

## **Appendix 7 - Combined Authority and Devolution Deal Q&A**

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### **If an authority joined a CA what would happen to planning and development control, housing numbers, and the services that our residents currently receive from County Council? Would we lose decision making powers?**

Members of a combined authority remain as local authorities with sovereignty over the services they deliver. Constituent members of a combined authority make an agreement that particular powers, which they have negotiated in advance, will be operated in partnership with one another in a combined authority. This is mainly around transport, economic growth, social care and health services.

Non-constituent members do not make the same agreement. They merely agree to engage and work with the combined authority where they feel it is appropriate. They do not formally sign over any powers. If a district became a non-constituent member, and a county did not, this should not affect any of the services delivered by the county in their area.

### **What is an Economic Prosperity Board and a Joint Committee? Do they have the distinction of Constituent and Non Constituent member?**

An Economic Prosperity Board is similar to a combined authority, but covers economic development and regeneration only. It does not include transport. The process for establishing an EPB is the same as for a combined authority.

A joint committee is not a statutory body. S102 of the Local Government Act 1972 allows an authority to decide to discharge a function jointly. The way of achieving this is through a joint committee. The local area decides how the joint committee operates. Members must be able to exercise the functions being discharged by the joint committee. It is possible to be a member of more than one joint committee.

### **Is it possible to be a constituent member or a non-constituent member of a Combined Authority and a member of an Economic Prosperity Board?**

An authority may only be a constituent member of either a combined authority or economic prosperity board, not both. There is no limit to the number of CAs or EPBs of which an area may be a non constituent member, although the governance review would need to make clear why the authority was to be named as a non constituent authority.

### **Is it possible for other authorities to join a business rates pool with the members of the combined authority if both parties agree?**

Yes. It would be possible for other authorities to create a business rates pool with the members of a combined authority if both parties agreed. There is nothing within the business rates retention framework or the combined authority framework that would stop this from happening.

### **If the combined authority were to negotiate increased retention of business rates, is the intention that the additional amounts retained remains with individual councils or is pooled to provide the 'fund of funds'? What would the impact on County Councils be (even though we are not in a pool with them)?**

**And what will the 'offset' be from government (if any) i.e. reduction at a faster rate (if that's possible!) in RSG?**

These are matters that will be dealt with in the negotiation process and may look different in different places.

**What is the advantage of being a non-Constituent Member of the Combined Authority?**

A non-constituent member would be a formal partner of the Combined Authority and would be guaranteed a voice within the planning and delivery of the combined authority's powers. In some circumstances the constituent members may decide to give non-constituent members voting rights on specified issues.

**From the legal paper, it is clear that Councils do not have to be non-Constituent Members to be on the Joint Committee, so what is the point of being a non-Constituent Member?**

It is for the local area to determine who is involved in a Joint Committee, so you could choose to seek agreement with others to be a part of one if you wish to, but it would need mutual agreement. Equally, you may negotiate with the constituent members of a combined authority, what your role would be as a non-constituent member would be. Therefore, the answer to this question really depends on what is agreed locally.

**What is the role of those who join in the Joint Committee?**

That is for the local area to decide in discussions with one another about what they want their role to be and how they may (or may not) work together. Joint committees are only set up where authorities agree that they wish to work together and discharge a function jointly. Authorities do not have to join joint committees, and can continue to discharge their functions separately.

**What would be the process is if we wanted to join a CA or Joint Committee at a later stage?**

Once the order is made then any revisions would require a further amended order to be approved by Parliament. The process is set out in the Local Democracy, Economic Development and Construction Act 2009.

Changes to the list of non constituent members could be made up to the Order being laid in Parliament, although this may cause a delay in the process.

**What is the consultation process is for non-constituent members – i.e. when government consults, who exactly do they contact and how?**

The Secretary of State will consult with constituent authorities, all neighbouring authorities including counties, the LEPs and any other body in the area identified as relevant.

**Is it possible for a Constituent Member (a unitary) of a CA to be a non constituent member of another one (mixture of County, Districts and a NCM unitary)?**

Yes.

**Could you have a CA where there is only one Council that has transport powers? i.e. Warwickshire County plus 5 districts and a NCM unitary - Coventry but which can't bring its Transport powers into play. Or is it that we'd need to go for an EPB?**

You could have a county based combined authority but all member authorities with upper tier powers would need to bring the same powers. If a member of one CA wanted to join as a non-constituent member of another CA, this choice would be available to them, but as a non-constituent member they would not be bringing their powers with them. If a West Midlands CA is established the West Midlands ITA would be dissolved. As we understand it the present proposal is for the 7 members of the ITA to form a combined authority.