

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT BUCKINGHAMSHIRE
(STRUCTURAL CHANGES) ORDER 2019

Tuesday 7 May 2019

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The Committee consisted of the following Members:

Chair: SIOBHAIN McDONAGH

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| † Afolami, Bim (<i>Hitchin and Harpenden</i>) (Con) | † Lucas, Ian C. (<i>Wrexham</i>) (Lab) |
| † Aldous, Peter (<i>Waveney</i>) (Con) | † McMahon, Jim (<i>Oldham West and Royton</i>) (Lab/Co-op) |
| † Blackman, Bob (<i>Harrow East</i>) (Con) | † Morgan, Stephen (<i>Portsmouth South</i>) (Lab) |
| † Bryant, Chris (<i>Rhondda</i>) (Lab) | † Quin, Jeremy (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Djanogly, Mr Jonathan (<i>Huntingdon</i>) (Con) | † Sunak, Rishi (<i>Parliamentary Under-Secretary of State for Housing, Communities and Local Government</i>) |
| † Elliott, Julie (<i>Sunderland Central</i>) (Lab) | |
| † Elmore, Chris (<i>Ogmore</i>) (Lab) | |
| † Garnier, Mark (<i>Wyre Forest</i>) (Con) | |
| † Graham, Luke (<i>Ochil and South Perthshire</i>) (Con) | |
| Hendrick, Sir Mark (<i>Preston</i>) (Lab/Co-op) | Dr Adam Evans, <i>Committee Clerk</i> |
| † Hepburn, Mr Stephen (<i>Jarrow</i>) (Lab) | |
| † Keegan, Gillian (<i>Chichester</i>) (Con) | † attended the Committee |

The following also attended (Standing Order No. 118(2)):

Gillan, Dame Cheryl (*Chesham and Amersham*) (Con)

First Delegated Legislation Committee

Tuesday 7 May 2019

[SIOBHAIN McDONAGH *in the Chair*]

Draft Buckinghamshire (Structural Changes) Order 2019

4.30 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): I beg to move,

That the Committee has considered the draft Buckinghamshire (Structural Changes) Order 2019.

It is a pleasure to serve under your chairmanship, Ms McDonagh. The order was laid before the House on 2 April. If approved and made, it gives effect to my right hon. Friend the Secretary of State for Housing, Communities and Local Government's decision that the locally led proposal to replace the five existing Buckinghamshire councils with a new single unitary council should be implemented. The order is a key element in the legislative process for establishing unitary local government in Buckinghamshire. It provides that on 1 April next year the existing five councils will be wound up and dissolved and in their place will be established the new unitary Buckinghamshire council. The order also provides for appropriate transitional arrangements, centred on the new Buckinghamshire council being established in shadow form as soon as the order is in force, with the council becoming fully operational on 1 April 2020.

By way of background, my right hon. Friend the Secretary of State assessed that the proposal he received from the councils met the Government's criteria for unitarisation. The decision was finally made last November. To remind the Committee, the criteria are threefold: first, a proposal, if implemented, is likely to improve the area's local government; secondly, the proposal commands a good deal of local support; and thirdly, whether the area itself is a credible geography.

Since the decision in November and the discussion with the councils concerned, we have been preparing the necessary secondary legislation to implement the proposal, regulations that streamline the process and that already have been approved by Parliament, and the order we are debating today. Our discussions with the councils have largely been about the transitional arrangements, including substantive issues such as the composition of the shadow authority and shadow executive and the new electoral arrangements. Where there has been agreement between all five councils, we have adopted their preferred approach. In other instances, my right hon. Friend the Secretary of State has balanced the various views that he received to reach his final decision.

In conclusion, we seek to replace the unsustainable local government structures in Buckinghamshire with a new council that will be able to deliver high quality, sustainable local services to the people of Buckinghamshire and provide for effective leadership at both the strategic

and most local level. The welcome inclusion in the proposal of community boards and delegation to parish and town councils, where it is wanted, will mean that the arrangements not only open the door to improved local services, but will shift power to communities, helping them to be involved in decision making in their local area. All the existing councils have previously made it clear that they share those aims, and I am glad to know that they are committed to the very best services for the Buckinghamshire communities that they represent. The order delivers on those ambitions, and on that basis I commend it to the Committee.

4.33 pm

Jim McMahon (Oldham West and Royton) (Lab/Co-op): It is a pleasure to serve under your chairship, Ms McDonagh. We have debated the issue previously, so I will not go into a lot of detail, other than to say that we are nearing the end of the process. We need to bear in mind, as I said at the start, that this is about people, place and community. When the new organisation comes into force, we need to make sure that, in its desire to re-establish its new identity, it does not ride roughshod over the historic community identities that people hold dear. The towns and villages where they live are what really matter to them.

We also cannot ignore the crisis that councils face with the future sustainability of the financial settlement. It does not matter whether it is an urban or a rural authority or one going headlong into a reorganisation. The truth is that there is not enough money in the system to fund the growing demand for adult social care, children's services and other preventive services. We need to see an answer to that in the fair funding review that is taking place. Nobody in this room should believe that by simply reorganising local government we can solve the funding crisis that means older people are not getting the care they need, young people potentially are at risk, and the very fabric of our neighbourhoods or the community services that many people rely on are being taken away incrementally because of austerity. I accept that this is happening in isolation, but the Government need to come forward with a fair funding review and demonstrate that they have thought through the real pressures that councils will face. Of course, the bigger the council, the bigger the risk to the local community if the funding is not accurate and properly assessed.

The other thing that the Government have not addressed—this was particularly the case in the previous Committee on this topic, but I suppose they will say that this is for the local authorities concerned—is that there is still worry that several different councils are being brought together, all with different systems and processes, different ways of handling data and even different IT systems that will not necessarily talk to each other. It is important that the transition is managed in an appropriate timeframe, so that services do not fall over. We might think, "Well, what can go wrong?", but even reporting fly-tipping on a local website requires a number of different components and IT systems to get the job from A to B and the fly-tipping removed. We might think that is something and nothing, but it is important to ensure that such community services are looked after. I will leave my comments there, in order to make way for Members with local interests.

4.36 pm

Dame Cheryl Gillan (Chesham and Amersham) (Con): It is a pleasure to be called to speak, even though I am not a formal member of the Committee. It will not have escaped hon. Members' notice that I am the only person here speaking for Buckinghamshire, but I am afraid that I remain very much in isolation when it comes to local government reorganisation, in terms of being a voice for and about Buckinghamshire.

May I also say that I never thought I would be standing here saying I am glad that we did not have local elections in Buckinghamshire last week? However, the Committee will wish to know that we had a by-election in Chesham, which the Conservatives won by a very good and healthy margin. Buckinghamshire will not be a pushover, whatever happens to its structure in future years.

However, I would have been quite wrong, having spoken the last time this matter was discussed in a Delegated Legislation Committee, to allow this final draft order to go through without at least putting some more points on the record, because this is an important issue. The Minister said that the proposal came from the council, and I think that that is accurate. However, the proposal in fact came from only one council in Buckinghamshire, and all the district councils spoke out against a unitary authority, so the county council was dominant in the original proposals.

The Minister also said that there was unsustainability in our local structures. I take issue with that, because Buckinghamshire's county council and district councils have always been well run. Indeed, my own district council, Chiltern District Council, has been merging its back office with South Bucks District Council's for some time, looking for synergies between them, reducing costs to the taxpayer and providing very good services. That is not to say that the county council was not as well, but there was no demand from that layer of local government, so far as I could assess at the time, for there to be a unitary authority.

In addition—I believe I mentioned this last time but it is important to put it on the record—in the polls of the parishes, 70% would have preferred two unitary authorities. I do not often agree with the hon. Member for Oldham West and Royton, but I was pleased that he had at least bothered to look at the websites for the local area. We need to make sure that we do not lose that local touch for Buckinghamshire. Buckinghamshire will become an absolutely giant authority, and it will only grow bigger because of the Oxford to Cambridge arc of innovation, as I call it, which is a good idea and will contribute to our economy locally and nationally.

That will present Buckinghamshire with the most amazing challenges, and Buckinghamshire's local government will find itself up against the wall if central Government do not resource it properly in order to face those challenges. Let us face it: that is what has been behind a lot of the clamour for a unitary authority. It is the resourcing of local government and the challenge that our councillors face on a daily basis of balancing the services that they provide to our community that has led to the draft order.

The fact that having two local authorities was rejected is a matter of great regret, because that would have provided us with a manageable size of authority and

would have built on the synergies already being achieved by the district councils. I received a communication from my own district council shortly before coming to this Committee, and I want to put of its fears on the record one. We should appreciate that this will be the last time, as I understand it, that a unitary authority will be imposed upon an area without universal consent from all the councils concerned. I think that that is right, because the voices of people raised in opposition to what looks like a good idea from central Government's perspective are not always heard clearly.

One thing I want to clarify with the Minister today is how the shadow authority will operate. The Secretary of State has already made it clear that Buckinghamshire council will not be a continuing authority. The draft order seeks, unfortunately, to give county council members control of the shadow executive, by nine seats to eight. An argument has been made that many councillors—from all five councils—who will sit on the shadow executive will be, in some cases, twin-hatters, able to see things from more than one perspective, and it is clear that either district twin-hatters or county twin-hatters may vote accordingly.

It has been argued that county council services take greater precedence and are of greater importance, and therefore that the county council should have a greater say on how the future arrangements are to be set up. There is still a feeling from some district councils that, by giving the county nine seats and each district only two, that has gone too far. I would like the Minister to explain how he arrived at his arithmetic when in Dorset, another county that is going unitary, I understand that there were equal seats, and that the situation was actually 10:10.

The draft order also gives the shadow executive the power to change its chairman, but with the nine:eight majority still persisting. There is a question—I would like the Minister to explain how we can safeguard against this—of what would happen to a county member who broke ranks and voted with the districts against the chair. Would they be swiftly replaced with a nominee, so that the districts would again lose out?

These are valid questions to ask at this stage, and to ask the Minister to give his views on, particularly in the light of some of the meetings and negotiations that I was privy to in the run-up to the draft order's introduction. However, I will end on a positive note: now that this has been done, there is no doubt that the four district councils in Buckinghamshire originally opposed to a unitary authority have all said that, in reality, they accept it per se. They want to move on and to make sure that they have a meaningful voice in shaping the new authority.

I think that that is most important, because I have just come from a meeting, which showed that changes to the structure of local government can affect what happens in Buckinghamshire. The last meeting I had was about a scout camp in my constituency. If the edict from the Minister's Department is followed, it will mean having to bring into play an area of the green belt for development, which in effect could kill off that scout camp through the development in and around it. Before that, I met HS2, to talk about the problems that the new construction commissioner will face when looking at HS2 and the way it cuts a swathe through the whole of Buckinghamshire.

[*Dame Cheryl Gillan*]

If the unitary authority is not efficient, immediately active and well run, I am afraid that the people of Buckinghamshire will pay the price. We will not be able to resist some of the greater faults and problems coming from the construction of HS2, if indeed it goes ahead, and we will not have that competence in the initial stages to be able to turn round to central Government and say no to some of the edicts that will remove our green belt and threaten some of our most beautiful areas in Buckinghamshire. Having said that, no one wants it to succeed more than I do, because the price of failure is paid by my constituents and the residents of Buckinghamshire.

4.45 pm

Rishi Sunak: It is a pleasure to make the winding-up speech, in which I hope briefly to answer the questions posed.

I pay tribute to my right hon. Friend the Member for Chesham and Amersham (*Dame Cheryl Gillan*) for her continued championing of this cause. She has participated in all the debates on these matters in the Chamber and in Committee, and she is right to seek to ensure that local democracy remains vibrant in her area. I know that she has had concerns about the process, but I thank her for the constructive fashion in which she has engaged with the Department and with me on those questions. We may not agree on everything, but I hope she will feel that her inquiries and pushing have yielded some positive outcomes for her district councils and for her residents.

My right hon. Friend raised a specific question about whether these local structures were indeed sustainable or worthy of change. The point I was trying to make was that both proposals, as submitted by the district councils and by the county council, stated that they thought that the change was welcome in Buckinghamshire. The representative surveys and open questionnaires that were sent to the Department in relation to the proposals highlighted the enormous and indeed overwhelming appetite for change in Buckinghamshire. We received more than 3,000 representations in response to the Department's engagement exercise, 87% of which were in favour of some reorganisation of local government in Buckinghamshire. The survey itself, which is representative, had a slightly lower figure, but it was still, from memory, in the high 70s.

My point was that there is general consensus for change in Buckinghamshire and that the question was what form that change should take. Obviously the Department received two different proposals and had to adjudicate on them. In the end, it concluded that both had a good degree of local support, which is one of the criteria. On the other two criteria, however, which relate to improving local government and representing a credible geography, my right hon. Friend the Secretary of State ultimately took the decision that the proposal from the county council was most appropriate.

On the composition of the shadow authority and executive, my right hon. Friend the Member for Chesham and Amersham raised the question of twin-hatters and those sitting on the shadow authority. Where we have ended up with a number of members on the shadow authority with the role and votes of twin-hatters, that

was the position that the district councils represented to the Department that they preferred. Indeed, they reached some consensus on that point with the county council, and we were pleased to implement that decision in the order.

The question of the shadow executive is important. The principle is simple here, as is the way of making a comparison with previous reorganisations. The approach that the Department has always taken is that the entity or bodies that submit the proposal that ultimately ends up being enacted should be the ones that have ultimate control over the shadow executive. My right hon. Friend mentioned other examples where there has been a split. That is because the proposals came jointly from all bodies concerned. Where there has been a difference of opinion, it has always been the approach that the body, or district groups or bodies that submitted the proposal should have the chance to implement it.

Dame Cheryl Gillan: I gave the example of Dorset, but Dorset was not a unified bid. There was a dissenting voice among those councils as well.

Rishi Sunak: That is indeed right, but because the structure was different, and there was a combination of three different bodies, the membership did not give any one of them a particular veto over any other. In other circumstances there have been two competing proposals, which did not happen in that case. In Central Bedfordshire there was a proposal from the district councils and a proposal elsewhere. It was the district councils whose proposal was ultimately implemented by the Department, and it was the district councils that had a majority on the shadow executive. That is the approach taken here, where the body whose proposal is being adopted is the one that rightly has the ability to execute that proposal. As a result of the conversations that my right hon. Friend has had with the Department, and that her district councillors have had, we have ensured in the order that the shadow executive can change its leader should it want to do so in future, which gives it a greater ability to change things down the line than has happened in previous proposals. I hope that that represents a step in the right direction.

Dame Cheryl Gillan: I know that we are not supposed to refer to the Public Gallery, but people who have more than a passing interest in this matter are sitting in the Public Gallery and hearing what is said. Is there a protection for those members of the interim committee if they wish to change the leader at any stage?

Rishi Sunak: I am not particularly sure what kind of protection my right hon. Friend is referring to, but just because there is a vote there is no ability for them to be removed, if that is what she is asking for. They will have a democratic right to choose their leader in the council and that right is enshrined in the order as it has been negotiated. Should those involved want to avail themselves of that right, they can do so. That represents a change that has not been found in previous reorganisations. I think it is a positive step that I hope will be welcomed.

More broadly, my right hon. Friend highlighted the importance of place and local community, which also touches on comments made by the hon. Member for

Oldham West and Royton. We must not lose sight of that point. People are right to highlight that their local government should be close to them and responsive to them, and should not feel remote. In that vein, I have been glad to see in the county's proposals—I am sure hon. Members on both sides of the Committee will appreciate this—the plans for 19 new community boards to be formed. Each will have its own community hub, so that each individual area, town and village will have appropriate representation. Those councillors, should they want to do so, will be able to take decisions on local matters and community funding. This builds on a strong tradition of town and parish councils in Buckinghamshire, which is one of the most parished entities in all England, with more than 160 different town and parish councils.

The hon. Member for Oldham West and Royton asked about historic traditions. I am pleased to say that the Department believes very strongly that none of those ancient and historic traditions should be lost in any local government reorganisation. Where a town and council already has those, nothing should change. As we know, at this moment new town and parish councils are being contemplated in Buckinghamshire, and there is consideration of community governance reviews. Of course, the Department will provide any support that is needed, and I am sure that the new authority will look favourably on those proposals as they come forward. Should that not happen, and if there are some traditions or ancient practices that need to be carried on, the Department has the ability to create charter trustees through statutory instrument, to ensure that those traditions can be passed to charter trustees and passed on at the appropriate time to any new town or parish council that is formed. That is something we have done in the past and which is very easy to do in future, to ensure that none of those ancient traditions is lost. Both the hon. Member for Oldham West and Royton and my right hon. Friend the Member for Chesham and Amersham are absolutely right to highlight the importance of place.

Dame Cheryl Gillan: Would the Minister like to give me some examples of the traditions that will not be lost, and of those that he is seeking to protect?

Rishi Sunak: In this particular instance there are none that have been brought to our attention that require protecting, but in previous reorganisations—perhaps in Suffolk, if memory serves me correctly, or in Somerset; I am sure I will receive a note—it has been shown that charter trustees can easily be created to take on board considerations such as ancient mayoral roles or civic traditions. *[Interruption.]* I see that it happened in Poole—there we go. From memory, the ancient office of high sheriff was passed on. It is a relatively straightforward process, and I have been speaking to honourable Friends in Northamptonshire about it as they contemplate their own reorganisation. They are keen to preserve the civic traditions in the town of Northampton, and I have been able to give reassurances to colleagues in Northamptonshire that that will be no problem. In the instance we are considering, Buckinghamshire is already exceptionally well towned and parished, and new ones are being contemplated, so there may well be no need for any charter trustees to be formed.

The order represents a step forward for the people of Buckinghamshire. I am glad that my right hon. Friend the Member for Chesham and Amersham ended on a positive note. She is absolutely right to do so. At this point, we should all be focused on the people of Buckinghamshire and on ensuring that they get the local services and representation that they deserve. Perhaps I can end my remarks with a quote from some of the district council leaders, who recently said that, although they were unhappy with some elements of the process, “it remains our sole intention to do everything we can to ensure the new Buckinghamshire Council is something we can all be proud of and will be the very best for all our residents”. I commend them for their sentiments, and wish all the council leaders in Buckinghamshire the very best of success as they embark on this exciting adventure.

Question put and agreed to.

4.55 pm

Committee rose.

