

## County Council

<b>Report Title:</b>	East Anglia Devolution: Norfolk and Suffolk Devolution Proposal
<b>Meeting Date:</b>	30 June 2016
<b>Lead Councillor(s):</b>	Councillor Colin Noble
<b>Local Councillor(s):</b>	All
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### Brief summary of report

1. This report sets out Norfolk and Suffolk's ambition for and approach to devolution based on the East Anglia Devolution Deal announced by the Chancellor in the Budget on 16 March 2016. It builds on Government commitment to enhance local autonomy through devolution, reflected in the *Cities and Local Government Devolution Act*.
2. It also provides a unique opportunity to access funding for the two counties, now and in the future, in an era of diminishing core funding for local authorities. Those areas entering into Devolution Agreements are being given further opportunities to secure funds for economic growth, e.g. Greater Manchester, who are on their fourth Devolution Agreement with Government.
3. In light of the opportunity outlined above, this report asks Council to endorse the Norfolk and Suffolk Devolution Agreement, support the Governance Review and agree to publish a Scheme of Governance for public consultation. As this is an Executive Decision, the recommendations of Council will be formally agreed by Cabinet immediately following the Council meeting.

### Action recommended

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| <ol style="list-style-type: none"> <li>4. That Council endorses the signing of the Norfolk and Suffolk Devolution Agreement by the Leader.</li> <li>5. That, on the basis of the Governance Review, the Council concludes that the establishment of a Mayoral Combined Authority for Norfolk and Suffolk is the option which most fully permits the effective discharge of the functions that Government is prepared to devolve to this area.</li> <li>6. That the Council endorses and supports the publication of the draft Scheme for a Norfolk and Suffolk Mayoral Combined Authority as attached to this report for</li> </ol> |
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consultation purposes, subject to such final minor revisions as may be approved by the Chief Executive in consultation with the Leader, and prior to the commencement of the formal consultation exercise. Such formal consultation to commence once all Norfolk and Suffolk Councils have considered the matters in this report and, in any event, no later than the 4 July 2016. In the event that a Constituent Authority named in the attached Scheme does not agree to endorse the Deal Agreement and/or the Scheme, the Authority authorises, through the Chief Executive the relevant, necessary changes to be made to the Deal Agreement, the Scheme and the Governance Review to reflect that Authority's non-participation.

7. That the outcome of the consultation exercise is submitted to the Secretary of the State by the Chief Executive in consultation with the Leader.
8. That Council meets by no later than 28 October 2016 to consider giving consent to an Order establishing a Mayoral Combined Authority for Norfolk and Suffolk.
9. Insofar as any of the matters referred to in this report concern the discharge of non-executive functions, authority is delegated to the Chief Executive in consultation with the Leader, to take all necessary steps and actions to progress the recommendations detailed in this report.
10. In the event that any technical changes are required to reflect legislative requirements and the contents of the Deal Agreement, authority is delegated to the Chief Executive, in agreement with the other Chief Executives/Managing Directors across Norfolk and Suffolk to make the necessary changes to the Scheme.
11. That further reports are presented to Council and Cabinet as appropriate as the Devolution process develops.

### **Reason for recommendation**

12. If the Council withdraws at this stage it will lose the opportunity to develop the benefits of the devolution process and may lose access to future government resources and the local determination of policy and spending priorities. It will also deny its residents the opportunity to have their say.
13. Technically, for those authorities with Leader and Cabinet systems, the decision to endorse the devolution document and approve the Scheme for publication needs be taken by the Cabinet because it is an Executive decision. This position has been confirmed with both external advisors, Bevan Brittan, and the Department for Communities and Local Government.
14. However, considering the potential implications and in the interests of transparency, democracy and accountability, it was decided to conduct a full debate at County Council
15. Therefore Cabinet, on the advice of the County Council's Monitoring Officer has agreed to hold a Cabinet meeting to consider the Council's conclusions and record the formal executive decision following this County Council discussion.

## **Alternative options**

16. That the Council supports the recommendations in the report and approves continued working towards the implementation of the Norfolk and Suffolk Devolution Agreement.
17. That the Council does not agree to the development proposed and work ceases.

## **Who will be affected by this decision?**

18. Councils, Organisations and Residents in Suffolk and Norfolk.

## **Main body of report**

### **Introduction**

19. This report updates Council on the progress made in the Devolution proposal by the sixteen local authorities in the Norfolk and Suffolk area and details the process for the next stages in the devolution programme. It includes the latest elements of the devolution proposal and requires Council to consider and set direction for the next stages of the devolution process.

### **Context**

20. The Scottish independence referendum in September 2014 and publication of the Smith Commission report in November 2014 on further devolution to Scotland, promoted wide-ranging debate about similar devolutionary measures in England, at both national and sub-national levels. After the General Election in May 2015, the new Government emphasised its commitment to devolution by swiftly introducing the Cities and Local Government Devolution Bill to Parliament on 28 May 2015.
21. Initially, the Government's focus was on continuing the devolution of powers and/or funding to large urban areas, particularly to the five existing combined authorities. This included the Greater Manchester Health and Care Deal that saw the authorities take control of £6 billion of health and social care spending overseen by a new statutory body from April 2016.
22. As support for devolution grew, the Government announced that all areas were encouraged to come forward with proposals for a devolution deal. As a result, many areas across England submitted proposals to the government which have been subject to negotiation. As part of his Summer Budget on 8 July 2015, the Chancellor announced that 'significant' devolution deals would need to be submitted to the Government by 4 September 2015 if they were to inform the Spending Review in November.
23. At its meeting on 17 September 2015, Council agreed to:
  - endorse Suffolk's ambition for devolution contained in its Expression of Interest to Government as the basis for future detailed negotiation with Government throughout the autumn.
  - endorse the approach to negotiating more detailed proposals with Government as agreed by the Cabinet.
  - agree that following negotiation with the government, any proposed devolved arrangements will be subject to consideration and agreement by Full Council.

24. In East Anglia, Suffolk and Norfolk submitted Expressions of Interest and a commitment to work together to develop a Deal. The first Expressions of Interest focused on shared ambition to drive economic growth and wider public service reform, exploring how devolution could help accelerate this through greater local autonomy and a re-set relationship between local and central government.
25. Further to Ministerial feedback, including a 'Challenge Session' with Lord Heseltine in November 2015, and recognition amongst local leaders of the economic links between Norfolk, Suffolk, Cambridgeshire and Peterborough, a devolution deal for East Anglia was agreed at a very accelerated pace and announced by the Chancellor in the Budget (March 2016).
26. Following further consideration of the most effective way to drive growth through an East Anglia deal, discussion with Ministers and reflection on what would be best for local people, it was decided to pursue two distinct devolution deals. One for Norfolk and Suffolk and one for Cambridgeshire and Peterborough. This approach provides opportunity for strategic join up between the two deals for example, on infrastructure, transport and skills but retains local economic geographies. It offers the opportunity for more coherent, joined up strategic decision making across wide economic geographies and aligned local joined up delivery.

### **The Devolution Process**

27. There are clear statutory processes that need to be followed in accordance with the Cities and Local Devolution Act 2016 to establish a Mayoral Combined Authority and devolve appropriate powers from central government for May 2017. The Norfolk and Suffolk deal is one of the first to be progressed under this legislation.
28. The councils covered by the proposal need to undertake a Governance Review, publish a Draft Governance Scheme that explains how a mayoral combined authority would work, undertake a statutory public consultation on the Scheme and provide a summary of the consultation responses to the Secretary of State. The primary purpose of a Governance Review is to set out the rationale for creating a Norfolk and Suffolk geographic/economic footprint and to propose options for governance. The Governance Review and the consultation on the draft Scheme will enable the Secretary of State to decide whether the statutory tests on improving the exercise of statutory functions are met and whether it is appropriate to make the order (if Parliament approves) establishing the Mayoral Combined Authority. Before making such an order, consent needs to be sought from the constituent councils.
29. This report sets out the terms of the Governance Review (Appendix B) and the draft Scheme (Appendix C) on which we will consult.
30. An initial equality impact assessment has been carried out for the two counties. It is the start of a process and will be further developed by officers across the two counties, assuming the Deal goes ahead. It is worth noting that three of the core initiatives proposed as part of the Deal – digital connectivity, infrastructure and transport – have particular potential to enhance access for disabled and older people, who form a large and increasing percentage of Norfolk and Suffolk's population.

## **The Norfolk and Suffolk Devolution Deal Agreement**

31. The Norfolk and Suffolk Devolution Deal Agreement is set out at Appendix A to this report. It is based on the East Anglia Devolution Agreement signed by the Chancellor, Secretary of State and Leaders from the Councils across Norfolk, Suffolk and Cambridgeshire, but only applies to all Councils in Norfolk and Suffolk.
32. Devolution offers a generational opportunity to accelerate growth in the local and national economy whilst improving the life chances and quality of life for every resident in Norfolk and Suffolk. We are a diverse and dynamic area including cities, rural and coastal communities with a globally significant economic offer. The Deal provides for the transfer of significant resources and powers from central government to the region including for infrastructure, housing, economic development, and employment and skills, which will positively impact on the lives of residents by helping create more jobs, improving the skills and employment prospects of residents and boosting the productivity of Norfolk and Suffolk. With devolved powers we can make sure that the housing needed to support this growth is connected to the right infrastructure: roads, rail and digital and means that local communities can thrive.
33. For Norfolk and Suffolk the Deal offers the opportunity for a step change in our relationship with Government. Devolution means having the power and resources to tackle our challenges and make the most of the opportunities. This is the beginning of the Devolution process. If Council agrees to proceed with the Deal it opens the way to future negotiations. For example the Greater Manchester Deal announced in November 2014 has seen the Combined Authority use its deal to negotiate on a further four occasions to enhance its powers to deliver economic growth and public service reform.
34. The Deal contains very significant new powers and funding for Norfolk and Suffolk and represents an opportunity to gain greater control and influence across a range of issues that directly affect our residents, but are currently decided in Whitehall. It creates a Combined Authority of a size and impact capable of negotiating directly with Government Departments so that local priorities are recognised and acted upon rather than being side-lined. Specifically the Deal includes:
  - £25 million a year of new money for the next 30 years (£750 million) to support economic growth, development of local infrastructure & jobs.
  - £100 million over five years of new money to support the building of new homes across Norfolk and Suffolk. Recognising the housing market conditions in Norwich and Ipswich, Government will also provide the Combined Authority with an additional £30 million over five years, split equally for Norwich City and Ipswich Borough, to meet its housing needs
  - A guaranteed £225 million annual transport budget until 2021
  - Control of an existing c£20 million a year adult skills funding to ensure the training offer matches the needs of local businesses and the local labour market.

- Control of an existing c£2 million Apprenticeship Grant for Employers (AGE grant) to enable funding to better meet the needs of local Norfolk and Suffolk employers
  - Greater control over who delivers transport services in Norfolk and Suffolk and how, rather than it being imposed on us by Central Government
  - More control and influence over investment in key roads across Norfolk and Suffolk, so that local priorities and concerns can be met
  - A commitment that relevant authorities and partners take a Norfolk and Suffolk wide approach to flood & coastal risk management to get more for our money and ensure problems aren't just shifted from one area to another.
  - A commitment that local authorities work to improve the planning process for residents and businesses
35. The opportunity for consultation during the pre-Scheme Submission stage of the Devolution Deal has been restricted by the need to ensure that negotiations with Central Government are kept as confidential as possible at their request. However, Suffolk Councils have commissioned some consultation and some headline findings are attached as Appendix D to this report. The results show the priorities and views on the key elements of the deal as the consultation has focused on the desirability of the elements of the Deal.
36. The survey also addressed the general feeling about devolution. It concluded that 61% of residents either strongly support or tend to support giving more decision making powers to East Anglia – with 15% actively against this proposal. Whilst the results are not directly comparable with the Ipsos MORI 2015 survey, because the question asked generically about *the local area* rather than *East Anglia* specifically, it is interesting to note that support within the East of England at the time was 42% 'for' and 18% 'against' – suggesting an increase in support over the last ten months.
37. Residents aged between 18 and 34 are significantly more likely than other age groups to support the concept (66% vs. 61% overall). Support is consistent across the county.

### **The Norfolk and Suffolk Governance Review**

38. The Norfolk and Suffolk Governance Review is set out at Appendix B to this report. In accordance with the statutory framework, the purpose of the Governance Review has been to:
- Review the exercise of statutory functions in relation to the review area with a view to deciding whether to prepare and publish a scheme under section 108 of the Local Government, Economic Development and Construction Act 2009 and section 6 of the Cities and Local Government Devolution Act 2016
  - Consider the options available for making changes to existing governance structures and arrangements with a view to improving the exercise of statutory functions
  - Determine which option is likely to be most beneficial to the area of Norfolk and Suffolk as well as strengthening the overall governance arrangements and delivery of statutory functions

39. In doing so, the Review has also taken into account the following local priorities:
- The most effective way to deliver economic growth and public service reform through functions such as: transport, infrastructure, spatial planning and skills
  - What constitutes functional economic market areas
  - Accountability
  - Enabling effective joint working between existing statutory and non-statutory bodies
  - The principle that decisions should be taken closest to the level where they will have most impact (subsidiarity and double devolution)
40. The Governance Review has found that Norfolk and Suffolk function as an integrated economic area. There is significant connectivity across Councils in the area as well as strong relationships with neighbouring areas, particularly Cambridgeshire. Strong collaboration is not only a feature of local government but also evident in the NHS's Sustainability and Transformation Plans. Also, key economic sectors within and beyond the area have encouraged successful economic join up between the two Local Enterprise Partnerships.
41. There is a shared ambition across Norfolk and Suffolk to drive growth which is already being demonstrated through successful joint working on: the Growth Deals, City Deals and Enterprise Zones. However, the case for change is compelling:
- Existing arrangements are fragmented and not fit for driving forward Norfolk and Suffolk's shared ambition to: drive growth, fulfil global economic potential, integrate public services and deliver the best for local people
  - Norfolk and Suffolk's commitment to unlocking growth and housing and invest in infrastructure needs greater devolved powers and funding, which requires formal robust and accountable joint decision making
  - Robust strategic governance is needed to drive public service reform, deliver more integrated services and re-set the relationship between central and local government paving the way for future devolution deals
  - Creating a single strategic voice and champion for Norfolk and Suffolk would enable strategic join up supported by appropriate local delivery
42. The conclusion of this Governance Review is to recommend that the functional economic area of Norfolk and Suffolk will be best served by the establishment of a Mayoral Combined Authority. It also maximises opportunities to negotiate for devolved budgets, powers and responsibilities with Government and therefore, is consistent with the ambition to re-set the relationship with Government.
43. Government has been clear that without a Mayor any devolution deal would be much smaller in range and value and this would not deliver Norfolk and Suffolk's ambition.
44. Combining strategic strength and coherence with connections to local functional economies, it is considered that this model will improve the exercise

of statutory functions but more importantly provide robust but flexible integrated and locally accountable decision making.

### **The Norfolk and Suffolk Scheme of Governance**

45. The Norfolk and Suffolk Scheme of Governance is set out at Appendix C to this report. The Scheme establishes the functions and powers that the Governance Review identifies as necessary to be devolved from Government, in order to meet the Secretary of State's statutory tests. It reflects the new Mayoral and Combined Authority functions and powers as proposed under the Deal Agreement.
46. These include:
  - The Mayor's responsibility for a multi-year, consolidated and devolved local transport budget
  - Responsibility for a Key Route Network which will be managed and maintained on behalf of the Mayor
  - Powers over strategic planning and housing including £130 million ring-fenced funding over 5 years to deliver new homes
  - The Combined Authority's receipt of an additional £25 million a year funding allocation over 30 years to boost growth
  - The Combined Authority's review of 16+ skills provision and devolved 19+ adult skills funding
47. In addition to powers and functions the Scheme also sets out, at high level, how the Mayor and the Combined Authority will operate. However the detailed governance of the Combined Authority will be established in the Combined Authority's Constitution.
48. The Constitution will contain details of how the new powers and functions will be delivered and enshrine the principles of double devolution. The Scheme recognises that the Combined Authority will operate through thematic, geographic and/or district clusters, to ensure that delivery is exercised at the appropriate local geographies primarily based on functional economic area and travel to work areas.
49. The Scheme also enshrines principles about the costs of the Mayor and Combined Authority. Those principles are that:
  - The Combined Authority costs will be met as far as possible from existing resources, with statutory officers and support provided by the Constituent Authorities; and
  - Any levy on the Constituent Authorities for Mayoral costs will be treated as a loan and repaid to the Constituent Authorities by the 3<sup>rd</sup> anniversary of the Mayoral election.
50. The aim is that the gain or benefit leveraged from the Single Pot (£25 million a year for 30 years) will be far in excess of the Mayoral costs for the Combined Authority.

### **Consultation**

51. Legislation requires devolution deal areas to publish a Scheme of Governance setting out plans for the scope of the combined authority, the arrangements for



local representation, and decision making. The public must be consulted on these arrangements, and the Secretary of State will then take the outcome of consultation into account before further legislation can be taken forward.

52. The draft Scheme will be the subject of a statutory consultation exercise which will commence no later than 4 July 2016. The results of the consultation exercise will be reported back to Council and the Secretary of State.
53. Key elements of the consultation will be based on an online consultation that is accessible and open to all so the requirement to formally consult with residents on the proposed Governance Scheme is met. Evidence from other areas suggests that on-line alone will not reach the number of people we would like to reach, and those who do will be self-selecting and unrepresentative of the population as a whole. Therefore, in order to fully consult residents and ensure we get more representative views there will be:
  - A booster telephone survey to ensure that we get representative consultation feedback that enables us to compare public opinion at district level and ensure that our elected members can base their decision on robust data.
  - This will mean over 5,320 individual telephone interviews across Norfolk and Suffolk to give a robust sample (380 per district).
  - The telephone survey will also include 250 interviews with businesses across both counties.
  - During the consultation period each authority is also likely to receive direct representations from stakeholders in writing and email. Each participating authority will be expected to collect the responses they receive directly.
  - Upon completion of the consultation, an overall report with executive summary will be submitted to the Secretary of State as a joint submission from all councils in Norfolk and Suffolk. Individual participating authorities will be expected to submit copies of all stakeholder representations they receive by hard copy or email along with their own representations.
  - The process requires the consultation to take place over the summer months. The maximum time we can have the consultation open is seven weeks. Whilst this is fewer weeks than standard consultations, it is balanced by the extensive telephone interviews which ensure the robustness of the exercise. The consultation will open on 4 July 2016 and run until 19 August. The submission of responses to the Secretary of State will be on the 9 September 2016.

## **The Decision**

54. In taking its decision on the matters in this report there will be an opportunity for all members to debate the Deal Agreement, Governance Review and draft Governance Scheme. However there will not be an opportunity to move amendments (other than minor typographical or corrective changes) to the Deal Agreement, Review or Scheme. The timetable for publication of the Scheme, being no later than 4 July 2016, and the fact that the documents must pass through all 16 councils in Norfolk and Suffolk for agreement or otherwise, does not give a window for further negotiation. Members will need to decide whether to endorse the Deal Agreement and support publication of the Scheme or reject

it. However, they can feed in any comments on the Scheme as part of the consultation process.

55. If a council decides to reject the Scheme, appropriate changes will need to be made to the Deal Agreement and Scheme prior to publication.
56. Therefore, although this item's decision is not the final decision and does not legally commit an authority to participating in a Mayoral Combined Authority, agreeing the Norfolk/Suffolk proposal and subsequently withdrawing will have an impact on the all the authorities in the proposed Mayoral Combined Authority. A change in the economic area after the public consultation has been triggered on 4 July is likely to require a new Scheme to be prepared for consultation and thus the timetable for creation of the Mayoral Combined Authority will not be met. The decision today could be characterised as a moral rather than a strict legal obligation to consent to the Order, unless there are legitimate reasons not to do so.

### **Resource Implications (Financial, Staffing, Property, IT)**

57. The resource implications are dependent on the next stages of the development of the devolution process. Most will involve the use of existing officer time and resources.
58. There may be legitimate reasons to withdraw after the consultation, for example the Secretary of State's draft Order not reflecting the Norfolk/Suffolk proposal or the weight of local consultation responses opposing the CA. However, in the absence of a legitimate reason, if an authority agrees the Scheme and proposal in June it should be prepared to consent to a draft Order from the Secretary of State in October.
59. All council leaders have agreed that the administration costs of setting up the Mayoral Combined Authority will be kept to a minimum, using existing resources within their councils.
60. An underpinning principle is to seek to ensure that the total cost of the delivery of public services in Norfolk and Suffolk is no more than is currently the case as well as looking to take advantage of the opportunities presented by working together across this area.
61. As mentioned at Paragraph 49 above, the Scheme enshrines principles about the costs of the Mayor and Combined Authority, with the aim that the gain or benefit leveraged from the Single Pot (£25 million a year for 30 years) will be far in excess of the Mayoral costs for the Combined Authority.

### **Conclusion**

62. After extensive negotiations between Government and the Norfolk and Suffolk Leaders a proposed Devolution Agreement has been developed. The Council will need to assess whether to endorse the Devolution Agreement and authorise the Leader to sign it.
63. The Council is asked to support the Governance Review and agree the publication of the Scheme of Governance. This will allow the Council to report to the Secretary of State such views to inform his decision on the Devolution Deal and the Scheme for the Mayoral Combined Authority.

64. The Devolution Agreement attached is just the start of the Devolution process. Greater Manchester, the model for a number of the Devolution Deals, has now agreed the content of its fourth Deal and in April 2016 took on responsibility for the Health budget in the area. There is a great deal of potential to extend the range of responsibilities, powers and funding in the coming months. This report seeks to put into place the mechanisms to deliver increased local leadership for public services and greater autonomy over the levers for growth in our area.

#### **Sources of further information**

Suffolk County Council, County Council paper: 'Developing Suffolk's Devolution Proposal', 17 September 2015, agenda item 8:

[http://committeeminutes.suffolkcc.gov.uk/searchResult.aspx?qry=c\\_committee~~County Council](http://committeeminutes.suffolkcc.gov.uk/searchResult.aspx?qry=c_committee~~County Council)

East Anglia Devolution Deal, 16 March 2016:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/508115/The\\_East\\_Anglia\\_Devolution\\_Agreement\\_FINAL\\_with\\_signatures\\_and\\_logos.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508115/The_East_Anglia_Devolution_Agreement_FINAL_with_signatures_and_logos.pdf)

Cities and Local Government Devolution Act 2016, 28 January 2016:

<http://www.legislation.gov.uk/ukpga/2016/1/contents/enacted>

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