

REPORT OF THE LEADER OF THE COUNCIL

SHEFFIELD CITY REGION COMBINED AUTHORITY EXPANSION: PUBLIC REFERENDUM

Purpose of the Report

1. To seek approval to conduct a referendum under s.116 of the Local Government Act 2003 in the Bassetlaw District Council administrative area to seek views on whether voters wish their area to become a full member of the Sheffield City Region Combined Authority and that the referendum be conducted as soon as reasonably practicable.

Information and Advice

2. The Cities and Local Government Act 2016 allows District Councils within two-tier areas to join a Combined Authority, subject to the approval of the Secretary of State.
3. Bassetlaw District Council took the decision to apply to become a Constituent Member of the Sheffield City Region Mayoral Combined Authority (SCRCA) in March 2016.
4. In July 2016 Sheffield City Region undertook a public consultation as part of their plans to expand their mayoral devolution governance arrangements beyond the four South Yorkshire Metropolitan Councils into Bassetlaw in Nottinghamshire and Chesterfield in Derbyshire. At that time this Council responded to the consultation setting out objections and contesting the statements in the Sheffield City Region Combined Authority Governance Review.
5. The concerns raised in the County Council's consultation response were focused on:
 - a. The way the consultation was conducted
 - b. Community identity with Nottinghamshire's rural areas
 - c. Creating a more complex governance and decision making structure; and more complicated lines of accountability.
 - d. Potential negative impacts on inward investment
 - e. Adverse impact on highways and transport
 - f. Business rates retention
 - g. Mayoral voting arrangements
6. In December 2016 Derbyshire County Council successfully challenged the consultation process undertaken by Sheffield City Region by way of judicial review. The Court found that the consultation process undertaken by SCRCA was flawed in that the public were not

consulted about a major proposal of the scheme – namely, “whether Chesterfield BC should become a full member of the SCRCA”. Since the consultation questionnaire posed the same questions in relation to both Chesterfield BC and Bassetlaw DC, it follows that this judgment would apply equally to both areas and that the consultation did not therefore meet the necessary legal tests for adequate consultation.

7. Sheffield City Region proposes to pursue the expansion of its mayoral governance arrangements into Bassetlaw and Chesterfield and is planning to undertake a second consultation in July 2017.
8. On 9 June 2017 Derbyshire County Council’s Cabinet resolved to hold a referendum in Chesterfield, inviting local people to state whether they are in favour of Chesterfield becoming part of Sheffield City Region. It is considered that a similar approach should be pursued in Nottinghamshire to seek the views of Bassetlaw residents on the same issue.
9. The referendum would, ideally, take place before the end of July. It would involve all residents of Bassetlaw aged 18 years and over who are on the electoral register held by Bassetlaw District Council. Each resident on the electoral register would receive a personally addressed letter and a ballot form with one question, asking whether or not they want Bassetlaw to join Sheffield City Region and a return pre-paid envelope.
10. The Council has been working with Derbyshire County Council which has secured the services of an experienced and expert organisation to undertake the referendum, providing appropriate objectivity and probity. In order to secure best value for money it is proposed that the Council uses the same organisation, Electoral Reform Services, who are a leading independent provider of end to end ballot, election and voting services. As a nationally recognised and reputable body with experience and expertise they are able to deliver the referendum to the required timescales. This would include:
 - a. Expert advice on the process and best practice, and handling voter enquiries including the provision of a help line
 - b. Document and data design, print and distribution of the voting document, accompanying letter and reply envelope
 - c. Set up e-voting
 - d. Response handling, analysis and storage
 - e. Opening sorting and counting votes and providing a scrutineers report on the result
11. It is proposed that the County Council develops a communication strategy to ensure that local residents understand that a referendum will be held and to encourage their participation in order that they may have their voices heard.

Other Options Considered

12. Not to hold a referendum. This is not felt to be appropriate as that would not ensure that a direct and fundamental question regarding their future governance arrangements is put to the residents of Bassetlaw. Alternative polling mechanisms such as an online consultation or poll through the Council’s website are not considered likely to reach all residents of the

Bassetlaw area and would not have the level of independence and probity which a formal referendum administered independently of the Council could achieve.

Reason/s for Recommendation/s

13. To ensure residents of Bassetlaw have the opportunity to express a view about a major proposal affecting their area.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. The referendum is anticipated to cost between £50,000 and £70,000, depending on the number of ballots cast. This includes the cost of the full referendum process as outlined above and a communication and awareness raising campaign. It is proposed, subject to approval, that the costs will be met from contingency.

RECOMMENDATION/S

- 1) That approval be given for the Council to conduct a referendum under s.116 of the Local Government Act 2003 in the Bassetlaw District Council administrative area to seek views on whether voters wish their area to become a full member of the Sheffield City Region Combined Authority and that the referendum be conducted as soon as reasonably practicable.
- 2) That authority be delegated to the Chief Executive in consultation with the Chairman and Vice Chairman of Policy Committee to settle the precise wording of the question to be put in the referendum, taking appropriate advice from the Monitoring Officer and S.151 Officer.
- 3) That authority be delegated to the Chief Executive to make the necessary administrative arrangements to conduct the referendum and to report the results, when available.
- 4) That approval be given for the costs of the referendum to be met from contingency.

Councillor Mrs Kay Cutts MBE
Leader of the Council

For any enquiries about this report please contact: Adrian Smith, Corporate Director Place

Constitutional Comments (HD – 06/06/2017)

16. Policy Committee has the authority to take the decisions set out within the report in accordance with its terms of reference.

Financial Comments (NS – 06/06/2017)

17. The financial implications are set out in paragraph 15 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report to Policy Committee – 19 October 2016
- Report to Policy Committee – 13 July 2016
- Nottinghamshire County Council's response to the Sheffield City Region Consultation – August 2016

Electoral Division(s) and Member(s) Affected

- All, but particularly those in the Bassetlaw area.