

Norfolk County Council**Minutes of the Extraordinary Meeting Held on
Monday 7 November 2016****Present:**

Mr A Adams	Mr B Long
Mr S Agnew	Mr I Mackie
Mr S Askew	Mr J Mooney
Mr R Bearman	Ms E Morgan
Mr R Bird	Mr S Morphew
Mr B Borrett	Mr G Nobbs
Dr A Boswell	Mr W Northam
Mrs A Bradnock	Mr R Parkinson-Hare
Mr B Bremner	Mr J Perkins
Mrs J Brociek-Coulton	Mr G Plant
Mr M Castle	Mr A Proctor
Mr J Childs	Mr D Ramsbotham
Mr S Clancy	Mr W Richmond
Mr D Collis - Chairman	Mr D Roper
Ms E Corlett	Mr M Sands
Mrs H Cox	Mr E Seward
Mr D Crawford	Mr N Shaw
Mr A Dearnley	Mr P Smyth
Mrs M Dewsbury	Mr B Spratt
Mr J Dobson	Mr B Stone
Mr T FitzPatrick	Mrs M Stone
Mr C Foulger	Dr M Strong
Mr A Grey	Mrs A Thomas
Mrs S Gurney	Mr J Timewell
M Chenery of Horsbrugh	Miss J Virgo
Mr H Humphrey	Mrs C Walker
Mr B Iles	Mr J Ward
Mr T Jermy	Mr B Watkins
Mr C Jordan	Ms S Whitaker
Ms A Kemp	Mr M Wilby
Mr M Kiddle-Morris	Mrs M Wilkinson

Apologies for Absence:

Apologies for absence were received from Mr C Aldred; Mr M Baker; Ms C Bowes; Mr A Bryne; Mr M Carttiss; Mrs J Chamberlin; Mr T Coke; Mr N Dixon; Mr T East; Mr T Garrod; Mr P Gilmour; Mr P Hacon; Mr B Hannah; Mr D Harrison; Mr J Joyce; Mr J Law; Mrs J Leggett; Mr I Monson; Ms C Rumsby; Mr R Smith; Mr M Storey and Mr A White.

1 Chairman's Announcements

- 1.1 The Chairman announced the sad passing of former county councillor Tony Blyth on 20 October 2016. Mr Blyth, 77, had been a dedicated councillor who had served both as a county councillor representing Magdalen East and Claydon in Gorleston until the ward boundaries had been re-organised in 2005, then as a borough councillor until May 2016, when he had stepped down due to ill health. Council stood for a moment's silence in memory of Mr Blyth.

2 Declarations of Interest

- 2.1 There were no declarations of interest.

3 Devolution

- 3.1 Council received the report by the Leader of the Council updating full Council on the progress towards devolution, informing Members of changes that had taken place since the meeting in June 2016 and, in light of the changed landscape, to give the Leader an opportunity to hear views on his continued involvement in the final phase of devolution discussions.
- 3.2 Council welcomed Mr Mark Pendleton, Chair of Local Enterprise Partnership (LEP) who answered any appropriate questions.
- 3.3 Council received a presentation by the Managing Director, Head of Law and Monitoring Officer and Assistant Director Economic Development & Strategy, a copy of which is attached at Appendix A.
- 3.4 The Managing Director, Assistant Director Economic Development and Strategy and Head of Law and Monitoring Officer answered questions from Council about the presentation, consultation process and procedural arrangements.
- 3.5 The Leader proposed the recommendations in the report:
1. **Note** the progress that has been made since 27 June, including the proposals developed since then in relation to decision-making and the mayors powers;
 2. **Agree** for Norfolk County Council's Leader to continue his involvement in the devolution discussions in readiness for the decision on 21 November 2016.
- 3.6 Mr G Nobbs proposed the following amendment, which was seconded by Ms A Kemp:
- 3.6.1 1. **Note** the progress that has been made since 27 June, including the

proposals developed since then in relation to decision-making and the mayors powers;

2. **Agree** for Norfolk County Council's Leader to continue his involvement in the devolution discussions, **providing they do not include an elected mayor**, in readiness for the decision on 21 November 2016.

3.6.2 The Leader did not accept the amendment to the motion, and the Head of Law and Monitoring Officer advised that the proposed amendment negated the motion.

3.6.3 Mr J Dobson proposed the following amendment, which was seconded by Mr G Nobbs:

1. **Note** the progress that has been made since 27 June, including the proposals developed since then in relation to decision-making and the mayors powers;
2. **Agree** for Norfolk County Council's Leader to continue his involvement in the devolution discussions in readiness for the decision on 21 November 2016, **making sure that his interlocutors in the remaining discussions are fully aware that Norfolk County Council has substantial reservations about the governance aspects of the devolution proposal.**

3.6.4 The Leader accepted the amendment, which became the substantive motion.

3.7 Upon being put to a vote, with 53 votes in favour, 4 votes against and 3 abstentions, Council **RESOLVED** to:

- 1) **Note** the progress that had been made since 27 June 2016, including the proposals developed since then in relation to decision-making and the mayor's powers.
- 2) **Agree** for Norfolk County Council's Leader to continue his involvement in the devolution discussions in readiness for the decision on 21 November 2016, making sure that his interlocutors in the remaining discussions are fully aware that Norfolk County Council has substantial reservations about the governance aspects of the devolution proposal.

The meeting concluded at 12.35pm

Chairman



If you need this document in large print, audio, Braille, alternative format or in a different language please contact Customer Services 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.



Change of Government – reinforced commitment to devolution and local economic growth

In his letter the Secretary of State says:

- The deal on the table for Norfolk and Suffolk is indeed ambitious.
- The deal on the table will not progress without a directly-elected mayor.
- In addition, further benefits will flow to devolution areas that have the appropriate structure – a Mayoral Combined Authority – to receive new powers and funding. One such example is the consideration of strong, ambitious governance as a factor in the allocation of the Local Growth Fund.
- Undoubtedly, this deal will bring more jobs, more investment and more opportunity to Norfolk. If your decision was not to proceed with the deal, these economic benefits would not be available to Norfolk by any other route.
- Government will continue to work with, and make substantial new investments in, those other local areas which are committed to taking devolution forward.
- This deal is the start of a journey, and that further opportunities will follow for Norfolk to take even greater control of its economic destiny. However, this will not be on offer without the successful implementation of this historic first deal and the establishment of the right local structures to take full advantage of the economic gains on offer.

One of the best deals in England

- £25m (of new money) over 30 years for **economic growth, infrastructure and jobs** - £10m of which can be used by the CA to support borrowing of some **£100m**
- £130m (of new money) over five years for **housing investment** to deliver 10,300 homes
- £225m **transport** budget over four years
- £20m annual **skills** fund and £2m annual **apprenticeship** grant
- More control and influence over investment in **key roads** across Norfolk and Suffolk
- Norfolk and Suffolk wide approach to **flood and coastal risk** management
- Locally integrated **employment** service, and the opportunity to co-design and co-commission the new national work and health programme

The Combined Authority area – An open door for the future

- 4 of Norfolk's councils decided to not be part of the Governance Scheme for consultation and therefore cannot be part of the proposed Combined Authority
- However the SoS has reassured that this is not a closed door:
 - once the Mayoral Combined Authority is formed, further authorities are able to join (as constituent or non-constituent members).
 - This would require the Combined Authority to publish and consult on a new governance review and scheme, which would then need to be reflected in a further Parliamentary Order.
- Leaders of the 4 councils are invited to attend meetings

Combined Authority Membership

Scheme

4 MEMBERSHIP

- 4.1 The Combined Authority shall consist of the Members as set out below:
 - 4.1.1 The Mayor elected for the Combined Authority;
 - 4.1.2 An elected member appointed by each of the Constituent Authorities;
 - 4.1.3 A nominee of the New Anglia LEP; and
 - 4.1.4 Such other non-voting Non-Constituent Members as may be admitted to the Combined Authority from time to time by the full Constituent Authority Membership.
- 4.2 The expression "Member" shall include all of the above.
- 4.3 Each organisation entitled to appoint a Member shall be entitled to appoint a Substitute Member, who shall have the same decision-making authority and voting rights as the person in whose place they are acting.

Principles

- All Members have a seat on the CA
- One member one vote
- Each Council chooses its own appointee
- Quorum of 7

Practice (Order)

- 14 Members (12 LA, 1 LEP, Mayor)
- Key decisions by consensus, all members voting
- Boards/committees to develop plans and strategies
- Quorum to include County and District member from each of Norfolk and Suffolk

Mayor

Scheme

5 DIRECTLY ELECTED MAYOR

- 5.1 There shall be a directly elected Mayor for the area of the Combined Authority pursuant to section 107A of the LDEdCA ("the Mayor"). The Mayor will be elected in May 2017. The provisions of Schedule 5B of LDEdCA shall apply subject to paragraph 5.2 below.
- 5.2 The term of office of the Mayor elected in May 2017 shall be four years. Each subsequent election shall take place in each fourth year thereafter on the same day of ordinary election and the term of office of the elected Mayor shall be four years.
- 5.3 The Mayor shall appoint one of the Members of the Combined Authority to be the Deputy Mayor in accordance with section 107C of LDEdCA and the Deputy Mayor shall: a) hold office until the end of the term of office of the Mayor subject to paragraph (b) below; b) cease to be Deputy Mayor if at any time the Mayor removes him or her from office; he or she resigns as Deputy Mayor or ceases to be a Member of the Combined Authority; c) act in the place of the Mayor if for any reason the Mayor is unable to act or the office of Mayor is vacant.
- 5.4 If a vacancy arises in the office of Deputy Mayor, the Mayor must appoint another Member of the Combined Authority to be the Deputy Mayor.
- 5.5 If for any reason the Mayor is unable to act or the office of Deputy Mayor is vacant, the other Members of the Combined Authority must act together in place of the Mayor, taking decisions by a simple majority.

Principles

- Mayor directly accountable to the public
- Elections to coincide with County elections
- Mayor's office and Combined Authority – cost-effective, add value and deliver benefits that exceed their cost of operation

Practice (Order)

- 1st mayoral election 4 May 2017
- Mayoral elections every 4 years – 2021, 2025 etc
- Deputy mayor appointed from CA members
- Costs (in constitution) – mayor's remuneration proposed by independent panel and agreed by CA; other costs in first 3 years by loan to CA.

Constitution-Generic provisions

Scheme

7 CONDUCT OF MEMBERS

7.1 Members will at all times observe the Code of Conduct for Members which will be set out in the Constitution of the Combined Authority.

10 EXPENSES

10.1 LEP and Constituent Authority Members of the Combined Authority shall not be entitled to remuneration but may be reimbursed for reasonable travel, subsistence and out of pocket expenses by the appointing organisation from time to time.

16 PROCEEDINGS OF THE COMBINED AUTHORITY

16.1 Sections 101 and 102 of the Local Government Act 1972 apply to the Combined Authority in the exercise of its functions so that the Combined Authority shall have the power to delegate its functions to a committee or sub-committee of the Combined Authority or to an officer or another authority.

25 ADDITIONAL CONSTITUTIONAL DOCUMENTS

25.1 The Combined Authority shall adopt a Constitution that comprises, as a minimum: Scheme of Delegation; Meeting Procedure Rules; Access to Information Process Rules; Financial Management Procedure Rules; Procurement and Contract Procedure Rules; Officer Employment Procedure Rules; Members' Code of Conduct; Officers' Code of Conduct;

Principles

- Members to uphold Nolan principles
- Principles of openness and transparency to apply
- Functions to be delivered by existing entities
- Authorities impacted to be involved in shaping recommendations

Practice (Constitution)

- Adopt code of conduct – members and officers
- Publication of reports, meetings in public
- Constitution and standing orders to be unanimously agreed by LA constituent members by 1 March 2017
- Establish boards/committees with relevant membership

Decision making

Scheme

11 DECISION MAKING

11.1 The discharge of the functions of the Combined Authority will be subject to the constitutional arrangements and the overview and scrutiny arrangements set out below. The Combined Authority will operate through thematic, geographic and/or district clusters, to be determined by the Combined Authority through its Constitution in due course. The formation of such clusters is to ensure that the delivery of functions exercisable by the Mayor and/or Combined Authority will be exercised at the appropriate local

geographies primarily based on functional economic areas and travel to work areas. Existing delivery bodies, for example relating to the Greater Norwich and Greater Ipswich City Deal areas, will be utilised rather than create new bodies.

11.2 The Combined Authority may delegate functions other than those reserved to it under paragraph 16.2 to a committee or sub-committee of the Combined Authority (or to officers or another authority) to be established under the Constitution, reflecting the clusters referred to in paragraph 11.1.

11.3 The Mayor and the other Members of the Combined Authority will be required to work closely together.

Principles

- Decisions made and delivered at the appropriate level by the appropriate people
- Votes weighted in favour of those who manage the impact of a decision
- Double devolution – supporting appropriate local participation and delivery
- Optimise existing structures, accountabilities and partnerships

Practice (Order)

- Key decisions – strategy, borrowing, budget – unanimous
- Consensus approach
- Thematic geographic boards/committees using existing structures
- Mayor's advisory board of chairs/portfolio holders
- CA powers held concurrently with LAs
- Establishment of boards and terms of reference through constitution

Mayoral functions

Scheme

14 EXERCISE OF THE MAYORAL FUNCTIONS

14.3 Before a decision is taken ... the Mayor shall consult the Combined Authority and:-

- The spatial framework and any supplementary planning documents referred to in paragraph 2.1 of Appendix A shall require the unanimous approval of the Constituent Authority Members of the Combined Authority;
- The Transport Plan and any spending plans or plans for the allocation of transport-related funding shall be treated as rejected if a two thirds majority of the Constituent Authority Members of the Combined Authority vote to modify or reject the Transport Plan and associated spending, provided that any decision to reject or modify the Transport Plan or budget includes the Combined Authority Members from each of Norfolk and Suffolk County Councils; and
- any other strategy or spending plans shall be treated as rejected if a two thirds majority of the Constituent Authority Members of the Combined Authority vote to reject such a plan provided that any Constituent Authority directly affected by such a strategy or plan and present and able to vote at the meeting must be part of the deciding votes majority for that rejection decision to carry (unless they abstain).

Principles

- Consensus approach
- Decisions made and delivered at the appropriate level by the appropriate people
- Votes weighted in favour of those who manage the impact of a decision

Practice (Order)

- Strategies and plans developed by Boards/committees with relevant members
- Mayor's advisory board of board chairs/portfolio holders
- CA powers held concurrently
- Involvement of effected authorities in decision-making

Combined Authority functions

Scheme

15 FUNCTIONS OF THE COMBINED AUTHORITY

15.2 Chapter 1 of Part 1 of the Localism Act 2011 (which confers a general power of competence on local authorities) shall be applied to the Combined Authority by order of the Secretary of State pursuant to section 113D LDEDCA.

15.5 The Combined Authority shall exercise the Combined Authority's functions concurrently with the Secretary of State (as regards transport functions) and the relevant public authority (as defined in section 105A(9) of LDEDCA) as regards other functions.

15.6 The Combined Authority shall have the power to borrow for a purpose relevant to any of its functions as contained in sections 1 and 23(5) of the Local Government Act 2003 as amended by section 9(2) of the Cities and Local Government Devolution Act 2016.

APPENDIX B

Functions include: management of the single pot; flood defence and coastal management; Learning and skills, education, apprentices and employment; improve life chances; career and pay progression; business support; health and social care; and public service reform

Principles

- Consensus approach
- Functions to be delivered by existing entities
- Optimise existing structures, accountabilities and partnerships
- Mayor's office and Combined Authority – cost-effective, add value and deliver benefits that exceed their cost of operation

Practice (Order)

- Mayoral powers held concurrently
- Transport powers held concurrently with Local Authorities
- Involvement of effected authorities in decision-making
- Ability to borrow

Overview & Scrutiny

Scheme

17 OVERVIEW AND SCRUTINY

17.1 There shall be an Overview & Scrutiny Committee of the Combined Authority pursuant to Schedule 5A of LDEDCA to exercise scrutiny functions over the Combined Authority.

17.2 Each Constituent Authority shall appoint one elected member to the Overview & Scrutiny Committee.

17.3 Overview & Scrutiny Committee membership shall not include a Combined Authority Member (including the Mayor and the Deputy Mayor). The Combined Authority shall appoint as Chair of the Overview and Scrutiny Committee an elected member of one of the Constituent Authorities who is not a member of a registered political party of which the Mayor is a member (if the Mayor is a member of a registered political party).

17.4 Each member on the Overview and Scrutiny Committee shall have one vote and there shall be no casting vote.

Principles

- Mayor and CA to be held to account through Scrutiny and Audit arrangements
- Processes for effective challenge

Practice (Regulations)

- O&S Committee of 16 members (1 from each district 3 from each county) who don't sit on the CA, politically balanced
- Chair may not be from the same registered political party as the mayor

Audit

Scheme

18 AUDIT

18.1 The Combined Authority shall establish an Audit Committee pursuant to Schedule 5A of LDEDCA to fulfil the functions set out in paragraph 18.3.

18.2 The membership of the Audit Committee shall be determined by the Combined Authority but one member of the Committee shall be independent.

18.3 The Audit Committee will have the power to:

- Review and scrutinise the Office of the Mayor and Combined Authority's financial affairs;
- Review and assess the Mayor and Combined Authority's risk management, internal control and corporate governance arrangements;
- Review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions and the Mayoral Functions;
- Make reports and recommendations to the Combined Authority and/or the Mayor in relation to any reviews carried out in relation to the matters stated above;
- Receive any external audit report; consider the report and make recommendations to the Combined Authority or the Mayor, as appropriate; and
- Approve the annual accounts of the Combined Authority.

Principles

- Mayor and CA to be held to account through Scrutiny and Audit arrangements
- Processes for effective audit and monitoring

Practice (Regulations and Constitution)

- Membership determined by CA through Constitution
- At least one independent member

Funding

Scheme

20 FUNDING OF THE EXERCISE OF COMBINED AUTHORITY FUNCTIONS

20.1 The expenses of the Combined Authority that are reasonably attributable to the exercise of its functions (excluding Mayoral Functions) will be met by the Constituent Authorities;

20.2 The Combined Authority shall be a levying body under section 74 of the Local Government Finance Act 1988 and shall have the power to issue a levy to its Constituent Authorities in respect of the expenses referred to in paragraph 20.1.

20.3 The Constituent Authorities have agreed the principle that the Combined Authority costs will be met as far as possible from existing resources. The Constitution will set out a process for agreeing how these will be met.

20.4 The Combined Authority shall agree an annual budget identifying its expenditure and sources of income including any amount payable by the Constituent Authorities under paragraph 20.1.

Principles

- Mayor's office and Combined Authority –cost-effective, add value and deliver benefits that exceed their cost of operation
- Optimise existing structures, accountabilities and partnerships

Practice

- Existing premises will be utilised
- Existing staff and organisational arrangements will be utilised
- Any contribution from constituent authorities in first 3 years by way of loan to CA
- Budget requires unanimous agreement

33

The journey to be completed

