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Scheme for the establishment of a Nottingham and Nottinghamshire Combined Authority

DRAFT – September 2014

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Section 1 – Intention to establish a Nottingham and Nottinghamshire Combined Authority

1. Establishment of Authority

A Combined Authority shall be established pursuant to Section 103 of the Local Democracy, Economic Development and Construction Act 2009 (“LDEDCA”).

2. Name of Authority

The name of the Combined Authority shall be the ***Nottingham and Nottinghamshire Combined Authority (“the Combined Authority”)***.

3. Area of Authority

3.1. The Combined Authority area shall be the whole of the following local government areas:

- Ashfield District Council
- Bassetlaw District Council
- Broxtowe Borough Council
- Gedling Borough Council
- Mansfield District Council
- Nottingham Council
- Newark & Sherwood District Council
- Nottinghamshire County Council
- Rushcliffe Borough Council

3.2. The nine councils listed above shall be referred to as the *“constituent councils”*.

4. Membership of Authority

4.1. Membership of the Combined Authority will be drawn from the constituent councils listed in section three.

- 4.2 The constituent councils will appoint nine elected members¹ to the Combined Authority. Each constituent council will appoint one member.
- 4.3 Membership of the Combined Authority will be a decision for each council. The constituent councils shall each appoint another of its elected members to act as a member of the Combined Authority in the absence of the elected member appointed under paragraph 4.2 above (“substitute member”). Each constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and the constituent member may appoint a replacement member as soon as reasonably practical.
- 4.4 Where a member or substitute member of the Combined Authority ceases (for whatever reason) to be an elected member of the council that appointed them, the elected member shall cease to be a member of the Combined Authority, and the relevant council shall appoint a replacement member as soon as practicable.
- 4.5 The Combined Authority shall, in each year, appoint a Chairman and Vice-Chairman from among its members. The appointments shall be the first business transacted at the first meeting of the Combined Authority. Where, at any meeting of the Combined Authority, the Chairman is absent, the Vice Chairman shall assume the Chairman’s role for that meeting. Where the Chairman and Vice Chairman are not present or are unable to act, the Combined Authority members will elect one of the members present to preside for the meeting or part of the meeting.
- 4.6 No remuneration shall be payable by the Combined Authority to its members other than allowances for travel and subsistence, provided always that a constituent authority may, on the recommendation of its independent remuneration panel, pay a special responsibility allowance to any elected member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.
- 4.7 The Combined Authority may co-opt additional, non-voting representatives.²

5. Voting

- 5.1. The constituent council members of the Combined Authority shall have one vote each.
- 5.2. Subject to paragraph 5.3 below and the provisions of any enactment, all questions coming or arising before the Combined Authority shall be decided by a simple majority of the members of the Combined Authority present and voting. In the case

¹ Note: it is a requirement of LDEDCA that the majority of members are drawn from the constituent authorities of the CA.

² Note: such representation will always be non-voting as such representatives are not members.

of a tied vote on any motion or amendment, the motion or amendment shall be deemed to have been lost. The Chair of the Combined Authority shall not have a second or casting vote. On the requisition of any two members, made before the vote is taken, the voting on any matter shall be recorded so as to show how each member voted and there shall also be recorded any member abstaining from voting.

- 5.3 To be discussed – provisions to enable councils to proceed in “reserved” areas without unanimity or majority eg. transport

6. Executive Arrangements

Executive arrangements (within the meaning of the Local Government Act 2000) shall not apply to the Combined Authority. However, the discharge of the functions of the Combined Authority will be subject to the scrutiny arrangements set out in section 9 below.

7. Scrutiny Arrangements

Constituent authorities may exercise scrutiny functions over the Combined Authority (including, where appropriate, the Combined Authority's committees) through their own overview and scrutiny or committee arrangements.

Anticipated legislation is likely to directly apply overview and scrutiny arrangements to Combined Authorities.

Section 2 – Functions, powers and duties of the Combined Authority

8. The functions of the Combined Authority

- 8.1. The prime purpose of the Combined Authority is to improve the exercise of statutory functions in relation to economic development, regeneration and transport in the N2 area leading to an enhancement of the economic conditions and performance of the Nottingham and Nottinghamshire area.
- 8.2. In pursuit of this aim, the Combined Authority will have the functions set out in sub paragraphs 8.3 to 8.5 in relation to Strategic Economic Development and Transport. These powers will be exercised by the Combined Authority on a concurrent basis i.e. no powers have been “ceded” to the Combined Authority from its members.
- 8.3.
 - Strategic Economic Development.
 - Setting the Economic Strategy
 - Setting the investment strategy for the N2 area
 - Making decisions with regard to the investment strategy for the N2 area
 - Making decisions in relation to the uplift from Enterprise Zone business rates
 - Coordinated inward investment activity.
 - Strategic Planning functions
 - Function in respect of further education provision, co-ordination and funding.

- Functions in respect of the funding and provision of housing in the area of the Combined Authority.
- Functions in respect of provision, co-ordination and funding of initiatives for increasing employment and improving skills.
- Functions in respect of the provision of support and funding for local business initiatives in the area of the Combined Authority.
- The duty under Section 8 (i) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).

Transport

- The functions of a local transport authority
- The functions of a Passenger Transport Executive

8.4. The Combined Authority will have the benefit of a General Power of Competence to provide for maximum flexibility in being able to deal with economic development and regeneration issues. The Combined Authority shall exercise any function of the Secretary of State delegated to the N2 Combined Authority by the order of the Secretary of State pursuant to Section 86 LTA2008, Section 104(1)(b), LDEDCA and sections 15 to 19 of the Localism Act 2011. Such functions shall be exercised subject to any condition imposed by the order.

8.5. In addition to the above, the Combined Authority will have the following specific powers. These are viewed as complementary to the broader powers to address economic development identified above:

- The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities).
- The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996 and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).
- The duty under section 4(1) of the Local Government Act 2000 (duty to prepare a strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom) and the power under section 4(2) of the

Local Government Act 2000 (power to modify their sustainable communities strategy).

- The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

- 8.6. These powers will be supplemented by operating “protocols” agreed locally by the Combined Authority and councils. These protocols will include a recognition of the strategic role of the Combined Authority and safeguards to ensure that it does not unnecessarily interfere with local decision making and delivery. As detailed in the Governance Review document - councils may, in time, choose to delegate additional powers to the Combined Authority by virtue of Section 101 of the Local Government Act 1972. In all cases, the delegation of such powers would require a decision from each local authority concerned.
- 8.7. The Combined Authority will not have any specific planning-related powers. However, using general economic development powers, the Combined Authority may take actions which support, enhance and provide cohesion to local planning frameworks.

Section 3 – Funding

9. Funding

- 9.1. The Combined Authority, as a levying body under Section 74 of the Local Government Finance Act 1988, shall have the power to issue a levy to its relevant constituent councils (ie. Nottingham City Council and the Nottinghamshire County Council) in respect of the expenses and liabilities of the Combined Authority which are reasonably attributable to the exercise of its functions relating to transport. The amount to be raised by the levy will be apportioned between the relevant constituent authorities on an agreed basis.
- 9.2. The levy shall be in ten equal instalments payable monthly by the end of the first ten months in the financial year.
- 9.3. The costs of the Combined Authority that are reasonably attributable to the exercise of its functions relating to economic development and regeneration (and any start-up costs) shall be met by the constituent councils. Such costs shall be apportioned between the nine councils on a per capita basis, with county and district authorities apportioning their share of costs on a 75:25 basis. The CA will agree an annual budget for the purpose of this expenditure.

Section 4 – Other arrangements

10. D2N2 Local Enterprise Partnership and Derbyshire Combined Authority

- 10.1. A partnership between the public and private sector, D2N2 LEP's vision is for a more prosperous, better connected and increasingly resilient and competitive economy.
- 10.2. It is intended that the D2N2 Local Enterprise Partnership would be a lead advisory body to the Combined Authority, bringing private sector voices and providing leadership of particular Combined Authority projects and workstreams.
- 10.3. It is recognised that the Combined Authority will need to coordinate its work closely with the equivalent Combined Authority arrangements in Derbyshire in order to ensure that effective governance arrangements can operate across the whole of the D2N2 LEP area. It is therefore proposed that the Combined Authority and its equivalent in Derbyshire will enter into arrangements to achieve this. Other Arrangements
- 10.3. The Combined Authority may establish committees, sub-structures, sub-committees and arrangements for delegating powers and functions as it considers appropriate.