

**CONSULTATION BY EAST OF ENGLAND REGIONAL ASSEMBLY ON THE  
SCHEME FOR THE ESTABLISHMENT OF THE LEADERS' BOARD FOR THE  
EAST OF ENGLAND**

*To:* **Cabinet**

*Date:* **23 February 2010**

*From:* **Executive Director: Environment Services**

*Electoral division(s):* **All**

*Forward Plan ref:* **N/a** *Key decision:* **No**

*Purpose:* **To consider consultation from the East of England  
Regional Assembly on the Scheme for the Establishment  
of the Leaders' Board for the East of England**

*Recommendation:* **That Cabinet agrees the draft response set out in Section  
4 of this report and delegates to the Leader in consultation  
with the Executive Director, Environment Services the  
authority to amend the response in line with comments  
made by Cabinet and to consider a joint submission to the  
East of England Regional Assembly by the closing date of  
26 February 2010.**

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## **1. INTRODUCTION**

- 1.1 The East of England Regional Assembly (EERA) is currently consulting on the scheme for the establishment of the Leaders' Board for the East of England to be known as the East of England Local Government Association. The consultation lasts for six weeks and comments are invited by noon on 26 February 2010.
- 1.2 The consultation can be found on EERA's website at:

<http://www.eera.gov.uk/GetAsset.aspx?id=fAAzADYAMwA2AHwAfABGAGEAbABzAGUAFAB8ADAAfAA1>

## **2. SCHEME FOR THE ESTABLISHMENT OF LEADERS' BOARDS**

- 2.1 Members will be aware of the changes to governance at the regional level brought about by the Local Democracy, Economic Development and Construction Act 2009. Functions of Regional Assemblies, such as the preparation of Regional Strategies, will be transferred to Regional Development Agencies, with work being overseen by local authority Leaders' Boards.
- 2.2 These changes were considered by Cabinet on 20 October 2009 in response to consultation by Communities and Local Government (CLG) on 'Policy Statement on Regional Strategies and Guidance for the Establishment of Leaders' Boards'. That consultation covered both draft planning guidance setting out how the new Regional Strategies should be prepared and guidance on establishing regional governance structures, through the establishment of Leaders' Boards.

- 2.3 Following this consultation exercise, CLG published the Government's response and the final guidance on the establishment of Leaders' Boards in December 2009. These documents can be found on CLG's website at:

<http://www.communities.gov.uk/publications/planningandbuilding/regionalstrategiessummary>

<http://www.communities.gov.uk/publications/planningandbuilding/establishleadersboards>

- 2.4 Clause 71 of the Act requires participating authorities in each region to draw up and consult on a scheme for the establishment and operation of their Leaders' Board. After drawing up and consulting on the scheme, the participating authorities must then submit it to the Secretary of State for approval.
- 2.5 CLG's guidance states that:

*Leaders' Boards will be streamlined, representative and authoritative bodies, comprised of elected members drawn from participating authorities, which will enable local government to act collectively at the regional level to fulfil their responsibility in relation to the revision and implementation of the Regional Strategy jointly with the Regional*

*Development Agency (RDA). They are a mechanism for democratic input into the regional strategy and ensure that we join up councillor input at the regional level.*

- 2.6 Regarding schemes for establishing Leaders' Boards, the guidance states that, where an interim Leaders' Board has already been operating within a region and/or where an arrangement can be shown to have wide ranging support, then a reduced consultation period of six weeks is likely to be appropriate.
- 2.7 The guidance adds that, in preparing a scheme, participating authorities should ensure that it is:
- Streamlined and manageable, able to make strategic and long-term decisions and able to engage effectively with the RDA.
  - Representative of local government across the region, including representatives from key sub-regions, upper and lower tiers of government and main political groupings.
  - Comprised of local authority leaders, who are members with sufficient authority to act on behalf of all local government in the region.

### **3. CURRENT CONSULTATION ON THE ESTABLISHMENT OF A LEADERS' BOARD FOR THE EAST OF ENGLAND**

- 3.1 Following the 2009 Act and the Government's guidance, the East of England Regional Assembly is currently consulting on proposals for the establishment of a Leaders' Board for the East of England. The consultation covers three main areas, outlined below.

#### **3.2 Membership** – It is proposed that:

- Membership of the Board will be the members of the Assembly of the East of England Local Government Association (Mayors or Council Leaders of each of the principal local authorities and the Chairman of the Broads Authority).
- The Chairman and Vice Chairman of the East of England Local Government Association (LGA) will be the Chairman and Vice Chairman of the Leaders' Board.
- Each member of the Leaders' Board will have one vote at any meeting of the Board.

#### **3.3 Meetings** – It is proposed that:

- Meetings of the Leaders' Board will take place as part of the ordinary meetings of the East of England Local Government Association with a separate part of the agenda being set aside.
- All meetings will be open to the press and public unless there are grounds for exclusion.

#### **3.4 Joint arrangements with the Regional Development Agency (the Regional Strategy Board)** – It is proposed that:

- The Leaders' Board will appoint 16 of its members to a Regional Strategy Board, established jointly with the East of England Development Agency (EEDA). The Regional Strategy Board will consist of the 16 appointed members of the Leaders' Board (each with one vote), 8 members of East of England Development Agency (EEDA) (each with two votes), 4 representatives of key delivery agencies (NHS, Environment Agency, Natural England and the Homes and Communities Agency) and 2 representatives of the stakeholder partnership, and the GO East Regional Director (as an observer).
- The Strategy Board will normally meet four times a year.
- The 16 Leaders' Board representatives will be appointed as follows: one place for each Leader of a Unitary Council; one place for each Leader of a County Council; and one place for a Leader of a District Council in each two tier area (to be determined by an election held amongst Leaders of District Councils).
- The Regional Strategy Board will try to achieve consensus. If there are seemingly irresolvable differences of opinion, the Government Office would be approached to broker an acceptable way forward.

#### **4. PROPOSED RESPONSE FROM CAMBRIDGESHIRE COUNTY COUNCIL**

- 4.1 The draft scheme for the Leaders' Board for the East of England currently being consulted on is very brief and it is difficult to comment on how it might operate in practice and the implications for the County Council. Given this, some general comments are made below and queries are raised about the level of detail provided.

##### Proposed County Council response

- (1) *CLG guidance states that the Scheme should cover the establishment and operation of Leaders' Boards however the draft Scheme contains very little detail and it is therefore difficult to comment on the provisions it makes. There is nothing in the draft Scheme to explain how the arrangements in the consultation have been arrived at, or how they will best serve the particular circumstances of the region.*
- (2) *It would be helpful if the draft Scheme could be restructured to show how it meets the Government's three broad criteria of:*
  - *Streamlined and manageable working.*
  - *Representation from local government across the region.*
  - *Authority to act on behalf of all local government.*
- (3) *Some elements listed under these criteria are addressed in the Scheme, however, there are key matters that have not been covered, including:*
  - *Details of the streamlined procedures to enable members and officers to deliver effective and timely decision-making at the appropriate level.*
  - *How the Leaders' Board will refresh or re-elect its membership or change its rules.*

- *The extent that the Leaders' Board will be representative of the main political parties and minority parties, including independents.*
  - *How participating authorities will engage with the Leaders' Board and how the Board will be held to account by participating authorities.*
  - *What mechanism is to be used by participating authorities to select an individual to represent their interests on the Board.*
- (4) *Despite references in earlier consultations there is no indication in the scheme about the officer groups which would support the work of the Board. Under the current structures there are advisory groups relating to housing, planning, minerals and waste, together with the Regional Transport Forum and environmental groups. There is no reference as to how the structure relates to the proposed Development Improvement Boards. It is important that any structures that are put in place recognise the role of upper tier authorities in providing strategic input both on sub-regional issues in their area and on wider regional concerns, and the relevant expertise of local authorities across the region.*
- (5) *In addition we would recommend consultation on the*
- *membership of the 5 Delivery Implementation Boards (DIBs), in particular to take account of recent changes in statutory duties around Economy, Skills and Flood Risk Management.*
  - *technical / professional advice to these boards from across the public, private and voluntary / community sectors.*
  - *Involvement of key regional associations and stakeholders with the respective DIBs*
- (6) *In addition the requirement for the region to carry out an Annual Monitoring Report on delivery of the Regional Plan is not explicitly referenced. This role is currently carried out by the Regional Research and Monitoring Group on behalf of the Regional Assembly. Early confirmation of the future monitoring arrangements is essential as the process for reporting against 2009/10 will be starting imminently.*
- (7) *Looking in more specific detail at the document:*
- **Paragraph 5.2** – *While this paragraph sets out the voting rights of the Leaders' Board representatives and RDA members regarding the Regional Strategy Board, there is no explicit indication of the voting status of the key delivery agencies and representatives of the stakeholder partnership. It is not clear whether these are non-voting members and observers nor is it set out how these members will be selected and appointed.*
  - **Paragraph 5.3** – *In describing the representatives of the Leaders' Board on the Regional Strategy Board, there is no reference to the Chairman of the Broads Authority referred to in paragraph 3.1. It is assumed from this that the representative does not have a role on the Regional Strategy Board, but it would be helpful if this was made clear.*
  - **Paragraph 5.3** – *This paragraph also refers to the election of a Leader to*

*represent the District Councils in a two tier area on the Regional Strategy Board however there is no indication of the mechanisms to deliver this.*

- **Paragraph 5.4** – *The arrangements for the Regional Strategy Board are not clear. Some members appear to have votes, others do not seem to be voting members and paragraph 5.4 states that the Board will try to achieve consensus rather than having recourse to a vote and that the Government Office will play a role in achieving a way forward. If the intention is to allow votes in some circumstances but not others, then the Scheme needs to make it clear when these circumstances would apply. This uncertainty could lead to confusion among the members and wider public and encourage challenge of the Board's decisions.*
- *In addition it is important to take this opportunity to review and update the membership of these non-executive groups and also the membership of their supporting executive arrangements.*

## **5. SIGNIFICANT IMPLICATIONS**

### Resources and Performance

- 5.1 There may be increased demands on the County Council to serve the new regional governance arrangements and provision has been made in the 2010/11 budget. There is currently little detail in the draft Scheme to establish the extent of organisations' involvement.

### Climate Change

- 5.2 There are no significant climate change implications arising from the draft Scheme.

### Access and Inclusion

- 5.3 CLG guidance states that Leaders' Boards are to be representative of local government across the whole of their region, including representatives from key sub-regions, upper and lower tier authorities and main political groupings. Schemes for the establishment of Leaders' Boards are intended to ensure that this occurs. As set out in the report, there is little detail in the draft Scheme to assess how the Leaders' Board for the East of England will be established or operate.

### Statutory Duties and Partnership Working

- 5.4 Participation in the Leaders' Board will require partnership working to ensure that the Board is truly representative of local authorities across the region.

### Engagement and Consultation

- 5.5 This report is in response to consultation by the East of England Regional Assembly on a draft Scheme for the establishment of a Leaders' Board for the East of England.

## 6. NEXT STEPS

- 6.1 Following Cabinet, it is proposed that the draft response set out in Section 4 above be finalised in line with comments made at Cabinet, and by the District Councils in the event of a joint response by the Leader of the Council in consultation with the Executive Director, Environment Services and submitted to the East of England Regional Assembly by noon on 26 February 2010.

Source Documents	Location
<ul style="list-style-type: none"><li>• Consultation on the Scheme for the Establishment of the Leaders' Board for the East of England (EERA, January 2010)</li><li>• Policy Statement on Regional Strategies and Guidance on the Establishment of Leaders' Boards: Summary of Responses to Consultation (CLG, December 2009)</li><li>• Establishment of Leaders' Boards: Guidance on the Preparation of Schemes (CLG, December 2009)</li></ul>	A Wing 2 <sup>nd</sup> Floor, Castle Court, Cambridge