

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT CUMBRIA (STRUCTURAL CHANGES)
ORDER 2022

Monday 28 February 2022

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Friday 4 March 2022

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The Committee consisted of the following Members:

Chair: SIR GRAHAM BRADY

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| † Amesbury, Mike (<i>Weaver Vale</i>) (Lab) | Jarvis, Dan (<i>Barnsley Central</i>) (Lab) |
| † Badenoch, Kemi (<i>Minister for Levelling Up Communities</i>) | † Jenkinson, Mark (<i>Workington</i>) (Con) |
| † Baldwin, Harriett (<i>West Worcestershire</i>) (Con) | McDonagh, Siobhain (<i>Mitcham and Morden</i>) (Lab) |
| † Barker, Paula (<i>Liverpool, Wavertree</i>) (Lab) | † Morden, Jessica (<i>Newport East</i>) (Lab) |
| Begum, Apsana (<i>Poplar and Limehouse</i>) (Lab) | † Stevenson, John (<i>Carlisle</i>) (Con) |
| † Berry, Jake (<i>Rossendale and Darwen</i>) (Con) | Timms, Stephen (<i>East Ham</i>) (Lab) |
| † Bruce, Fiona (<i>Congleton</i>) (Con) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Carter, Andy (<i>Warrington South</i>) (Con) | |
| † Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con) | Seb Newman, Jack Edwards, <i>Committee Clerks</i> |
| † Gibson, Peter (<i>Darlington</i>) (Con) | † attended the Committee |

First Delegated Legislation Committee

Monday 28 February 2022

[SIR GRAHAM BRADY *in the Chair*]

Draft Cumbria (Structural Changes) Order 2022

4.30 pm

The Minister for Levelling Up Communities (Kemi Badenoch): I beg to move,

That the Committee has considered the draft Cumbria (Structural Changes) Order 2022.

It is a pleasure to serve under your chairmanship, Sir Graham. This order was laid before the House on 24 January 2022. If approved and made, it will implement a proposal submitted by Allerdale Borough Council and Copeland Borough Council for two new unitary councils for the people of Cumbria, on an east-west geography, covering the entirety of the county of Cumbria. Those councils will be known as Cumberland Council and Westmorland and Furness Council.

Implementing this proposal and establishing these unitary authorities will enable stronger leadership and engagement, both at a strategic level and with communities at the most local level. It will pave the way, as envisaged in the levelling-up White Paper, for a significant devolution deal involving a directly elected Mayor for Cumbria, if that is an option that local leaders wish to pursue.

This locally led process for reform began on 9 October 2020, when the then Secretary of State invited the principal councils in Cumbria to put forward, if they wished, proposals for replacing the two-tier system of local government with a single-tier system. That invitation set out the criteria for unitarisation. Any unitary authority established would, first, have to be likely to improve local government and service delivery across the area covered by the proposal, give greater value for money, generate savings and provide stronger strategic and local leadership.

Jake Berry (Rossendale and Darwen) (Con): Will my hon. Friend set out the estimated savings that will result from moving from two-tier to one-tier government? I ask because it will be hugely significant to those of us in Lancashire who hope to move from two-tier to one-tier local government to hear of the savings that could be made in Cumbria; it will enable us to drive forward the debate in Lancashire.

Kemi Badenoch: Yes, I will outline those savings. They are just a little further on in my speech.

Any change would have to ensure more sustainable structures. Secondly, any authorities established would have to command a good deal of local support, in the round, across the whole area of the proposal. Thirdly, the area of each unitary authority would have to be a credible geography consisting of one or more existing local government areas. It should have an aggregate population of between 300,000 and 600,000, or of some

other figure that could be considered substantial given the circumstances of the authority, including local identity and geography.

Four locally-led proposals for local government reorganisation in Cumbria were received in December 2020—one for a single unitary council, and three for two unitary councils. Before deciding how to proceed, the Government consulted widely. They received around 3,200 responses to their statutory consultation on the Cumbria proposals, which was launched on 22 February 2021 and ended on 19 April 2021. Of these responses, some 2,400, or 73%, were from residents living in the area affected. There was a good deal of local support for local government reorganisation across the categories of respondents—from residents, local authorities, public sector providers, parish councils and the business sector. However, across these categories, there was a spread of responses in favour of each proposal; each proposal had some support.

Fiona Bruce (Congleton) (Con): I thank the Minister for outlining how many responses were received—it was 3,000-plus, of which 2,362 were from residents who were basically, it would appear, in favour. Can she tell us how many residents live in these areas altogether? I ask because Cheshire changed to having two unitary councils some years ago. As an MP for a Cheshire constituency, I know that there was a sense among many residents that they had not really been carried along, and that the two unitary councils had been imposed on them. I am trying to point out that there are a lot more residents than there were respondents. It is really important that there is liaison or communication with residents, to ensure that they understand the benefits of the change; otherwise, there can be a sense that they have not been properly engaged, or an ongoing resentment that can last some years.

Kemi Badenoch: I thank my hon. Friend for her question. There are 499,000 residents in the county of Cumbria, so she is right that a comparatively small number of people have responded to the consultation, but across Government we know that those who respond to consultations tend to be those who are most interested in the subject, and they often give a representative view. However, she is right that local government leaders across the county will need to ensure that they engage with residents as this unitarisation is carried out.

The East West proposal had the support of local businesses, especially in relation to better supporting the diverse nature of local economies, particularly the advanced manufacturing base and supply chain around Sellafield. There was some resident support for the East West proposal, with those in favour considering that the new authorities would be more accessible local organisations that were better able to respond to local needs. Among local organisations, there was a view that the geography of the East West proposal would ensure equal levels of population density across the two proposed new council areas, and that this would contribute to a balanced service delivery, including addressing deprivation, and credible geography.

Based on the consultation responses, the Secretary of State considered that, if implemented, the East West proposal would command a good deal of local support as assessed in the round overall across the whole area of

the proposal, and that that criterion had been met. In considering the locally-led unitary proposals against our long-standing assessment criteria, he concluded that the North South proposal did not meet the credible geography criterion; that the proposal for The Bay did not meet the improving local government and service delivery, and credible geography, criteria; and that although the county council's proposal for a single unitary met the three criteria, the East West proposal was more appropriate on grounds of geography.

The Secretary of State announced his decisions on the proposals on 21 July 2021. He made a balanced judgment, assessing all the proposals against the three criteria to which I have referred and which were set out in the invitation on 9 October 2020. He also had regard to all representations received, including responses to the consultation and all other relevant information available to him. He concluded that the East West unitary proposal for Cumbria met all three criteria. The Government believe that there is a powerful case for implementing this locally-led proposal for change.

The East West unitary will improve local government for half a million people in Cumbria by enhancing social care and safeguarding services through closer connection with related services such as housing, leisure and benefits. It will improve local government by offering opportunities for improved strategic decision making in areas such as housing, planning and transport. It will also provide improvements to local partnership working with other public sector bodies by aligning with arrangements in existing public sector partnerships, and allowing existing relationships and partnership working to be maintained without disruption.

Let me turn to the question raised by my right hon. Friend the Member for Rossendale and Darwen. The estimated savings set out in the unitary proposal of Allerdale and Copeland councils are between £19 million and £31.6 million per annum. I do not know whether he finds those figures acceptable.

Jake Berry: Does the Minister accept that £19 million to £31 million is a bit of a spread? Can she tell us whether the Department has done an impact assessment or worked with those authorities to try to have a better understanding of where they will be on that spectrum—£19 million is welcome; £31 million would be hugely welcome—and if the Department has not done that work, will she tell us what steps it will take to ensure that those savings are felt by taxpayers in the two unitary authorities in Cumbria?

Kemi Badenoch: My right hon. Friend raises a good question. I do not know whether the Department carried out an impact assessment, as it was before my time as Minister, but I do know that it has taken into account multiple criteria when it comes to what will be gained by having these unitaries, including, as I said, improvements in social care and safeguarding, strategic decision making, local partnerships and so on. My right hon. Friend is right that £19 million to £31 million is quite a spread, but the local government proposers themselves should be able to assist in explaining precisely how they can ensure that taxpayers' money is saved and that the benefits are realised.

Jake Berry: Would the Minister feel it appropriate to target the new local authorities on those savings? I have been involved in several devolution deals myself, so I can tell her that they all look very good on paper, but in truth what matters to the people are the savings and service improvements that are delivered on the ground. It is absolutely the role of the Department and the Minister's officials to ensure that those are not just talked about and then forgotten—I know she will ensure that does not happen—but are actually delivered on the ground?

Kemi Badenoch: I take my right hon. Friend's point and I will make sure that officials—I am sure they are listening—have taken note of that and will be able to explain to me how we can provide that support and realise those savings. I thank him for raising that point.

Finally, this unitarisation will deliver proposals aimed at maintaining and strengthening local community identity, and it will integrate local services while reflecting the changes of rurality in the areas of both new unitary councils. If Parliament approves the order there will be, from 1 April 2023, two unitary councils for Cumbria delivering the improvements that I have just outlined. We have prepared this order in discussion with all the councils concerned, and I take this opportunity to thank everyone involved in the process for the work that they have undertaken together, constructively and collaboratively. Our discussions with the councils have included transitional and electoral arrangements, which are key to how the councils will drive forward implementation. Where there has been agreement between all the councils, we have adopted their preferred approach, and where there were different views as to the detailed way forward, the Secretary of State has considered all the differing views and reached a decision accordingly.

I turn to the detail of the order and highlight its key provision, which sets out that on 1 April 2023, the districts of Allerdale, Barrow-in-Furness, Carlisle, Copeland, Eden and South Lakeland, and the county council of Cumbria, will be abolished. The councils of those districts and county will be wound up and dissolved. In their place, their functions will be transferred to the new unitary Cumberland council and Westmorland and Furness council. The order also provides for appropriate transitional arrangements, which include the following arrangements. In May 2022, there will be elections for the new unitary councils, which will assume their full powers from 1 April 2023. These elections will be on the basis of a 46-member authority in Cumberland with 46 single-member wards, and a 65-member authority in Westmorland and Furness with 33 wards of between one and three members. Subsequent elections to the unitary council will be in May 2027 and every four years thereafter. We expect that the Local Government Boundary Commission for England will undertake a full electoral review before the May 2027 elections. Parish council elections will remain unchanged.

A duty will be placed on all existing councils to co-operate during the transitional period until 1 April 2023. To support councils in that transitional period, I intend—if the order is approved and made—to use my powers under the Local Government and Public Involvement in Health Act 2007 to issue a direction, which would replace the voluntary arrangements that the Cumbria councils have already adopted about entering into contracts

[Kemi Badenoch]

and the disposal of land during this transitional period. That is in line with the approach adopted in most previous unitarisation, and it will ensure that the new unitary councils have appropriate oversight of the commitments that their predecessor councils may enter into during the transitional period and which the new unitary councils will take on from 1 April 2023. Before issuing any such direction, I will invite councils' views on a draft.

Finally, with sincere apologies, I must draw the Committee's attention to the correction slip that has been issued to correct a minor error in part 2 of the schedule of the draft order, which lists the existing wards that will go to make up the new wards of Westmorland and Furness Council. This is to correct the name of an existing ward in the new High Furness ward, currently shown as "Dunnerdale-with-Seathwaite (Part)". It should be shown as simply "Dunnerdale-with-Seathwaite". This is an unintentional inclusion of the name of a polling district used for the purposes of administering elections, rather than of a ward, and its appearance in the schedule might be taken to imply that some part of Dunnerdale-with-Seathwaite ward is omitted. We are very sorry for this minor error in the original text of the draft order.

In conclusion, through this order we seek to replace the existing local government structures that were set up in 1974 in Cumbria with two new councils that will be able to deliver high-quality, sustainable local services for the people of Cumbria. These unitary councils will be able to provide stronger and more effective leadership at both the strategic and most local levels. This will open the way for a significant devolution deal as referred to in our levelling-up White Paper. I commend this order to the Committee.

4.44 pm

Mike Amesbury (Weaver Vale) (Lab): It is a pleasure to serve under your chairmanship, Sir Graham. I thank the Minister once again for an informative introduction to this statutory instrument, which is the third such instrument in which we have addressed these structural changes. We have gone from the north to the south-west, and we have now come back to the north with Cumbria. It has been quite a journey.

The question the Minister did not address properly in our last meeting is whether the Government are making decisions on new unitary authorities based on the criteria. In the recent spate of restructuring statutory instruments, the Government have seemingly relegated one part of the criteria—a crucial one for genuine, principled devolutionists. It is the part about local support for the proposals. Indeed, that picks up on a point made by the hon. Member for Congleton. It seems that there is a genuine lack of public enthusiasm for the proposal in Cumbria.

The Government were presented with four proposals, as the Minister said. The proposal the Government eventually went with—the so-called East West proposal to create two unitary authorities in east and west Cumbria—did not receive support from a majority of respondents to the local consultation. Only the proposal for The Bay did. That proposal also proposed two

unitary authorities: one covering Allerdale, Carlisle, Copeland and Eden, and another covering Barrow-in-Furness, Lancaster city and South Lakeland.

Jake Berry: Will the hon. Gentleman set out for the Committee what support was received from Lancashire County Council for taking Lancaster out of the historic county of Lancashire and putting it with Cumbria?

The Chair: Before the shadow Minister replies, I say to him that he should resume his seat when another Member has the floor.

Mike Amesbury: I am very happy to be guided by you, Sir Graham.

The focus has to be on the residents who are directly affected by the proposals—that is localism; that is devolution. I am sure that the Minister can allay the right hon. Gentleman's concerns and answer his questions.

Jake Berry: Will the hon. Gentleman give way on that point?

Mike Amesbury: I will not give way.

Residents did not believe that the East West proposal offered a reasonable geography. Crucially, that is another part of the criteria for the creation of a unitary authority set out by the Government.

The Government's criteria also state that successful proposals need to deliver good public services and improve local governance, yet the residents who were consulted did not believe that the East West proposal was the right proposal for Cumbria. They felt that it would be less efficient and were concerned about the disaggregation of public services. There are currently pressures on social care, with which the right hon. Gentleman will be familiar.

The parish and town councils also favoured the proposal for The Bay, with 28% saying that it would improve services. Even among local businesses, that proposal was more highly favoured than the East West proposal. Businesses felt that it had the most credibility when it came to geography—another criterion that the Minister and the Secretary of State looked at.

Again, I ask the Minister: why was an option chosen that received less support and that local people felt did not fulfil the Government's criteria for the creation of new unitary authorities? Is public support now a secondary part of the criteria? I would like to hear the Minister's explanation.

Finally—I do not expect an immediate answer on this point—the Fire Brigades Union has been in touch with me about how the proposal will affect the responsibilities of the fire and rescue services, and about the funding pressures and potential cuts they might face as a result of the restructuring. I will correspond with the Minister on that issue, but I wanted to put it on the record.

4.49 pm

Mark Jenkinson (Workington) (Con): May I say what a pleasure it is to speak in this Committee, not just because you are in the Chair, Sir Graham, but because the people of Cumbria have waited patiently for this legislation for a number of years, as my right hon.

Friend the Member for Rossendale and Darwen will attest. They have been blocked at every turn by the Labour councils. Cumbrian residents saw off some of those barriers to change in the elections in May and December 2019, and this legislation gives us the chance to repay some of that trust. I am delighted to report that on Friday, the county council dropped its opposition through the judicial review process.

John Stevenson (Carlisle) (Con): On that point, does my hon. Friend agree that the JR by the Labour-run council has been a complete waste of time, and that Cumbrian taxpayers have had their money wasted on lawyers, rather than it being spent on local services?

Mark Jenkinson: My hon. Friend will not be surprised to hear that I agree entirely with his assessment: hundreds of thousands of pounds have been spent on such a folly. Despite the council being warned time and time again that the judicial review was a waste of time, including by the courts, the Labour leader of Cumbria County Council continued to pursue court action. In the end, it was only pressure from his own members that made him drop his personal vendetta against these proposals.

I do not want to keep Members longer than is necessary, and I am as keen as anyone to see this legislation clear Committee, so I will wrap up by thanking the Minister and her Department for their engagement throughout this process by passing on to them the thanks of Cumbria residents. As we in the historic county of Cumberland start on a new and exciting journey, I will never pass up the opportunity to put our wonderful Cumberland dialect on the official record by saying, “We vanya nivver med it, but even t’jameaters will noo have nowt to twine about! It’s varra welcome in Cumberlan.”

4.51 pm

John Stevenson: Very unusually, I was delighted when I was selected to serve on this delegated legislation Committee. It is so great to see so many northern colleagues present to support this bit of legislation, although to my hon. Friend the Member for Workington and me, they are all southerners.

For many years, I have campaigned for reform of local government, as have many others in Cumbria. Over the years, we have had seven councils—six district councils and a county council—for half a million people. It is completely disproportionate: somebody once said that the county of Cumbria was “over-governed and under-led”, and that was exactly right, so this change is extremely welcome. It is welcomed right across the county, certainly by the business community. It will eliminate an awful lot of confusion, and will give real responsibility and ownership to the two councils that it will create. I hope that in the long run there will be a combined authority within the county, so that when Ministers come north, and in the debates about the direction of travel for places in the north, we have an elected Mayor at the table who represents the whole county. That mayoralty would give Cumbria leadership, and the two unitary councils will be efficient councils that can deliver services on the ground.

This is a very exciting opportunity for our county, which will give real responsibility, leadership, and ownership to the people of Cumbria. My one question to the

Minister is about the continuation of the borderlands growth initiative, which includes not just Cumbria but other councils. Does she see it as something on which the two councils can continue to work with other councils in the area, to ensure that the benefits that have flowed from that growth deal continue to flow into Cumbria as well as into the other areas involved? Other than that, I thank the ministerial team for their support in helping us get this legislation over the line. It has been a long time coming, so we all greatly appreciate Ministers’ support.

4.53 pm

Jake Berry: It is a great pleasure to serve under your chairmanship, Sir Graham. I will speak very briefly to put on record my support for this piece of legislation. When I was northern powerhouse Minister, it was a great pleasure and a privilege to work with my hon. Friend the Member for Carlisle on his ceaseless campaign to secure a better settlement for local government in Cumbria. We have heard already from the Minister that it will save £19 million to £31 million—quite a big spread for local taxpayers.

However, I will briefly mention two further things. First of all, this is a big part of our Government’s devolution story. It is all very well to hear from the Opposition about how things should be done differently, but I remind them that after 13 years in government, the only place in England to which they devolved power was London. In the north of England, the Conservative party is the father, mother, grandfather and grandmother of devolution.

Mike Amesbury: Will the hon. Member give way?

Jake Berry: I will not give way, because the shadow Minister would not give way to me. *[Laughter.]* Of course I will give way to him.

Mike Amesbury: I thank the hon. Member for kindly giving way, and I remind him that the Conservative party has been in power for nearly 12 years. We have a shared interest in ensuring that we get more devolution and power for the north and a genuine voice for the north. As a proud northerner, I will continue to work with everybody to achieve that.

Jake Berry: The hon. Gentleman is a proud northerner. I remind him that in those 12 years, we have done devolution deals for Manchester, Liverpool, Leeds, Sheffield, Newcastle, North of Tyne, Birmingham—

Jacob Young (Redcar) (Con): Tees Valley.

Jake Berry: Tees Valley, of course—who could forget? We have also done devolution deals for the north of England, Cambridge and Peterborough. Our record on devolution compares very well, and we are now adding Cumbria to that.

I will finish by talking briefly about our desire for devolution in Lancashire, which is the real point that I want to make today. It is brilliant to see our friends in Cumbria doing so well. We are hugely excited by what they can deliver for themselves with devolution, but we in Lancashire want to have the same conversation with the Government. I know the Minister has been fantastic about welcoming conversations with colleagues in local authorities, and I am sure that will continue, but the

[*Jake Berry*]

solution for Lancashire must also be teamed up with local government reform. We must find a way to move from a two-tier authority and deliver the sorts of savings we are talking about for taxpayers in Cumbria and Lancashire.

I will end with a comment for the hon. Member for Weaver Vale. When he was talking about the proposal for The Bay, he was talking about bringing the city of Lancaster from Lancashire into Cumbria. No matter how much that was supported in Cumbria—he obviously has the figures—I can guarantee him that it did not have wide support in Lancashire. He said that this was about geography, but I say it is about history. I suspect he has been looking at the 1611 John Speed map of Lancashire, which has Barrow as “Lancashire over the Sands”. Even in Lancashire, however, we have accepted that Barrow is part of Cumbria and should be part of the Cumbrian devolution deal. We want to maintain the integrity of the historical county of Lancashire, and we do not do that by losing parts into The Bay. In Lancashire, we support the Cumbrian devolution, and I hope my Cumbrian friends and colleagues will support the same devolution in Lancashire when our time comes.

4.57 pm

Kemi Badenoch: I thank my hon. Friends the Members for Carlisle, for Workington and for Congleton, and my right hon. Friend the Member for Rossendale and Darwen, for their contributions to the debate. I also thank the hon. Member for Weaver Vale for his support for the order.

The hon. Member for Weaver Vale asked me how we were using the criteria to make decisions and whether we were making the local support secondary. The answer is no, we are not. The criteria say that each proposal

needs to command a good deal of local support, as assessed in the round overall. It is not about which one has majority support, because the consultations are not statutory consultations and are not referendums, so we need to take into account, with other measures, what local people feel about each one. My right hon. Friend the Member for Rossendale and Darwen made a really good point about the consultation on The Bay, which asked people in Cumbria, but not in Lancaster, about the proposal.

My hon. Friend the Member for Carlisle asked about the borderlands growth initiative. New councils will be the successors to the decisions that the existing councils are making, so the initiative should continue with some Cumbria local government input. There is no reason why it should disappear.

I thank members of the Committee and remind everyone that the Government are committed to supporting and empowering local leaders and communities, as our levelling-up White Paper makes clear. Specifically, our mission is that by 2030, every part of England that wants a devolution deal will have one; clearly, many Members are passionate about that. Those deals should have powers at, or approaching, the highest level of devolution, with a simplified long-term funding settlement. By providing for the new unitary councils, the order will pave the way for the devolution deal that I know Cumbria deserves, and it will open the way to the sustained delivery of high-quality local public services, greater value for money, ongoing savings and more resilient local government for the area. Those are the benefits that the order can bestow on the people and businesses of Cumbria, and I commend it to the Committee.

Question put and agreed to.

4.59 pm

Committee rose.