

The Cambridgeshire and Peterborough Combined Authority Order 2017

About this report.

Section 105B of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”), inserted by section 7 of the Cities and Local Government Devolution Act 2016, which sets out the procedure for making orders under section 105A of the 2009 Act, provides that at the same time as laying a draft of a statutory instrument containing an order under that section before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the order and why the Secretary of State considers it appropriate to make the order. The report must include a description of any consultation taken into account by the Secretary of State; information about any representations considered by the Secretary of State in connection with the order; and any other evidence or contextual information that the Secretary of State considers it appropriate to include.

This report accompanies the Cambridgeshire and Peterborough Combined Authority Order 2017 (“the Order”) which is to be made, subject to Parliament’s approval, under provisions in Part 6 of the 2009 Act, including section 105A.

1 Description of the Combined Authority

1.1 The Cambridgeshire and Peterborough Combined Authority (CPCA) is to be established by this Order, to enable greater integration of transport and infrastructure, to promote economic development and regeneration, and to provide a single point of accountability for implementation of the spatial plan and the local transport plan. The CPCA is to be constituted of the local government areas of Cambridge, South Cambridgeshire, Huntingdonshire, Fenland, East Cambridgeshire, Cambridgeshire and Peterborough. The Greater Cambridge and Greater Peterborough LEP will be a non-constituent member of the CPCA.

1.2 A devolution deal (a draft agreement to devolve a range of powers and responsibilities and establish new governance arrangements to deliver them) was agreed between the constituent councils of a proposed East Anglia Combined Authority and the Government at Budget in March 2016. Local leaders thereafter engaged with their communities and councils across East Anglia and sent proposals to Government instead for two deals, one for Cambridgeshire and Peterborough and one for Norfolk and Suffolk. The remaining Devolution Deal for Cambridgeshire and Peterborough provides that subject to the legislative and statutory processes, there will be a directly elected Mayor for the Cambridgeshire and Peterborough Combined Authority from

May 2017. The elected Mayor will become the Chair of the Combined Authority.

1.3 The Order provides for there to be a mayor for the area of the CPCA and specifies the term of office for the mayor, the dates on which elections for the return of a mayor shall take place and the intervals between elections. The first election is to take place on 4 May 2017 and the mayor will take office on 8 May 2017.

1.4 The provisions in this Order confer on the proposed CPCA some of the functions set out in the draft deal, and put certain constitutional arrangements in place for the Authority.

2 Conferral of local and public authority functions on the proposed CPCA under section 105A of the 2009 Act (Other public authority functions)

2.1 Section 105A(1)(a) of the 2009 Act empowers the Secretary of State by order to make provision for a function of a public authority that is exercisable in relation to a combined authority's area to be a function of the combined authority.

2.2 Section 105A(1)(b) of the 2009 Act further provides that the Secretary of State may by order make provision for conferring on a combined authority in relation to its area a function corresponding to a function that a public authority has in relation to another area.

2.3 Section 105A(2)(a) of the 2009 Act provides that an order may include further provision about the exercise of the function, including provision for the function to be exercisable by the public authority or combined authority subject to conditions or limitations specified in the order.

2.4 Section 105A(3) of the 2009 Act provides that the provision for the exercise of the function that may be included in an order under section 105A(1)(b) may include, in particular, provision for the function to be exercisable by the combined authority concurrently with the public authority.

3 Effect of the order; considerations informing the Secretary of State's decision

3.1 Devolved transport budget

3.1.1 The constituent councils propose that the mayor should be responsible for ‘a consolidated, multi-year local transport budget for the area of the CPCA. This local transport budget would be devolved from the Government and would consist of ‘the Integrated Transport Block or any equivalent or replacement funding for the same or similar functions as those covered by that funding’. This responsibility is set out in the draft deal. It is also a fundamental principle within the devolution deal that the mayor, who is directly elected and accountable to residents, is responsible for the consolidated transport budget. A condition is imposed on the mayor to have regard to the statutory duties of the highways authorities when making transport budget allocations.

3.1.2 The proposed CPCA governance review notes among the powers to be conferred on the proposed combined authority the ‘responsibility for a multi-year consolidated and devolved transport budget’, i.e. ‘the creation of a single, multi-year transport budget to bring greater co-ordination in line with our transport and infrastructure strategy, and ensure increased value for money from funds that have previously been delivered. This should mean strategic delivery of transport interventions over a longer time period, alignment of transport with the area’s economic development and investment requirements, including housing development, scope for match-funding and leverage with other funding sources due to the additional certainty and the potential for future expansion to accommodate further devolved funding, flexibility and freedoms’.

3.1.3 Consultation responses were broadly supportive of a devolved transport budget, with a majority of both MORI and online survey responses supporting local decision making on road maintenance spending. 84% of MORI respondents agreed that ‘deciding how the budget is spent for maintaining roads in Cambridgeshire and Peterborough’ was a decision better made locally. Similarly, 65% of online respondents supported ‘deciding how a budget is spent to maintain roads in Cambridgeshire and Peterborough’ to be decided ‘locally, by the Combined Authority and Mayor..., rather than by the Government in Westminster’ with 19% against.

3.1.4 The Order attaches a condition to the allocation of the mayor’s transport budget to ensure that the highways authorities in area are able to meet their statutory requirements for highways management and maintenance, something which remains a function of the local highways authorities and not the proposed CPCA. The Secretary of State considers that this is likely to improve the exercise of statutory functions in the area and would materially contribute to ensuring that local government in the proposed CPCA area remains both convenient and effective, and that the interests and identities of local communities are recognised.

3.1.5 Having regard to the councils' governance review and scheme, the draft devolution deal, the summary of the consultation responses, additional material, and the advice of DfT officials, the Secretary of State considers that it is appropriate to confer the section 31 of the Local Government Act 2003 function on the proposed CPCA, to be exercised by the mayor via section 107D of the 2009 Act; and to attach a condition to the use of that function which provides that the mayor must have due regard to an allocation policy, or factors relevant to the allocation, as specifically provided for in the Order.

4 Consultation

4.1 The constituent councils undertook consultation on proposals in their scheme and governance review from 8 July to 23 August 2016, aligned with a promotional campaign to raise awareness of the consultation. A summary of responses compiled by the constituent councils, and submitted to the Secretary of State, is on their website and can be accessed through the following link: <https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/strategies-polices-and-plans/Devolution-CambridgeshireAndPeterboroughAuthoritiesGovernanceReview-AppendixB-17June2016.pdf?inline=true>. The Secretary of State considers that the constituent councils' consultation on their scheme was sufficient in terms of its length, in that it ran for 6 weeks; the mechanisms used, in that it included a MORI telephone poll, an online survey, parish council responses to the consultation, and direct face-to-face sector and business engagement; the consultation including engagement with Community, voluntary and local public sector stakeholders such as the area's network of almost 250 local Town and Parish Councils; the consultation of higher education institutions and the public sector, including the University of Cambridge and the Police and Crime Commissioner; the promotional activity including print, radio, and online press activity, social media and website promotion, and indirect contact via newsletters and e-mail; and the summary provided demonstrates a robust analysis undertaken.

5 Material considered by the Secretary of State

- Cambridgeshire and Peterborough Governance Review
- Cambridgeshire and Peterborough Combined Authority Scheme
- Cambridgeshire and Peterborough Combined Authority summary of consultation responses