

## **COMBINED AUTHORITIES – FREQUENTLY ASKED QUESTIONS**

**Updated 05 Jan 2015**

### **1. WHAT IS A COMBINED AUTHORITY?**

A Combined Authority is a statutory body created by two or more neighbouring local authorities to lead collaboration on transport, regeneration and economic development. Combined Authorities can, by agreement with their constituent authorities, take on certain powers and functions previously held by constituent authorities.

A Combined Authority is a separate legal body and operates as a public body in a similar way to a council.

### **2. HOW IS ONE CREATED?**

The constituent authorities must conduct a statutory review of current governance arrangements and options and prepare a governance review and scheme outlining their proposals.

The governance review and scheme must demonstrate how the Combined Authority would bring about the following benefits:

- Improve the effectiveness and efficiency of transport in the area
- Improve the exercise of statutory functions relating to economic development, regeneration and transport in the area
- Improve the economic conditions of the area

Once the governance review and scheme are agreed, they are then submitted to the Secretary of State who must consult interested parties and be satisfied that the proposal will deliver the benefits outlined above. The Secretary of State then approves the scheme and a statutory instrument is used to effect the establishment of the Combined Authority.

The entire process is estimated to take at least a year given the requirement for parliamentary approval.

### **3. WHY ARE THEY BEING CREATED?**

Combined Authorities are about better collaboration between local councils on the big strategic issues that they cannot decide alone, such as transport investment or strategies for skills and economic growth. A Combined Authority would enable these decisions to be made more quickly and with more accountability because everyone would know how the decisions were

made and rules relating to governance and transparency similar to those of the Council would apply.

**4. HOW WILL YOU DECIDE WHAT AREA THE COMBINED AUTHORITY WILL COVER?**

This is a matter for the local councils to agree, but a Combined Authority should cover an area that makes sense economically and at the current time, the whole of a council's area has to be included. It also needs to be big enough to be able to compete and to pull together resources needed to support improved economic outcomes.

**5. WOULD THIS MEAN THE LOCAL AUTHORITIES BEING MERGED TO CREATE A UNITARY COUNCIL?**

No. The plans would see the constituent councils continuing to exist in their own right and current form with the Combined Authority potentially having a decision making role in relation to strategic economic development, transport, infrastructure and skills.

**6. DOES A COMBINED AUTHORITY MEAN THE AREA WOULD HAVE TO HAVE AN ELECTED MAYOR?**

No. The Greater Manchester Combined Authority and its ten constituent councils have agreed to have a directly elected mayor as part of a further devolution deal with the Government. However there are no plans to replicate this arrangement elsewhere (and certainly not outside of the major conurbations) and in any event an elected mayor can only happen if local councils agree to it.

**7. WOULD A COMBINED AUTHORITY ADD ANOTHER LAYER OF BUREAUCRACY AND MAKE DECISION MAKING MORE REMOTE?**

Combined Authorities should make decision making simpler for strategic transport and infrastructure, employment and skills and economic development. The Combined Authority would take decisions for the whole of the area without having to return to the individual councils to have decisions confirmed.

Combined Authorities and councils can hold powers concurrently. This is likely to be the case at the point of establishing the Combined Authority, as the scheme will likely recommend that the role and remit of the Combined Authority is not restricted too much. Extending the role and remit of the Combined Authority once it is established is extremely difficult. Over time, it would be anticipated that the concurrent holding of powers would reduce as the Combined Authority and its constituent authorities reach agreement about where powers and functions are best held.

**8. WOULD THE COMBINED AUTHORITY HAVE CONTROL OVER PLANNING DECISIONS AND HOUSING ALLOCATIONS?**

No. A Combined Authority can only have influence on land use strategies if all members decide to give it that function. Even then the members could decide that such decisions would need to be unanimous so that any council would effectively have a veto. A Combined Authority cannot take planning decisions on specific sites or approve Local Development Plans – that remains a matter for each individual district or unitary council.

**9. WOULD THE UPPER TIER AUTHORITIES RETAIN RESPONSIBILITY FOR ROADS IN THEIR AREAS?**

Yes. Local authorities would still be the Highways Authorities with responsibility for repairs and maintenance. The Combined Authority would be a strategic body and would only get involved in strategic transport decisions. However there will be opportunities for closer working on highways issues to drive greater efficiencies across the area.

**10. HOW WILL A COMBINED AUTHORITY WORK IN A TWO TIER AREA?**

There is no reason why a Combined Authority in a two tier area should not function in a very similar way to one in a metropolitan area. The most significant difference in a two tier area is the lack of an existing Passenger Transport Executive or Integrated Transport Authority.

**11. DOES THE COMBINED AUTHORITY HAVE TO REFLECT LOCAL POLITICAL PROPORTIONALITY?**

It will be up to the constituent members to decide in the scheme whether and how issues relating to political proportionality will be resolved. It is up to each Council to decide which members to appoint and there is no legislative requirement for political balance across the Combined Authority.

The latest Government consultation on Combined Authorities proposes that each Combined Authority will have to demonstrate effective overview and scrutiny arrangements and that these should, where possible, reflect the political proportionality of the area concerned.

**12. HOW WILL VOTING WORK IN THE COMBINED AUTHORITY?**

This will depend on how the governance of the Combined Authority is established and there is no set model for constituent authorities to follow. That said, most Combined Authorities have adopted a 'one member, one vote' policy with varying approaches to the requirements for decisions to be unanimous. This latter point could be different within the Combined Authority's governance arrangements (i.e. unanimous votes could be required

for items of strategic importance with significant financial implications whereas less significant issues could be dealt with by simple majority vote).

Once decisions are reached in the Combined Authority they would be binding on all constituent members and would not require further approval by individual councils.

Under the current legislation, all constituent parties would have to implement the decisions made by the Combined Authority. Constituent parties cannot opt in or out of decisions. The Government proposed amendments to the legislation in the spring of 2014 that would have 'allowed combined authorities to exercise their functions on a patchwork basis across their area'. The Government has not yet published its response to the consultation on the amendments and it is therefore not clear whether this proposed change will be implemented.

### **13. HOW WILL THE COMBINED AUTHORITY RELATE TO THE D2N2 LEP?**

A Combined Authority would not replace the D2N2 LEP, which is a recognised part of the economic development and growth partnership infrastructure and which remains the Government's preferred vehicle for business led growth in England. In simple terms, the LEP provides the voice of the private sector and will retain decision making prerogative although this will have to reflect the priorities of the Combined Authority.

The Combined Authority would potentially complement the LEP by securing powers in its own right to exercise in Nottinghamshire which would support and enable the overall objectives of the LEP. The Combined Authority would give the Government the certainty of structure and accountability necessary to devolve more significant resources and powers to the local area – whether that be to the D2N2 LEP or the Combined Authority itself.

The existing Combined Authorities in England are all co-terminous with their LEPs. This would be different in D2N2 where there would be two Combined Authorities based on county geographies sitting underneath the D2N2 Board. It is not yet clear what the implications of this would be for D2N2; however the Government has stated that it expects to see seamless working between Combined Authorities and LEPs.

### **14. WILL THE COMBINED AUTHORITY COST MORE? WILL IT NEED A CHIEF EXECUTIVE AND STAFF?**

The Combined Authority should not have major cost implications. Constituent authorities may be required to contribute limited resources to the secretariat function and possibly toward some communications activities. The Combined Authority in itself will not require a Chief Executive or any officer support,

unless this is the will of the constituent members. The Combined Authority does, however, have to have statutory officers such as Head of Paid Service and Section 151 Officer. However these could be posts that are held concurrently by a Head of Paid Service from one of the constituent authorities.

The Combined Authority should present an opportunity for more formal consideration of shared services in the area, particularly for economic development. This could lead to cost savings and efficiencies in the longer term.

#### **15. HOW WOULD THE COMBINED AUTHORITY BE SCRUTINISED?**

This is unclear in Nottinghamshire where constituent councils have a mix of Cabinet and Committee systems of governance. For the County Council and its Committee system, further work would need to be done in terms of how effective scrutiny of the Combined Authority would be undertaken. All existing Combined Authorities have one or more scrutiny committees. The Government has indicated that good practice is for there to be a political balance across the councils involved and has consulted upon putting this in to the legislation, but the results of this consultation are not yet known.

#### **16. HOW WOULD THE COMBINED AUTHORITY AFFECT EXISTING COUNTY COUNCIL COMMITTEES?**

The County Council Committees that would be affected by a Combined Authority are Economic Development, Transport and Highways and, to some extent, Policy.

Economic Development Committee would be most affected as decisions on strategic economic development issues would all be taken at the Combined Authority. Operational decisions relating to the County Council's resourcing of economic development activity could still be taken at Economic Development Committee if this were felt to be appropriate.

Transport and Highways Committee would continue to determine the operational priorities of the Council's highways services. Decisions on strategic transport issues such as transport majors funding priorities would be taken by the Combined Authority (these are currently undertaken by the D2N2 Local Transport Body). Local Transport Plans, external funding bids, Strategic Transport Policy, transport modelling and travel planning powers would be held concurrently by the Council and the Combined Authority.

Policy Committee currently considers issues relating to strategic economic development (i.e. approving and monitoring the Nottinghamshire Growth Plan). In all likelihood this role would transfer to the Combined Authority.