



# Impact Assessment of Order implementing a change from two tier to single tier local government in Cheshire



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## Summary: Intervention & Options

<b>Department /Agency:</b> <b>Department of Communities and Local Government</b>	<b>Title:</b> <b>Impact Assessment of Order implementing a change from two tier to single tier local government in Cheshire</b>	
<b>Stage:</b>	<b>Version:</b>	<b>Date:</b> 30 January 2008
<b>Related Publications:</b> Full Regulatory Impact Assessment for Strong and Prosperous Communities White Paper and the Local Government and Public Involvement in Health Bill 2007		

### Available to view or download at:

[www.communities.gov.uk/corporate/publications/impact-assessments/](http://www.communities.gov.uk/corporate/publications/impact-assessments/)

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### What is the problem under consideration? Why is government intervention necessary?

Weaknesses are found in many existing council structures based on county, district and parish tiers. These structures often add to public confusion, create fragmented and sometimes competing local leadership, and lead to duplication, inefficiency and co-ordination failures in service delivery. A way of removing these weaknesses is the introduction of unitary local government, ie, to change the statutory structure of local government so that the council structures are based on a single principal tier together with parish tiers. This necessarily requires Government intervention and the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) provides the mechanism for this.

### What are the policy objectives and the intended effects?

The policy objectives are, on the basis of a proposal made by four district councils in Cheshire for a move to unitary local government in Cheshire, to overcome the weaknesses found in the existing council structures based on county, district and parish tiers, and to establish in Cheshire, new and innovative local governance that combines both strong strategic councils and effective arrangements for empowering communities at the most local level. Once the proposal is fully implemented, annual savings in total across both new local authorities of over £16m are expected (largely through rationalisation of corporate and staff related costs, and support services) giving the new councils opportunities for improved services or lower council tax.

**What policy options have been considered? Please justify any preferred option.**

Having invited councils to make proposals to move to unitary local government, and having received proposals for Cheshire, the policy options open to the Government under the provisions of the 2007 Act are to implement by order a proposal with or without amendment, or, to take no action on the proposals. Before deciding whether to implement a proposal or take no action on it, it is open to the Government to request the Boundary Committee of the Electoral Commission for advice on the proposals. In Cheshire, the Secretary of State received two proposals, one for a single unitary based on the County Council and a proposal for a two-unitary Cheshire. The Secretary of State took the view that both alternative proposals had a reasonable likelihood of achieving the outcomes specified by all the criteria set out in the Invitation but that it was more likely that the two-unitary proposal would deliver to a greater extent the long-term outcomes around strategic leadership, neighbourhood empowerment and value for money and equity on public services and hence decided that that proposal is to be implemented.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?**

The Department is commissioning a six year research project to evaluate the current round of local government reorganisation, and the outputs and outcomes that emerge, with evaluations from January 2010.

**Ministerial Sign-off** For final proposal/implementation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.***

Signed by the responsible Minister:



**Date:** 31 January 2008

## Summary: Analysis & Evidence

<b>Policy Option:</b>	<b>Description:</b>
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<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups'. The proposal submitted in January and additional material between June and October 2007, identified one off transition costs of £16.6m with a payback period of just under 2.5 years. These included staff related costs and appropriate planning and change management. The Department's modelling of the potential impact of risks on the proposals showed transitional costs could potentially increase to £25.2m – see note A below.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	£25.2m		
	<b>Average Annual Cost</b> (excluding one-off)		
	£8.08m	5	<b>Total Cost (PV)    £65.6m</b>
Other <b>key non-monetised costs</b> by 'main affected groups'.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' The proposals and additional information identified potential savings within the new authorities largely through rationalisation of corporate and staff related costs, and support services. The councils' estimates of gross ongoing savings was £30m (£21.3m net) annually once implemented. The Department's modelling of the potential impact of risks on the proposals showed benefits could potentially reduce to £27m gross (£16.3m net) – see note A below.
	<b>One-off</b>	<b>Yrs</b>	
	£		
	<b>Average Annual Benefit</b> (excluding one-off)		
	£16.24m	5	<b>Total Benefit (PV)    £81.2m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups'			
<ul style="list-style-type: none"> <li>– The number of councils in the area affected would reduce from 7 to 2</li> <li>– The total number of English councils falls from 360 (on the assumption that proposals subject to orders currently before Parliament are also implemented) to 354.</li> </ul>			

There will be two principal councils for the whole of Cheshire which, through combining strategic leadership, effective neighbourhood empowerment and simplified and more efficient partnerships and service delivery will be able to lead the way on modernising service delivery to achieve greater efficiency & better outcomes.

**Key Assumptions/Sensitivities/Risks**

The costs and savings are based on the business case submitted which included sensitivity/risk analysis and additional information submitted following the Secretary of State's request for additional financial information in the announcement of 25 July.

**Note A:** The workbooks submitted by the proposing councils in response to the request by the Secretary of State for additional information detailed (one-off) transitional costs of £16.6m and ongoing savings of £21.3m annually. The evidence in the form of workbooks and additional information was submitted as part of the councils' proposals and is available on proposal web site at <http://www.chester.gov.uk/peopleandplaces/>. In considering her decisions the Secretary of State sought independent advice from finance experts. They considered the areas of risk in the proposals and modelled the potential impact of those risks on the business case. The effect of that modelling was to potentially reduce the level of ongoing savings from £21.3m to £16.3m (not discounted) and potentially increase the transitional costs from £16.6m to £25.2m. The modelling also increased the potential payback period to 3.7 years.

<b>Price Base Year 06-07</b>	<b>Time Period Years 5</b>	<b>Net Benefit Range (NPV) £N/A</b>	<b>NET BENEFIT (NPV Best estimate) £15.6m (Cumulative over 5 yrs)</b>			
What is the geographic coverage of the policy/option?		1 area in England				
On what date will the policy be implemented?		1 April 2009				
Which organisation(s) will enforce the policy?		Not Applicable				
What is the total annual cost of enforcement for these organisations?		£N/A				
Does enforcement comply with Hampton principles?		N/A				
Will implementation go beyond minimum EU requirements?		N/A				
What is the value of the proposed offsetting measure per year?		£N/A				
What is the value of changes in greenhouse gas emissions?		£N/A				
Will the proposal have a significant impact on competition?		No				
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large	
Are any of these organisations exempt?		N/A	N/A	N/A	N/A	
<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase – Decrease)				
Increase of £		Decrease of £		<b>Net Impact £</b>		
Key:	<b>Annual costs and benefits: Constant Prices</b>			<b>(Net) Present Value</b>		

## Evidence Base (for summary sheets)

### Objective

To introduce secondary legislation that will implement a proposal for the creation of two unitary authorities in Cheshire to deliver strong, effective, and accountable strategic leadership, genuine opportunities for neighbourhood flexibility and empowerment, and value for money and equity on public services.

The full rationale for Government Intervention is set out in the Regulatory Impact Assessment prepared for the Local Government and Public Involvement in Health Bill (now Act) and is reproduced at Annex A.

The Order being tabled implements the decision on unitary restructuring in relation to Cheshire announced by the Government on 18 December.

### Policy Options Underlying Unitary Restructuring

The Local Government White Paper, *Strong and Prosperous Communities*, (“the White Paper”) was published on 26th October 2006. Amongst other things, it set out proposals for creating opportunities for improved local governance in two tier areas by giving councils an opportunity to seek unitary status and assist those continuing with two tier arrangements to adopt improved arrangements.

In parallel with the White Paper, the government published its “*Invitations to Councils in England*” in October 2006 to invite councils to make proposals for future unitary structures, and/or to pioneer, as pathfinders, new two-tier models. The invitation said the government had made these white paper commitments because:

- It has concluded that local government in two tier areas faces additional challenges that can make it harder to achieve that strong leadership and clear accountability which communities need. There are risks of confusion, duplication and inefficiency between tiers, and particular challenges of capacity for small districts.
- It recognises that many local authorities are already working to improve the quality of services in two tier areas, building strong and sustained partnerships between councils in a county area, but considers there is the potential to go further. In short, the Government believes that status quo is not an option in two tier areas if councils are to achieve the outcomes for place shaping and service delivery that communities expect, and deliver substantial efficiency improvements.

- It accepts that in a number of areas, and where there is a broad cross section of support for this, these reforms should now involve a move to unitary local government.
- It also recognises that in the majority of county areas reforms will now take the form of developing innovative new models of two tier working as described in the White Paper. This process is to be assisted by pathfinder partnerships of a county council and all the district councils in the county, committed to pioneering radical change.

The Local Government and Public Involvement in Health Act 2007 ('the Act') includes provisions for implementing these structural changes to local government, ie for moving from two-tier to unitary local government. These provisions allow new unitary structures to be created by Order subject to approval by both Houses of Parliament, following proposals by local authorities in response to an invitation (including an invitation issued prior to the commencement of the Act) from the Secretary of State. The Act repeals the previous statutory framework for restructuring in Part 2 of the Local Government Act 1992, under which restructuring was initiated by a request to the Electoral Commission by the Secretary of State.

## Consultation

### Unitary proposals

The Invitation issued in October 2006 provided that all proposals should demonstrate how they met five essential criteria, namely:

- provide strong and accountable strategic leadership
- deliver genuine opportunities for neighbourhood empowerment
- deliver value for money public services
- be supported by a broad cross-section of partners and stakeholders
- be affordable: restructuring must represent value for money and be self-financing.

In January 2007, 26 proposals were received from authorities wishing to obtain unitary status. These were assessed against the five criteria, and 16 were judged as likely to achieve the outcomes specified by the criteria, if they were to be implemented.

The Government then issued a 12-week consultation, *Proposals for Future Unitary Structures: Stakeholder Consultation*, seeking views on the likely outcomes of the 16 proposals if they were to be implemented. Responses were requested by 22 June 2007. A list of the stakeholders consulted is attached at Annex B below. The Government received over 55,000 responses. It published a summary of these in November 2007 in its document "*Proposals for Future Unitary Structures: Stakeholder Consultation Summary of Responses*"

Following the stakeholder consultation, the Government reassessed the 16 proposals against the five criteria in the original invitation having regard to all the further material and representations received and all other information available at the time. On 25 July the Government announced that the Secretary of State was minded to accept 9 unitary proposals, refer one to the Boundary Committee of the Electoral Commission and that she was not minded to implement 6 of the proposals.

In making this announcement, the Secretary of State also recognised on the basis of the available information, that in four cases – the proposals from Bedford Borough Council, Chester City Council, Exeter City Council and Ipswich Borough Council – there were risks to their achieving the outcomes specified by the affordability criterion, and asked those councils to undertake further work and submit additional information on the financial viability of their proposals. The respective authorities were invited to submit this information by 1 October and at the same time make it available (on their web sites) to the other affected authorities and any stakeholders that would have an interest. In turn, they were invited to make representations on the material by 24 October. This information was reviewed by the Government and was considered along with all the other relevant material before final decisions were taken.

On 5 December 2007, the Government announced that the Secretary of State had decided to implement without modification the 5 unitary proposals from Cornwall County Council, Durham County Council, Northumberland County Council, Shropshire County Council and Wiltshire County Council. As regards Cheshire, the Government recognised that the two alternative proposals submitted – both of which were judged reasonably likely to achieve the outcomes specified in the five criteria – created particularly complex issues. The Government had received a very large volume of detailed information and representations about both proposals since July and needed further time to consider this material; accordingly, any decisions in relation to Cheshire were deferred.

The Government then announced on 18th December 2007 that the Secretary of State, having now considered all the information and representations made to her, remained of the view that there was a reasonable likelihood that, if implemented, both proposals would meet the outcomes specified by each of the criteria set out in the Invitation of 26 October 2006. Overall, however, she decided to confirm her “minded to” decision of 25 July that it was more likely that the long term outcomes around strategic leadership, neighbourhood empowerment and value for money and equity on public services would be delivered to the greater extent by the proposal for a two unitary Cheshire.

## **Implementation Orders**

In March 2007, the Department convened a Group of Experts to consider the implementation issues associated with the creation of any new unitary authorities. It comprised representatives from all the major local government trade unions, the Local Government Association (LGA) the Local Government Employers and other professional bodies of local government.

Flowing from the work of that Group, the Government published a discussion paper, *“Councils’ Proposals for Unitary Local Government (An approach to implementation)”* on 22nd August 2007. This set out, as a basis for dialogue with the potentially affected councils, the broad approach to establishing unitary authorities. Around 160 responses were received.

## **Meetings with authorities**

In September 2007, officials met with authorities in all the affected areas to discuss the framework and context for the Orders and enable initial draft orders to be prepared. In October, draft orders were circulated, and a further round of meetings held to discuss the issues raised and in particular to open dialogue and seek consensus as far as possible on three topics:

- the date of the first elections to the new unitary authority
- the composition of the Implementation Executive/Joint Committee (IE/JC); and
- the content of the draft Implementation Order.

The Government believes that the Implementation Order reflects the discussions and agreements reached with councils. It intends to take a similar cooperative approach to the preparation of the general regulations which will deal with detailed issues relating to restructuring such as the transfer of property and liabilities and staffing matters.

## **Costs and Benefits**

The Implementation Order implements a proposal submitted to the Government which the Secretary of State has decided has a reasonable likelihood of achieving the criterion. That proposal submitted in January 2007, together with additional information submitted as appropriate between June and September 2007 constitute the core evidence for the assessment. The link to the site is below.

[www.chester.gov.uk/peopleandplaces/](http://www.chester.gov.uk/peopleandplaces/)

The proposal includes within it sensitivity and risk analysis on the strength of the proposals and on the payback period. The proposal was also reviewed by the Government against the criterion set out in the Invitations and with the help of independent financial advisors.

### **Sectors and groups affected**

The order will have a direct impact on local councils in Cheshire, by abolishing all of the existing principal councils and transferring their functions to the new councils being created.

Those using local government services, public sector partners, business and voluntary bodies will benefit from clearer lines of responsibility and fewer local authorities to deal with. The outcome of restructuring will also have an impact on:

- public sector agencies that operate at a local level – in general the reduction in the number of tiers of local government should simplify their relationships
- citizens and community groups – that will benefit from the revitalised and strengthened local leadership and the potential for a new and innovative approach to service delivery and community/neighbourhood arrangements
- private and third sector bodies who provide services for councils.

Through improved governance arrangements, strategic leadership, greater accountability and transparency, and more efficient and effective service delivery, the proposal should deliver improved outcomes economically, socially including health and community cohesion and environmentally.

### **Race equality assessment**

The provisions of the Bill, now the Act, went through an initial Race Equality Impact assessment screening. It found that the White Paper proposals (now being implemented) did not introduce any unlawful discrimination.

### **Health Impact Assessment**

There should be no adverse health impacts as a result of this restructuring. The PCTs should benefit from more streamlined working arrangements with the new unitary authorities.

## Costs

### **Economic**

The proposal submitted by certain district councils was required to meet (amongst other things) an affordability criterion. That criterion set out in the “Invitations to councils” required authorities to demonstrate that any restructuring delivers value for money and be self financing so that:

- transitional costs overall must be more than offset over a period (“the payback period”) by savings
- the “payback period” must be no more than 5 years
- in each year, capital transitional costs incurred are to be financed through a combination of the following;–
  - in year revenue savings arising as a result of restructuring;
  - other in year specified revenue savings that are additional to annual efficiencies (eg Gershon savings) which local authorities are expected to make;
  - drawing in available revenue reserves, subject to ensuring that satisfactory amounts remain to meet unforeseen pressures or other potential calls on reserves. Use of revenue reserves should be the final option considered, both because of the need to preserve a contingency to meet future pressures and because use of reserves adversely affects the fiscal aggregates in a given year, increasing spending but not receipts and so placing further pressure on the Government’s fiscal rules.
- the use of capital resources to meet revenue costs will not be permitted
- any council making a proposal should ensure that all costs incurred as a result of reorganisation are met locally without increasing council tax
- central Government will accept no liability for any miscalculation or cost overrun in the final outturn. The Government would, in addition, not accept that any additional, unforeseen costs of restructuring should be recovered from council tax payers and that therefore any unforeseen costs will need to be financed from other sources.

The proposal implemented by this order was assessed against this criterion at a number of stages in the process, taking account of all of the information available at that stage, including assistance procured by the Government from independent financial consultants.

The proposal suggests overall potential transition costs of around £25m, and indicate these will be funded from savings and a call on general (un earmarked) reserves. They do not anticipate an adverse impact on council tax and will have a pay back period of up to three years.

## **Environmental and Social**

There should be no significant new social or environmental costs arising from the measures in this order.

## Benefits

### **Economic**

As set out above, the criteria against which the proposal was assessed included the requirement that it be self financing through savings with a payback period of less than 5 years. In deciding to implement this proposal, the Secretary of State concluded that there was at least a reasonable likelihood that it would achieve the outcomes specified by the affordability criterion.

The Regulatory Impact Assessment for the Local Government and Public Involvement in Health Bill estimated annual savings in costs of in the region of £10m in each county area from year 3 onwards. On the basis of the councils' current estimates, the savings from this proposal will be over £16 million annually.

### **Environmental**

There should be no significant environmental costs arising from restructuring. The proposal is clear that bringing together responsibility for the management of Environmental services will provide opportunities for improvement.

### **Social**

There should be benefits, in particular to the users of council services, through improved engagement and service delivery arrangements.

### **Small Firms' Impact**

Overall there should be no negative impact on small firms. Local government restructuring only directly affects the public sector. The proposal simplifies access to and types of local authority services and regulations which should have a beneficial effect on small firms.

### **Competition Assessment**

There should be no adverse effect on competition.

## Annexes

### ANNEX A

#### Rationale For Government Intervention

#### (Extract from Regulatory Impact Assessment for the Local Government and Public Involvement in Health Bill)

There have been significant improvements in the performance of local government since 1997. For instance there was a 15.1 per cent increase in a representative basket of best value performance indicator scores between 2000/01 and 2004/05,<sup>1</sup> and in the four years it has been in existence the Comprehensive Performance Assessment (CPA) has measured significant improvements with two thirds of councils now scoring 3 or 4 stars out of 4<sup>2</sup>.

However, issues still remain. Despite the improvements in their performance public satisfaction with local authorities remains low<sup>3</sup>. This is reinforced by the fact that 61 per cent of citizens feel that they have no influence over decisions affecting their local areas<sup>4</sup>. This strongly suggests that local authorities and the services they and their partners provide are not sufficiently responsive to the needs and priorities of the communities they serve.

It is clear that the reforms to council's leadership structures introduced in 2000 have resulted in significant improvements in local strategic leadership, particularly in areas that have adopted directly elected mayors<sup>5</sup>. However, not all authorities have fully embraced the opportunities available to them to provide strong leadership in their area. The government is also aware that in some areas with a two-tier structure, in other words an area covered by both county and district councils, there is a growing consensus that the current structures are confusing and a bar to delivering services efficiently.

There is growing evidence that the performance framework for local government, despite its success in driving improvements in performance, must now change. For local government and its partners, the performance framework often appears:

- un-balanced – with 80 per cent of the reporting effort focused on meeting top-down requirements rather than the needs of local management<sup>6</sup>; and,

<sup>1</sup> Local and Regional Government Research Unit, Communities and Local Government 2006 analysis.

<sup>2</sup> CPA – *The Harder Test, Scores and Analysis of Performance in Single Tier and County Councils 2005* Audit Commission, 2005

<sup>3</sup> Overall 55% of the public were satisfied with the performance of their local authority in the 2003/04 BVPI satisfaction surveys. This declined from 65% in the equivalent surveys in 2000/01.

<sup>4</sup> 2005 Citizenship Survey: active communities topic report, Communities and Local Government 2006.

<sup>5</sup> *Meta-evaluation of the Local Government Modernisation Agenda: Progress Report on Service Improvement in Local Government*, DCLG, 2005; *Councillors, Officers and Stakeholders in the New Council Constitutions: Findings from the 2005 ELG Sample Survey*, Communities and Local Government 2006.

<sup>6</sup> *Mapping the Local Government Performance Landscape*, Communities and Local Government, 2006; *Meta-evaluation of the Local Government Modernisation Agenda: Progress Report on Service Improvement in Local Government*, Communities and Local Government, 2005.

- burdensome – with approximately 600 performance items requested by Government and inspectorates including: plans, inspections, performance indicators, data returns, and monitoring arrangements<sup>7</sup>.

The Government therefore wants to see a streamlining and rebalancing of the performance framework with a greater focus on the citizen experience and local partnership working, rather than central targets, as the main drivers for improvement.

The introduction of Local Area Agreements (LAAs) and Local Strategic Partnerships (LSPs) has resulted in a framework that many areas are using to deliver better partnership working and more joined up services. However, services are often still being delivered in isolation, partly as a result of differing national targets imposed on separate service providers. This makes it very difficult for local agencies to tackle big cross-cutting problems such as those relating to social exclusion, community cohesion and climate change. As a result, links between the vision set out in a Sustainable Community Strategy drawn up in partnership by an LSP and the mechanisms for delivering the services needed to secure this vision often remain weak.

Citizens' expectations of public services also continue to rise. People are now accustomed to greater choice and convenience in all walks of life, and do not accept that public services should be different<sup>8</sup>. They expect access to services in ways which fit round their daily activities, a range of methods of payment, and a wider choice of products. Such expectations can only be met by designing services around the needs of citizens, rather than around the traditional delivery channels of service providers. This in turn requires greater flexibility at the local level, to identify needs and to plan delivery.

Local government has been extremely successful in recent years in obtaining efficiency savings in how it does its business, exceeding the targets set for it in the last comprehensive spending review in 2004. However, many of the easy gains have now been identified, and in a tightening financial climate local authorities will have to continue to focus on using innovative new ways of working to obtain better value for money for the taxpayer.

<sup>7</sup> Ibid.

<sup>8</sup> Perceptions of Local Government in England: key findings from qualitative research, Communities and Local Government, 2006.

## ANNEX B

### **Proposals for Future Unitary Structures: Stakeholder Consultation List of Key Stakeholders**

Arts Council England  
Association of Chief Police Officers  
Association of Council Secretaries and Solicitors  
Association of County Chief Executives  
Association of Electoral Administrators  
Association of Larger Local Councils  
Association of Local Authority Chief Executives  
Association of Police Authorities  
Audit Commission  
Broads Authority  
CBI and other significant business organisations in the area.  
Chambers of Commerce  
Chartered Institute of Public Finance and Accountancy  
Chief Cultural and Leisure Officers Association  
Chief Constables  
Chief Fire Officers  
County Associations of Local Councils  
Electoral Commission  
English Heritage  
Environment Agency  
Fire and Rescue Authorities  
Health and Safety Executive  
Highways Agency  
Jobcentre Plus  
Local Government Association  
Local Probation Boards  
Local Strategic Partnerships  
Metropolitan Passenger Transport Authorities  
Museums, Libraries and Archives Council  
National Association of Local Councils  
National Federation of Arm's-Length Management Organisations  
National Park Authorities  
Natural England  
New Local Government Network  
NHS Foundation Trusts  
NHS Health Trusts

Police Authorities  
Primary Care Trusts  
Principal Local Authorities in affected areas  
Public Sector People Managers Association  
Public Sector Unions  
Regional Assemblies  
Regional Development Agencies  
Society of County Treasurers  
Society of District Council Treasurers  
Society of Local Authority Chief Executives  
Society of Local Council Clerks  
Sport England  
Strategic Health Authority  
The Learning And Skills Council In England  
Universities and Colleges  
Voluntary Sector Organisations  
Youth Justice Boards