

Leicester Leicestershire

Delivering Growth Together



Draft Scheme for the Establishment of a Leicester and Leicestershire Combined Authority

For consultation purposes

Part 1 - Intention to establish a Leicester and Leicestershire Combined Authority

1. Establishment of Authority

- 1.1 A Combined Authority shall be established pursuant to Section 103 of the Local Democracy, Economic Development and Construction Act 2009 (“LDEDCA”). It shall come into existence on the 1st October 2016.
- 1.2 The Scheme is intended as a summary of the matters with which the Combined Authority will be concerned. Following the establishment of the Combined Authority, the members of the Combined Authority will agree and adopt a full constitution which will expand upon matters referred to within this Scheme.

2. Name of Authority

- 2.1 The name of the Combined Authority shall be the ***Leicester and Leicestershire 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:-

- (a) Blaby District Council
- (b) Charnwood Borough Council
- (c) Harborough District Council
- (d) Hinckley and Bosworth Borough Council
- (e) Leicester City Council
- (f) Leicestershire County Council
- (g) Melton Borough Council
- (h) North West Leicestershire District Council
- (i) Oadby and Wigston 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 and from the Leicester and Leicestershire Enterprise Partnership (LLEP).

- 4.2 The constituent councils will appoint a total of nine elected members to the Combined Authority. Each constituent council will appoint one member. The LLEP will appoint the Chair of the LLEP to the Combined Authority as a non-voting member (in the event the Chair of the LLEP is an elected member of one of the constituent councils then the LLEP will appoint another member of its board who is not such an elected member).
- 4.3 In respect of elected members, membership of the Combined Authority will be a decision for each constituent council.
- 4.4 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 including where that absence is as a result of the circumstances in paragraph 4.6. The LLEP shall appoint another member of its board (who is not an elected member of a constituent council) to act as a member of the Combined Authority in the absence of the Chair of the LLEP. Individuals appointed to the Combined Authority under this paragraph 4.4 are referred to as a “substitute member”.
- 4.5 Subject to 4.6 below, each constituent council and the LLEP may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and the constituent council and the LLEP (as appropriate) may appoint a replacement member. Written notice must be given to the Combined Authority within one week of the change for the changeover to take effect. Changes to the member or substitute member appointed by a constituent council/the LLEP to the Combined Authority are a matter for the relevant constituent council/the LLEP and do not need to be voted on by the Combined Authority.
- 4.6 Where a member or substitute member of the Combined Authority ceases (for whatever reason) to be an elected member of the constituent council that appointed them or, in the case of the LLEP member or substitute member, ceases to be a member of the LLEP board, the member shall cease to be a member of the Combined Authority, and the relevant constituent council/LLEP shall appoint a replacement member as soon as practicable and in any event within one month from the member or substitute member ceasing to be a member of the relevant constituent council/LLEP board.
- 4.7 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 following establishment.
- 4.8 A majority of the constituent councils will normally appoint a member to the Combined Authority at their annual general meeting in May/June of each year. The constitution of the Combined Authority will make provision for an election of a Chairman and Vice-Chairman to take place in the June following the establishment of the Combined Authority and each June thereafter (an annual election). Incumbents will be eligible for re-election.
- 4.9 A person ceases to be Chair or Vice Chair if they cease to be a member of the Combined Authority. Any vacancy must be filled at the next ordinary meeting of the Combined Authority unless such meeting is within 14 days of the vacancy arising, when it will be

the meeting following the next ordinary meeting. 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.

4.10 No remuneration shall be payable by the Combined Authority to its members other than allowances for travel and subsistence. A constituent council 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.

4.11 The Combined Authority may co-opt additional, non-voting representatives and further detail in respect of such co-opted representatives shall be agreed by the constituent councils and detailed within the constitution of the Combined Authority.

5A. Voting

5A.1 In the full spirit of partnership working the constituent councils will endeavour to reach decisions by consensus.

5A.2 The following will apply to any vote of the Combined Authority:-

- (a) The constituent council members of the Combined Authority shall have one vote each.
- (b) Subject to paragraphs 5A.3 to 5A.5 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.
- (c) In the case 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 (which includes any other member presiding at a meeting) shall **not** have a second or casting vote.
- (d) On the requisition of any one member, 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.
- (e) Where any member abstains from voting then they shall be deemed to have consented to the decision of the majority such that:
 - a. in any decision with reserved status and where the abstaining member represents a council directly affected by the decision the matter may pass notwithstanding that the abstaining member does not form part of the majority; and

- b. in any decision requiring unanimous support the abstention of a member will not prevent the matter passing provided all other members vote in support.

5A.3 In recognition of the significant impact that some decisions made by the Combined Authority could have on the Combined Authority's constituent councils, and to ensure that the existing democratic mandate of each constituent council is respected and preserved, decisions concerning a number of matters will qualify for 'reserved status'. Decisions made by the Combined Authority regarding matters with 'reserved status' will require a 'special majority' in order to carry. The special majority will operate on the principle that the constituent councils who are directly affected by a decision must be a part of the deciding vote's majority for that decision to carry. In practice, this will require that:

- (a) for a vote on a transport related matter, both Leicester City Council and Leicestershire County Council – as the two existing transport authorities – must form a part of the deciding vote's majority for that decision to carry. Where a transport related matter affects only the City of Leicester or only the County of Leicestershire then the relevant transport authority must form part of the deciding vote's majority.
- (b) for a vote on a planning matter (including planning for future housing and employment land provision), then the planning authority for the area or areas directly affected must form part of the deciding vote's majority for that decision to carry.
 - i. In the case of a planning matter affecting the City of Leicester then Leicester City Council must form part of the majority.
 - ii. In the case of a planning matter affecting an area of the County of Leicestershire then the relevant district council or, where the matter would be dealt with by Leicestershire County Council as a planning authority, Leicestershire County Council must form part of the majority or where the matter could be dealt with by either the relevant district council or the Leicestershire County Council then both must form part of the majority.

Where the Combined Authority establishes a committee then that committee can make decisions that have reserved status provided that the membership of the committee includes those constituent councils directly affected by the decision. For example a transport committee comprising Leicestershire County Council and Leicester City Council.

5A.4 Where a matter for decision (other than a transport matter) affects the entirety of the Combined Authority area then it will require unanimous support from the constituent councils. Matters requiring unanimous support include (without limitation) the following:

- (a) Decisions relating to the creation, adoption and review of the documents listed at paragraph 8.8(a) (except 8.8(a)(iv));

- (b) Approval of the Combined Authority's annual budget including decisions on any levies (except transport levies), precepts or other demands for financial contribution from the constituent councils;
- (c) Approval of borrowing limits, Treasury Management Strategy including reserves, Investment Strategy and Capital Budget of the Combined Authority;
- (d) Approval of the Combined Authority's constitution and any changes thereto;
- (e) Adoption of any freedoms or flexibilities offered by central Government;
- (f) Future expansion of the Combined Authority's functions (including by delegation);
- (g) Approval of growth schemes set out in any adopted strategic growth plan;

5A.5 Further detail on the decisions attracting reserved status and those requiring unanimity together with relevant procedures will be included in the Combined Authority's constitution. The Combined Authority will be able to designate a decision as having reserved status and to remove reserved status in accordance with more detailed provisions in the constitution.

5A.6 The LLEP member will be a non-voting member of the Combined Authority acting as an advisor to the Combined Authority.

5B. Quorum

5B.1 The quorum of any Combined Authority meeting will only be calculated by reference to voting members of the Combined Authority.

5B.2 Subject to paragraph 5B.3, the quorum for the meeting of the Combined Authority will be six members.

5B.3 The following additional rules for quorum will apply:

- (a) Where any decision is to be taken with reserved status then the meeting will only be quorate for the purposes of that decision where the relevant constituent council(s) is present; and
- (b) Where any decision is to be taken that requires unanimous approval then the meeting will only be quorate for the purposes of that decision where all constituent councils are present.

5B.4 The quorum of any committee of the Combined Authority will be determined by the Combined Authority.

6. Administrative Arrangements

- 6.1 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 7 below.
- 6.2 Decisions of the Combined Authority will be taken by the full meeting of the Combined Authority save where any committee of the Combined Authority has been established.
- 6.3 The Combined Authority may establish (or join/participate in as the case may be) committees, sub-structures, sub-committees and other arrangements (including a joint committee under the Local Government Act 1972) for delegating any powers and/or functions as it considers appropriate.

7. Scrutiny Arrangements

- 7.1 The nine constituent councils of the Combined Authority will establish a joint Overview and Scrutiny Committee to exercise scrutiny functions over the Combined Authority. Each constituent council will appoint such elected members to the joint Overview and Scrutiny Committee as are required to achieve political balance across the area of the Combined Authority. Overview and Scrutiny membership must not include a Combined Authority member or a member of the Executive of a constituent council.
- 7.2 The Overview and Scrutiny Committee will have the power to-
 - (a) Invite Combined Authority members and officers to attend meetings and answer questions
 - (b) Invite others to attend the meetings
 - (c) Review or scrutinise decisions or other actions taken by the Combined Authority
 - (d) Make reports or recommendations to the Combined Authority
 - (e) Require that a decision that has not been implemented be reconsidered by the members of the Combined Authority
- 7.3 Where the Overview and Scrutiny Committee makes a report it may also publish it and require a response from the Combined Authority.
- 7.4 The notice published must give the Combined Authority two months to consider the report.

Part 2 – Functions of the Combined Authority

8A. Introduction

- 8A.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 Leicester/Leicestershire area leading to an improvement in the economic conditions and performance of the area including an improvement in the effectiveness and efficiency of transport.
- 8A.2 In pursuit of this prime purpose, the Combined Authority will have the functions set out in this paragraph 8 in relation to strategic economic development and transport. These include functions in relation to strategic planning policy (including the planning for future housing and employment land provision). For the avoidance of doubt, it is not intended that the Combined Authority would determine any specific planning application.
- 8A.3 The Combined Authority will exercise its powers and duties concurrently with the constituent councils (where constituent councils have the same functions). No constituent council is ceding existing functions to the Combined Authority.
- 8A.4 The constituent councils and the Combined Authority will agree operating protocols for the exercise of concurrent powers and duties by the Combined Authority. These protocols will recognise the strategic role of the Combined Authority and safeguard the role of constituent councils in local decision making and delivery.
- 8A.5 Notwithstanding the above, a constituent council and the Combined Authority may enter into arrangements under Section 101 of the Local Government Act 1972 and/or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 to allow the delegation of functions from a constituent council to the Combined Authority. In all such cases, acceptance of a delegation will require a decision of the Combined Authority.

8B. Powers and Duties

The powers and duties of the Combined Authority will be as follows

8B.1 Economic Development and Regeneration

(a) *Localism Act 2011*

Such functions of the constituent councils as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under Section 1, Localism Act 2011.

(b) *Section 99 and Section 102A, Local Transport Act 2008*

The power to promote well-being in the area of the Combined Authority.

- (c) *Section 113A, Local Democracy, Economic Development and Construction Act 2009*
The power to do anything the Combined Authority considers appropriate: for the purposes of carrying out any of its functions; purposes incidental to and/or indirectly incidental to carrying out its functions; connected to any of its functions; for a commercial purpose.
- (d) *Section 69, Local Democracy, Economic Development and Construction Act 2009*
The duty of a local authority to prepare an assessment of economic conditions in its area.
- (e) *Section 142(2), Local Government Act 1972*
The power of a local authority to arrange for the publication within their area of information relating to the functions of the authority, etc.
- (f) *Section 144, Local Government Act 1972*
The power of a local authority to encourage persons to visit their area, etc.
- (g) *Sections 15ZA, 15ZB, 15ZC, 17A, 18A, 514A and 560A, Education Act 1996 (as inserted by Part 2 of the Apprenticeships, Skills Children and Learning Act 2009)*
The duty to secure that enough suitable education and training is provided to meet the reasonable needs of 16-19 year olds, 19-25 year olds who are subject to learning difficulty assessment and persons who are subject to youth detention. The duty to co-operate with local authorities exercising these duties.
- (h) *Section 88(1)(a) and (b), Local Government Act 1985*
Power to exercise the functions under the above provisions relating to the research and collection of information whether or not a scheme is made under Section 88.
- (i) *Functions of Central Government*
Delegation (pursuant to Sections 15 to 19, Localism Act 2011) of the following Central Government functions in relation to economic development and regeneration:
- i. Such functions as are currently exercised through the Department for Business, Innovation and Skills, the Department for Education and their respective executive agencies in the area of the Combined Authority in respect of further education provision, co-ordination and funding;
 - ii. Such functions as are currently exercised through the Department for Business, Innovation and Skills and its executive agencies in the area of the Combined Authority in respect of provision, co-ordination and funding of initiatives for increasing employment and improving skills;
 - iii. Such functions as are currently exercised through the Department for Business, Innovation and Skills and its executive agencies in the area of the Combined Authority in respect of the provision of support and funding for local business initiatives

8B.2 Transport

(a) *Leicester and Leicestershire Transport Board*

The Leicester and Leicestershire Transport Board will no longer exist and its role will be performed by the Combined Authority.

(b) *Functions of Central Government*

The Combined Authority shall exercise any function of Central Government delegated to the Combined Authority pursuant to any order made by the Secretary of State under Section 86, Local Transport Act 2008 and/or Section 104(1)(b), Local Democracy, Economic Development and Construction Act 2009 and/or Sections 15 to 19, Localism Act 2011.

(c) *[Section 108, Section 109 and Section 112, Local Transport Act 2000*

The duty to develop and keep under review policies relating to transport in its area and to carry out its functions to implement those policies.]

(d) *Section 2, Road Traffic Reduction Act 1997*

The duty to prepare a report on the levels of local road transport and a forecast of the growth in those levels.

8C. The Combined Authority's Focus and Activities

8.8 In exercise of the above, it is proposed that the Combined Authority will focus upon strategic economic development matters (including strategic planning policy) and strategic transport matters. These matters could include (without limitation):

(a) The development and implementation of:

- i. a joint economic vision for the area of the Combined Authority which will help shape: (aa) the decision making of the Combined Authority and the constituent councils; and (bb) the continuing work of the Leicester and Leicestershire Enterprise Partnership;
- ii. a strategic growth plan looking to 2050 for the area of the Combined Authority which will provide a robust, single strategic framework for the preparation of aligned investment plans and the planning for future housing and employment land provision by the constituent councils and the Leicester and Leicestershire Enterprise Partnership;
- iii. a strategic asset management plan to identify land and assets in public sector ownership and to outline how such assets/land could be managed to unlock land for growth, reduce costs and/or create long term revenue to support economic development and inward investment;

- iv. a single strategic transport master plan for the area of the Combined Authority and associated transport infrastructure investment strategy. These documents will guide long term investment in strategic highway and public transport infrastructure up to 2050; and
 - v. a long term investment strategy for the Combined Authority area to influence the future development and monitoring by the constituent councils and/or the LLEP of investment plans;
 - vi. a growth deal framework to guide the future work of the LLEP in developing growth deals for the Combined Authority area;
- (b) The ongoing monitoring and review of the documents referred to in (a).
- (c) The Combined Authority may also exercise its functions to secure funding from regional, national and EU funders in furtherance of the aims identified in the documents at (a) and potentially become the accountable body for such funding.

Part 3 – Funding

9. Funding

- 9.1 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 equally between the nine constituent councils].
- 9.2 The Combined Authority will agree an annual budget for the purpose of this expenditure.
- 9.3 The LLEP will not be required to provide funding to support the operation of the Combined Authority.

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Part 4 – Other arrangements

10. Relationship with Leicester and Leicestershire Local Enterprise Partnership and other Combined Authorities

- 10.1 A partnership between the public and private sector, the LLEP's vision is to "Create a vibrant, attractive and distinctive place with highly skilled people making Leicester and Leicestershire the destination of choice for successful businesses."
- 10.2 In addition to its non-voting membership of the Combined Authority, it is intended that the LLEP would be a lead advisory body to the Combined Authority and potentially provide leadership of particular Combined Authority projects and work streams.
- 10.3 It is recognised that the Combined Authority will need to coordinate its work closely with the equivalent Combined Authorities in neighbouring areas (including Nottinghamshire, Derbyshire, Warwickshire and the West Midlands). In particular, the Combined Authority would seek to establish arrangements with any established Combined Authorities (and Local Enterprise Partnerships) in Derbyshire and Nottinghamshire in order to ensure that effective governance can operate across the whole of this wider area.