

GOVERNANCE COMMITTEE

Agenda Item 44

Brighton & Hove City Council

Subject:	Administrative Boundary Review – Saltdean	
Date of Meeting:	17 November 2009	Governance Committee
	9 December 2009	Cabinet
Report of:	Director of Strategy & Governance	
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Wards Affected:	Rottingdean Coastal	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In response to correspondence and a deputation from Saltdean Residents' Association, this report considers the issues relating to a possible administrative boundary review of the Saltdean area, and whether to conduct a referendum or survey to ascertain the views of Saltdean residents.
- 1.2 As a decision on these matters is an executive function, the role of Governance Committee in this instance is to make recommendations to Cabinet.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee recommends the following to Cabinet:
 - (a) To support Saltdean Residents' Association's request for an administrative boundary review of the Saltdean area, and to instruct officers to write to the Boundary Committee for England strongly supporting the request and asking for the review to be expedited; and
 - (b) To note Saltdean Residents' Association's request for the council to conduct a local referendum or survey on the matter and, whilst understanding the rationale for the request, not to proceed with the proposal for the reasons set out in the report.
 - (c) To report their decision on (a) and (b) to Council, for information.
 - (d) To communicate their decision on (a) and (b) to Lewes District Council and East Sussex County Council, also for information.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The western side of Saltdean lies in the area administered by Brighton & Hove City Council, whilst the eastern side lies in the area served by Telscombe Town Council, Lewes District Council, and East Sussex County Council. See the boundary area map at Appendix 1.
- 3.2 The boundary line between these two areas runs north/south along Longridge Avenue, the main shopping street in Saltdean. Based on information supplied by Saltdean Residents' Association (SRA), the boundary originates from 1928 when the County Borough of Brighton was extended westwards to Longridge Avenue, while the eastern part of Saltdean remained under what was then Newhaven.
- 3.3 SRA carried out a survey in 2001 of residents' views on unifying the local governance of Saltdean. Those campaigning for a "yes" vote gave the following examples of how a unified Saltdean might be beneficial:

- A stronger community voice, with one contact point
- More influence in Saltdean affairs
- A united approach to municipal issues
- Resolution of parking, traffic control and maintenance problems in Longridge Avenue
- Same council tax rate
- Single planning policy
- Representation by councillors from one authority

The result of the survey revealed that 80% of respondents wanted Saltdean to be united under one local authority, and of those in favour, 75% wanted that authority to be Brighton & Hove. On the strength of this outcome, later in 2001 SRA sent a request for unification to the relevant councils and the Boundary Commission.

- 3.4 SRA resurrected the issue in 2009 by holding a public meeting in March to discuss how to progress matters. Among the 120 people who attended were Councillors Gill Mitchell and David Smith, as well as the MP for the area, Des Turner. A show of hands at the meeting indicated a majority in favour of unification.
- 3.5 On 31 May 2009, SRA wrote to Brighton & Hove City Council, Lewes District Council and East Sussex County Council (copy at Appendix 2), calling on each local authority:
- (i) to request the Boundary Committee for England to carry out an administrative boundary review of the area as soon as possible; and
 - (ii) to carry out a survey or referendum of all Saltdean residents to ascertain their current views on unification
- 3.6 To strengthen their cause, SRA handed a 'United Saltdean Petition' in June to Councillor David Smith, ward member for Rottingdean Coastal, which he offered

to present to the Council meeting in July. SRA asked him to wait until September as they expected more residents to add their names. The “petition” is in fact a single item questionnaire, asking the respondent whether they think East and West Saltdean should be united under one council and, if so, which. (See copy at Appendix 3).

3.7 SRA made a deputation to the Governance Committee on 22 September 2009, reinforcing the two requests made in their letter of 31 May, and handed over the questionnaire, which by now bore 469 entries (approximately 7% of the electorate for the whole of Saltdean). Although some entries were invalid, the summary position is as follows:

- 96% of respondents said they favoured a unified Saltdean under one council
- Of these, 88% wanted to be under Brighton & Hove; 12% under Lewes

3.8 Before writing to the council in May and making a deputation in September, SRA had already written directly to the Boundary Committee, requesting a review.

3.9 The Boundary Committee for England is part of the Electoral Commission and has power to undertake reviews of the external boundary of a district or county.

3.10 In June, officers approached the Boundary Committee (‘BC’) informally on the matter. Their Review Manager confirmed the position on administrative reviews as follows:

“For the current and next financial year, given the Committee’s planned workload, it is very unlikely that we will be in a position to review the external boundaries of local authorities in England until 2011-2012 at the earliest. We have responded to Saltdean Town Council [sic] informing them of this and have placed their request on file. We will return to all the requests we have received for administrative boundary reviews at a later date and give consideration as to which areas we will be reviewing and their timing.”

3.11 Following a boundary review, the BC may make a recommendation to the Secretary of State. If the BC recommends a boundary change, the Sec of State may:

- (i) implement it with or without modification;
- (ii) take no action with respect to the recommendation
- (iii) request the BC undertake a further review

3.12 If the BC recommends that no boundary change is desirable, the Sec of State may accept the recommendation or request a further review.

3.13 The Cabinet of Lewes District Council considered SRA’s request in July. They resolved to authorise officers to write to SRA and BC, advising that the council supports SRA’s request for a review of the administrative boundary of Lewes and Brighton and Hove in the area of Saltdean, subject to the understanding that it is very unlikely that the BC will be in a position to review the external boundaries of local authorities in England until 2011-2012.

- 3.14 In a follow-up letter, Lewes District Council informed SRA they did not consider it appropriate to seek the views of Saltdean residents before the BC began any boundary review of their own, which was not due until 2011 at the earliest.
- 3.15 East Sussex County Council advised SRA that:
- (i) they have alerted the BC to the Association's desire for a boundary review; and
 - (ii) they do not consider it a good use of resources to consult with them at this stage, as any subsequent BC review would involve a comprehensive consultation with local people.
- 3.16 The BC have advised that agreement amongst those authorities potentially affected by a review *may* have an impact in deciding prioritisation. However, this is not something they are required to take into account and they say they would likely balance consensus locally against the objective need for a review.
- 3.17 The existing boundary between Brighton & Hove and Lewes can cause the residents of Saltdean genuine difficulties when dealing with local authority matters which affect the whole area. In addition, splitting Saltdean into east and west local government areas makes it difficult to create a coherent community. It is therefore questionable whether the existing boundary best serves the interests of Saltdean residents. On this basis, the Governance Committee is advised to recommend that Cabinet strongly support SRA's request for an administrative boundary review of the area concerned and instruct officers to write to the BC accordingly (recommendation 2(1)(a)).
- 3.18 BC has advised that the council's view can be communicated to them at any time and will be placed on record. When the time comes to prioritise reviews, they will consider all the views received.
- 3.19 Additionally, SRA have requested that we conduct a survey or referendum of all Saltdean residents to ascertain their views on the whole locality coming under one authority, on the basis this will, they believe, help to inform BC's decision on whether to carry out an administrative review. The report now considers the merits or otherwise of complying with SRA's further request.
- 3.20 It would be possible to send a short questionnaire to all or a representative sample of Saltdean residents. The cost of carrying out the exercise would fall entirely on this council, as Lewes DC and ESCC have decided against a survey at this stage. The estimated cost of such an exercise would be:
- (i) £12,500 - £15,500 for preparation, data analysis and report writing; and
 - (ii) up to £6,300 for producing, sending out and returning surveys
- 3.21 Apart from cost, there are a number of reasons why conducting a survey in the short term would not be advisable:

- (i) Between now and 2011 (the earliest date for an administrative review), the composition of the electorate in Saltdean could change, with some residents leaving and some arriving into the area over the two year period. Moreover, even among the settled population, views can change over time due to external factors; their response to a questionnaire in 2009 may not match that in two years' time.
- (ii) If the council were to survey Saltdean residents, its ability to act on the findings would be limited to informing the BC. Conversely, there is a real risk of the survey raising expectations among some residents that, if the consensus were in favour of unification, an administrative review would follow. In reality, a review is a minimum of two years away.
- (iii) In conducting an administrative boundary review, the BC must consult the council(s) of the local government area affected, and "other persons as appear to them to have an interest" – s9(2) of the Local Government and Public Involvement in Health Act 2007. Given SRA's long history of campaigning for a change, it is almost certain the BC would consult them as part of any review.

Furthermore, when considering whether a boundary change is desirable, the BC must take into account the interests of local communities - s8(6)(b) of the 2007 Act.

In view of this, any survey by the council would pre-empt the BC's own statutory consultation.

- (iv) A survey covering the whole of Saltdean would involve writing to certain households and businesses currently outside Brighton & Hove's jurisdiction. Doing so at a time when the councils who do cover these other areas have decided against a survey could appear disjointed and runs counter to the normal practice of working in partnership with neighbouring authorities.
- (v) Under the Local Democracy, Economic Development and Construction Bill currently before Parliament, the functions of the BC will transfer to a new organisation, the Local Government Boundary Committee for England. Its priorities may change, which may affect the timescale for reviewing the boundary at Saltdean. Until the new body is established and their priority areas agreed, a survey of residents would be of little value.

3.22 For the above reasons, it is recommended that Members decline SRA's request for a survey or referendum by the council (recommendation 2(1)(b)).

4. CONSULTATION

4.1 Advice was taken from the Electoral Commission's Review Manager for Boundary Reviews. His responses are documented in paragraphs 3.10 and 3.16 above

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of conducting a residents survey is approximately £20k, as detailed in section 3.20 of the report. This would have to be met within existing resources.

Finance Officer Consulted: Peter Francis

Date: 28/10/09

Legal Implications:

- 5.2 As indicated in paragraph 1.2 above, the decision about whether to support SRA's request for an administrative review, and whether to conduct a survey of Saltdean residents, is an executive function and thus reserved to Cabinet. In this instance the role of Governance Committee is to make a recommendation to Cabinet.
- 5.3 At Governance Committee on 22 September, Members requested that Cabinet report their decision to Council, purely for information.
- 5.4 The decision on whether to perform an administrative boundary review, and when, lies with the Boundary Committee. Following such a review, it would be for the Secretary of State to determine which of the BC's recommendations to implement, if at all.
- 5.5 Section 8 of the Local Government and Public Involvement in Health Act 2007 permits a local authority to request the Boundary Committee to conduct an administrative boundary review.
- 5.6 Relevant statutory duties of the Boundary Committee are referred to in paragraphs 3.11 - 3.12 above.
- 5.7 Section 116 of the Local Government Act 2003 permits the council to conduct a local survey to ascertain views about the provision of council services. The type of survey referred to in the report would come within this provision.

Lawyer Consulted:

Oliver Dixon

Date: 21/10/09

Equalities Implications:

- 5.8 There are no equalities issues arising directly from this report

Sustainability Implications:

- 5.9 There are no sustainability issues arising directly from this report

Crime & Disorder Implications:

- 5.10 There are no crime and disorder issues arising from this report

Risk and Opportunity Management Implications:

- 5.11 There is a risk that the Boundary Committee, or its successor, may not select the Saltdean area for an administrative boundary review in 2011 or within a reasonable timeframe thereafter. Similarly, if an administrative review of the area does take place, there is no guarantee this will result in Saltdean coming wholly within one local government area. As noted above, it is for the Secretary of State to make the final decision on the matter.
- 5.12 If a review cannot be held until 2011 at the earliest, there may be an opportunity for the council to work with Lewes DC and ESCC on a protocol that assists Saltdean residents closest to the boundary line to resolve issues requiring liaison between these three authorities.

Corporate / Citywide Implications:

- 5.13 If and when there is an administrative boundary change which results in the whole of Saltdean coming within a single local government area, the wards most affected would be Rottingdean Coastal and, in relation to Lewes DC, Telscombe Cliffs and East Saltdean.
- 5.14 The likely effect of a new boundary would be an increase or decrease to the size of these wards and, potentially, a corresponding change to the number of members representing these wards.
- 5.15 A change to the boundary line would also affect the Peacehaven and Telscombe Towns division of East Sussex County Council, and the East Saltdean ward of Telscombe Town Council. As SRA's letter of 31 May recognises, moving the boundary eastwards could call into question the viability of the Town Council.
- 5.16 Were the boundary to be relocated to the west of Saltdean, some or all of Rottingdean Parish Council may be affected.
- 5.17 As noted in 3.21(iii) above, the Boundary Committee would consult all these local government bodies, were an administrative review of the area to be undertaken.

SUPPORTING DOCUMENTATION

Appendices:

1. Map of Saltdean, highlighting the existing boundary between Brighton & Hove City Council and Lewes District Council
2. Letter of 31 May 2009 from SRA to the council's Head of Legal and Democratic Services
3. Template for SRA's questionnaire submitted to Governance Committee on 22 September 2009

Documents In Members' Rooms

None

Background Documents

1. Details of the Saltdean Boundary Referendum carried out by SRA in February 2001 – see www.saltdean.info/sraref.htm