



Ministry of Housing,
Communities &
Local Government

Rt Hon Robert Jenrick MP

Secretary of State for Housing, Communities and
Local Government

**Ministry of Housing, Communities and Local
Government**

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Leaders of the Somerset District Councils

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Dear Leaders

Thank you for your letter of 6 April regarding the actions you are taking to promote access to the current statutory consultation on local government reform and your proposal to undertake a local poll on the two proposals for unitary local government in Somerset.

I welcome the measures that councils are taking to ensure the widest possible awareness of and access to the consultation. It is of course important that any such steps that councils take do not promote, and cannot be perceived to promote, a particular proposal.

As to the exercise you are proposing to conduct in May, it is a matter for your councils to decide whether they wish to proceed, having regard to all the circumstances including:

- the council's powers to undertake the proposed exercise, its feasibility including any proposed use of the full electoral register and to whom it may be made available, and its value for money in the use of public funds;
- the council's obligation to have regard to the publicity code, in particular during this time of sensitivity during the elections of the PCC and council by-elections; and
- the process currently being undertaken in relation to the unitary proposals, particularly the current consultation and the publicly announced timetable which it is expected all will adhere to.

Your councils will need to take their own legal advice on these issues and be satisfied as to the lawfulness and propriety of any actions they take.

I note that you see this exercise as providing us '*with direct evidence of the level of local support in our area*' and that you do not consider that the statutory consultation will allow me '*to make a fully informed decision.*' In short you consider that this exercise '*will help me to assess*' your bid against the criteria set out by my Department in the original invitation letter. I am afraid that I do not share this view. Rather than facilitating my decision making, I believe that were you to undertake the proposed exercise it risks duplicating and detracting from the consultation to which thousands of people in Somerset have already responded, and would be confusing for local people, businesses and others in Somerset. Nor would it be consistent with the published timetable for my decision making which all expect me to follow. On the face of it, it is hard to see how this can represent value for money for the people of Somerset. You would have to account to your local taxpayers for whatever expense is incurred, and the consequences of that for your finances and delivery of local public services.

Moreover, the explanation that you provide in your letter for your proposed course of action is based on a fundamental misunderstanding of the process of the decision making on local government restructuring. As we have consistently made clear, my decision will be a balanced judgement assessing the proposals against all three criteria, having regard to all representations received, including responses to the consultation, and to all other relevant information available to me. My decision will not be made on the basis of which proposal has the most popular support as expressed simply through the number of representations received or the result of a poll. The support criterion is about local support generally, not only that of residents, but also support from the business community, the voluntary sector and other public service providers. It is possible that more than one proposal in an area can be considered to meet the support criterion and the judgement as to which (if any) should be implemented will reflect my balanced assessment against all three criteria.

The statutory process provides for a consultation which allows councils and others whom I consider appropriate to express views and provide evidence about the proposals. As we told the House on the 8 March 2021, the consultation is not a poll or a referendum; for good reasons the statute does not require either a poll or referendum, nor indeed in contrast to certain other statutory processes a public consultation. I reject any suggestion that the consultation that I am carrying out is not fit for purpose or in some way flawed.

Were your councils to decide to go ahead with the exercise that you are now proposing, I would reiterate that in order to fulfil my published timetable the decision-taking process could be well advanced before you have any results from that exercise. Moreover, for those results to have any credibility it is not only the form of the question in which it is important to avoid risking bias in the responses, but also the risk of creating bias must be scrupulously avoided in the material describing the proposals which is circulated to those who are being invited to respond. The format of your letter itself, headed 'Stronger Somerset' the name of one of the proposals, raises questions as to the risk of bias in this exercise, which it may prove difficult to overcome. Without such credibility there are questions as to the weight that can be appropriately given to the results of any exercise such as you are proposing.

In conclusion, I would reiterate that this is a matter for your councils to decide – which I understand they are considering this week, but I would hope my comments give you cause to reconsider pursuing the exercise you are proposing. You might well be best advised to concentrate on further promoting the statutory consultation on which there has already been a very significant number of responses.

I am copying this letter to the Leader of Somerset County Council, whom I understand you have invited to join you in the exercise you are proposing.

A handwritten signature in black ink that reads "Robert Jenrick". The signature is written in a cursive style with a long horizontal stroke underneath the name.

RT HON ROBERT JENRICK MP