence upon which the Council is relying to substantiate them.

The consultation period proposed, as we understand from the published timetable, is less than six weeks.

The statutory guidance from the Government published earlier this year states that proposals should be those which are "likely to improve local government and service delivery across the area of the proposal, giving greater value for money, generating savings, providing stronger strategic and local leadership and which are more sustainable structures; and should command a good deal of local support as assessed in the round overall across the whole area of the proposal".

These are complex matters which must be based upon evidence; gathered from a number of sources and not produced in isolation. We do not see how it is possible to demonstrate that these proposals satisfy any of these requirements, including the demand for "a good deal of local support" unless the public and stakeholders, including all the authorities, are given a reasonable time for informed consideration. We are concerned that your current engagement proposals do not allow for this.

We doubt that the Secretary of State would consider an option for a single unitary council entirely based upon the work that the County Council has by itself done and without any other proposals being evidenced and put forward which can be examined to see if they provide a better solution. If the County Council continues its stance we will be making representations to the Secretary of State that your proposals, developed in isolation, are unreasonable and are not in accordance with the requirements of the Act, or able to satisfy the statutory guidance.

We believe that the Secretary of State will be advised that it would not be reasonable for him to make an Order in these circumstances, where no other proposals have been produced and where there has been insufficient consultation to demonstrate that the criteria have been met.

Furthermore, you will no doubt also be aware that the County Council like all authorities is under a duty to act reasonably. That principle applies not only to the decision itself but also the consultation process upon which the decision is based. Without sufficient consultation in such circumstances, and a proper consideration of the results of such consultation a decision is likely to be declared unreasonable by the courts. The consultation which is carried out must be appropriate and reasonable and, in our view, in this situation this means developing and then consulting on possible alternatives, where consultation takes place at the same time.

In short, we are advised and believe that there is a strong argument to be made that the proposals from the County at present are unreasonable and unlikely to satisfy either the criteria set out in the legislation or the County Council's duty to act reasonably. We repeat that it is not the case that we are necessarily opposed to change, and it may be that unitary reorganisation is the eventual outcome. What we are concerned about is that this must be done properly, with all key stakeholders working together to fully assess the best option for Leicestershire.

The District Leaders have indicated their intention to work collaboratively to develop and consider a range of options for public sector reform and we would ask that the County Council consider:

- Sharing the proposals that are being developed as soon as possible
- that the County Council terminate the current unilateral process and consider joining in with the district councils on the work that we are currently undertaking.
- If the County Council continue to develop proposals in isolation we ask that the Council reconsiders the timescales set out for public consultation to enable a robust assessment of proposals to be made.

By working collaboratively and consulting on options collectively we will provide a cohesive robust assessment that the community will be able to positively engage with and understand. This approach would prevent the need for two separate consultation processes which could be confusing for the public and would not be cost effective for the public purse.

We are in a position to share resources and engage quickly in a shared programme of work and would welcome the opportunity to work together on this project. We would welcome an urgent meeting of the District, City and County leaders to discuss our proposals and to agree a way forward together.

We look forward to hearing from you.

Kind Regards

District Council Leaders

