

The Norfolk and Suffolk Combined Authority Order 2016: notes on the draft Order

The attached draft Order is the Government's statutory instrument, to be laid before parliament for approval. This is the Order into which the councils participating in the Combined Authority (CA) will be asked to consent to being included.

The key purpose of this draft Order is to establish the new CA. It contains the initial legal functions that will be transferred from Government to the CA and the enabling powers that will allow the Mayor and Combined Authority to deliver those functions, and sets out some of the high level constitutional provisions.

The detail of the deal is contained in the Deal Document, details of mayoral powers and combined authority powers are contained in the Scheme of Governance along with constitutional provisions. You endorsed these at your meetings in late June.

The Government is also laying generic orders on Finance, Overview and Scrutiny and Audit. The key provisions from these draft generic Orders were shared with leaders at the meeting on 9 November in South Norfolk.

The detailed voting arrangements, membership and terms of reference of thematic boards, provisions on code of conduct, scheme of delegation, financial regulations etc. will all be contained in a Constitution and standing orders of the CA. The Order provides that this will be unanimously agreed by the CA membership.

Further functions and enabling powers as needed by the CA can be conferred by subsequent orders.

There continue to be two areas where the arrangements differ, or may differ, from our original understanding in June. These were shared with Leaders at the meeting on 9 November and are as follows:

1. Transport: In relation to transport powers that are being transferred to the CA, we had asked for the upper tier authorities to remain as Local Transport Authorities (LTA) concurrently with the CA. But the Department for Transport will not permit more than one LTA for an area. So Norfolk will remain as LTA for the 4 areas that are currently outside the CA and the CA will be LTA for the CA area. In practice however, the LTA functions will be delegated to the two upper tier authorities and the upper tier authorities will sit on the Transport Board which will develop the overarching transport plan.
2. Borrowing: We are not yet in a position to say what the CA's borrowing powers will be as this will be contained in the generic Finance Order. In the event that the CA is not given borrowing powers under the Finance Order it will need to borrow indirectly, using existing councils or creating vehicles.

We are still in discussion with DCLG on some minor inconsistencies and drafting clarifications. If there are any material changes to the draft Order then the participating councils would need to be consulted.