



Rt Hon Robert Jenrick MP
Secretary of State for Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

22 April 2021

Dear Secretary of State

Thank you for your letter of 12 April responding to our proposal to hold a local poll (referendum) on the two proposals for unitary local government in Somerset.

We want to assure you that we fully intend to take account of all the issues you raise, as we consider whether to proceed with our proposal.

We are sorry that you do not share our view that this local poll will help with decision-making. Having reflected carefully and taken further advice from James Goudie, QC, we remain convinced that a clearly expressed view of the local electorate will be of value in the decision-making process ahead.

Should our members agree the proposal, the local poll will follow guidance produced by the Electoral Commission and will ask a question that presents the options clearly, simply and neutrally, will be easy to understand and to the point. It will be unambiguous, will avoid encouraging voters to consider one response more favourably than another and will avoid misleading voters. The poll would be independently run and verified and offer every elector in Somerset one vote.

Voting packs will be delivered to all electors and will include ballot papers and instructions on how to vote either by post or online. Information about each proposal will be given equal prominence in the voting pack.

We believe the local poll will encourage people to express a preference in a way that is familiar, and easy to engage with, for all voters. While we do not yet know how many Somerset voters participated in the consultation – we have promoted it well and we sincerely hope that many did – we do believe that a local poll of the kind we propose will allow us to maximise participation in this hugely important issue.

We are therefore offering the local poll as supplementary and complementary evidence to the current decision-making process you are conducting.

We understand that any local poll is advisory. We think it worth noting that all stakeholders who live in Somerset and are registered to vote here will be able to take part. That would include those from other stakeholder groups, such as employers, the public sector, education and community and voluntary sector. Everyone's voice would be heard, and would count, equally. We would contend that this would be of great help in making the decision and avoid any ambiguity about where local support lay.

We have taken careful legal advice and we are confident of our respective councils' powers to hold a local advisory poll – this is provided for in Section 116 of the Local Government Act 2003 and under the General Power of Competence in the Localism Act 2011. We are advised that the full electoral register may lawfully be shared with a third-party supplier for the purposes of conducting such a poll. The councils will debate and determine the issue of value for money in the use of public funds. We have arrived at the proposed method for conducting the poll by balancing inclusivity and ease of participation with cost. Every elector in Somerset

will be given the chance to have their vote for little more than the price of a second-class stamp.

As to timing, you will be aware that it has not been possible to hold a poll of this sort any earlier in this process for two reasons: 1. Covid-19 restrictions meant that 6 May was the first day an election or referendum could be legally held. 2. The statutory order for PCC elections does not allow a local poll of the sort we propose to be combined with them. We also expect that according to the publicly announced timetable your decision in regard to the current process will be made before the summer parliamentary recess. That would allow time for the result of the local poll to be known before a final decision is taken.

We want to assure you that throughout the consultation period we have acted in the spirit of the guidance issued by MHCLG on 22 February to each of the councils in Somerset to facilitate the widest possible awareness of, and access to, the consultation.

We have, of course, taken full account of the Local Government Publicity Code to ensure we comply with the both the spirit and letter of the code and we will continue to do so.

During the consultation, we were conscious of the guidance in the code that says publicity may set out the local authority's views and reasons for holding those views. Our approach was therefore to raise awareness of the consultation and how to take part, and to explain the position of the district councils and why they have adopted this position. We have never strayed across the line to say, 'Back us'. We have also made regular reference to the existence of an alternative proposal and how people can find out more about that alternative.

Our legal advice is that the reorganisation proposals and consultation exercise are not political and therefore our publicity on these matters is unaffected by the pre-election period for the PCC and by-elections, providing we comply with the publicity code in other respects, which we have.

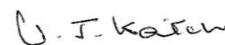
We understand we will need to ensure the local poll is presented and conducted in a way that does not appear to favour one option or another and encourages free choice between the two clearly expressed options.

We thank you for confirming that the proposal for a local poll is a local decision. We can assure you we intend to include all the considerations you set out in your letter as we take this proposal through our local democratic processes.

Yours sincerely



Councillor Duncan McGinty
Sedgemoor District Council



Councillor Val Keitch
South Somerset District Council



Councillor Frederica Smith-Roberts
Somerset West and Taunton Council



Councillor Ros Wyke
Mendip District Council