EXPLANATORY MEMORANDUM TO

THE EAST MIDLANDS COMBINED COUNTY AUTHORITY REGULATIONS 2024

2024 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of His Majesty.

1.2 Section 20(6) of the Levelling-up and Regeneration Act 2023 (the '2023 Act') provides that at the same time as laying a draft of a statutory instrument containing regulations under section 19(1) of the 2023 Act before Parliament, the Secretary of State must also lay a report explaining the effect of these regulations which confer public authority functions on the combined county authority, and why the Secretary of State considers it appropriate to make the regulations. That report is published alongside this memorandum.

2. Purpose of the instrument

2.1 The Regulations provide for the establishment, including governance arrangements, of the East Midlands Combined County Authority (the 'EMCCA'), of which the councils of Derby City, Derbyshire County, Nottingham City and Nottinghamshire County will be the constituent councils, and for a directly elected Mayor of the East Midlands. They also provide for certain functions of local and public authorities to be exercised by the EMCCA, and for certain specified functions of the EMCCA to be exercisable only by the Mayor, who may arrange for a member or officer of the EMCCA to exercise such a function.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is to England.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is to England.

5. European Convention on Human Rights

5.1 Jacob Young, Parliamentary-Under Secretary of State for Levelling Up, has made the following statement regarding Human Rights:

"In my view the provisions of the East Midlands Combined County Authority Regulations 2024 are compatible with the Convention rights."

6. Legislative Context

6.1 Section 9 of the 2023 Act provides for the establishment for a combined county authority for an area that is wholly within England and consists of at least one two-tier county council and another upper tier local authority, such as a unitary authority. Combined county authorities are "bodies corporate" which may be given powers to exercise specified functions of a local authority, and powers to exercise specified functions of any other public authority.

6.2 Section 45 of the 2023 Act provides that, where one or more authorities wish to establish a combined county authority, they may prepare a proposal and submit this to the Secretary of State. Before submitting their proposal, they must conduct a public consultation on the proposal and have regard to the results of the consultation in preparing their proposal for submission to the Secretary of State. The proposal must include details of the purposes to be achieved by the establishing of the combined county authority.

6.3 Section 46 of the 2023 Act provides that the Secretary of State must carry out a consultation unless:

- a proposal has been prepared under section 45 of the 2023 Act;
- a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation process; and
- the Secretary of State considers that no further consultation is necessary.

6.4 Section 46 of the 2023 Act also provides that the Secretary of State may make regulations to establish a combined county authority only if:

- the Secretary of State considers that doing so is likely to improve the economic, social and environmental well-being of some or all of the people who live and work in the area;
- the Secretary of State considers that doing so is appropriate having regard to the need to secure effective and convenient local government; and to reflect the identities and interests of the local communities;
- the Secretary of State considers that doing so will achieve the specific purposes of the combined county authority set out in the proposal submitted by the relevant authority or authorities;
- the constituent councils consent; and
- any consultation required has been carried out.

6.5 Section 46 of the 2023 Act provides that the Secretary of State must also consider the impact of the establishment of the proposed combined county authority and its functions on adjacent local authorities which have the same functions where:

- part of the area is separated from the rest of it by one or more local government areas that are not within the area; or
- a local government area that is not within the area is surrounded by local government areas that are within the area.

6.6 These Regulations are made using the following powers:

- Section 9 of the 2023 Act (Combined county authorities and their areas): the Secretary of State may by regulations establish a combined county authority.

- Section 10 of the 2023 Act (Constitutional arrangements): the Secretary of State may by regulations make provisions about the constitutional arrangements of a combined county authority, such as membership, voting powers, executive arrangements and functions.
- Section 13 of the 2023 Act (Regulations about members): the Secretary of State may by regulations make provision about constituent members, the Mayor, nominating bodies, non-constituent members and associate members of a combined county authority.
- Section 18(1) and (3) of the 2023 Act (Local authority functions): the Secretary of State may by regulations provide for functions exercisable by a county council or district council exercisable by a combined county authority either generally or with conditions and limitations.
- Section 19(1), (2), (3) and (7) of the 2023 Act (Other public authority functions): the Secretary of State may by regulations make provisions for a combined county authority to have the functions of a public authority operating within its area; and to confer on a combined county authority in relation to its area a function corresponding to a function that a public authority has in relation to another area.
- Section 27(1) of the 2023 Act (Power to provide for election of mayor): the Secretary of State may by regulations provide for there to be a Mayor for the area of a combined county authority.
- Section 30(1), (7), (9) and (10) of the 2023 Act (Functions of mayors: general): the Secretary of State may by regulations make provision for any function of a mayoral combined county authority to be a function exercisable only by the Mayor.
- Section 32(1) to (4) of the 2023 Act (Joint exercise of general functions): the Secretary of State may by regulations make provisions for, or in connection with, the entering into of arrangements under section 101(5) of the Local Government Act 1972 (joint committees) in relation to general functions of a Mayor for the area of a combined county authority. Such a provision may include provision as to the membership of any joint committee and the appointment of members to a joint committee.
- Section 53(1) and (2) of the 2023 Act (Incidental etc provisions): the Secretary of State may by regulations make incidental, consequential, transitional, transitory or supplementary provision for the purpose of regulations.
- Section 54 of the 2023 Act (Transfer of property, rights and liabilities): the Secretary of State may by regulations make provisions for the transfer of property, rights and liabilities.
- Section 252(1) and (2) of the 2023 Act (Regulations): a power to make regulations under this Act includes the making of provisions for different purposes and areas, and may include power to make provision amending, applying (with or without modifications), disapplying repealing, or revoking any enactment whenever passed or made.
- Paragraph 3 of Schedule 2 of the 2023 Act, which enables the Secretary of State to make provision for the timing of mayoral elections.

6.7 Section 45(5) of the 2023 Act provides that the requirement to carry out a public consultation may be satisfied by things done before the coming into force of this

section. This provision applies to the consultation on establishing the EMCCA which was carried out prior to the enactment of the 2023 Act.

7. Policy background

What is being done and why?

7.1 In its 2019 manifesto, the government outlined its ambition for full devolution across England[1]. The 2022 White Paper 'Levelling Up the United Kingdom'[2] contained a mission to empower local leaders and communities: 'By 2030, every part of England that wants one will have a devolution deal with the powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.'

7.2 The White Paper sought to legislate to establish a new form of combined authority to help the government achieve its devolution ambitions. The 2023 Act established the combined county authority model, which allows for upper-tier local authorities (county councils and unitary councils) to provide a single, accountable institution across a whole county or functional economic area.

7.3 The White Paper invited the councils of Derby City and Derbyshire; and the councils of Nottingham City and Nottinghamshire to start formal negotiations to agree new 'County Deals' i.e. deals that incorporated two-tier and more rural areas, with the aim of agreeing said deals by autumn 2022. In March 2022 the four councils confirmed to government that they were instead planning to form a single mayoral combined county authority. On 30 August 2022 the then Secretary of State and the then leaders of Derby City, Derbyshire, Nottingham City and Nottinghamshire Councils ('the constituent councils') signed the devolution deal for the establishment of the EMCCA. The deal also provided EMCCA with investment funds totalling £1.4 billion to be paid over 30 years, alongside a range of other funding commitments. The constituent councils undertook an eight-week public consultation on the intention to establish the EMCCA from November 2022 to January 2023. As outlined in paragraph 6.7, the requirement to carry out a consultation may be satisfied by things done before the 2023 Act came into force. The consultation established that public opinion was broadly in favour of proposals regarding the EMCCA.

7.4 These Regulations, made under the 2023 Act, implement the East Midlands devolution deal and establish a combined county authority for an area which comprises the local government areas of Derby City, Derbyshire, Nottingham City and Nottinghamshire and for a Mayor of the East Midlands. This body will be known as the East Midlands Combined County Authority. The Regulations establish the office of the East Midlands Combined County Authority Mayor, with the first mayoral elections taking place on 2 May 2024. The Mayor will be Chair of the EMCCA. Most of the provisions of the Regulations will come into force on the day after the day on which the Regulations are made.

7.5 The Mayoral functions specified in the Regulations will come into force on 7 May 2024, the day on which the Mayor takes office. The local authorities affected by the Regulations – Derby City Council, Derbyshire County Council, Nottingham City Council and Nottinghamshire County Council – are aware and support the new powers and duties coming into force on the day after the day on which the Regulations

[1] https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf
[2] https://www.gov.uk/government/publications/levelling-up-the-united-kingdom

are made. The constituent councils have consented to the Regulations being made and are content with the date that they come into force as this enables preparations for the inaugural election. The Secretary of State is satisfied that the statutory conditions for the Regulations provided for in the 2023 Act have been met:

- having considered the EMCCA constituent councils' consultation and summary of responses, he considers that no further consultation is necessary, as its consultation is sufficient and the provisions of section 45(5) apply, namely that the requirement to carry out a consultation may be met by things done before the 2023 Act came into force;
- that he considers that the making of Regulations to establish the EMCCA and the conferral of the proposed functions is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area, having regard to the need to secure effective and convenient local government, and to reflect the identities and interests of local communities;
- the constituent councils have consented to the establishment of the EMCCA; and
- that the combined county authority consists of the whole of two or more upper tier local government areas, one of which is an area of two-tier local government, in England and is not part of the area of another combined authority, combined county authority, or integrated transport authority.

7.6 The Regulations confer a number of local authority and public authority functions on the EMCCA to be exercised in relation to the EMCCA area. Certain functions are to be exercisable by the Mayor individually, and others by the EMCCA (which is chaired by the Mayor).

Part 2 Establishment of a combined county authority for East Midlands

7.7 Part 2 of the Regulations provides for the establishment and naming of the combined county authority, and defines generically its functions.

7.8 Schedule 1 (under Part 2) of the Regulations outlines the constitution of the EMCCA. The EMCCA will have a Mayor and eight members, each of the constituent councils having two members. Alongside the Mayor and its members, the EMCCA will be able to designate non-constituent nominating bodies and appoint associate members with a combined maximum total of 8 non-constituent and associate members. Non-constituent members as detailed in Section 11 of the 2023 Act will not have voting rights unless voting members resolve otherwise. Associate members will not have voting rights. Decisions for the EMCCA to make will be done so with a majority vote with the Mayor and members having a single vote each. In the event of a tie the matter will be deemed not to have carried. Minutes will be taken of the proceedings of a meeting including any committee or sub-committee.

7.9 The Schedule also sets out that the EMCCA must have an overview and scrutiny committee. As specified in the 2023 Act, the committee may not include a member of the EMCCA – including the Mayor or Deputy Mayor. The EMCCA will be subject to a new statutory instrument which will apply provisions in the Combined Authorities (Overview and Scrutiny Committees, Access to information and Audit Committees) Order 2017 to combined county authorities. The Schedule also sets out rules for those who may be paid an allowance in connection with their involvement with the EMCCA and requirements for the involvement of an independent remuneration panel in setting

those allowances. The Schedule sets out requirement of the EMCCA in keeping records of those proceedings at meetings and permits the EMCCA to regulate those proceedings through standing orders.

Part 3 Elections of a Mayor

7.10 Part 3 of the Regulations provides for there to be a Mayor for the area of the EMCCA with the first election to take place on 2 May 2024. The next mayoral election shall take place in 2028 and every four years thereafter. The Mayor is able to appoint one person as a political adviser.

Part 4 Housing, regeneration and planning

7.11 Part 4 of the Regulations relates to the housing, regeneration and planning functions under the Housing and Regeneration Act 2008 to be conferred on the EMCCA, exercisable concurrently with Homes England. Powers will be exercisable only within the area of the constituent councils of the EMCCA and apply to the providing of housing, the regeneration of land, land acquisition and disposal. Powers are to be exercised with a view of meeting the needs of people living within the area of the EMCCA for the purpose of: improving the quality and supply of housing; securing the regeneration of land or infrastructure; the development and or continued well-being of communities; and achieving sustainable development and good design.

7.12 Part 4 of the Regulations also confers powers on to the EMCCA under the Towns and Country Planning Act 1990 and the Housing Act 1985 for the acquisition and appropriation of land for planning and public purposes. These powers are exercisable concurrently with the EMCCA's constituent councils. For any compulsory land acquisition to take place the consent of the EMCCA member, or substitute member, representing the constituent council the land sits in will be required. If the land sits within either the Peak District National Park Authority or a district council's area the consent from these parties will be required for a compulsory land acquisition to take place.

Part 5 Mayoral Development Corporation

7.13 Part 5 of the Regulations grants the Mayor the same powers as the Mayor of London has in relation to Mayoral Development Corporations (MDCs) as provided for in the Localism Act 2011 (the '2011 Act'). The Mayor has functions to designate mayoral development areas within the area of the EMCCA. The consent requirements for the establishment of a mayoral development area are the same as those for a compulsory land acquisition as described in paragraph 7.12. The Mayor, by requesting the creation or revoking of orders to the Secretary of State under the 2011 Act, can create, run and dissolve MDCs.

Part 6 Transport

7.14 Part 6 of the Regulations gives the EMCCA a range of functions to take overall responsibility for improving and maintaining transport services in the EMCCA area.

7.15 Due to the contractual arrangements relating to the Nottingham tram (Nottingham Express Transit) and local authority ownership of the Nottingham City Transport bus company, specified transport functions, as detailed in paragraph 7.18, will be held concurrently by the EMCCA and the constituent councils. Other transport functions will be subject to a transition period ending 1st April 2026 during which these functions will be held concurrently by the EMCCA and the constituent councils and,

after which, will be exercisable exclusively by the EMCCA. The transition period is to enable functions to be exercised effectively as they are transferred to the EMCCA.

7.16 The EMCCA will be responsible for the creation and delivery of the area's local transport plan under Part 2 (local transport) of the Transport Act 2000. Local transport plans are statutory documents used by areas to assess the transport needs and challenges in their area and set out actions and spending plans to improve and maintain services. This function of the combined county authority will be exercisable only by the Mayor. During the transition period, the local transport plan will require the consent of all the constituent councils.

7.17 The EMCCA, and not the Mayor, will exercise functions in relation to bus partnerships, tendering of some bus services, ticketing and concessionary fares schemes transferred from the constituent councils. As a mayoral combined county authority it will exercise the power to introduce bus franchising, if it chooses to do so with the consent of the constituent councils.

7.18 Reflecting the private finance initiative contractual arrangements for the Nottingham tram, and local authority ownership of the Nottingham City Transport bus company and to ensure that existing passenger services continue to operate effectively, the following functions will be held concurrently by the EMCCA and the constituent councils:

- securing the provision of public transport and making expenditure in relation to this;
- ticketing schemes and concessionary fares; and
- functions relating to public transport companies owned by the constituent councils.

7.19 The EMCCA will hold the functions of the constituent councils as a licensing authority for workplace parking levy schemes. These functions will be held concurrently with the constituent councils and exercisable by the combined county authority with the consent of the constituent council where the function is to be exercised. There is an existing workplace parking levy scheme in Nottingham.

7.20 The constituent councils will remain the highway and traffic authorities for the area. The EMCCA will have the following highways and traffic authority functions in relation to the EMCCA area, held concurrently with the constituent councils and exercisable by the combined county authority with the consent of the constituent council where the function is to be exercised:

- entering into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc. and entering into agreements with local highway authorities and strategic highways companies for the undertaking of certain works;
- issuing penalty charge notices in respect of moving traffic contraventions; and
- preparing, operating and varying a permit scheme designed to control the carrying out of works in the EMCCA area.

7.21 The EMCCA will have the function of paying grants to bus service operators for eligible bus services operating within the EMCCA area. This function of the combined county authority is exercisable by the Mayor, not by the EMCCA, and is held concurrently with the Secretary of State.

7.22 The EMCCA will have the function of paying grants to the constituent councils of the combined county authority under section 31 of the Local Government Act 2003. This will enable EMCCA to pay to the constituent councils funds, including highways maintenance funding, which the combined county authority receives as part of a consolidated grant. EMCCA must have regard to the desirability of ensuring that the constituent councils have sufficient funds to facilitate the effective discharge of their highways functions. This function is exercisable by the Mayor, not by the EMCCA, and is held concurrently with a Minister of the Crown.

Part 7 Public Health

7.23 Part 7 of the Regulations give the EMCCA public health functions, which require the combined county authority to adhere to section 2B(1) of the National Health Service Act 2006 ('the NHS Act 2006'), which places a duty on every unitary and upper-tier local authority in England to take such steps as it considers appropriate for improving the health of people in its area ('section 2B(1) functions'). These functions, which are to be exercised concurrently with the constituent councils, will require the combined county authority to take such steps as it considers appropriate for improving the health of the people in its area. Each constituent council will remain subject to the section 2B(1) duty as regards their own areas, and will continue to act to improve health at a local level.

7.24 When exercising any of the public health functions listed in section 73B(2) of the NHS Act 2006, the EMCCA must have regard to documents published, and guidance issued, by the Secretary of State.

7.25 The Regulations enable the combined county authority to enter into partnership arrangements with NHS bodies under section 75 of the NHS Act 2006, in respect of its section 2B(1) functions, just as its constituent councils may currently enter into such arrangements.

7.26 The Regulations make clear that this does not affect the position under section 75(7G) to (7J) of the NHS Act 2006 under which a combined county authority is treated as if it were an NHS body in certain limited circumstances[3]. However, the combined county authority may not enter into partnership arrangements with itself as if it were both a local authority and an NHS body[4], unless and until otherwise provided by regulations under section 75 of the NHS Act 2006.

7.27 The EMCCA is also required to have regard to the NHS Constitution in the exercise of certain health functions.

Part 8 Mayoral functions

7.28 The Regulations establish functions exercisable only by the Mayor. The Mayoral functions are:

- acquisition of land for housing purposes;
- powers to create local transport plans and strategies;
- ability to pay grants to constituent councils and bus service operators; and
- powers to designate, establish and dissolve an MDC.

[3] These limited circumstances arise when a combined county authority exercises particular functions of an NHS body under arrangements made under certain sections of the NHS Act 2006 (sections 7A and 65Z5 which relate to public health functions of the Secretary of State and functions of certain NHS bodies).
[4] See section 75(7A) of the National Health Service Act 2006.

7.29 The Regulations provide that the Mayor may enter into arrangements jointly with the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the general functions of the EMCCA which are exercisable only by the Mayor.

7.30 The Regulations also provide that the members and officers may assist the Mayor in the exercise of general functions provided for in Regulation 26(1) and that for the purposes of the exercise of these general functions the Mayor may do anything that the EMCCA may do under section 49 of the 2023 Act (general power of CCA).

Part 9 Funding

7.31 Under the Regulations the constituent councils are required to meet the reasonably attributable costs of the EMCCA in the exercise of its functions, to the extent that these costs are not met by other resources. Constituent councils must also meet the costs for the expenditure reasonably incurred by the Mayor. The amount payable by each constituent council will be determined by apportioning costs between them in agreed proportions or, if agreement cannot be reached, in equal proportions. The Mayor must agree with the EMCCA the total expenditure on Mayoral functions to be met by the constituent councils in advance of incurring such expenditure. The Mayor may also issue a precept which must be taken into account when calculating the contributions to be made by the constituent councils. The cost of functions relating to transport may be met by a levy issued by the EMCCA to its constituent councils.

7.32 The Regulations provide that the EMCCA is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the Business Rate Supplements Act 2009 to levy a "business rate supplement" to raise money for expenditure on projects that the authority is satisfied will promote economic development in its area. The functions are exercisable only by the Mayor.

Part 10 Additional Functions

7.33 The Regulations provide that the EMCCA is given powers to prepare an assessment of the economic conditions of the area. It also confers data sharing functions on the EMCCA. These functions are exercisable concurrently with the constituent councils.

Schedules

7.34 Schedules 2 to 4 make the necessary modifications to apply, or disapply, legislation to the EMCCA in consequence of the provisions above.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 There are no plans for a consolidation exercise at this point.

10. Consultation outcome

10.1 Section 46(3) of the 2023 Act requires that the Secretary of State must carry out a public consultation unless the constituent councils have done so, on a proposal for a combined county authority and its functions. In accordance with those requirements the Secretary of State has reviewed the consultation and summary of responses provided by the constituent councils and is of the view that no further consultation is

necessary. The Secretary of State is satisfied that the consultation was sufficient in terms of its length, 14 November 2022 to 9 January 2023 (eight weeks), and the mechanisms used (online, paper responses and letters, direct communication with stakeholders). The summary to the consultations was prepared by Ipsos UK, to which the Secretary of State has had regard.

10.2 The consultation methods utilised by the constituent councils included an online survey on the creation of the EMCCA, with options to cater for participants needs (e.g. translations, paper copies); engagement with stakeholders, including local businesses and the voluntary sector; as well as two online events in which residents and stakeholders could make their views heard.

10.3 To ensure that the consultation process was robust and accessible the constituent councils undertook an equality impact assessment to inform engagement. Additionally, a communication plan was developed for each constituent council in order to support and promote the consultation within their areas.

10.4 In total 4,869 people participated in the consultation: this included 4,751 participating via the online platform and 118 through other channels. No single council area was over-represented in the responses with a good level of responses from each of the constituent councils.

10.5 A report on the consultation outcomes was authored by Ipsos UK for the constituent councils and has been made publicly available[5] via the councils' websites. Key findings on each of the proposal areas were as described below.

10.6 Of the 4,238 participants who provided a response agreeing or disagreeing with the proposed governance arrangements for the EM CCA 2,032 (48%) were supportive whilst 2,206 (52%) were opposed. Those in support stated that the creation of a Mayor would provide a voice to of the East Midlands, raise its profile and lobby for its needs; it was also felt a Mayor would help stimulate productivity and economic growth; and would be helpful in establishing an integrated combined county authority. Those opposed felt that the position of Mayor was an unnecessary expense which would add an additional unrequired tier of government; concerns were raised about the amount of power being concentrated in a single person; other issues raised included a possible lack of concern for local issues and possible lack of democratic representation.

10.7 Of the 4,152 participants who provided a response agreeing or disagreeing with the proposals relating to housing and planning 2,239 (54%) were supportive, whilst 1,913 (46%) were opposed. Those that supported the proposals highlighted support for the constructing of additional, affordable and better-quality homes within the East Midlands; and that the greenbelt would be protected, with new homes being built on brownfield sites. Those opposed expressed concern about the potential impact on the greenbelt from the construction of new homes; disagreement about the use of mayoral development areas and the power to acquire and dispose of land; and the potential lack of funding.

10.8 Of the 4,038 participants who provided a response agreeing or disagreeing with the proposals relating to skills 2,504 (62%) were supportive, whilst 1,534 (38%) were opposed. Those that were supportive of the proposals highlighted a belief that

[5] See Appendix 4 – Nottinghamshire Derbyshire Devolution Ipsos Consultation Report V7 https://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5755/Committee/538/SelectedTab/Documents/Default.aspx

proposals would benefit the regional economy, leading to job creation and stimulate productivity; that opportunities would be available for adult reskilling via the Local Skills Improvement Plan and Adult Education Budget; and support for the Freeport. Those opposed disagreed with the proposal relating to the Freeport. Clarification was provided that whilst the devolution deal would provide the chance to exploit strategic opportunities, such as the East Midlands Freeport, the Freeport would be a separate entity to the EMCCA and as such was not subject to the consultation.

10.9 Of the 4,272 participants who provided a response agreeing or disagreeing with the proposals relating to transport 2,561 (60%) were supportive, whilst 1,711 (40%) were opposed. Those that supported the proposals highlighted support for an integrated transport network across the East Midlands; a desire to have smart ticketing introduced; and an additional £0.5m per annum of funding to transport. Those opposed detailed concerns about transport resulting in larger cities with rural communities being neglected; that proposals would be insufficiently funded; and that transport systems would not be managed or run effectively.

10.10 Of the 4,064 participants who provided a response agreeing or disagreeing with the proposals relating to reducing carbon/Net Zero 2,484 (61%) were supportive, whilst 1,580 (39%) were opposed. Those that supported the proposal highlighted support for energy/power renewables being aided by a renewable energy agenda; and for extended public transport networks, including tram and rail. Those opposed expressed concerns that proposals were unachievable; that the cost of the proposals would result in tax increases; and that Net Zero was unrealistic and unachievable.

10.11 Of the 4,070 participants who provided a response agreeing or disagreeing with the proposals relating to public health 2,490 (61%) were supportive, whilst 1,580 (39%) were opposed. Those that supported the proposals detailed general support; and reference was made to the benefit to the area of having an integrated healthcare system. Those opposed felt that the model would be ineffective due to geography, level of administrative support required and similar schemes not being implemented effectively; concerns were also raised about the potential for cities to be prioritised over rural areas.

10.12 The Secretary of State has carefully considered the outcome of the consultation in the round and has concluded that it is supportive of the establishment of the EMCCA. The Secretary of State has noted the consultation respondents concerns about the EMCCA's governance model and the position of a Mayor. The Secretary of State is satisfied that the Regulations provide the necessary check and balances on the governance of the EMCCA and its Mayor.

11. Guidance

11.1 No guidance is necessary to accompany these Regulations. The government continues to work with the combined county authorities to support their implementation of devolution deals.

12. Impact

12.1 There is no, or no significant impact on business, charities or voluntary bodies.

12.2 As regards impact on the public sector, conferring functions on the EMCCA should lead to operational efficiencies that could lead to reduced costs. Indeed, the statutory tests require the Secretary of State to consider that conferring the functions on the

EMCCA is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area, and the Secretary of State is required to have regard to the need to secure effective and convenient local government and reflect the identities and interests of local communities. The Secretary of State is satisfied that these tests are met in relation to the provisions of the Regulations.

12.3 A Regulatory Impact Assessment has not been prepared for this instrument because it does not directly affect the business and voluntary sectors.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that combined county authorities are required under the devolution agreements reached with the government to put in place an extensive programme of evaluation, agreed with HM Treasury, of the devolution agreements.

15. Contact

15.1 Harry Davies at the Department for Levelling Up, Housing and Communities can be contacted with any queries regarding the instrument.

Email: harry.davies@levellingup.gov.uk

15.2 Paul Rowsell, Deputy Director and Head of the Governance Reform and Democracy Unit, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.

15.3 Jacob Young, Parliamentary-Under Secretary of State at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.