

## BRECKLAND DISTRICT COUNCIL

**Report of:** Cllr Sam Chapman-Allen, Leader of the Council

**To:** Cabinet 13<sup>th</sup> March

**Author:** Maxine O'Mahony, Chief Executive & Head of Paid Service

**Subject:** Norfolk Devolution Deal consultation

**Purpose** To approve Breckland Council's official response to the Norfolk County Deal consultation.

### **Recommendation(s):**

- 1) The Cabinet agrees the Council's response to the County Deal for Norfolk consultation, and delegates to the Chief Executive the submission of the finalised response in consultation with the Leader.

### **1.0 BACKGROUND**

- 1.1 The Levelling Up agenda recognises that opportunity is not spread equally across the United Kingdom and seeks to address this by ending the geographical inequality faced by many. Levelling Up centres on improving productivity, boosting economic growth, encouraging innovation, creating good jobs, enhancing educational attainment, and renovating the social and cultural fabric of those parts of the UK that have stalled and not, thus far, shared equally in the nation's success. All of this must be achieved whilst preserving and enhancing the success stories that already exist.
- 1.2 In February 2022, the Government published its Levelling Up the United Kingdom White Paper, which provided details of 12 new 'missions' across four broad areas:
  - Boosting productivity and living standards by growing the private sector, especially in those places where they are lagging.
  - Spreading opportunities and improving public services, especially in those areas where they are weakest.
  - Restoring a sense of community, local pride and belonging, especially in those places where they have been lost.
  - Empowering local leaders and communities, especially in those places lacking local agency.
- 1.3 The Levelling Up White Paper also set out a new devolution framework for England. As part of this, Government have confirmed their intention not to impose top-down restructuring of local government. Reorganisation will remain a locally led avenue available where there is broad local support but will not be a requirement for a devolution deal.
- 1.4 A stated aim within the White Paper is to simplify devolution, by seeking to establish a new form of combined authority to be made up of upper-tier local authorities and by only allowing for county councils/unitaries to be part of the negotiations for devolution deals. The involvement of city, borough and district authorities has only been encouraged.

1.5 Government laid out a menu of options that offers the most powers to a directly elected mayoral model; fewer powers to a single accountable institution model (i.e., county council); and minimal powers to a joint committee model.

1.6 There are three different 'Levels' of devolution within the framework:

- Level 1: Local authorities working together across a functional economic area (FEA) or a whole county area.
- Level 2: A single institution or county council without a Directly Elected Mayor, across a FEA or a whole county area.
- Level 3: A single institution or County Council with a Directly Elected Mayor across a FEA or whole county area.

1.7 While devolution is handled in a bespoke manner, the higher the level, the more a local authority can expect funding and powers to be devolved to them.

1.8 The timeline for changes within the Deal to take place are dependent on legislation progressing through Parliament. The earliest that Norfolk County Council could resolve to change their governance arrangements under current legislation is the 11<sup>th</sup> December 2023. Assuming provisions (Clause 66) in the Levelling Up and Regeneration Bill that afford local authorities to apply to have a governance change moratorium waved receive royal assent it may be possible for NCC to make their resolution earlier. The 15<sup>th</sup> September 2023 is the earliest point that NCC could resolve and achieve a May 2024 election for a Directly Elected Leader (DEL).

## 2.0 **PROPOSED COUNTY DEAL FOR NORFOLK**

2.1 Within the White Paper, Government announced that Norfolk was to be invited to form the first round of formal negotiations to agree a new County Deal. Only Norfolk County Council (NCC) has been directly involved in negotiations with Government.

2.2 In December 2022, NCC and the Government announced that they had come to an agreement on a deal, which set out the powers, funding and governance models which are being proposed as part of the deal. District councils in Norfolk did not get sight of the proposed deal before the announcement.

2.3 The deal would mean that, from 2024 onwards, the County Council would:

- Change its governance model to incorporate a new 'Directly Elected Leader' (DEL) model. To be elected in May 2024, the DEL would lead the County Council and have all of its executive powers, alongside having new powers conveyed to the County via the Deal. NCC would move to a 'mayor and cabinet executive model' - not a Mayoral Combined Authority (MCA) model as with other recent devolution deals.
- Be able to target funding and resources to Norfolk's own priorities, with a new investment fund of £20m per year for 30 years.
- Unlock housing and employment sites with an injection of £12.9m capital funding in this Spending Review period, and new powers to drive regeneration, housing, and development priorities.
- Invest in the skills we need, with devolution of the adult education budget and input into the new Local Skills Improvements Plans.
- Invest in local transport planning and consolidate transport budgets to direct funding to better meet local needs and priorities.

- Strengthen the local business voice to inform local decision making and strategic economic planning through the future integration of the New Anglia Local Enterprise Partnership
- Raise our influence regionally and nationally, enabling our voice to be better heard by Government to shape future policies and funding decisions for the benefit of our County.

2.4 A full list of the proposed powers and functions are listed in the full [Devolution Deal](#).

2.5 The deal text states that the County Council shares Government's view that the involvement of city, district and borough councils will be pivotal to the success of the devolution deal. However, as currently defined, there is no formal empowered role for District Council's within the proposed structure – unlike, for example, MCAs or Local Enterprise Partnerships – where Districts tend to have either a direct, or shared, voting seat at a decision-making table.

## Consultation

2.6 NCC must now undertake a public consultation on the proposals. This consultation opened on 6<sup>th</sup> February and closes on 20<sup>th</sup> March 2023. Views can be provided online, or at a series of Community Drop-In events around the county; all of Breckland's five market towns will have a drop-in event taking place. Further details, and a link for the online survey, can be found on the [County Deal for Norfolk](#) page.

2.7 NCC's Cabinet will meet in summer 2023 to consider the consultation results, decide whether to proceed and, if so, submit the consultation results to the Government. If so, Full Council will be asked in December 2023 whether they support the move to an elected leader and Cabinet system of governance.

2.8 In spring 2024, Parliament will decide whether to approve the 'statutory instrument' required to let the County Deal for Norfolk proceed.

## 3.0 BRECKLAND'S FEEDBACK ON THE DEAL

3.1 Fundamentally, Breckland welcome the concept of devolution and believe that it is a catalyst in driving change and delivering more for local communities. It is our belief that the government's ambition to devolve more powers to local leaders is essential for effective delivery against the Levelling Up Missions.

3.2 As part of the consultation, we are being asked a specific series of questions around how strongly we support aspects of the proposed deal – Breckland's proposed response accompanies this report as Appendix A. It should also be noted that we will also be supplying direct commentary to cover the Council's considered response.

3.3 We have taken on board the feedback received at January's Overview & Scrutiny Commission, where the Leader of NCC and others made the case for the Deal, making the point that this represented an opportunity for all to work together for the betterment of the whole County, and was not about taking power away from districts, which was welcomed.

3.4 There are many things to like about the devolution deal that is on the table, and Breckland firmly support many of the key aspects:

- Devolving more powers locally is welcomed, this will allow us to tackle challenges around skills and transport more effectively.
- Devolving funding over a long-term basis
- Creating the ability to form new functions like Development Corporations

3.5 However, despite these positives, we do have some fundamental concerns with the proposed devolution deal for Norfolk:

- Firstly, and this relates to several subsequent points, both the approach in forming the deal – and the deal itself – fundamentally misses the pivotal role that District Councils play in this agenda. District councils in England deliver 86 out of 137 essential local government services. As the housing and planning authorities, they hold most of the critical levers in terms of Levelling Up and are the effective ‘super-connectors’ between the tiers of local government, government agencies, and local people and businesses. Not having Districts involved in shaping the proposals was a significant concern, and not having them anchored into the delivery of them is a massive mistake.
- Secondly, we believe that a Mayoral Combined Authority (MCA), with County Council and Districts around the decision-making table, would be a far more effective system of governance. This is tried and tested nationally, enables a Mayor to co-opt and collaborate with a wider range of stakeholders including Districts – and will enable Norfolk to be more effective and greater than the sum of its parts.
- Thirdly, we believe the Directly Elected Leader (DEL) model is an untried and inherently flawed model of devolution, which presents a risk to the County and could fundamentally undermine Norfolk’s success. This is a particular concern because; unlike the nationally successful Metro Mayors which are understood domestically and internationally, the Mayor for Norfolk will have to oversee a very diverse and challenged service delivery organisation – from Adult Social Care to Children’s services. It is very difficult to see how a Mayor could devote the time and energy to Levelling Up the economy in line with the Government’s aspirations, when 98% of their resource and pressures will be on other areas. Whether its Andy Street, or Andy Burnham, we believe they are enabled to make a difference because other authorities handle these areas. We are also concerned about the practical implications of the model; there is a very material risk that a Directly elected Leader would find themselves at loggerheads with the political system into which they’d been parachuted and maligned by the need to manage Group and County Council politics rather than discharge the priorities of Norfolk.
- Fourthly, the proposed deal shows a lack of ambition in comparison, not only with other previously agreed deals, but with the Levelling Up White Paper. Set out in the White Paper, on page 140, is a Devolution Framework which sets out the types of powers and functions that will be considered for each devolution level. It is clear that, despite being a Level 3 deal, what has been proposed misses out on a number of possibilities to improve the offer. For example, Norfolk is not proposed to gain mayoral control of Police and Crime Commissioner (PCC) functions. Further, the investment pot, whilst generous compared to nothing – is significantly below the needs of the area, particularly when compared to the relative underfunding that parts of Norfolk have received for some time.

3.6 The Directly Elected Leader (DEL) model represents a limitation with the proposed deal as this is an untried model of devolution, which presents a risk to the County of Norfolk. This alternative to the metro mayoral model poses the potential governance risk of a directly elected leader being voted in from an opposing political party to the makeup of the County Council, which would inevitably lead to issues with delivery. It would also see Norfolk as a relative outlier with a form of Governance which exists in almost no other parts of the Country – and so likely failing to gel naturally with national policy, or provide a strong voice for the County. All whilst failing to realise the benefits of power sharing and enablement which a more collaborative solution with Districts, such as a Mayoral Combined Authority, would achieve.

## 4.0 **OPTIONS**

4.1 **Option 1 – To approve Breckland Council’s draft response to the County Deal for Norfolk consultation.**

4.2 **Option 2 – Do nothing.**

## 5.0 **REASONS FOR RECOMMENDATION(S)**

5.1 Breckland Council are in firm support of devolution, and the role that it can play in levelling up the district, and Norfolk as a whole. However, it is our belief that the proposed County Deal for Norfolk misses an opportunity, and there are elements of it that are not ambitious enough. By submitting a formal consultation response making this case, it is hoped that this may result in a rethink by the County Council and Government around certain elements of the Deal.

5.2 As stated, both in the Government’s Levelling Up White Paper, and by the County Council, emphasis is placed on working with district councils as part of the proposed County Deal; however, we believe that these commitments should be stronger, with each district, city and borough council in Norfolk given proper say. This can be achieved by adopting a MCA model, therefore ensuring that all local authorities are involved in the decision-making process.

## 6.0 **EXPECTED BENEFITS**

6.1 The benefits of this approach are providing a considered response to the consultation. As set out in the above, the benefits of a County Deal are potentially variable depending on the nature of the solution adopted for Norfolk.

## 7.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

### 7.1 **Corporate Priorities**

7.1.1 The level of Breckland’s involvement in any future devolution arrangement will shape how well it can deliver against all of the outcomes stated in the Corporate Plan. If Breckland can be ensured a say in the decision-making process, via an MCA, then it will be able to help shape the agenda for Norfolk.

### 7.2 **Financial**

7.2.1 There are no direct financial implications as a result of this report.

## 8.0 **WARDS/COMMUNITIES AFFECTED**

8.1 All wards will be affected by any devolution deal for Norfolk.

## 9.0 ACRONYMS

9.1 The acronyms used in this report are as follows:

- a. FEA – Functional economic area
- b. CA – Combined authority
- c. MCA – Mayoral combined authority
- d. NCC – Norfolk County Council
- e. DEL – Directly Elected Leader
- f. PCC – Police & Crime Commissioner

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Background papers:-

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### Lead Contact Officer

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**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

### Appendices attached to this report:

Appendix A Proposed Breckland Council response to consultation  
Appendix B [Levelling Up the United Kingdom – White Paper](#)