



REPORT OF THE LEADER OF THE COUNCIL

UPDATE ON THE POTENTIAL INCLUSION OF BASSETLAW IN THE SHEFFIELD CITY REGION MAYORAL COMBINED AUTHORITY

Purpose of the Report

1. To inform Members of the process by which the Parliamentary Orders will be drafted in the event of the Secretary of State deciding to proceed with the changes to include Bassetlaw as a Constituent Member of the Sheffield City Region Mayoral Combined Authority.
2. To provide Members with the anticipated time line of events should the Secretary of State approve the laying of the Parliamentary Orders and to make Members aware that a decision may be required regarding the Parliamentary Orders at November Policy Committee.

Information and Advice

Background

3. The Cities and Local Government Act 2016 provided the means by which District Councils within two-tier areas could join a Combined Authority without the agreement of the corresponding upper tier Authority, by amending section 106 of the Local Democracy, Economic Development and Construction Act 2009. Subject to the approval of the Secretary of State, this power is exercisable whether or not the corresponding upper tier Authority is in agreement.

If there are two relevant councils in relation to a local government area by virtue of subsection (3B)(c), the condition in subsection (3A)(a) for the relevant council to consent is met if –

(a) In the case of an order under subsection (1)(a), either or both of the relevant councils consent;

4. In March 2016, Bassetlaw District Council took the decision to apply to become a Constituent Member of the Sheffield City Region Mayoral Combined Authority.
5. The Cities and Local Government Act 2016, through Section 107A, para's 1 & 5(a) states that, in the event of a District Council from a two-tier area joining a Combined Authority, the associated upper tier Authority becomes a Constituent Member of that Combined Authority in respect of the area covered by the District Council. The remainder of the upper tier area would not be a part of the Combined Authority. Via this route, the County Council is included

as a Constituent Member of the Sheffield City Region Mayoral Combined Authority Scheme document published on the 27th June 2016.

The Secretary of State may make an order under section 107A in relation to a combined authority's area if a proposal for there to be a mayor for the authority's area has been made to the Secretary of State by the appropriate authorities.

For the purposes of this section "the appropriate authorities" are-

(a) Each county council the whole or any part of whose area is within the area for which the combined authority is, or is to be established

6. Prior to the Secretary of State laying the Parliamentary Orders, a public consultation in accordance with Section 113 of amended 2009 Act must take place. The consultation findings are for consideration by the Secretary of State who must deem that they meet the requirements set out in Section 113 of the Act.

7. At its meeting on the 13th July 2016, Policy Committee approved a response to the Sheffield City Region Combined Authority consultation which set out the County Council's objections and detailed why the County Council was of the opinion that the scheme did not satisfy the following statutory tests required by the legislation:

(1) The Secretary of State may make an order under any of sections 104 to 107 in relation to an existing combined authority only if, having regard to a scheme prepared and published under section 112, the Secretary of State considers that the making of the order is likely to improve—

(a) The exercise of statutory functions relating to transport in the area or areas to which the order relates,

(b) The effectiveness and efficiency of transport in that area or those areas,

(c) The exercise of statutory functions relating to economic development and regeneration in that area or those areas, or

(d) Economic conditions in that area or those areas.

(2) Before making the order, the Secretary of State must consult—

(a) Such of the authorities mentioned in section 111(2), and

(b) Such other persons (if any), as the Secretary of State considers appropriate.

(3) In making the order, the Secretary of State must have regard to the need—

(a) To reflect the identities and interests of local communities, and

(b) To secure effective and convenient local government.

8. The Secretary of State determines the content of the Parliamentary Orders, in line with the 2009 amended Act, these would be transcribed from the detail of the Sheffield City Region Mayoral Combined Authority published scheme.

9. The Parliamentary Orders will include the detailed governance arrangements. Nottinghamshire County Council has made representation to the Secretary of State and Sheffield City Region to express our concern regarding the proposed governance. The

Secretary of State has the power to determine the final content of the Parliamentary Orders including governance.

Timeline

10. Decisions by the Secretary of State in this regard are anticipated to be taken from mid-October onwards. In the event of the Secretary of State approving the laying of the Parliamentary Orders to expand the Sheffield City Region Combined Authority to include Bassetlaw District Council, Nottinghamshire County Council will be asked to consent to the Parliamentary Orders.
11. On the 10th October, the Chief Executive wrote to the Head of Governance, Reform and Democracy Unit at the Department for Communities and Local Government to seek their urgent clarification as to the definition of 'consent' so that Members have the necessary information to inform a decision at November Policy Committee.
12. It is anticipated that any Parliamentary Orders would be laid during the week commencing the 21st November 2016 to enable a Mayoral election to take place in May 2017.

Other Options Considered

13. None.

Reason/s for Recommendation/s

14. To inform Policy Committee on developments relating to the Sheffield City Region Mayoral Combined Authority with particular reference to Bassetlaw, and to advise on the associated process.

Statutory and Policy Implications

15. 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 services), the public sector equality duty, safeguarding of children and adults at risk, 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.

RECOMMENDATION/S

It is recommended that Policy Committee;

- 1) Notes the developments relating to the Sheffield City Region Mayoral Combined Authority.
- 2) Notes that Policy Committee may receive a further report in November regarding consent to the Parliamentary Orders.

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact: Fiona Anderson, Senior Economic Development Officer ext. 72688

Constitutional Comments

As this report is for noting only, no Constitutional Comments are required

Financial Comments (SES 07/10/16)

There are no specific financial implications arising directly from this 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.

- Letter to Chief Executives, from Paul Rowsell, DCLG
- Agenda Item 8, Policy Committee Report, 13th July 2016
- Sheffield City Region Combined Authority Governance Review, Scheme and consultation questions are available here: <http://sheffieldcityregiondevolution.org.uk/>

Electoral Division(s) and Member(s) Affected

- All