

County Council

9 December 2015



North East Combined Authority: Devolution Deal: A Poll for County Durham

Report of Councillor Simon Henig, the Leader of the Council

Purpose of the Report

- 1 To request that Council agree to the funding of a consultative poll in relation to the proposed devolution Deal with the North East Combined Authority.

Background

- 2 The North East Combined Authority (NECA) was established in April 2014 as a new body that brings together the seven councils which serve County Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland.
- 3 Its ambition is to create the best possible conditions for growth in jobs, investment and living standards, making the North East an excellent location for business and enabling residents to develop high-level skills so they can benefit long into the future.
- 4 It has responsibility for strategic transport for all seven local authority areas. Members of this council have been appointed to various key roles within the combined authority and the Leader of this council (who also Chairs NECA) together with the other five leaders and Mayor for North Tyneside form its central leadership board.
- 5 NECA was formed after a public consultation which described its constitutional arrangements and the functions that that were then transferred from its seven constituent councils.
- 6 Following the May 2015 general election, the Government launched its Northern Powerhouse Programme and the Chancellor of the Exchequer announced the availability of devolved powers to combined authorities.
- 7 The NECA Leadership Board has been in negotiations to achieve the best possible deal for the region and has signed a proposed agreement on the Treasury's Devolution deal offer subject to final agreement being conditional upon:-
 - The outcome of the Spending Review on 25 November;

- The legislative process;
- Further public consultation;
- Agreement by the constituent councils;
- Formal endorsement by the Leadership Board and Ministers early in the New Year.

The agreement was circulated to members at the last full meeting of council on 28 October and a link to it is included at the end of this report

- 8 The potential for the North East region to be part of the Northern Powerhouse Programme is a significant opportunity for the area and this opportunity has been taken up by some other regions of the country including Greater Manchester, South Yorkshire, Merseyside and the West Midlands in recent months. It was important that the provisional deal for NECA was agreed in order to secure the best financial deal possible for the area. The possibility of devolved powers with additional guaranteed finance of £30m a year for thirty years to the area from the Government has the potential to add to the Combined Authority's ability to develop the skills and infrastructure required to for the continued growth of the North East.
- 9 The proximity of County Durham to the areas of Tees Valley and Tyne and Wear has been a significant factor in the life of the County which does not operate in isolation but works with its urban neighbours. Both of these areas are now focussed on potential devolution deals.

Devolution Issues for Durham County Council

- 10 The devolution offer for NECA and its development going forward is a significant issue for County Durham because of boundary issues, some of which are unique to Durham compared to the other NECA constituent authorities, for example:
- Durham and Northumberland were never part of the of the Tyne and Wear transport authority and have rural transport issues that are unique to largely rural counties;
 - The footprint for the service of health needs is different with significant patient flows from the South of the County to Tees Valley;
 - Our blue light service areas for police and fire are different from the Tyne and Wear area with both its police area and fire authority having the same footprint in County Durham and Darlington.
- 11 An issue for all the constituent authorities was the Government condition that any deal must involve an elected mayor for the combined authority.
- 12 This Council agreed to become a constituent authority of NECA from 1 April 2014 on the basis of constitutional arrangements involving each constituent authority's leader or mayor running NECA through the leadership board. It was on this basis that the public was consulted upon whether Durham County Council should be part of NECA.

- 13 The Devolution Agreement is regarded as a significant step for many members and the residents across the County. It is right, therefore, that the electorate of County Durham be given the opportunity to have their say on this Agreement.
- 14 The Leader, therefore, advised Council on the 28 October 2015, that having regard to the council's strong record in public engagement, that there would be a poll of the residents of County Durham.
- 15 That recommendation followed receipt of advice from officers on the legality of a poll of the electorate and the options for carrying it out.

Powers to Conduct a Poll

- 16 There are a number of powers enabling councils to conduct local polls:
- (i) The most recent of these is Section 116 of the Local Government Act 2003, which enables an authority to hold polls in order to ascertain the views on any matter relating to its services, expenditure on those services or its power to promote well-being in its area. As one of the stated purposes for becoming a constituent authority of NECA is to promote the well-being of the wider area including County Durham, a poll on the issue of the governance and functions of that body could be carried out under this legislation.;
 - (ii) The Local Government Act 1972 gives county and unitary councils the power to conduct or assist in the conducting of investigations into and the collection of information relating to any matters concerning the authority or any part of it.
- 17 There is freedom to the council to decide:
- Who to poll; and
 - How such a poll is to be conducted.

The result of the poll is not binding on the authority.

Structure of the Poll

- 18 Options for the structure of the poll have been considered, along with a desire to ensure that it is carried out in a way which ensures as far as possible that:
- The electorate understands what they are being asked;
 - They are given a reasonable time in which to respond;
 - There is a clear deadline for responses;
 - There is an equal opportunity to respond and that multiple responses are not submitted by any person;
 - There is a clear process for dealing with the responses received.

- 19 It is important to ensure that there is available to electors, some clear objective background information so that they understand the issue upon which their views are being sought and that clear questions were presented to them.
- 20 Advice has been sought from our partners at the University of Durham in creating the consultation document and the questions and there will be presented to Full Council, a draft of those documents for consideration and a final timetable and plan for processing such responses

Who will be Polled and How?

- 21 It is proposed that the poll should be distributed to those residents who would be entitled to vote in a local government election, as this is a Local Government issue. It will also be assisted by the electoral register. The register will also have been updated during the annual canvass with publication of the new register on 1 December 2015. Consultation documents and questions will be sent to all Local Government electors whose names were on the register at its publication on 1 December 2015.
- 22 It needs to be stressed that this is not a referendum and that therefore conducting this poll through the use of polling stations would not be an efficient use of resources and would be inconsistent with the consultative nature of this exercise.
- 23 It is open to the Council to use a more innovative form of poll that is used in electoral processes and this could include an electronic poll. This may appeal to younger electors and would save costs of printing and postage. There are, however, factors against this option. There is little time in which to design and cost a customised programme. There are also practical issues of a purely electronic poll for some of the electorate and also access to the internet issues in some areas of the County. This option is therefore not recommended.
- 24 Having considered the options available, it is suggested that a postal consultative poll would ensure the best opportunity for all consultees to respond.

Conclusion

- 25 Subject to Council agreeing that such poll may be funded from the council's revenue contingency budget, it is proposed:
- To carry out a consultative poll of those electors who are entitled to vote in a Local Government Election in County Durham, and whose names were on the Electoral Register at its publication on 1 December 2015;
 - That the information and questions prepared by the University of Durham (which will be presented to Council at or before the 9 December meeting) be used for the poll;

- That this consultative poll be conducted through the post and be carried out according to the timetable which will be presented to Council at the meeting; and
- Council is therefore requested to agree that the poll be funded from the council's revenue contingency budget.

Recommendations and reasons

26 Council is asked to:

- Agree to fund from the council's revenue contingency budget, a postal poll of those Local Government Electors whose names are on the Electoral Register, at publication on 1 December 2015, such poll to be carried out using the consultation documents prepared by the University of Durham, and in accordance with the timetable tabled at Council; and
- Request that the Head of Paid Service make available such staff as is required to process the responses from the poll.

Background Papers

27 The North East Devolution Agreement

http://www.northeastca.gov.uk/sites/default/files/minutes_document/DEVOLUTION%20TO%20THE%20NORTH%20EAST%20-%2023%20OCT%202015_0.pdf

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Appendix 1: Implications

Finance – Officers are currently considering procurement possibilities. Any provider will need to have the opportunity to advise on the costs of printing the material to be produced by the University of Durham. They will then need to advise upon the costs and the time scales for producing packs for delivery. If Council agree, the costs will be funded from the council's revenue contingency budget. As an illustration of costs of processes involving the electorate, the Police and Crime Commissioners Election will cost in the region of £650,000. It is anticipated that the costs of this process will be less than half of that amount.

Staffing – Unless a provider is able to provide a processing service, the Council will need to provide staff from all Services to assist in collating the results of the poll and there is therefore a recommendation within the report that the Head of Paid Service make staff available to deal with the poll.

Risk – There are risks in a major county wide process involving printing deadlines; where the size of returns create some inevitable uncertainty in costings and staffing requirements. Liaison between senior officers and management of the contract with providers should mitigate these risks.

Equality and Diversity / Public Sector Equality Duty – a postal poll has been devised to ensure equality of opportunity to respond. Assistance will be provided to residents who require it. The Electoral Register is compiled according to processes that are designed to be equality compliant.

Accommodation – None specific with this report.

Crime and Disorder - None specific with this report

Human Rights – None specific with this report

Consultation – The purpose of the poll is that of wide consultation.

Procurement – Officers are currently dealing with procurement issues (as referred in the Finance section above). Further details of providers and costs will be provided to Council on 9th December.

Legal Implications - The Law:

There are a number of powers enabling councils to conduct local polls:-

The most recent of these is Section 116 of the Local Government Act 2003, which enables an authority to hold polls in order to ascertain the views on any matter relating to its services, expenditure on those services or its power to promote well-being in its area. As one of the stated purposes for becoming a constituent authority was to promote the well-being of the wider area including County Durham, a poll on the issue of the governance of that body could be carried out under this legislation.

The Local Government Act 1972 gives county and unitary councils the power to conduct or assist in the conducting of investigations into and the collection of information relating to any matters concerning the authority or any part of it.

In either case there is freedom to the authority to decide:-

- Who to poll; and
- How such a poll is to be conducted.

The result of the poll is not binding on the authority.

As the poll is a function of the Council, the Electoral Register may be used. Contractual arrangements will require the register to be used strictly in accordance with the Electoral Registration Officer's requirements and those companies expressing an interest in the work are established electoral printers.