



House of Commons

ODPM: Housing, Planning,
Local Government and the
Regions Committee

The Draft Regional Assemblies Bill

First Report of Session 2004–05

Volume I

Report, together with formal minutes

*Ordered by The House of Commons
to be printed 14 December 2004*

HC 62-I
[Incorporating HC 972-i, ii, iii and iv, Session 2003-04]

Published on 5 January 2005
by authority of the House of Commons
London: The Stationery Office Limited
£14.50

The ODPM: Housing, Planning, Local Government and the Regions Committee

The ODPM: Housing, Planning, Local Government and the Regions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Deputy Prime Minister and its associated bodies.

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Summary

This report was originally intended to improve the draft Regional Assemblies Bill which is now unlikely to proceed through Parliament in the near future. The report puts down some markers for the Government to consider if, in the light of the result of the referendum in the north east on 4 November 2004, it considers it appropriate to return to the question of introducing elected regional assemblies. Future legislation needs to be more ambitious than the draft Bill to create regional bodies that are fit for purpose.

The Committee thought that the scope of the powers and responsibilities which the Government was prepared to give to Assemblies was disappointing and would limit their effectiveness. The general power proposed for elected assemblies needed to be more explicit with more specific statements of their functions. This would provide greater clarity, and could also fire the imagination of the general public and potential assembly candidates. Any initiative to promote effective elected regional assemblies has to have the commitment of all Government departments. The ODPM and to a lesser extent the DTI were the only Government departments prepared to devolve powers to the assemblies. There were major concerns that the powers and responsibilities proposed for assemblies would be taken away from local government rather than passed down from central Government. The general power proposed for regional assemblies could overlap with local authorities' duty to promote economic, social and environmental wellbeing. The role of local authorities in helping to steer the operation of elected regional assemblies needed to be clarified.

For the assemblies to be effective, the Government needs to devolve decisions about how funds are spent on promoting economic development and skills. They should be able to develop and implement their own regional training and skills development policies and programmes. As in London, the assemblies should act as transport authorities deciding on the distribution of funding currently allocated by Whitehall for local transport plans. The Committee was not convinced of the Government's proposal to establish regional fire and rescue services as functional bodies of elected regional assemblies because of concerns that they would lose their community focus.

Regional Assemblies' funds would come both from central Government and through a precept on the council tax. As far as possible the assemblies should be empowered to set their own targets, and to deploy resources to meet them. They would be accountable to regional electorates. A clearer case is needed for elected regional assemblies in terms of value for money for the electorate. Voters in the North East were not convinced about the 'cost-benefit' calculation in regard to elected assemblies. They were unable to see in the modest powers of assemblies sufficient prospects of concrete improvements in their daily lives to vote for their introduction.

A simple voting system is required to return members to elected regional assemblies. The Government's proposals for an additional member system would not be easily understood and create two types of member – constituency and regional members. The size of the assembly should be proportional to the population in the region. The proposed membership of between 25 and 35 was considered too restrictive.

1 Introduction

The Committee's inquiry

1. Our inquiry into the draft Regional Assemblies Bill was announced in early July 2004 prior to the publication of the draft Bill by the Government. We sought evidence on what should and should not be included in the Bill and received over 70 written submissions from a wide range of interest groups. We held four oral evidence sessions, taking evidence from, amongst others, Rt Hon Nick Raynsford MP, Minister of State for Local Government and the Regions (the Minister). We would like to thank our two specialist advisers, Professor Charlie Jeffery and Professor Alan Harding, whose assistance has been invaluable. We would also like to give our thanks to Jago Russell of the Clerk's Department Scrutiny Unit and all those who made written submissions or gave oral evidence to this inquiry.

The background

2. The draft Regional Assemblies Bill built on earlier initiatives to develop regional government. The Government had increased the role of Government Offices for the Regions, set up business-led Regional Development Agencies and Regional Chambers of stakeholders which were charged with holding Regional Development Agencies to account. In its 1997 election manifesto the Labour Party held out the prospect of a move to directly elected regional assemblies where popular consent had been established through a referendum. This commitment was repeated in the 2001 election manifesto. The White Paper *Your Region, Your Choice. Revitalising the English Regions* was published in May 2002. This set out a policy blueprint for the further development of non-elected regional governance, and the powers and constitution of elected regional assemblies.

3. Legislation enabling referendums to be held on the establishment of elected regional assemblies followed in 2003.¹ A 'soundings' exercise was launched in December 2002 and completed in May 2003 to find out the levels of 'interest' in the English regions in holding referendums on the introduction of elected regional assemblies. The Deputy Prime Minister then announced in June 2004 that the North East, North West and Yorkshire and the Humber regions would proceed to hold referendums initially scheduled for October 2004 and later put back to November 2004. The draft Regional Assemblies Bill was published as a fuller statement of Government policy to inform the referendum debate.

4. Referendums were to be conducted by all-postal ballots. Following the first region-wide experiments in all-postal ballots in the June 2004 European Parliament elections, there were widespread concerns about the safety of the postal voting process and a number of allegations of fraud. These were investigated by the Electoral Commission. The Commission did not find general fault with the safety of the postal voting process, but did raise some concerns about the experiments in the North West and Yorkshire and the Humber, though not in the North East. In consequence the Government postponed the referendums in the North West and Yorkshire and the Humber, but confirmed that the referendum in the North East would proceed as planned on 4 November 2004. The

¹ Regional Assemblies (Preparation) Act 2003

referendum in the North East produced an overwhelming majority of 78% against the establishment of an elected assembly. The Government subsequently announced that it no longer intended to proceed with the referendums in the North West and Yorkshire and the Humber and that it would not proceed with the draft Regional Assemblies Bill.

5. While reading the written evidence and during the oral sessions, there was a feeling of foreboding, that the draft Bill was not fit for purpose and that it did not represent a fundamental shift of power and resource allocation from central Government to powerful elected regional bodies but was rather minor adjustments of power between central Government, local authorities and a regional body.

6. Once the electorate had spoken, it was tempting, just to abandon our scrutiny of the draft Bill. However, we do not believe devolution will go away. It will return to the agenda. We would go further and argue that with the powers already conferred on unaccountable regional bodies there is a democratic deficit and with the existing devolution of powers and resource allocation to Scotland, Wales and Greater London, devolution in England must be addressed. There are major disparities in the distribution of wealth between the regions in the North and South which the ODPM is committed to tackling through its PSA Target 2 to close the persistent growth gap between the regions.² Elected regional assemblies were expected to play an important role in tackling the divisions.

7. This is an issue the Committee will want to take up again in the future. Meanwhile we felt it would be useful to publish the conclusions from our scrutiny of the draft Bill to inform a future debate about devolution and to ensure a future bill avoided such shortcomings. **This report was originally intended to improve the draft legislation which is now unlikely to proceed through Parliament in the near future. It now aims to put down some markers should the Government in future decide to return to the question of introducing elected regional assemblies, and to point to areas where future legislation would need to be more ambitious than the draft Regional Assemblies Bill in order to create regional bodies that are fit for purpose.**

The draft Bill

8. A draft Bill with an accompanying Policy Statement on the proposed powers and responsibilities of elected regional assemblies were published by the Government on 22 July. The Deputy Prime Minister described the aim of these documents as follows:

... people themselves must decide whether they want an elected regional assembly. To do that people need to be properly informed. Since the White Paper ... [w]e've explained our proposals and given people the chance to tell us what they think. The draft Bill and this policy statement take another step by setting out in detail the powers and responsibilities we propose an elected regional assembly would have and how such an assembly would work.³

² ODPM PSA Target 2 - Regional Economic Performance

³ Policy Statement, Foreword by Rt. Hon. John Prescott MP

As one ODPM official explained to us, the draft Bill is a “very considerable piece of work”.⁴ It is also a first in this context as draft Bills were not published before the referendums in Scotland, Wales or Greater London.⁵

9. The draft Bill does not, however, represent a complete picture of what would be contained in a Regional Assemblies Act. The Policy Statement explains that: “additional provisions will need to be added to the draft Bill before it would be introduced to Parliament”.⁶ Provisions which have yet to be published in draft, include those relating to the following areas:

- Transitional arrangements;⁷
- Specific powers to be given to assemblies;⁸
- Restrictions on an assembly’s powers;⁹ and
- Standards of conduct for assemblies.¹⁰

10. We asked a number of stakeholders what impact this missing detail was likely to have on their ability to understand the proposals in the draft Bill. CBI North East wrote:

Firstly, the Bill is, of course, a draft and is, by the government’s own admission, an unfinished document. There are still provisions to be inserted, and others to be modified. The Bill itself, introduced only after a region votes for an assembly, is also likely to be amended as it proceeds through parliament. There are therefore significant uncertainties for business.¹¹

11. The Policy Statement suggested that the missing provisions would not be produced until the actual Bill was presented. This would clearly have reduced the opportunity for public and Parliamentary scrutiny of these parts of the Bill. We asked the Minister and ODPM officials when the Government proposed to publish this missing detail. The officials told us that “[t]he Government is not planning to publish any more until it is introduced as a complete Bill”,¹² explaining that “people are working [on the missing drafting] to have them ready to introduce if that is what the Government decides later in the year”.¹³ The Minister reiterated this:

Our intention is that if there is a yes vote in the referendum in the North-East on 4 November, we will then, subject obviously to the Queen's Speech, introduce a full Bill, including the elements that we have identified as necessary to be added and that

⁴ Q 264 (Mr Allan)

⁵ Q 418 (The Minister)

⁶ Policy Statement, paragraph 5.

⁷ Ibid., paragraph 12

⁸ Ibid., paragraph 21

⁹ Ibid., paragraph 23

¹⁰ Ibid., paragraph 30

¹¹ Ev 2

¹² Q 266 (Mr Allan)

¹³ Q 264 (Mr Allan)

that would be introduced in Parliament in the shape that you have described, so it can be debated at the Second Reading.¹⁴

12. The Minister explained to us why a complete draft has not been published:

It is a very significant piece of legislation and it has been a pretty large task for my officials and parliamentary counsel to get the Bill into a shape where it can be published. I think it gives a very good feel for the range of powers and provisions that will apply to elected regional assemblies, and we have fleshed out the gaps in the policy statement. I believe this is entirely in keeping with the pledge we gave, and it does provide the public with the information that we said should be available so they can make an informed decision when they come to vote.¹⁵

He commented that those sections of the draft Bill which were yet to be drafted were not necessary for the present purposes because the underlying policy was explained in the Policy Statement.¹⁶

13. It is unfortunate that a complete draft of the Bill was not published and that the missing Clauses were not to be provided until the Bill was to be introduced to Parliament. Some of the omissions relate to areas which could have a significant impact on how elected regional assemblies would operate and how effective they would be in practice. We recommend that the Government should, in future, demonstrate its commitment to pre-legislative scrutiny and facilitate the scrutiny process by publishing complete Bills in draft.

A framework Bill

14. Although the draft Bill includes 174 Clauses and 13 Schedules, much of the detail of these proposals was not to be included in a Regional Assemblies Act. The draft Bill instead would delegate the power to produce this detail to the Secretary of State. Some of these delegated powers could greatly affect the operation of elected regional assemblies. Delegated legislation could, for example:

- Prescribe the breakdown of regional and constituency members on an assembly;¹⁷
- Impose restrictions on the powers of assemblies;¹⁸ and
- Impose additional functions and duties on assemblies.¹⁹

15. The draft Bill would also have required assemblies to have regard to guidance issued by the Secretary of State. This would, for example, cover:

- The extent of elected regional assemblies' general powers;²⁰

¹⁴ Q 420

¹⁵ Q 418

¹⁶ Q 419

¹⁷ Clause 3(4)

¹⁸ Clauses 44(1) and 44(8)

¹⁹ Clauses 45(2) and 46(1)

- The participation of stakeholders and their role on review and monitoring committees;²¹ and
- The appointment and role of special advisers.²²

16. We asked ODPM officials whether drafts of the secondary legislation and statutory guidance were to be published and, if so, when. We were told:

Work is being done on certainly some of the draft regulations. Ministers frequently want to publish drafts of regulations around the time that clauses are considered in committee and I would expect Nick Raynsford would want to do that sort of thing this time.²³

The Minister confirmed that he would publish draft regulations in time to “ensure that members of the [standing] committee scrutinising the Bill in detail can see that draft secondary legislation ... well before they come to debate it in [standing] committee.”²⁴ We asked the Minister whether Parliament would be given any opportunity to scrutinise some of the key guidance which would be issued under the draft Bill.²⁵ His response was unclear, suggesting that drafts of these key documents were unlikely to be published.²⁶

17. Some of the statutory guidance and delegated legislation proposed under the draft Bill would have significantly affected the shape of elected regional government. We, therefore, recommend that drafts of these key documents should have been published for consultation with stakeholders. This would also have given members of Parliament and voters a complete picture of the legal framework that would have regulated elected regional assemblies.

²⁰ Clause 44(2)(b)

²¹ Clause 53(4) and Clause 82

²² Clause 158(1)

²³ Q 274 (Mr Allan)

²⁴ Q 422 (The Minister)

²⁵ Q 436-437

²⁶ Q 437

2 Elected regional assemblies – powers and resources

Purpose

18. The overall purposes of elected regional assemblies are set out in Clause 43 of the draft Bill which states that they will be given general powers to promote economic and social development and to improve and protect the environment. The same clause sets out a range of activities through which an Elected Regional Assembly will be able to pursue these broad purposes. Social development is defined in some detail in the Bill as including:

- the promotion of community health, safety and security;
- the reduction of health inequalities;
- enhancing individuals' abilities to participate in society, and;
- improving the availability of good housing, appropriate training and skills and cultural and recreational activities.

The Policy Statement accompanying the Bill explains that the Government's aim, in giving elected regional assemblies these general powers of competence in economic, social and environmental affairs, is 'to place contributing to the achievement of sustainable development at the heart of elected assemblies' responsibilities'.²⁷

19. The written and oral evidence received by the Committee suggested that, for the most part, this way of defining the purposes of elected regional assemblies was either broadly welcomed, by those who favour the move to elected regional government, or at least seen as relatively uncontroversial, by more sceptical observers. However, there are concerns that:

- a) an Elected Regional Assembly's proposed general powers of competence overlapped with the power held by local authorities to promote economic, social and environmental wellbeing;
- b) an Elected Regional Assembly with broadly defined purposes but few resources under its direct control would inevitably concentrate upon a limited range of activities and neglect others;
- c) sustainability principles were not sufficiently explicitly stated.
- d) the powers need to be strong enough to attract a diverse group of candidates interested in becoming members of the assemblies

²⁷ Policy statement, para. 19, p10

Priorities

20. Other evidence to the Committee suggested that an Elected Regional Assembly with broadly defined purposes but few resources under its direct control would inevitably concentrate upon a limited range of activities and neglect others. Representatives of the voluntary sector, community groups and environmental organisations, for example, suggested that elected regional assemblies might concentrate unduly upon economic development activities and downplay the social and environmental priorities. The opposite argument was put by representatives of the business community who felt that the business leadership of the current Regional Development Agencies (RDAs) and the strong commitment that RDAs have to economic modernisation and innovation could be diluted once an Elected Regional Assembly with broader social and environmental purposes became responsible for producing regional strategies and overseeing RDA work. In his oral evidence, Alan Clarke of One North East expressed this concern:

I think what is needed for an elected regional assembly is that it does have some sort of clear delivery vehicle at the regional level for the social and environmental agenda - just as it would have the RDA to do a lot of delivery in relation to economic development - and there is a gap at the moment with respect to that. In relation to the definition, I think it would be held as long as it was not too narrowly defined, because economic development was defined when the Regional Development Agencies were set up around competitiveness, productivity, physical regeneration and so on.²⁸

21. We believe that how elected regional assemblies reconcile and integrate their economic, social and environmental goals would be determined by the balance of resources available to them rather than how their purposes are defined in the legislation. The assemblies would need to be clear which agencies would deliver each of their objectives.

Sustainable Development

22. The main issue relating to Elected Regional Assembly purposes raised in evidence to the inquiry was the degree to which the pursuit of sustainable development was enshrined as a core focus of Elected Regional Assembly activity. Concerns that sustainable development was underplayed in the draft legislation were expressed in evidence from the RSPB, Friends of the Earth, the NE England Green Party, the CPRE, the National Trust, North West Environment Link and Forum for the Future. In his oral evidence to the Committee, Mr Burton of the National Trust criticised the Bill for separating the three strands of an Elected Regional Assembly's purposes:

I think it is disappointing actually that it is repeating the mistakes that we believe were made in relation to the Local Government Act; that it is putting in purposes which are separate - economic, environmental and social purposes - rather than looking at the challenge of integration and putting sustainable development up front, ideally at clause 1.²⁹

²⁸ Q359

²⁹ Q169

He went on to comment that

we do not think [sustainable development] is sufficiently far up the order of hierarchy, and an oblique reference to it as part of the scheme, as sort of the means to do it, we do not think is going to be sufficient.³⁰

23. Mark Sandford from the Constitution Unit at University College London told us:

I think the most important lesson from the National Assembly [for Wales] is that the existence of that statutory duty was really a vital form of impetus in getting the assembly to take notice of sustainable development at all. What the assembly has done...is adopt a kind of a framework of targets, not a strategy as such, across departments which allows sustainable development to be progressively inserted into the wider work of the assembly. Sustainable development fanatics will tell you that this is what sustainable development is, it is not a policy but a way of doing policy. Having that statutory requirement there has encouraged this to be done where it might otherwise simply have gone by the board.³¹

24. Elected regional assemblies would need to strike the most appropriate and sustainable balance between economic and social development and the protection and enhancement of the environment in developing their bespoke regional strategies and delivering their programmes. Clause 45 (2) of the draft Regional Assemblies Bill requires that an elected regional assembly ‘must indicate the means by which the assembly’s exercise of its functions is intended to contribute to the achievement of sustainable development’. This provides sufficiently strong statutory encouragement to elected regional assemblies to take the issue of sustainability seriously. **The requirement on assemblies to promote sustainable development should be backed up by a requirement to undertake sustainability appraisals on key strategy statements and corporate plans or to identify sustainable development targets.**

25. The largely strategic powers that elected regional assemblies would have received might not motivate a cadre of potential new regional leaders as strongly as the Government would have wished. A strong formal position on diversity and equality issues could help send a positive signal to potential candidates that elected regional assemblies provide a platform for providing services differently. Councillor Gibson of the North East Regional Assembly suggested that the draft Bill should:

... mirror that clause in the Welsh Assembly Bill that talks of - that brings about an absolute duty on regional government around diversity and equality. I think it is a huge opportunity to make it happen, to set the Bill to make it happen. We do not try hard enough to bring women and ethnic minority groups into mainstream politics. We have an opportunity here to mirror the Welsh Assembly and have written into the Bill a clause around equalities, diversities etc. The Welsh Assembly is congratulated by me on many occasions for achieving 50 per cent of women in

³⁰ Q170

³¹ Q14

Parliament. I think that is absolutely wonderful and terrific and should be happening everywhere.³²

26. It is important that the assemblies attract a new group of politicians. This would only be achieved if the assemblies have enough powers and were seen as worthwhile. We also recommend that a suitable statutory commitment to promoting equality and diversity should be included in any future Bill.

The power to make a real difference

27. Elected regional assemblies would have been strategic authorities with few direct powers to implement policies in the region. Their role will be to “develop a strategic vision for improving the quality of life in their regions”³³, and to work in partnership with other bodies working in the regions to deliver “a more coherent ‘joined up’ approach to regional strategies and policies.”³⁴ The Minister, Nick Raynsford, explained the approach as follows:

It is right that the elected regional assemblies should set the direction, give the overall policy guidance, but should work with the partners within the region. It is not going to be a body that is simply exercising command and control functions; it will be a body that will build partnerships, that will work in partnership with business, local authorities and other stakeholders.³⁵

28. To improve the effectiveness and accountability of current arrangements for regional governance through the Elected Regional Assembly route, then elected regional assemblies need to be ‘fit for purpose’. They need the powers to fulfil the purposes for which they are established. Evidence to the Committee suggested that their powers were too general and strategic which would limit their effectiveness. The only Government departments prepared to devolve powers to the Assemblies were the ODPM and to a lesser extent the DTI in terms of control over the Regional Development Agencies.

29. We encountered scepticism that the role of elected regional assemblies in setting out strategic policy guidance would make a real difference on the ground in the short term. In the absence of substantial ‘command and control’ functions. Nicholas Boles from Policy Exchange argued “it is just going to be a talking shop.....The only point in having a strategy is if you are the body that then does the stuff.”³⁶ Mark Sandford commented that the impact would only appear in the very long term and in a low key way, in particular because in many fields, assemblies would lack the carrots and sticks with which to make that policy work, in particular where other bodies maintain control over policy implementation budgets.³⁷ We consider below the assemblies’ lack of financial clout.

³² Q 329

³³ Policy Statement p8

³⁴ Policy Statement p11

³⁵ Q 431

³⁶ Q 77

³⁷ Q 40

The general power

30. Rather than setting out a precise catalogue of functions, the draft Bill proposes giving elected regional assemblies a wide-ranging general power. They would be able to take action likely to further any of the general purposes of assemblies, including

- a) spending money, acquiring or disposing of property, forming companies,
- b) working with other bodies in a wide variety of ways,
- c) providing benefits 'in kind' (such as staff, goods and accommodation), giving advice or making proposals or representations, or anything else an assembly considers appropriate.³⁸

31. When powers are defined in an open-ended way, there may be scope for interpreting them beyond the spirit of the legislation, and encroaching on the functions of other public bodies. Government has recognised this possibility both in a number of limitations on assemblies general powers specified in the draft assemblies Bill, and in a commitment to introducing further restrictions to prevent elected regional assemblies from providing education, health services, social services, children's services or social security schemes.

32. Much of the evidence suggested that general powers needed to be tied down with some more specific statements of assembly functions. Such statements would introduce clarity, but might also fire the imagination of both the general public and of potential candidates to the assemblies: Among the 'concrete' functions witnesses referred to were skills, public health, culture and, in particular and repeatedly, transport, echoing, in part, the recommendation of an earlier report by this Committee³⁹: Where elected regional assemblies are introduced they should have direct responsibility for at least business development, learning and skills, neighbourhood renewal and transport policies and funding.

33. With the general powers proposed in the draft Bill there would have been little chance of persuading the electorate or potential assembly members that the elected regional assemblies would be worth establishing. The assemblies must have specific powers and responsibilities not only to convince the electorate that they are worth voting in favour of but also to persuade serious politicians at local and national level, that they are worth getting involved in.

34. Regional assemblies would need to have a clearly defined set of functions and the resources to perform them effectively. In light of this evidence we are not convinced that a simple statement of open-ended powers is the most appropriate way forward, and recommend that the general power be supplemented by a clearer definition of a core set of specific functions that elected regional assemblies would perform.

³⁸ Policy Statement p10

³⁹ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee – Ninth Report of Session 2002-03, Reducing Regional Disparities in Prosperity

3 Managing three tiers of elected government

35. If elected regional assemblies are established there could be three different tiers of elected government: local, regional and national. Unless each tier has distinct roles and there is coordination between them, there is a danger that policies would be developed and implemented which, instead of complimenting, would either conflict with or duplicate the work of the other levels of government. The result could be unproductive turf wars between the different authorities. Local authorities were particularly concerned that the Government would pass their powers up to the elected regional assemblies rather than pass national powers down to the new assemblies.

Relations with local government

36. There has been a clear and consistent concern expressed by local authorities that a strengthening of regional government poses a challenge, even a threat to local government. In their evidence, they highlighted the potential for turf battles if local and regional authorities each have general powers in social, economic and environmental matters. There is also the perception that an elected regional body is more likely to draw powers up from local government than to devolve powers down from central government. To avoid turf wars and to help with coordinating programmes, witnesses urged that local authorities should have a key role in the Elected Regional Assembly.

37. Local authorities were nervous that the general powers of competence proposed for elected regional assemblies overlapped with the power held by local authorities to promote economic, social and environmental wellbeing. It was argued that having two tiers of government with such broad purposes, could result in a lack of clarity about which bodies were responsible for what and could lead elected regional assemblies to encroach upon the functional responsibilities of local governments. In the Local Government Association's view, for example:

[t]hose words [defining local authorities' general power to promote wellbeing] exactly match the purpose of the regional assemblies and I therefore think there is a duplication.⁴⁰

The chairman of the LGA Sir Sandy Bruce-Lockhart said;

The Local Government Act which was recently introduced had a power which Ministers and the Deputy Prime Minister have placed great emphasis on, in that it introduced a new power for the social, economic and environmental well-being in the responsibility of local authorities and their democratic accountability for that. Those words exactly match the purposes of the regional assemblies and therefore I think there is a duplication.⁴¹

⁴⁰ Q 118 Sir Sandy Bruce-Lockhart, LGA Chair

⁴¹ Q 118

Councillor Arthur Thomas warned that “there is a risk, that there are not clear distinctions of responsibility between different tiers of government”.⁴²

38. Professor Travers suggested that the ‘reasonably benign’ relations between the Greater London Authority and London boroughs was because they had distinctive responsibilities.

I think the effort was made, as it often is in British legislation, to ensure that as far as possible there was as little overlap between the responsibilities of the London-wide authority and the responsibilities of the lower-tier boroughs. Obviously the less territory there is to squabble over overlaps in responsibilities in some ways the better.⁴³

39. Local authorities proposed that the final Bill should include a clearer indication of those activities an Elected Regional Assembly should be prevented from doing. This is consistent with the Government’s intention to detail restrictions on Elected Regional Assembly activities to prevent them from providing services that are the statutory responsibility of other agencies whilst at the same time allowing them to work in partnership with such agencies. The Minister, in his oral evidence, was clear that the Government intends ‘to introduce additional clauses specifically to define local authority functions which would be off-limits for elected regional assemblies’.⁴⁴ We are disappointed that these clauses were not produced in time to be included in the draft Bill, but we are satisfied that this approach would be preferable to any reformulation of the proposed purposes of elected regional assemblies.

40. There are also concerns that the Government would move powers up from local authorities rather than devolve them down to the assemblies which were based on the fact that:

- Powers held until recently at local level had already been regionalised: particularly in housing, spatial planning and fire services
- The draft Bill made provision for the Secretary of State to allocate additional functions to elected regional assemblies (section 45). Witnesses considered that this left an open door for further regionalisation of more local functions in the future.

41. Local authority witnesses called for additional safeguards in the bill to prevent future encroachments on local functions by elected regional assemblies:

The Local Government Association would like to see a clear statement in the bill ... that the bill and the regional chambers will not draw up power from local people and local authorities.⁴⁵

When pressed on these points, the Local Government Minister Nick Raynsford recognised local authority concerns and gave clear guarantees that “it is not our intention to take

⁴² Q325

⁴³ Q56

⁴⁴ Q458 Rt Hon Nick Raynsford MP

⁴⁵ Q118 (Sir Sandy Bruce-Lockhart)

powers away from local government”.⁴⁶ He explained that safeguards would apply both through processes of consultation, and through the need for parliamentary discussion of any transfers of functions.

42. It is important that legislation setting up regional assemblies should circumscribe their activities to avoid any confusion or overlap with the role of existing local government. Ministerial assurances before the Committee and in other public statements should have been supplemented by a formal statement on the face of the bill of a general presumption that local functions should not be absorbed by the regional level.

43. The Local Government Association suggested that regional assemblies could help ensure more consistent policy directions were received by those delivering services which would require participation by local authorities in the work of the assemblies.

The Audit Commission has characterised the difficulties facing local authorities as the "humpty dumpty" effect and this has also been recognised by the ODPM in its recent publication "local area agreements: a prospectus". The effect on local authorities is that they must endure fractured messages from central Government down various separate silos to different local partners which then requires local government to put them back together again. The LGA believes that if a region votes "yes" then the elected assembly needs to play a part in ensuring clear and consistent messages are provided to those on the front line.⁴⁷

44. Despite this potential role for elected regional assemblies, the LGA complained that “in this current legislation and in the Government’s wider regional agenda there is still not a clarity or direction that allows for optimum joining up of services and strategies at the local level.”⁴⁸ It explained that “it is still not clear how the regional agenda is going to be operationalised by the Government Offices and various Government agencies” and urged for greater “clarity on the roles and remit of the different governance actors”.⁴⁹

45. In particular, local government representatives stressed the importance of local government participation in the work of elected regional assemblies:

There must be adequate arrangements for bringing in the expertise and innovative capacity of local government. Expertise in delivery inevitably translates into expertise on designing the policies to be implemented ... This involvement should extend beyond reactive scrutiny and must include a policy function ... a more systematic input from local government [will] help build a mutual relationship of local and regional government which strengthens the region’s policy capacity and effectiveness.⁵⁰

⁴⁶ Q458

⁴⁷ Ev 73

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ev 72

Local government representatives also expressed concern that if regional assemblies have a democratic mandate there could be less real partnership working with local government than exists with non-elected assemblies at present. The County Councils' Network, for example, commented that:

One of the biggest concerns of those in local government who are sceptical about elected regional assemblies is that the current partnership Assembly arrangements have brought significant benefits in joint working at the regional level. There is a perception that the practice of 'partnership' may be neglected once Elected Regional Assembly members have a democratic mandate.⁵¹

46. Clause 53 of the draft Bill included “local authorities in the region” in the list of assembly participants (i.e. those bodies which elected regional assemblies should seek to engage in their work). Representatives of local government have argued that these provisions are inadequate and that local authorities should be accorded a different role in regional government to that of other stakeholders:

We ... do not regard local government as just another stakeholder; local government provides the services which are required by the strategy set by the region and, therefore, a much clearer link between local government and government in the region is required; it is not just another stakeholder.⁵²

Councillor Sir Sandy Bruce-Lockhart of the LGA explained that “because they have the democratic accountability and the service delivery role ... there should be a separate section about engagement and working with local authorities [in the draft Bill], not just in the list in [Clause] 53.”⁵³

47. Tim Byles of Norfolk County Council explained that the Bill “needs to be very much clearer on the way in which local authorities engage directly with the work of elected regional assemblies”.⁵⁴ He argued that the language of the Bill should show that the relationship between these two levels of elected government should “not be some kind of informal, consultative relationship” but should be “much more interactive”.⁵⁵ The CCN suggested a number of ways in which the Bill could be amended to address such concerns:

- Any statutory duty on elected regional assemblies to consult with 'stakeholders' has to guarantee meaningful and substantive involvement (no 'box-ticking exercises!');
- Different regions have different experiences and cultures of partnership working. These must be respected and find their own organisation forms; any statutory guidance must allow different regional solutions; and

⁵¹ Ev 154

⁵² Q 490 (Mr Skellett)

⁵³ Q 121

⁵⁴ Q 147

⁵⁵ Ibid.

- Involvement must bring real influence on decision making and guarantee local government a role in setting priorities and creating structures of governance.⁵⁶

We were told that local government would “want to see direct engagement with the local authorities, working with the local authorities, recording their views and taking their views into account”.⁵⁷

48. We were also referred to the positive experience of cooperation and coordination between local government in Wales and the Welsh Assembly. The Local Government Association commented:

Both local government and elected regional assemblies have much to learn from the devolution that has taken place in the UK. There are positive lessons of local government – Elected Regional Assembly interaction that can be utilised in terms of allowing better access to regional decision-making, allowing local input to regional policy and building effective structures for co-operation. For example, in Wales the establishment of the Welsh Partnership Council and the spirit of co-operation between the Assembly and the WLGA in the formative stages of the Assembly highlights positive devolution and the benefits of central government letting go. The experience in a region that votes ‘yes’ should be a positive one that represents true devolution and allows for experimentation.⁵⁸

The County Councils Network also told us:

Wales provides a model in the form of the Partnership Council for local government, combined with 'policy agreements' between assembly and local government. The former meets on a quarterly basis (not just in Cardiff), and is supported by groups of policy specialists from the assembly and local government which conduct a more systematic exchange of views.⁵⁹

49. The elected regional assemblies would offer an opportunity to coordinate services across regions. The assemblies would need to work closely with local authorities to provide services. Any new legislation proposing elected regional assemblies should include a requirement that they have a formal structure for involving local authorities in their work.

Central government

50. The draft Bill proposed to give general powers to elected regional assemblies but it is clear that central government would have continued to play a role in the development of regional policy, even in regions where devolution was proposed. There were concerns that elected regional assemblies should not simply be implementation agencies for central government but should have a role in moulding national priorities. Witnesses also pointed

⁵⁶ Ibid.

⁵⁷ Q 121 (Sir Sandy Bruce-Lockhart)

⁵⁸ Ev 72

⁵⁹ Ev 154

out that not all Government departments seemed committed to devolving responsibilities to elected regional assemblies, which would have limited their functions.

51. The functions of elected regional assemblies would have been subject to directions issued from the centre, in the form of statutory guidance and delegated legislation. In many key areas where power is devolved, central government would have remained the dominant party in the relationship with elected regional assemblies. North East Says No explained:

the regional economic strategy can be overridden by Whitehall at any time if it is inconsistent with “national policies” or it would have a “detrimental effect on any area outside the region” [Schedule 4 para 8 page 109] – so Whitehall could stop the North East from making itself more attractive for investment than the rest of the UK.⁶⁰

52. Evidence to the Committee suggested that elected regional assemblies should have a clear role in developing regional policy that can be fed into national programmes rather than acting as implementation agencies for national priorities. In its evidence, the New Local Government Network expressed concern that central government could use its relationship with elected regional assemblies in order more successfully to impose its own will on local government and the regions:

What we do not want is for elected regional assemblies to simply become the policemen for central government, monitoring and enforcing policies and financial allocations decided by the centre.⁶¹

Some evidence suggested that the main function of elected regional assemblies should be to convey local and regional concerns to central government. Dan Corry from the New Local Government Network said:

There is an issue about whether we are ever going to sort out the relationships between central government and local government if we do not have an intermediate tier, which just about every other country in the world has. There is a question about whether the voice of some of our less well off regions are getting heard enough in Whitehall and whether these bodies would play a role.⁶²

The Minister also stressed the importance of this role for elected assemblies, which he explained:

may well have a very powerful voice in advocating key priorities for their region, a voice that is possibly going to be more influential in Westminster, in Brussels and in other areas where decisions are made that will impact on the economy and the life of those regions and that this, as I say, will give a competitive edge to a region with an elected regional assembly.⁶³

⁶⁰ Ev 188

⁶¹ Ev 114 (New Local Government Network)

⁶² Q 75 (Mr Corry)

⁶³ Q 443

The Government Offices in the Regions

53. Although the draft Bill proposed that the Government Offices in the Regions with elected regional assemblies would be scaled down they would continue to play a role.⁶⁴ This was explained in *Your Region, Your Choice*:

Where an elected assembly is established in a region, there will be a clear transfer of responsibility for a range of policy functions from central government and its agencies to the assembly. This will reduce the size of the Government Office and other government-funded bodies in the region ... But the Government Office will continue to have a role, both on policy areas not transferred to the assembly and as the primary means by which central government will work in partnership with the assembly. In London, for example, the Government Office is now a key player in the Government's relationship with the Greater London Authority.⁶⁵

The continued role of the government offices, as a means of maintaining the relationship between elected regional assemblies and Whitehall, was stressed in the oral evidence we received from ODPM officials, who described the offices as “a conduit into government”.⁶⁶

54. Mr Machin of the North West Regional Assembly expressed concern about the ability of the government offices to play this role:

The problem is not with the Government Office and the regions, it is the point at which their schizophrenic role being a support of the region but also the Government's watchdog comes into play.⁶⁷

In its discussion of the transfer of staff from the Government Offices in the Regions to elected regional assemblies ONE North East wrote that “[t]here is a risk that the regional vision will be developed more in response to national priorities rather than by Regional Authority officers following regional priorities”.⁶⁸

55. Guidance to elected regional assemblies and the Government Offices in the Regions should emphasise the assemblies’ role in overseeing the work of Government Offices in the Regions. Rather than overseeing the assemblies’ work and ensuring they pursue national priorities, the Offices should support the assemblies in developing regionally specific policies which could then be fed into national policy.

Cross Departmental Involvement

56. Much of the evidence to the inquiry was concerned that the setting up of elected regional assemblies was not a Government-wide initiative, and that it was being championed by the ODPM without the full support of other Government departments which proposed to devolve few powers to the elected regional assemblies. Evidence to the Committee suggested that the draft Bill was the outcome of a very uneven, ODPM-inspired

⁶⁴ Policy Statement, paragraph 92

⁶⁵ *Your Region, Your Choice*, page 59

⁶⁶ Q 159 (Mr Blackie)

⁶⁷ Q 342

⁶⁸ Ev 175

process of ‘horse trading’ with other Government Departments rather than a concerted, Government-wide attempt to define, in principle, what elected regional assemblies should do and then secure the necessary powers and resources to enable them to do it.

57. Mr Skellett of the South East County Leaders’ Group suggested that:

[T]he Bill itself is a bit of a fudge with regard to devolution; it is nothing like what has been given to Scotland or Wales and, in fact, the experience of the big central departments - I am thinking of Education, Health, the Home Office, and DEFRA - as regional structures have evolved, is that they use the regional structures to, effectively, centralise their own powers.⁶⁹

Similarly, Mr Strachan, representing the Association of Chief Police Officers, in an answer to a question from the Committee Chairman asking whether the Home Office needed to make a clearer and more precise input into the draft Bill told us:

I would agree with that one....The only thing I would say is that if you were to have representatives here from local health practices dealing with this from a different aspect, they might well say the same about the Department of Health.⁷⁰

Mr Donnelly, of Yes 4 the North East, summarised this strand of opinion and suggested that the current devolution of powers and resources to elected regional assemblies from Whitehall is unlikely to prove stable:

[T]here is genuinely a reluctance in the culture in Whitehall to see the whole process of devolution take place, and that is because I do not think they are properly engaged in this process. The fact that....you have got the draft Bill, there will be the referendum in the North East and then you will actually have to consider the legislation (assuming that the referendum is a positive vote in the North East), I suspect, will act as a catalyst for some of the government departments to realise that this is actually going to happen and they have got to get involved in the process.⁷¹

58. The West Midlands Constitutional Convention, in its written evidence, articulated the suspicion that not all Government Departments had ‘played ball’, most simply arguing that the Bill “probably goes as far as ODPM has been allowed by the conservatism of Whitehall”.⁷²

59. Any proposals to develop effective elected regional assemblies would require the full involvement of all Government departments that fund or deliver services at a local or regional level. The fact that limited powers and resources that were to be devolved under the draft legislation were mainly to come from the ODPM suggested that the other departments were not signed up to the proposals.

⁶⁹ Q486

⁷⁰ Q240

⁷¹ Q509

⁷² Ev 142

Cross regional co-operation

60. If different regions developed individual strategies and took on functions, it would be important that their priorities and programmes were coordinated. The draft Bill only required regions to work with each other in the context of a few specific matters. For example, when preparing a draft revision to its regional spatial strategy, an assembly would be required to have regard to the strategy for neighbouring regions.⁷³ By focusing on the role which elected regional government would play in encouraging coordination within a region, these documents play down the importance of coordination and consultation between the regions.

61. A coordinated approach across regions would often be vital to developing and implementing good policy. This is illustrated by the ODPM's Northern Way initiative, which focuses on the three northern regions: Yorkshire and the Humber, the North West and the North East.⁷⁴ In the foreword to that report, the Deputy Prime Minister highlighted the importance of a joined-up strategy for the whole of the North, rather than to separate strategies for each of the three Northern regions:

To support that step change in development, we need a long-term vision that can fully exploit the economic and transport corridors that connect the North - a "Northern Way" which looks east to west as well as north to south. A new northern growth strategy which promotes greater inter-regional collaboration and boosts connectivity and transport links so that the sum of activity and investment is greater than the parts.⁷⁵

62. Transport is one key area in which it would often be inappropriate and ineffective for a single region to develop and implement its own policy without reference to other regions which would be affected. This was highlighted by the Minister in oral evidence to us:

We have had fairly lengthy discussions with the Department of Transport about the appropriate model to ensure that there is real power and influence in the regions, but within a framework that recognises that many of the transport networks are national and have to be coherent nationally. You cannot have individual regions responsible for sections of the rail network. Clearly you have got to link, if you take the North East region, beyond Berwick into Scotland and south of Darlington into Yorkshire and other regions. That is the balance we are trying to achieve.⁷⁶

Where a policy needs to be developed and implemented beyond the boundary of a single region, the Government seems to have taken the approach that the power to implement those policies must be retained within central government, hence little power with respect to transport would, under the current proposals, be devolved to elected regional assemblies.

63. The successful development and implementation of some policies, for example the maintenance and development of cross-country railway networks, obviously requires

⁷³ Clause 100(2)

⁷⁴ ODPM, *Making it happen: the Northern Way*, February 2004, Foreword

⁷⁵ *Ibid*, page 3

⁷⁶ Q451 (The Minister)

coordination across regions. An over-emphasis on the importance of central government in coordinating inter-regional policies and externalities could act as a brake on devolution, as it has in the context of transport. The fact that an issue cannot be addressed adequately by an individual region working in isolation does not necessarily mean that it is most appropriate to resolve the issue within Whitehall. Further thought should be given to ways of addressing inter-regional issues within the context of devolution. It might, for example, be possible to devolve transport responsibilities to the regions on the condition that all regions affected by a major development are required to work together to design, approve and implement the policy. Central government could usefully retain a role in facilitating such an inter-regional approach, but need not necessarily retain overall control.

4 Policy Areas

Economic Performance

64. The draft Bill anticipated the major role of elected regional assemblies as promoting sustainable economic development. This was clear from the choice of policy areas in which elected regional assemblies would have control led resources and would have been expected to wield strategic influence. This expectation was reinforced in a recent rewording of the joint-ODPM, HM Treasury and DTI PSA target on regional economic performance which now expresses the specific expectation that elected regional assemblies would assist the Government in realising its commitment to improving economic performance in all English regions and help, in the long term, to reduce regional disparities in economic growth.

65. Evidence to the inquiry broadly supported the idea that the core activities of an Elected Regional Assembly should be in the fields of economic development, strategic planning, business development, training and skills, transport, housing and culture. At the same time, though, the evidence questioned whether the particular package of resources and influencing mechanisms set out in the draft Bill would provide elected regional assemblies with sufficient ‘clout’ to make a substantial difference to regional economic performance. This scepticism was stated most starkly by the North East Chamber of Commerce which argued that “no evidence has been provided as to how an elected regional assembly will actually deliver stronger economic performance.”⁷⁷

66. A wide variety of organisations expressed disappointment with specific aspects of the powers and resources earmarked for elected regional assemblies within the draft Bill and wished to see greater devolution, particularly in terms of funding, from Government Departments and the NDPBs they sponsor. Only three submissions expressed the view that the transfer of powers and funding from Whitehall and NDPBs had gone far enough or too far.⁷⁸

67. Elected regional assemblies could be effective in improving regional economic performance. It is important that should the Government propose elected regional assemblies in the future, sufficient resources and clout are devolved to them to make a difference in terms of funding from Government departments.

⁷⁷ Ev 148

⁷⁸ The following organisations called for more powers to be passed from central Government and NDPBs to the ERAs included: the Regional Assemblies for the North West, North East and South East, the West Midlands Constitutional Convention, business organisations (CBI, Manufacturer’s Association for the North of England), trades unions (Unison Northern), think tanks (New Policy Institute, Institute for Public Policy Research, Policy Exchange), local government bodies (Local Government Association, Local Government Information Unit, Local Choice Local Voice, Burnley Borough Council), transport organisations (Passenger Transport Executives’ Group), campaign groups (Yes 4 the NE, Yes 4 the NW, English Regions Network), political groups (Northern Region Liberal Democrats) and academics (Centre for Urban and Regional Development Studies, University of Newcastle). Only three organisations that wrote to the Committee – Sport England, the (national) Learning and Skills Council and the Council of Mortgage Lenders

Transport

68. There was strong support that the transport portfolio proposed for elected regional assemblies should be strengthened, and that it lacked ambition. Mr Corry of the New Local Government Network made this point forcefully:

I absolutely agree, transport is the big missing thing in the Bill. The White Paper on transport that came out at the time of the Spending Review started to move in a more regional approach, particularly with the PTEs and so on. I think that is one thing that we would like to see quite a lot more of.⁷⁹

69. Three reasons were put forward for increasing the transport powers of elected regional assemblies:

- a) Public transport and transport infrastructure have a direct impact on everyday experience. A more substantial transport policy role for elected regional assemblies would help them connect with the general public in a very direct way: “People might begin to understand that there is something for them to do which will actually affect them.”⁸⁰
- b) Transport policy tended currently not to reflect different regional requirements, applying solutions which were strongly relevant in the south east, like congestion, but which were less relevant elsewhere. We heard strong evidence from the north east about the importance of transport links for economic development objectives.⁸¹ The improvement of road links into Scotland appeared not to be high priorities for the Highways Agency, which works to Whitehall-set parameters. Similar arguments were put about railway infrastructure and franchising issues, which again worked to England/Britain-wide parameters set in Whitehall and placed too little weight on regional needs. Roy Wicks, the Director General, South Yorkshire Passenger Transport Executive said:

There is often a view that at the sub-regional and regional level it is very difficult to influence national priorities [on rail spending]’; ‘We think that bodies such as Network Rail and the Regulator should have a statutory requirement to consult and have regard to regional transport strategies’.⁸²

- c) We heard a number of recommendations that regional transport strategies should not just set out policy goals, but also have the ‘carrot and stick’ of funding devolved from Whitehall to ensure the goals are carried out. Mr Stewart Francis, Chairman of the Rail Passengers Council and a Commissioner on the Commission for Integrated Transport said:

We believe that regional assemblies should be given funding powers because if not they do not have teeth. They should not have the powers to deliver; it should

⁷⁹ Q82 (Mr Corry)

⁸⁰ Q82 (Mr Betts)

⁸¹ Q327 (Councillor Gibson)

⁸² Q388/399 (Mr Wicks)

be others who carry out that duty. That is the only way that RAs will have teeth to ensure that local authorities work to deliver a regional transport strategy.⁸³

70. The weight of evidence in this case was unambiguous. We note that the Department of Transport has shown a fuller openness to the regionalisation of some of its functions than some other Government departments. However, there is a strong case for pushing regionalisation further.

71. We recommend that elected regional assemblies – as is broadly the case in London – act as regional transport authorities with responsibility for deciding on the distribution of funding currently allocated by Whitehall for local transport plans. We also recommend that agencies quite rightly focused on nationwide priorities such as the Highways Agency and national railways authorities are required more explicitly to take account of Assemblies’ regional priorities and consult on the regional dimensions of their policy programmes.

Skills agenda

72. Witnesses emphasised the importance of developing a skills policy and development programme that reflected regional needs and was accountable to an Elected Regional Assembly. Many argued that the proposals in the draft Bill would not give an Elected Regional Assembly sufficient powers to develop such a policy and programme. Mr Donnelly from Yes 4 the North East told us that:

If you forget everything else in this legislation, the influence that the assembly will have on learning and skills in the North East, in itself.....would be worth actually creating regional assemblies. One of our biggest problems in the North East over the past 50 years has been the meddling and fiddling by Whitehall with the skills policy in the North East of England. We have had a range of policies that have been totally inappropriate for the range of industries that we have in the region and the sorts of industries we have tried to grow in the region. Just that one issue, when the assembly gets the right to appoint people and to have a greater influence over skills policy, I tell you, lots of people in the business community that I know will be delighted with that one, single policy.⁸⁴

Sir Jeremy Beecham of the Local Government Association suggested that:

[T]he skills and training agenda needs a distinct regional perspective. Although there is some movement in the draft Bill, I think it needs to go further. This is an area currently entirely unaccountable.⁸⁵

In similar vein, Mr Clarke from One North East informed us that he had:

some experience through the Spending Review in trying to get greater regional flexibility over DfES funding on adult skills budgets. It is quite difficult to do that. I think the balance at the moment between national, regional and local within that

⁸³ Q388 (Mr Francis)

⁸⁴ Q515

⁸⁵ Q133

part of DfES is too much at the national. I think there could be greater regional flexibility for the benefit of the region.⁸⁶

73. The proposals in the draft Bill in the field of training and skills development would have placed too much expectation on elected regional assemblies being able to influence Learning and Skills Councils programmes, both nationally and as they are delivered in their regions. The proposals underestimate the importance of assemblies being able to use resources to implement a regional training and skills strategy. The Learning and Skills Council in its written evidence said that it is “keen to work with any body or organisation that shares the same agenda as the Learning and Skills Council.”⁸⁷ This suggests a rather limited preparedness to work with regional agencies.

74. The effectiveness of any future elected regional assemblies in developing regional training and skills development policies and programmes would need to be kept under review with a view to further devolution within what is currently a national budget. This process could usefully be attempted in two stages, with adult training budgets being devolved to elected regional assemblies as a test case in the first instance with a second, more thoroughgoing devolution of resources to follow if the first stage proved successful when measured against mutually agreed criteria. As with the Regional Development Agencies, regional assemblies should appoint the Chair and members of the LSC, issue policy guidance and ratify development plans.

Housing

75. There has already been a degree of decentralisation of powers and resources to Regional Housing Boards which are charged with developing Regional Housing Strategies and providing a more ‘joined up’ approach to the allocation of resources for social housing by Government Offices, local authorities and the Housing Corporation. The draft Bill went further in suggesting that an Elected Regional Assembly would take over the responsibilities of Regional Housing Boards and have direct responsibility for social housing budgets including Housing Corporation funding for housing associations and managing local authority single housing pot.

76. The Housing Corporation highlighted a potential confusion for associations working across regions with and without an Elected Regional Assembly. The Corporation and the Audit Commission would continue to have responsibility for the registration, regulation and inspection of housing associations across all regions but would only be expected to fund associations in regions without an Elected Regional Assembly. This division of responsibilities held out the prospect of certain RSLs, particularly where they are active in more than one region, pursuing two sources of income and serving two masters – the Elected Regional Assembly and the Corporation.

77. The Minister insisted that the regulatory function would continue to be discharged by the Corporation and argued that the regime set out in the Bill, whilst it would require active co-ordination across regional boundaries, was preferable to one in which “in the past... spending decisions for RSLs were taken by the Housing Corporation and decisions

⁸⁶ Q363

⁸⁷ Ev 155

affecting local authorities were taken by the Government Offices.”⁸⁸ We support the Minister’s view that the risks of the new regime are less important than the benefits of a more co-ordinated regional approach to the funding of social housing and its integration with regional land-use strategies. **The potential dual funding of housing associations by the elected regional assemblies and the Housing Corporation as proposed in the draft Bill would have been unsatisfactory. Regional assemblies should appoint the Chair and members of the Regional Housing Boards, issue policy guidance and ratify development plans.**

Culture and Sport

78. The role of elected regional assemblies in culture and sport is one area where there would have been a backward step, in terms of the proposed devolution. The degree of commitment on the part of DCMS to devolve responsibilities to elected regional assemblies was left vague in the White Paper because a number of reviews were ongoing which affected the NDPBs that the Department oversees. In the interim period, however, the Department and its NDPBs had not become converted to the Elected Regional Assembly cause. The draft Bill proposed that the small and currently independent regional cultural consortiums become functional bodies of the Elected Regional Assembly and draw up a regional cultural strategic plan for publication by the Elected Regional Assembly. However those strategies were not binding upon any of the organisations that fund or deliver services in the arts or sporting fields.

Emergency Services and Civil Contingencies

79. There was a subtle shift in policy between the White Paper on the English regions and the draft Regional Assemblies Bill. In the White Paper it was felt “appropriate for elected assemblies to take on the main coordination role in regional contingency planning, working closely with the Government Offices”.⁸⁹ In the draft Bill that role in contingencies planning is not mentioned, and appears to have been superseded by the network of Regional Resilience Forums coordinated by the Government Offices. The draft Bill did though envisage a fire and rescue role for elected regional assemblies, with new regional fire and rescue authorities acting as functional bodies of elected assemblies, similar to the arrangements with the Greater London Authority.

80. A capacity to coordinate emergency services at a higher level than individual service authorities is desirable. However, the Committee is not convinced that government policy has addressed these issues coherently. The role envisaged for assemblies in contingencies planning has been downgraded. We view this function as one inherently suited to the kind of strategic, coordination role envisaged for elected assemblies. There is clearly a case for a strategic view across all the blue-light services, and indeed other functions such as health service planning for major incidents, in contingencies planning. It seems that the Office of the Deputy Prime Minister could not persuade other Government departments involved in contingencies planning to relinquish responsibilities. We do not regard such apparent

⁸⁸ Q449

⁸⁹ White Paper p.43

Whitehall turf defence strategies – as suggested in the following exchange with Chief Constable Strachan - as a sound basis for policy-making:

Mr Betts: Mr Strachan, you have commented on the fact that you have some doubts about the ability of the Home Office and the ODPM to work together. Is this Bill a reflection of that, that it is ODPM's Bill, so they have managed to find something in their remit, namely fire, to give the regional assemblies to do, but the Home Office have not really wanted to play ball with this at all and, therefore, police are not affected by the legislation?

Mr Strachan: That is, with respect, sir, a leading question, but yes, I would agree!⁹⁰

81. Responsibility for fire and rescue services which was to be devolved to the elected regional assemblies lies with the Office of the Deputy Prime Minister. ODPM proposed that regionwide fire authorities should be created which would be accountable to the Elected Regional Assembly. The evidence we heard on the transfer of this general role to the regional level was rather mixed. Mr Richard Bull, Chief Fire Officer for Tyne and Wear, was for example sympathetic to a regionalised service in the North East, though insisted that this was because of particular geographical circumstances in the North East which did not necessarily apply elsewhere: 'in this country one size does not fit all'⁹¹ One particular concern was that fire services have a strong community focus and logic, which would be endangered if local/county fire services were rationalised into region-wide bodies. Councillor Les Byrom from the Merseyside Fire Authority said: 'The county badge of the local fire authority, of the local police authority is very powerful and it is closer to the people'.⁹²

82. We also heard that fire services are already cooperating voluntarily and effectively on region-wide scales to ensure a capacity to respond to major incidents and to enjoy other benefits of economies of scale.⁹³ In some cases, such as in the north east, this voluntary cooperation maps neatly onto official regional boundaries. In other cases it does not.

83. Because of concerns that they could lose their community focus and scales for operation we remain unconvinced of the rationale for establishing regional fire and rescue services as functional bodies of elected regional assemblies. There is a need however to develop the wider role foreseen in the White Paper in which elected regional assemblies would lead the planning process for civil contingencies, involving all the blue light services, but across a narrower part of their fields of responsibility.

⁹⁰ Q207

⁹¹ Q214 (Mr Bull)

⁹² Q205 (Councillor Byrom)

⁹³ Q211 (Mr Bull)

5 Funding

84. The resources available to elected regional assemblies would mostly be provided by central government grant which would be made up of existing funding streams for programmes transferred into the responsibility of assemblies, including relevant staffing budgets. The White Paper suggested that assemblies would have ‘freedom’ to spend this as ‘a single block grant’ ‘as they judge best’⁹⁴ subject to meeting a small number of targets agreed with central government (and, as with similar arrangements for local government, additional funds might be awarded if targets were exceeded). These terms were qualified in the draft Bill. The assembly general grant would have come ‘primarily’ as a block grant, and assemblies would have had ‘considerable freedom’ under their general purposes to spend their funding as they judged best.⁹⁵ ‘Such conditions’ as the Secretary of State ‘sees fit’⁹⁶ might have been attached though no fuller information is given as to the potential reach of those conditions. These changes of emphasis suggest a rather tighter central government prescription of what elected regional assemblies might have spent their money on than was originally envisaged. This was not welcomed in evidence, where in general maximum discretion in expenditures was preferred. For example Dan Corry from the New Local Government Network argued:

You have got to take the ring-fencing off and all the rest that sort of thing. With local government it is the same thing, the more it comes out of a single pot and you leave it to the assembly the better.⁹⁷

85. The reduced budgetary flexibility in the Draft Bill as compared to the White Paper has to be considered alongside two other points. It would have been difficult at least in the short term for elected regional assemblies to shift patterns of expenditure across inherited programmes. Mark Sandford from University College London pointed out:

The nature of the funding settlement and the elected regional assemblies is such that a lot of the money which will come from the central government grants will be pre-committed to general areas such as regional development, housing and capital allocations, the regional fire and rescue service.⁹⁸

It would have been even more difficult to do so where programmes are run through arms length functional bodies such as the Regional Development Agencies, Regional Cultural Consortia and Regional Fire and Rescue Services. Paul Bevan from the South East Regional Assembly said:

I think the functional body approach is a real limitation. It is bad enough within a government or local government organisation to take money from one department

⁹⁴ White Paper p. 44.

⁹⁵ Draft Bill Policy Statement p. 25.

⁹⁶ Draft Bill para 56/7.

⁹⁷ Q90 (Mr Corry)

⁹⁸ Q12 (Mr Sandford).

and put it into another to reflect your priorities; but if you have got functional bodies with relatively autonomous boards that makes it even more difficult⁹⁹

86. Evidence to the committee suggested that elected regional assemblies would not have sufficient discretion over funds which have not already been allocated to expenditure programmes to adapt spending to meet their new priorities. As the Committee said in its report on regional economic disparities, regional government should mean more than the regional administration of national government priorities.¹⁰⁰

87. Should the Government revisit the idea of elected regional assemblies in the future it should adhere to the idea of ‘single pot’ block funding and avoid the temptation to be overly prescriptive on how elected regional assemblies draw up their budgets. As far as possible the assemblies should be empowered to set their own targets, and to deploy resources to meet them. They would be accountable to regional electorates, and need not be subject to the heavy hand of central Government.

The Precept

88. The precepting power proposed for elected regional assemblies has raised some concerns. The White Paper envisaged that assemblies could include a precept on council taxes to raise funds for their running costs, notionally at a level of 5p per week for a Band D council taxpayer; and to deliver on their priorities, such as economic development projects.¹⁰¹ There appears to be no overt provision for the latter in the draft Bill, though additional precepts are not ruled out. There remains a provision for capping the level of the precept, should its rate of increase be seen by central Government as excessive.

89. In the absence of greater budgetary flexibility, elected assemblies may inevitably be drawn to raising precepts in order to generate some discretionary financial capacity. The precepts could rise quickly beyond the levels anticipated in the draft Bill, and point to the developments in the Greater London Authority, where a similar power has been used to push increases well beyond the rate of inflation.¹⁰² Councillor Arthur Thomas from the English Regions Network said: “I do not think the 5p is something which will cover the cost of what you are envisaging there”.¹⁰³ Mark Sandford from University College, London said: ‘I think there is a risk that the fabled 5p a week on a Band D council taxpayer is likely to rise’¹⁰⁴ Professor Travers from the London School of Economics said: “It would be surprising if the precept that is to be given to regions outside London stayed at the tiny, tiny level that was originally envisaged’.”¹⁰⁵

90. Local authorities are understandably concerned about this prospect, not least because the experience in London suggests that few council tax-payers seem to distinguish between

⁹⁹ Q350 (Mr Bevan)

¹⁰⁰ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee – Ninth Report of Session 2002-03, Reducing Regional Disparities in Prosperity

¹⁰¹ White Paper pp. 45-46.

¹⁰² Q58 (Prof Travers)

¹⁰³ Q349 (Mr Thomas)

¹⁰⁴ Q12 (Mr Sandford)

¹⁰⁵ Q58 (Prof Travers)

the different bodies raising additional charges on council tax bills, tending instead to blame the local authority. Professor Travers said:

There is no question that perhaps the single issue that caused the greatest rift between the boroughs and the Mayor of London in its first couple of years was the disagreement between the boroughs and the Association of London Government and the Mayor over a particular precept which was seen as too high, because the boroughs do feel that it is their single unified bill that the public sees as being what people pay and that a sharp rise in the GLA precept is blamed on the boroughs.¹⁰⁶

91. He suggested that it should be possible at limited expense to produce separate council tax bills.¹⁰⁷ Professor Travers argued that the level of precept envisaged would leave elected regional assemblies too much dependent on central government grant. He proposed that half or more of the funding for assemblies should be raised locally.¹⁰⁸ There is a strong rationale in ensuring a sense of fiscal accountability in the work of elected regional assemblies. The Government is currently reviewing the balance of funding which local authorities raise locally and provided by central Government. When the Committee considered local government revenue funding in 2004 we emphasised the importance of local accountability. In our report we said: “Enhancing the accountability of local authorities to the people they serve is at the heart of the balance of funding debate.”¹⁰⁹ **To be effective elected regional assemblies should have precepting powers and they should also be fiscally accountable so that the electorate can see how public funds are spent. At the very least separate council tax bills would be required to highlight the contribution towards the Assemblies.**

Value for money

92. There are two issues associated with value for money. The first is with the transition costs of setting up elected regional assemblies and the second relates to the capacity of Assemblies to add value once up and running. No concrete estimates of transitional costs were given in the draft Bill and its accompanying policy statement. The costs would be the establishment of assemblies, in particular the transfer of staffing from other public bodies to assemblies (approximately 200 people) and the provision of accommodation for assemblies and the reorganisation of local government into a single tier system in regions which voted to introduce an assembly.

93. The Government assumes that the transitional costs would be offset by longer term savings. In the White Paper it was suggested that more effective targeting of resources and efficiency improvements arising from scrutiny by members could result in sufficient improvements in value for money on programme expenditures to cover running costs. And there is a more traditional assumption that the reorganisation of local government into a single tier, despite short term costs, brings longer term efficiency gains. The

¹⁰⁶ Q69 (Prof Travers)

¹⁰⁷ Q69 (Prof Travers)

¹⁰⁸ Prof Travers

¹⁰⁹ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions - Ninth Report of Session 2003-2004, Local Government Revenue, para 9

Government provided little hard evidence on these points. Richard Allan, Director of Regional Policy at the Office of the Deputy Prime Minister did venture an ‘average figure for the set-up cost’ of “about £33 million”,¹¹⁰ but no detail on how this was calculated was provided.

94. The Government has not estimated cost savings from a move to a unitary system of local government. Nor, indeed, has the Local Government Association, though the Association did caution that estimates of cost savings in past reorganisations have been overly optimistic. The LGA’s chairman Sir Sandy Bruce-Lockhart said: “I think experience has shown from the setting up of unitary authorities eight years ago that those savings did not materialise to the extent that the people expected.”¹¹¹

95. Richard Allan also ventured an estimate on annual running costs, at “about £24 million in the North East and more for assemblies in a larger region”.¹¹² The lack of detail in how this figure has been calculated provoked some concern, not least for its implication for the level of council tax precept. Councillor Gibson said: “It is a difficult one to work through. I would like to see a paper on this. I do not know where the 5p comes from. I do not know where the £25 million comes from.”¹¹³

96. With the lack of information about their financial implications for the electorate and overall resources, it was very hard to work out the cost benefit analysis of elected regional assemblies and lay them open to accusations of little more than costly ‘talking shops’. This is particularly the case with the limited powers and responsibilities proposed for the elected regional assemblies. Mr Boles from the Policy Exchange said:

It would be hard to design a piece of legislation that was more guaranteed to increase that cynicism and that apathy [about governance in this country] than this particular Bill. There is almost nothing in it that will inspire any confidence in anyone of the honesty, transparency or real willingness to do something to improve people’s lives than this Bill. These things [elected assemblies] are a charade, they are a mockery, they will add no value at all, they will cost a huge amount of money and they will generate enormous amounts of blether, with absolutely no purpose.¹¹⁴

97. In making the case for any future assemblies, the Government needs to estimate the likely costs. Otherwise it will be too easy for stakeholders to express a lack of confidence in the Government’s financial planning. We find it odd that the Government had done so little detailed planning of the costs and benefits of setting up, and urge it to produce fuller estimates in the name of transparency should it at some point revive the elected regional assemblies proposals.

98. The electorate in the North East were not convinced about the ‘cost-benefit’ calculation in regard to elected assemblies, unable to see in the modest powers of assemblies and their limited autonomy from central government sufficient prospect of

¹¹⁰ Q261 (Mr Allan)

¹¹¹ Q137 (Sir Sandy Bruce-Lockhart)

¹¹² Q261 (Mr Allan)

¹¹³ Q346 (Councillor Gibson)

¹¹⁴ Q73 (Mr Boles)

concrete improvements in their daily lives to vote for their introduction. When the policy on elected regional assemblies is revived, the Government – and departments across Government - will need to invest real powers and resources in elected regional assemblies.

6 Constitutional and electoral issues

99. The powers and purposes of elected regional assemblies are likely to evolve gradually if they are set up but it is unlikely that their constitutional and electoral arrangements will change once they are enshrined in legislation. It is, therefore, imperative that these aspects of the draft Bill are right at the outset. Part 1 of the draft Bill sets out the electoral arrangements for regional assemblies. These provisions prescribe the number and types of assembly members as well as the system to be used for their election. Those aspects of these provisions which have given rise to particular concerns amongst interested parties are considered below.

The additional member system

100. The draft Bill provides for the election of two categories of member to regional assemblies:¹¹⁵

- a) constituency members; and
- b) regional members (also known as “additional” or “top-up” members).

At regional elections, voters would be given two votes. One vote to be cast for a candidate to be the constituency member of the assembly for the voter’s constituency (the constituency vote).¹¹⁶ The other vote is for either a registered political party¹¹⁷ or for an individual candidate to be a regional member of the assembly (the regional vote). This electoral system (the additional member system or AMS) is already used for elections to the National Assembly for Wales, the Scottish Parliament and the Greater London Assembly.

101. *Your Region, Your Choice* ascribes to the additional member system, the following advantages:

- it ensures that all voters have an identifiable constituency representative, and that counties and sub-regions which have a distinct identity within their region can elect at least one constituency member to represent their interests;
- but at the same time the relatively large constituencies and top-up members should avoid tensions between assembly members and MPs representing the same constituencies and encourage assemblies to take a region-wide view of their responsibilities;
- it gives voters a wider choice than most forms of PR, so that, for example, they can vote for a popular independent candidate in their constituency whilst still supporting their preferred party with their top-up vote; [and]

¹¹⁵ Clause 3(1)

¹¹⁶ Clause 6

¹¹⁷ Registered political parties would be able to submit a list of candidates to be regional members.

- it is relatively simple to understand.¹¹⁸

102. Some of our witnesses shared this enthusiasm for AMS, commenting *inter alia* that this system would overcome some of the perceived disadvantages with the first past the post system, used to return members to the House of Commons. Professor Hazell, for example, commented that:

A first-past-the-post system tends to exaggerate the number of seats won by the largest single party and often to give it a working majority when it has not won a majority of the vote. Therefore, if you were to advocate first-past-the-post for regional assemblies in England you would, in effect, be advocating that in some of the regions of England these would risk becoming one party states, and that is my understanding as to why [proportional representation] has been proposed.¹¹⁹

He later explained that “the first-past-the-post system was notoriously disproportionate [and that] [t]he role of the additional members is to correct for the disproportionality in the constituency seats.”¹²⁰ YES for the North West also wrote that “[a] balance of constituency and regional members elected through the Additional Member System for fixed 4 year terms would bring a suitable and distinct method of representation to the electorate.”¹²¹ Yes4theNorthEast similarly supported the proposed voting system, which it commented “should allow a wider range of voices to be heard in a North East Assembly.”¹²²

103. When asked why the additional member system is being proposed for elected regional assemblies, the Minister told us:

The reason for going for the type of election that we have proposed ... is to ensure that you do have a more proportionate representation of the interests of the region than would be possible by a first-past-the-post election, particularly in terms of regions with a very strong majority of one particular party at parliamentary level. Let us take the North East as an example. I think it is important that there should be opportunities for representation by other parties, which might be completely excluded if the election was on a first-past-the-post basis in a region like the North East ... The second factor is ensuring probably a better gender balance and better representation of the different minority interests in various areas. It is very notable that in the cases of Scotland, Wales and London the gender balance on those bodies is far better than in most local authorities and indeed in the Westminster Parliament.¹²³

104. This enthusiasm for the additional member system was not, however, shared by all of our witnesses.¹²⁴ North East Says No, for example, wrote that “[t]he proportional representation system chosen for the Assembly will provide an opportunity for the BNP to

¹¹⁸ *Your Region, Your Choice*, paragraph 6.12

¹¹⁹ Q 23 (Professor Hazell)

¹²⁰ Q 45 (Professor Hazell)

¹²¹ Ev 75

¹²² Ev 32

¹²³ Q 470 (The Minister)

¹²⁴ See, for example, Ev 131 (South East County Leaders' Group)

be given a prominent role in the North East by being elected to public office.”¹²⁵ It went on to illustrate that the composition of an assembly in the North East, based on the results of the voting in the June 2004 European elections, would be as follows:

Party	Assembly members
Labour	13
Liberal Democrat	4
Conservative	4
UKIP	2
BNP	1
Independent (Neil Herron)	1
Total	25

Source: *North East Says No*, Ev 189

It commented that “it is highly likely that no party would achieve an overall workable majority”, which, it argued, “could lead [to] an endless series of changing coalitions, which could lead to deadlock in decision making.”¹²⁶

105. We were also referred to the experience of the AMS system in the context of Wales and Scotland.¹²⁷ The Richard Commission,¹²⁸ for example, concluded that there were a number of disadvantages to the additional member system as it had operated in Wales. The difficulties it identified included:

- it creates two types of [member] with overlapping responsibilities: the single constituency Member and the regional Member who is one of four representatives covering the region which includes the constituency; in the present Assembly all Labour [members] are constituency Members and two-thirds of opposition [members] are regional list Members;
- the freedom for candidates to stand for both constituency and party regional seats is seen as a weakness...;
- the closed party list system reduces voter choice in favour of party control. Parties choose the candidates and determine their priority order on the list;
- studies suggest that regional Members have less direct contact with constituents than do constituency Members; [and]

¹²⁵ Ev 189

¹²⁶ Ibid.

¹²⁷ Q 21 (Professor Hazell)

¹²⁸ The Commission on the Powers and Electoral Arrangements of the National Assembly for Wales

- there is some evidence that people do not understand the dual-voting system, particularly the relationship between the first and second vote.¹²⁹

106. Of the difficulties summarised above, the Richard Commission expressed particular concern about the fact that “inherent in the [additional member system] is the creation of two types of Assembly Member - this is a problem that would not be solved by adjustments to AMS.”¹³⁰ This difficulty was also acknowledged by Professor Hazell in oral evidence to us:

Coming to your question and the difficulties experienced in relation to AMS, there is no doubt there has been tension between the two classes of member in Scotland and in Wales which is mainly, I have to say, because of strong resentment by the Labour Party, which is overwhelmingly predominant in constituency members, against the list members who predominantly are representatives of the opposition parties.¹³¹

Paul Bevan of the South East England Regional Assembly, on the other hand, suggested that the distinction between constituency and regional members could present an opportunity for a different type of non-geographical constituency:

At the moment we combine constituencies of place - local government representatives with constituencies of interest, business and voluntary organisations. There is an opportunity it seems to us to experiment with the top-up list that draws from constituencies of interest specifically.¹³²

107. We were keen to ascertain why AMS is being proposed as the electoral system for elected regional assemblies. We asked the Minister and ODPM officials whether there had been public demand for this electoral system and whether interested parties had been consulted on this aspect of the proposals. Both sets of witnesses stressed that there had been wide consultation.¹³³ The Minister, for example, explained:

I have debated this particular issue at almost all the meetings I have held over the last two years in different regions. Certainly we have listened to the views, and the views are varied. Some people are very opposed to our proposals ...¹³⁴

In his written response to the question “How many respondents to the White Paper *Your Region: Your Choice: Revitalising the English Regions*, had supported the Government's proposals for the members of elected regional assemblies to be elected by the additional member system?”, Richard Allan commented:

Of the 1,171 individual respondents to the White Paper sixty-seven mentioned the voting system. Of these sixty-four expressed a firm view for or against AMS. Twenty-four favoured AMS. Of those forty that did not favour AMS, eighteen expressed a

¹²⁹ *Report of the Richard Commission*, National Assembly for Wales, Spring 2004, Chapter 12, paragraph 18

¹³⁰ *Ibid.*, Chapter 12, Findings

¹³¹ Q 21 (Professor Hazell)

¹³² Q 339 (Mr Bevan)

¹³³ Qq 284-289 (Mr Allan) & Qq 471-472 (The Minister)

¹³⁴ Q 472 (The Minister)

preference for the single transferable vote (STV), three for first past the post, two for a party list system, and twenty-three did not suggest an alternative system.¹³⁵

108. The relatively limited number of responses on this key issue could reflect a lack of understanding of the proposed electoral system by interested parties. Professor Travers told us that, if AMS were adopted, the system would need to be explained to the electorate:

I think that the voting system, which is not, for most of us in Britain, the cross on the ballot paper with the stubby pencil, the arrival of these new systems of voting and, in the case of London, two elections for the same Authority on the same day, was not well explained. Even at the second election it is alleged that people did not fully understand the ballot paper. So I think there is an education role very importantly needed, which I do not think has ever been fully explained to the London electorate.¹³⁶

On the Committee's visit to the US we discussed different voting systems with officials from California. They highlighted problems caused with complex voting systems, particularly if different elections used different systems. The problems for the electorate understanding how to vote caused a high level of spoilt ballot papers and in some cases acted as a deterrent to actually voting. In some areas detailed explanations had to be sent to households.

109. We are not convinced that there is wide public support for the use of the additional member system to elect members to regional assemblies. We are also concerned that the experience of AMS in Wales and other devolved bodies has shown it to have a number of significant disadvantages. These most notably include: the creation of two types of assembly member; the ability for candidates to stand as both constituency and regional members (meaning that those who fail to win a constituency seat can still win a seat as a regional member); and the fact that the electorate are unfamiliar with the electoral system.

110. When legislation is considered for elected regional assemblies, we recommend that the additional member system should not be used to return members. The Government should use the more established and straightforward first past the post system, that is used to return members to the House of Commons. At the very least the Government should remove as many of the difficulties with AMS as possible, for example by prohibiting candidates from standing for both constituency and regional seats.

Proportion of constituency to regional members

111. A number of witnesses expressed particular concern about the fact that the draft Bill does not prescribe the proportion of regional to constituency members. Instead, Clause 3(4) of the draft Bill would empower the Secretary of State to specify the number of regional and constituency members in secondary legislation.

¹³⁵ [Letter dated 28 September 2004 from Richard Allen including written responses to questions raised in oral evidence sessions]

¹³⁶ Q 66 (Professor Travers)

112. Although the relevant provisions are absent from the draft Bill, the Government has indicated that “the proportion of top-up seats in any region will be around 33 to 35 per cent of all seats in the assembly [which] is similar to the top-up proportion for the National Assembly for Wales, which is one-third of all seats”.¹³⁷ This was reiterated in the Minister’s oral evidence to us:

We have said approximately two-thirds will be elected from constituencies and one-third from the region as a whole, and we will be issuing guidance to the Boundary Committee ... on framing the constituencies as to precisely how that should be achieved.¹³⁸

113. This absence from the draft Bill is somewhat surprising, especially given that *Your Region, Your Choice* recognises “the proportion of top-up seats” to “constituency seats” as being a “[detail] which can make an important difference to how [AMS] works in practice”.¹³⁹ The omission is justified on the basis that “Until the exact number of seats in any assembly is known ... it is not possible to specify an exact percentage of top-up members for regional assemblies”.¹⁴⁰

114. Some of our witnesses were unconvinced by this justification. Professor Hazell, for example, commented that:

[T]he Bill leaves it to the Secretary of State ...to specify the number of constituency members and the number of regional members for each assembly and I think that is a very odd power to confer upon a government Minister because in effect it could enable them to decide whether in some regions one party will win and govern or not.¹⁴¹

Derbyshire County Council described this degree of uncertainty as “unacceptable”.¹⁴² Professor Hazell suggested that the draft Bill should specify a minimum ratio of regional to constituency members, perhaps in the region of 40:60.¹⁴³

115. If the additional member system is used to return members to elected regional assemblies, the proportion of constituency to regional members could significantly affect the political composition of the assembly and how it operates. This detail should be included in a draft Bill and not left to the discretion of the Secretary of State.

116. The Government expressed its intention that elected regional assemblies would comprise one-third regional members and two-thirds constituency members. This expression of intent is not, however, satisfactory as a Regional Assemblies Act could remain on the statute book for many years and many different Parliaments. We, therefore, recommend that the Government’s current intention should be stated clearly

¹³⁷ *Your Region, Your Choice*, paragraph 6.13

¹³⁸ Q 473 (The Minister)

¹³⁹ *Your Region, Your Choice*, paragraph 6.13

¹⁴⁰ *Ibid.*

¹⁴¹ Q 45 (Professor Hazell)

¹⁴² Ev 87

¹⁴³ Q 46 (Professor Hazell)

in a draft Bill and it should require this proportion to be maintained, regardless of the size of an assembly.

The size of elected regional assemblies

117. Clause 3(5) of the draft Bill would require an elected regional assembly to have between 25 and 35 members, with the precise number to be prescribed by the Secretary of State in secondary legislation.¹⁴⁴ While this is similar in size to the Greater London Assembly, it is significantly smaller than the other UK devolved bodies:

UK Devolved Body	Constituency Members	Regional Members	Total Members	Ratio: First Past the Post: Party List	Ratio Member: Population
Wales	40	20	60	67%:33%	1:48,600
Scotland	73	56	129	57%:43%	1:39,200
Northern Ireland	Elected by single transferable vote		108	n/a	1:15,700

Source: Report of the Richard Commission: "Table 12.2: size and electoral systems of devolved bodies", page 229

118. The Government has explained that it considers this to be the correct size range for elected regional assemblies, because:

- assemblies need to be focused, efficient bodies with a membership compatible with their functions;
- assemblies of 25-35 members would encourage the elected members to draw in unelected people with a different perspective or special expertise; [and]
- this size would be consistent with the Greater London Authority, which has 25 elected members in its assembly.¹⁴⁵

119. A number of our witnesses considered the proposed maximum of 35 members to be unsatisfactory. Many commented that this could lead to a "democratic deficit" with constituency members representing unacceptably large constituencies:

There is a democratic deficit built into elected regional assemblies where between 25 and 35 members will represent around 135,000 people each. Elected members of county councils currently represent around 10,000 people each and English MPs represent 69,000 on average. According to these figures the democratic deficit of regional members would be nearly double that of MPs. This deficit is unacceptable.¹⁴⁶

The English Regions Network also commented that "the Government's intention to legislate for an Elected Regional Assembly of between 25 and 30 members under the AMS

¹⁴⁴ Clause 3(4)

¹⁴⁵ *Your Region, Your Choice*, paragraph 77

¹⁴⁶ Ev 87 (Derbyshire County Council)

Electoral System will disadvantage regions with large geographic areas or populations, leading to constituencies vastly greater than parliamentary ones and comparing unfavourably with the existing arrangements for local representation.”¹⁴⁷ In oral evidence, Councillor Davis of the Campaign for the English Regions suggested that the risk of such a democratic deficit could be avoided by greater flexibility regarding the size of elected regional assemblies:

The ideal situation would be to have a permissive regime, whereby within a reasonable range there could be a regional choice. However, we are not there. We recognise the political realities. It seems to me the comparator would be, say, the Welsh or Scottish models - not as big as the Scottish model and not even necessarily as big as the Welsh model. However, as I say, the disparity is that in a region of over five million people (or eight million people in the case of the South East) with only 35 members, there are inevitably going to be difficulties about representation.¹⁴⁸

120. The possible impact of this size limit on rural communities was also drawn to our attention. The South East County Leaders’ Group explained that “[t]he system proposed in the draft Bill would unfairly disadvantage sparsely populated rural areas, with urban areas dominating regional political representation.”¹⁴⁹ The Campaign for the Protection of Rural England wrote that it:

remains concerned at the relatively small number of elected members proposed for the Assemblies (clause 3) ... We believe that this poses a great danger to rural constituency interests, which are likely to be over-shadowed by those of mainly urban constituencies. We propose that an elected Assembly should have a greater number of seats, while ensuring that boundaries are drawn adequately to represent rural areas, or should at least be required to draw boundaries that result in parity between rural and urban constituencies.¹⁵⁰

The English Regions Network also warned that the size limit could lead to the dominance of cities in regional politics: “[i]t is important that the conurbations are not seen to prosper in relation to rural areas and that the clout of city regions does not disadvantage residents of coastal and market towns or other rural areas.”¹⁵¹

121. The impact of Clause 3(5) would also depend on the size and make-up of the region in question. Councillor Thomas of the English Regions Network told us that:

The assumption that almost one size will fit all is incorrect. The regions are as different as chalk and cheese in terms of their size and geographic areas. If we are talking about representation within the region then 25-[35] is not enough for the larger regions.¹⁵²

¹⁴⁷ Ev 163

¹⁴⁸ Q 516 (Councillor Davis)

¹⁴⁹ Ev 131

¹⁵⁰ Ev 59

¹⁵¹ Ev 163

¹⁵² Q 337 (Councillor Thomas)

The Social and Environmental Partners of the South East Regional Assembly has indicated that the impact of the size restriction would be particularly significant in the South East which has eight million inhabitants.¹⁵³ The North West Regional Assembly commented similarly that:

The North West of England is a populous region of over 6.7 million people with diverse communities and geographies which we believe cannot be adequately represented by an Elected Regional Assembly of this size.¹⁵⁴

Councillor David Phillips of the Campaign for the English Regions told us that he felt the proposed size restrictions to be “more appropriate to a city region like London than diverse regions across England.”¹⁵⁵ He explained that “there are difficulties in terms of representativeness, particularly in a diverse region like ours (I am talking about diversity in terms of ethnic diversity as well) and there are also issues across England in terms of urban/rural divide.”¹⁵⁶

122. The NE England Green Party suggested that “effective representation of the region might be achieved by an Assembly of 60 Members”, commenting that this “is still a significant reduction on the existing voluntary regional chamber.”¹⁵⁷ The English Regions Network told us that “A higher number certainly, 50 maybe, would allow you then to factor into the structure much more representativeness in terms of urban issues and rural issues”.¹⁵⁸ Rotherham Metropolitan Borough Council made the interesting suggestion of linking the number of elected regional assembly seats to the population of the region:

Perhaps consideration should be given to the introduction of a broad population/elector to councillor ratio. This would then ensure consistency of representation across all Regions. Again, here the key message is one of regional flexibility.¹⁵⁹

This was echoed by North West Environment Link which also suggested that “the regional list [should be] split from being one list for the whole assembly-region to 5-10 regional lists, as in Wales”.¹⁶⁰

123. Not all of our witnesses, however, were opposed to the suggested size limit for elected regional assemblies. Ms Gordon of the Electoral Commission, for example, advised us that “one has to view [the size of assemblies] in the context of what the regional assembly members would do.”¹⁶¹ When asked what he considered would be an appropriate size for an elected regional assembly, Mr Sandford of the Constitution Unit, University College London, made a similar point, explaining that:

¹⁵³ Ev 57

¹⁵⁴ Ev 125

¹⁵⁵ Q 490 (Councillor Davis)

¹⁵⁶ Ibid.

¹⁵⁷ EV 51

¹⁵⁸ Q 490 (Councillor Davis)

¹⁵⁹ Ev 197

¹⁶⁰ Ev 196

¹⁶¹ Q 107 (Ms Gordon)

There are two ways of looking at this. First of all there is the question of representation. If you look at regional assembly membership from the point of view of representing the electorate, I would argue quite strongly that 25 to 35 members is not enough ... On the other hand, it is quite hard to see what kind of constituency role elected regional assemblies are going to have ... The more likely answer to the question is that the membership of the assembly should be related to the functions of the assembly which, as we have been saying, are very small and on those grounds there are probably better arguments for going for a smaller figure, something in the region of probably 25 or 35, perhaps a little higher, 40 or 45.¹⁶²

124. Even if viewed from the perspective of the functions of elected regional assemblies, Mr Sandford explained that 25 to 35 members would be inadequate. If seven members were to form the executive, that would leave only 18 to 28 backbench members to perform committee work and scrutiny, “either scrutinising the functional bodies of the assembly, scrutinising the Cabinet Ministers or whatever they may be called, and carrying out work such as orders and standards.”¹⁶³ Mr Sandford told us that he is “not convinced that 18 to 28 members is enough to do all those things.”¹⁶⁴ Professor Hazell supported this view, explaining that:

the size of the assembly must relate to its functions and the way that it does its business and to the number of committees and sub-committees which the assembly will be required under the Bill to establish. It is worth noting that in Wales one of the main arguments for increasing the size of the assembly from the present 60 is because the assembly members are seriously over-stretched in each having to serve on typically three, sometimes four, committees and they are not being able to do justice to all those different committees.¹⁶⁵

125. When we asked the Minister why he considers a maximum of 35 elected regional assembly members to be reasonable, he told us:

if you keep the assembly small, it is much less likely to start looking for extra work to undertake and start trampling on local authorities ... If you duplicate the kind of level of representation that you have either for local councils or for Members of Parliament, you will have a large assembly; there will inevitably be tension between the different tiers of government because people elected for the same size of constituency will be pursuing the same interests possibly from a different perspective, possibly in conflict with each other; and you will have real problems of dual mandates with both people being able to say they represent exactly the same constituency and they have got a right to speak on the subject ... I think it is entirely consistent with the principles on which this whole project is based that elected regional assemblies should focus on the regional matters, that they should not

¹⁶² Q 15 (Mr Sandford)

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Q 19 (Professor Hazell)

interfere with the work of local authorities and should not be double guessing the work of Members of Parliament.¹⁶⁶

Mr Donnelly of Yes4theNorthEast supported the Government's proposal to create small, streamlined elected regional assemblies for another reason:

Chairman, from a business perspective we actually like the idea that the assembly is relatively small. One of the key things in the North East of England when we have talked to people in the region is that they ask us, "Will it mean lots more politicians?" Of course, one of the good things about this legislation is that it will actually scrap a tier of local government, so it will mean less politicians.¹⁶⁷

126. We recognise the Government's wish to ensure that elected regional assemblies were streamlined, strategic bodies, with a size appropriate to the functions they would perform. We would not want elected regional assemblies to become large and cumbersome and agree that a significant advantage of a relatively small assembly would be greater use of unelected stakeholders.

127. We are, however, concerned that a maximum of 35 elected regional assembly members could lead to a democratic deficit in some regions, with just over 20 constituency members struggling to represent constituencies significantly larger than parliamentary ones. In particular, this proposed size limit could disadvantage rural areas in favour of urban ones and would disproportionately affect regions with larger populations. We are also worried that an assembly within the size-range currently proposed might struggle to perform its proposed functions, especially in the context of scrutiny.

128. Rejecting the additional member system and regional seats, in favour of the first past the post system would make room for more constituency members and accordingly go some way to addressing the risk of democratic deficits. Regardless of its decision with respect to the appropriate electoral system, any new Bill setting up elected regional assemblies should allow for the number of constituency members to be linked to the size of the region's population. A maximum number of members should be imposed, perhaps in the region of 45 to 50.

The executive

129. *Your Region, Your Choice* explained the Government's belief that:

there should be a split between the executive and scrutiny functions within an elected assembly. Such a split is straightforward for people to understand and promotes accountability. It characterises the Westminster and Scottish Parliaments, the Greater London Authority, and modernised structures for local authorities.¹⁶⁸

Clause 32 of the draft Bill would require an elected regional assembly to have an executive of between three and seven members, and the Policy Statement explains that the executive

¹⁶⁶ Q 467 (The Minister)

¹⁶⁷ Q 490 (Mr Donnelly)

¹⁶⁸ *Your Region, Your Choice*, paragraph 7.2

would “be responsible for carrying out most of an assembly's functions.”¹⁶⁹ The leader of the executive would be chosen by the assembly as a whole and the other executive members would be selected by the leader.¹⁷⁰

130. We received some evidence which questioned whether a cabinet structure is appropriate in the context of elected regional assemblies. The North East England Green Party wrote that:

We are puzzled by the insistence that elected Assemblies adopt a Cabinet plus Leader structure. The political modernisation agenda for local government identifies the need for such arrangements largely to produce rapid, efficient decision-making in local authorities that are primarily concerned with service delivery. We believe that a body concerned largely with strategy and policy development will work more effectively on a committee structure, as Parliament does.¹⁷¹

Councillor Sandy Bruce-Lockhart of the Local Government Association supported this. When asked whether the cabinet system would be appropriate for assemblies, he told us:

cabinets make executive decisions and regional assemblies, unlike those in Scotland and Wales, will not have executive decisions to make, they will have plans to submit to the Secretary of State. So the answer is probably not.¹⁷²

131. The majority of stakeholders, however, seemed to agree that this basic structure was appropriate. Mark Sandford, for example, told us:

I am quite a fan of the Cabinet system both in local government and in this particular case because I think that in small strategic bodies like these which are not going to have much to do it is going to be of benefit to have the decision-making apparatus concentrated in a small number of reasonably visible individuals who will be held to account by the rest of the assembly members.¹⁷³

Executive, scrutiny – a separation at staff level

132. The draft Bill does not propose a formal separation between the staff working for the executive and those working for review and monitoring committees. Despite this, the Government has acknowledged that in practice such a separation is desirable. As *Your Region, Your Choice* explains:

[A]ssemblies will need to avoid potential conflicts of interest for officers and make practical arrangements to separate staff servicing the full assembly and scrutiny committees from those working directly to the executive. For instance, it would not be desirable or practical if staff working for the executive in drawing up and

¹⁶⁹ Policy Statement, page 12

¹⁷⁰ Clause 32

¹⁷¹ Ev 51

¹⁷² Q 138 (Sir Sandy Bruce-Lockhart)

¹⁷³ Q 26 (Mr Sandford)

implementing a strategy were also advising the relevant scrutiny committee when it was investigating the executive's development or management of the strategy.¹⁷⁴

Clause 125 of the draft Bill would require assemblies to make practical arrangements for the practical separation of assembly employees who work for the executive, and assembly employees who work for the assembly.¹⁷⁵ The Secretary of State would be required to issue guidance relating to this.¹⁷⁶

133. We were told that such a division has developed over time in the context of the Welsh Assembly:

Certainly from very early in the life of the Welsh Assembly, if not from the very beginning, there has been quite a sharp physical separation between the two sides, although that separation was [not] reflected in the legislation. When the Welsh Assembly started out a lot of the people clerking the assembly committees for instance had previously worked with and been colleagues of the people who were staffing the government departments in Wales. So it was not uncommon for committee clerks to ring up their opposite number in government departments and ask for details of fact or advice. As I understand it that has become progressively less common as the assembly has grown up.¹⁷⁷

Professor Travers told us that “the legislation should make it clear that the Executive on any Regional Assemblies and the scrutiny function have reasonable independence of each other in the way that these Committees employ officers of Parliament not of the government to oversee the Executive at national government level.”¹⁷⁸ He described independence between these two processes as “essential”.¹⁷⁹

134. We agree with the Government's proposal to establish a cabinet structure for elected regional assemblies. This would provide a prominent focal point within regional government and facilitate more efficient decision-making. If the proposed division between the executive and scrutiny committees is to be maintained the effective separation of the staff of the executive and that of review and monitoring committees would, however, be vital. We recommend that the Government should reflect on the experiences of other devolved bodies in this regard when producing the statutory guidance on the operation of the cabinet structures.

The size of the executive

135. The proposal that elected regional assemblies should have an executive was relatively uncontentious. A number of stakeholders did, however, question the proposal to limit the size of the executive to between three and seven members.¹⁸⁰ The Minister described this

¹⁷⁴ *Your Region, Your Choice*, paragraph 7.27

¹⁷⁵ Clause 125(1)

¹⁷⁶ Clause 125(2)

¹⁷⁷ Q 30 (Mr Sandford)

¹⁷⁸ Q 68 (Professor Travers)

¹⁷⁹ *Ibid.*

¹⁸⁰ Clause 32(3)

not as a restriction, but rather as the most suitable compromise between ensuring a degree of consistency across regions; and giving “the assembly the opportunity to decide what arrangement it thinks is most suitable for its region”.¹⁸¹

136. The South East County Leaders’ Group thought that “allowing responsibility to fall on such a small group of individuals would prevent the creation of an accountable and transparent democratic decision-making process.”¹⁸² The North West Environment Link wrote that:

[T]he size of the Executive is inappropriately small ... essentially a mistake has been made in taking the model from local government: in local government the Executive is small in order to facilitate decision-making. The assembly is not a decision-making body, but a review and scrutiny body, and as such automatically needs a wide and inclusive membership.¹⁸³

The Social and Environmental Partners of the South East Regional Assembly also considered that the proposed size of the executive would concentrate too much power in the hands of too few people:

The use of a small executive comprising possibly two members and a chairman would decrease the ability of the people in the region to be involved, or properly represented. If an executive of six members is quorate with 25% attendance, major policy decisions of a region such as the South East, with a population of eight million, will be decided by just two Elected Regional Assembly members ... The SEPs are concerned at this narrowing of the base of representation for decision making.¹⁸⁴

Professor Hazell told us that he was “surprised to see the figure of three as a minimum”, explaining that he “would want ... about six.”¹⁸⁵

137. Not all interested parties considered the proposed size range for an elected regional assembly’s executive to be inappropriate. Yes for the North West, for example, wrote that:

The proposed arrangements, for Quorum, Chairmanship, an Executive of up to 7 members including the Leader, and review and scrutiny committees, satisfactorily address concerns that the Assembly is ‘fit for purpose’ and able to effectively discharge its function as a slimline, strategic, decision-making body.¹⁸⁶

Mark Sandford also supported the proposals for a streamlined cabinet structure for elected regional assemblies.¹⁸⁷

138. We agree with the Government’s proposals to give elected regional assemblies a significant degree of flexibility regarding the size of its executive.

¹⁸¹ Qq 474&475 (the Minister)

¹⁸² Ev 131

¹⁸³ Ev 195-196

¹⁸⁴ Ev 56

¹⁸⁵ Q 26 (Professor Hazell)

¹⁸⁶ Ev 76

¹⁸⁷ Q 26 (Mr Sandford)

Executive powers

139. Clause 33(1) of the draft Bill provides that “The functions of the assembly must be discharged by the executive on behalf of the assembly”. Clause 33(3) proposes to restrict these broad powers. It lists a number of functions which may not be discharged by the executive but which would instead require the approval of the full elected assembly, including:

- a) Electing the leader and chair of the assembly;
- b) Most financial matters; and
- c) The designation of employees as senior officers (i.e. chief executive officer, chief finance officer and monitoring officer).

The draft Bill proposed to enable assemblies to determine a limited number of additional actions which could not be discharged by the executive.¹⁸⁸ It also proposed that the Secretary of State would be given extensive powers to provide for further functions which are and are not exercisable by the executive.¹⁸⁹

140. A number of interested parties questioned the extent of the powers that would be exercisable by an executive on behalf of an assembly. The Local Government Information Unit wrote that “[t]he division of responsibility between executive and assembly is too rigidly defined, and the role of the assembly too narrow.”¹⁹⁰

141. ONE NorthEast expressed concern about the impact which these executive powers could have on the relationship between elected regional assemblies and their functional bodies:

There is a strong rationale for introducing further items within 33.3 [those matters which must be agreed by the entire assembly], maintaining arm’s length relationships between an Elected Regional Assembly and RDA, by restricting powers which can be delegated to the executive. These sub-clauses should cover the following areas as a minimum:

- The power to approve the RDA business plan;
- The power to approve the appointment of new board members; and
- The power to force amendments to the Regional Economic Strategy under Clause 7AA subsections (3)-(7) of the 1998 Regional Development Agencies Act.¹⁹¹

It argues that “clause 33 of the draft Bill creates an opportunity for delegating operational responsibility for relationships with the RDA to the executive”, which, it stated “exposes

¹⁸⁸ Clause 33(4)

¹⁸⁹ Clause 33(6)

¹⁹⁰ Ev 49

¹⁹¹ Ev 173

the RDAs to unhelpful short term political pressures.”¹⁹² Mr Sandford also warned that the executive might “interfere politically with the decision-making of the RDAs”.¹⁹³

142. Mr Clarke of ONE NorthEast later clarified that, although a smaller group of experienced elected regional assembly members should scrutinise such key documents in detail, he would expect the entire assembly to be responsible for agreeing them:

it may be all of them sitting together in one place will have to discuss and approve the strategic document; but I think for it to be more meaningful a smaller number of members with particular levels of expertise and experience will want to get involved in a bit more detail, debate and discussion. That is what we had in mind. You are right, with the overall assembly sitting you would expect to agree things like the Regional Vision, which is a new document, the regional economic strategy, transport, spatial strategy and so on. All I am saying is that they are big, weighty complex strategies and it is not always the best way to have the whole of the group sitting to take themselves through those particular strategies.¹⁹⁴

143. We are concerned about the scope of the proposed powers which could be exercised by an executive on behalf of an elected regional assembly. We would expect the entire assembly to be involved in agreeing key strategy documents such as the assembly scheme and the assembly report. We would also recommend that the entire assembly should make key decisions relating to functional bodies, such as agreeing amendments to the regional economic strategy. This would reduce the likelihood of regional government interfering in the day-to-day running of its functional bodies and maintain an arm’s-length relationship.

Scrutiny

144. The Policy Statement explained that “[t]he executive would be monitored, scrutinised and held to account by the ‘backbench’ members, largely through the review and monitoring committees”.¹⁹⁵ Part 5 of the draft Bill provided for the establishment of these committees (also referred to as RMCs). The main review and monitoring committee would comprise all the members of the elected regional assembly, other than members of the executive.¹⁹⁶ Non-elected individuals could also be co-opted as RMC members.¹⁹⁷

145. Clause 74 of the draft Bill describes the functions of review and monitoring committees as, examining:

- a) any matter relating to the discharge of a function by, *inter alia*, the executive, a special adviser, a functional body and an employee of the assembly or of a functional body; and

¹⁹² Ibid.

¹⁹³ Q 26 (Mr Sandford)

¹⁹⁴ Q 366 (Mr Clarke)

¹⁹⁵ Policy Statement, paragraph 27. See also Clause 73

¹⁹⁶ Clause 74(1)(a)

¹⁹⁷ Clause 74(1)(b)

b) any other matter which the RMC thinks it is appropriate to examine, if the matter relates to the general purposes and functions of the assembly.¹⁹⁸

146. The main review and monitoring committee would be able to establish Sub-committees, required to comprise at least three assembly members as well as co-opted members.¹⁹⁹ The draft Bill does not prescribe the number or role of RMC sub-committees but does envisage the establishment of sub-committees for specific geographical areas within the assembly's region.²⁰⁰

An effective scrutiny structure

147. *Your Region, Your Choice* explained the Government's wish not "to be prescriptive about the number of [RMC sub-]committees and their precise functions"²⁰¹ and, as described above, has accordingly left a large degree of discretion to assemblies to decide on the most suitable scrutiny arrangements. This flexibility has been supported in some of the evidence we have received:

It seems to me that there is no advantage in specifying in great detail how the scrutiny system should work. The system that they have specified is actually used by some local authorities. The entire non-executive membership of certain local authorities become the giant scrutiny committees, sometimes there are 50 members and it has commissioned work from sub-committees, but that is a choice that local authorities have made. Other local authorities have chosen to set up systems which look far more like that used in the House of Commons or in the Welsh Assembly, subject committees in effect handling different parts of the council's business. I do not think it is possible to say that one system works better than the other. There is no clear definition of exactly how the scrutiny should work. Under those circumstances I think flexibility is the key.²⁰²

148. A number of witnesses have, on the other hand, argued that the draft Bill should have been more prescriptive as to scrutiny system for elected regional assemblies. ONE NorthEast, for example, commented that:

Scrutiny works most effectively when it is based on transparency and informed dialogue rather than bipartisan and adversarial inquisition. Everyone would benefit from a more formal and evidence based scrutiny process, with long serving, well informed members serviced by expert advisers and experienced officers. We would therefore recommend that the bill include statutory provision for a Standing Economic Development review and monitoring sub committee within elected regional assemblies.²⁰³

¹⁹⁸ Clause 74(2)&(3)

¹⁹⁹ Clause 75

²⁰⁰ Clause 76

²⁰¹ *Your Region, Your Choice*, paragraph 7.5

²⁰² Q 34 (Mr Sandford)

²⁰³ Ev 174

Burnley Borough Council suggested that there should be four RMCs: “one for each of these three general purposes, and a fourth one charged with monitoring and scrutinising cross-cutting (including sustainability) and leadership issues.”²⁰⁴

149. Professor Hazell also explained that an understanding of the likely committee structure might be needed in order to determine the number of members an assembly would need:

It is difficult to work out from the Bill how many committees a regional assembly will have or want to have, but it is quite an important guess to try and make in order to work out how many members the assembly then should have to staff an appropriate number of committees.²⁰⁵

He told us that “in Wales one of the main arguments for increasing the size of the assembly from the present 60 is because the assembly members are seriously over-stretched in each having to serve on typically three, sometimes four, committees and they are not being able to do justice to all of those different committees.”²⁰⁶

150. We agree that any legislation setting up elected regional assemblies should not impose a pre-determined scrutiny structure on elected regional assemblies. Assemblies should be able to determine for themselves what committee structure would most effectively hold the executive to account. Elected regional assemblies would, however, be able to draw upon the wealth of experience of scrutiny within Parliament, the devolved bodies and local government.

151. The main Review and Monitoring Committee of an elected regional assembly could consist of as many as 32 elected members, as well as co-opted members. Our experience of the select committee structure within the House of Commons would suggest that a committee this large might struggle to operate effectively. We would expect the main job of scrutiny to be performed instead by smaller sub-committees, which would be able to develop expertise in specific policy or geographic areas. An assembly could, for example, establish three sub-committees, one for each of the three purposes of elected regional assemblies. This would enable backbench members and other stakeholders to ensure that the executive is not neglecting any one of the assembly’s purposes.

152. The proposed limits on the size of elected regional assemblies would have placed significant pressure on backbench members. If an assembly had adopted a sub-committee structure, it is likely that individual members would be required to sit on several committees. This would have made it difficult for members to do justice to their scrutiny role. Increasing the number of elected regional assembly members, as we have recommended, could, therefore, have a knock-on effect on the quality of the scrutiny performed.

²⁰⁴ Ev 62

²⁰⁵ Q 19 (Professor Hazell)

²⁰⁶ Ibid.

The political composition of review and monitoring committees

153. *Your Region, Your Choice* states that “[t]here would also be a requirement that the party composition of [review and monitoring] committees would have to reflect the composition of the assembly itself.”²⁰⁷ On the basis of the draft Bill, this would not, however, be possible. Clause 74 would prevent members of the executive from being members of review and monitoring committees, in the words of the Minister, “for the obvious reason that they are scrutinising the work of the cabinet”.²⁰⁸ The impact which this restriction could have on the political composition of the review and monitoring committee is illustrated in the Explanatory Notes to the draft Bill:

For example, in an assembly of 25 members, where 15 are Labour members, 5 are Conservative members and 5 are Liberal Democrat members, the political balance is 3:1:1. If 5 of the Labour members form the executive a RMC that consisted of all the ‘backbenchers’ would have 10 Labour members together with the 5 members from each of the other parties represented, and the political balance is 2:1:1.²⁰⁹

A number of factors could, however, make the difference between the political composition of scrutiny committees and of the assemblies as a whole far more extreme than in the above example:

Assume an assembly has 30 members, 15 Labour, 12 Conservative and 3 Liberal Democrat, the political balance is 5:4:1. If 7 of the Labour members formed the executive, an RMC consisting of all the backbench members would have 8 Labour members, 12 Conservative members and 3 Liberal Democrat Members. The executive would be controlled by Labour and the RMC by the Opposition.

154. The draft Bill would also require the political composition of review and monitoring sub-committees to match that of the main review and monitoring committee.²¹⁰ Mark Sandford described this aspect of the draft Bill as “extremely odd”, telling us that he is “somewhat confused as to why this proposal has appeared on the face of the Bill”.²¹¹

What the Bill proposes is that a single Review and Monitoring Committee will be set up which will consist of all of the members of the assembly minus the executive. The Review and Monitoring Committee will then be empowered to set up sub-committees which presumably will undertake the bread and butter work of the scrutiny of either the functional bodies or of the Cabinet members themselves. What is odd is that the sub-committees of the Review and Monitoring Committee will mirror the proportionality of the Review and Monitoring Committee rather than the assembly as a whole and that goes against practice in every other tier of Government. As you know, here the proportionality of your own Committee mirrors that of

²⁰⁷ *Your Region, Your Choice*, paragraph 7.6

²⁰⁸ Q 476 (The Minister)

²⁰⁹ Explanatory Notes, paragraph 250

²¹⁰ Clause 75(4)&(5)

²¹¹ Q 30 (Mr Sandford)

Parliament. It does not take members of the Government off and then mirror the proportionality of those who remain.²¹²

155. A number of interested parties expressed similar surprise at this aspect of the draft Bill. The NE England Green Party wrote that it “will lead to a confusion of the roles of scrutiny and opposition, and will militate against consensual working.”²¹³ It also pointed out that the Centre for Public Scrutiny “holds the view that scrutiny is most effective as a non-party political activity.”²¹⁴ The Local Government Information Unit made a number of further arguments against these proposals, including:

- It is not in line with the general practice of the British constitution, which is that the executive should be drawn from the legislature/assembly, but nevertheless the political balance of scrutiny bodies should reflect the electoral mandate of the entire elected body ...
- If scrutiny bodies are seen as representing the opposition, not the overall electoral mandate, this will not encourage the executive to see their role in a positive light, and will make it harder for the Review and Monitoring Committee to have a positive role in policy development, vital for a strategic body.
- It could also encourage the major party to have as small an executive as possible, as this affects the political balance of the review and monitoring committee. This would not be helpful, as research on new constitutions in local government indicates that the executive role can be a very heavy one.²¹⁵

Mark Sandford told us that “the likely outcome ... is a party politicisation of the scrutiny process, a temptation to use scrutiny committees for oppositional purposes. Based on the work that we have done on scrutiny over the past two years, it seems to us that that is the least effective way of running a scrutiny system.”²¹⁶ YES for the North West commented that “the non-executive scrutiny body must reflect the democratically-elected regional political balance”²¹⁷ and Councillor Davis of the Campaign for the English Regions told us:

Certainly the situation where the scrutiny system will be run by the opposition party and the controlling coalition, or whatever, will be running the executive, by default, is not a healthy position. That needs to be addressed. There may be some unintended consequences if the Bill goes forward with that technical provision as it is.²¹⁸

156. When we put these concerns to the Minister, he told us:

I know there is an issue about the provision that the scrutiny committee and any sub-committees have to be proportionate to the electoral composition of the RMC ...

²¹² Ibid.

²¹³ Ev 51

²¹⁴ Ibid.

²¹⁵ Ev 49

²¹⁶ Q 30 (Mr Sandford)

²¹⁷ Ev 76

²¹⁸ Q 517 (Councillor Davis)

The thinking behind this is that if an RMC were to be required to set up its sub-committees with the membership in proportion to the whole assembly including the executive, as against its own committee, which is purely based on the non-executive members of the executive, then they might not set up any sub-committees because they would see that as, in a sense, watering down their effectiveness. Because there is a requirement that the RMC itself should be made up of members who are not on the executive, for the obvious reason that they are scrutinising the work of the cabinet, then the logic seemed to point to having any sub-committees of that body of similar proportion.²¹⁹

He went on to deny the likelihood that this could lead to a situation in which the review and monitoring committees are dominated by the opposition party:

I have heard the arguments advanced. I have looked at the figures. If you think about it, it is unlikely, given the range of numbers that we have talked about with the maximum of seven, that actually the political composition would be so skewed that the assembly would not work effectively as a result of the requirement that the RMC and its sub-committees should be made up solely of members who are not on the executive.²²⁰

157. While, as discussed above, Mark Sandford was concerned about this aspect of the draft Bill, he told us that “[f]rom an academic point of view it is an interesting idea which is worth trying at some point”.²²¹ Nevertheless he told us that:

We are somewhat confused as to why this proposal has appeared on the face of the Bill when there is no real way of knowing how well it would work in practice ... enforcing it on the face of this Bill seems to us to have been done for no visibly good reason.²²²

158. The membership of scrutiny committees in Parliament, the devolved bodies and local government, reflect the political composition of the entire elected membership. This approach works well and prevents scrutiny of the executive becoming a tool of the opposition. This, in turn, improves the quality of the scrutiny undertaken and ensures that committee work is taken more seriously by the executive.

159. Despite the advantages of the approach taken elsewhere in the British constitution, the draft Bill proposed that the political composition of review and monitoring committees should reflect the composition of the backbench membership, i.e. excluding the executive, rather than that of the entire elected regional assembly. This would create the risk that these committees could be controlled by the opposition which would be detrimental to both the quality and perception of the vital scrutiny role of review and monitoring committees.

²¹⁹ Q 476 (The Minister)

²²⁰ Ibid.

²²¹ Q 30 (Mr Sandford)

²²² Ibid.

The powers of review and monitoring committees

160. The draft Bill proposes to give review and monitoring committees the power to examine the discharge of a function by any of the following:

- a) the executive or a committee, sub-committee or member of the executive;
- b) a special adviser;
- c) a functional body of an assembly (including the Regional Development Agency, the Regional Fire and Rescue Authority and Regional Cultural Consortium);
- d) an employee of the assembly; [and]
- e) an employee of a functional body.²²³

161. When pursuing its scrutiny functions, Clause 77 of the draft Bill would provide RMCs with the following powers to compel evidence:

(1) For the purpose of the discharge of the RMC's function under section 74(2), the RMC or any RMC sub-committee of an assembly may require an individual falling within subsection (2)-

- (a) to attend proceedings of the RMC or RMC sub-committee;
- (b) to answer questions put to him by members of the RMC or RMC sub-committee in the course of those proceedings;
- (c) to produce to the RMC or RMC sub-committee any document in his possession or under his control.

The people to whom these powers apply are, however, limited to members and staff of an assembly and its functional bodies.²²⁴

162. A number of witnesses told us that they consider the RMC powers currently proposed in the draft Bill to be insufficient. In particular, we were told that the list of persons subject to these powers should be expanded. The Local Government Information Unit, for example, wrote:

We would like the Bill to set out clearer powers of scrutiny, including rights to call staff and information, in relation to external bodies, and quangos. Local government scrutiny committees have powers to investigate and report on 'matters which affect the authority's area of the inhabitants of the area'. This power should be given to regional assembly scrutiny bodies as well.²²⁵

In our previous report, *Reducing Regional Disparities in Prosperity*, we recommended that elected regional assemblies should be given the power to scrutinise the Government Offices in the Regions:

²²³ Clause 74(3).

²²⁴ Clause 77(2)

²²⁵ Ev 49

Where elected regional assemblies are introduced, arrangements should be put in place to allow some form of scrutiny of the Government Office by the assembly, as has been the case with Regional Development Agencies, which are scrutinised by unelected regional chambers, whilst retaining accountability to Parliament through DTI Ministers.²²⁶

Forum for the Future also stressed the need for government offices to become accountable to elected regional assemblies:

There is little discussion within the bill about the relationship with regional Government Offices. These have the potential to become a ‘mini regional Whitehall’ supporting and accountable to the Assembly. Otherwise they will continue to be a powerful, but unaccountable public organisation within the region.²²⁷

163. In response to this recommendation, ODPM wrote that “[t]he Government Offices (GOs) ... are part of central government and thus accountable to Parliament” and that “[e]lected regional assemblies will not have a remit to scrutinise GOs, which will continue to be accountable to Ministers.”²²⁸ This view was reiterated when we asked ODPM officials about the limited powers:

Clause 77 of the Bill allows RMCs and RMC sub-committees to compel evidence, but that is from people associated with the assembly (the employees, the members, the leader), not people from outside bodies. The RMC is mainly about looking at the work of the assembly and how that fits in with the rest of the region, not for scrutinising other outside bodies.²²⁹

They also suggested that the power to compel the provision of evidence from outside bodies is unnecessary because such bodies would be likely to cooperate with RMCs on a voluntary basis.²³⁰

164. The powers that the review and monitoring committees would have are inadequate and inconsistent with the arguments made by the Government in favour of elected regional assemblies. If their powers are not extended, review and monitoring committees would be unable to hold to account unelected quangos operating within the region, even if they have received funding from the assembly. They may also be unable to investigate whether a coordinated and effective approach to sustainable development is being taken within the region. Review and monitoring committees should not be expected to rely on the voluntary cooperation of those outside bodies which are key to delivery of the assembly’s underlying purposes. The power to compel witnesses to attend and to provide evidence, though rarely used, would give an important impetus for key stakeholders to cooperate in the process of scrutiny.

²²⁶ *Reducing Regional Disparities in Prosperity*, July 2003, HC 492-I, paragraph 170

²²⁷ Forum for the Future, Ev 194

²²⁸ *Government Response to ODPM Select Committee Report on Reducing Regional Disparities In Prosperity*, September 2003, Cm5958, paragraph 57

²²⁹ Q 309 (Mr Scotter)

²³⁰ Q 310

The likely profile of backbench members

165. The effectiveness of elected regional assemblies would depend to a large extent upon the quality of its elected membership. *Your Region, Your Choice* explains that:

The Government believes that members of an assembly executive and the chair of an assembly will have full-time posts and should be paid accordingly. Other members of a regional assembly will also have an important role, which is likely to require them to work for perhaps three days a week on assembly business. In order to recompense them for this work, and to attract good quality people who may otherwise be unable or unwilling to stand for election, we propose that these assembly members should receive a salary of around two-thirds of that for the executive members and assembly chair.²³¹

The Policy Statement does not explain whether the Government still expects that backbench members would be part-time.

166. Some of our witnesses commented on the possible impact of part-time membership on the profile of backbench members. Mark Sandford, for example, told us:

My guess is that the fact that the backbench members will be part-time will be an encouragement to dual mandate holders, people who are already MPs or perhaps county or unitary authority councillors, to take on those roles as well ... I think the part-time nature of the membership is going to make it very difficult not only to develop a profile of the members but actually to do the job ... I am quite curious as to why the Government has made so much of the part-time nature of assemblies.²³²

The Local Government Information Unit also wrote that full-time salaries for all elected regional assembly members is “essential if candidates are to reflect the whole population, including young people, those with young children, and people at an age when they need to establish a career.”²³³

167. It would be unfortunate if backbench members were paid only a part-time salary as this could lead to review and monitoring committees being dominated by dual-mandate holders, the retired and the unemployed. While such groups should be represented, other groups which are more likely to need a full-time salary, such as younger people and those with families, should not be dissuaded from standing for election. In addition, we are concerned that part-time backbench members could struggle to perform their role effectively. Non-executive members may, for example, be required to sit on more than one review and monitoring committee. If they are to do justice to their committee work, the three days per week suggested by the Government would be insufficient.

²³¹ *Your Region, Your Choice*, paragraph 7.24

²³² Qq 17&18 (Mark Sandford)

²³³ Ev 49

7 Stakeholders

Stakeholder participation

168. *Your Region, Your Choice* describes the Government’s policy on the involvement of stakeholders in the work of assemblies:

The Government is very keen that key regional stakeholders and their representatives (including business, trade unions, voluntary organisations and environmental groups) should be involved within the structure of an elected assembly. Their involvement in the existing regional chambers has been increasingly successful. In moving to elected assemblies, we would not want to lose the benefits of this participation. Close working with key stakeholders should ensure that an assembly’s policies are more soundly based and thus more likely to secure widespread support for their implementation. We also want to encourage the elected members to draw on the experience and skills of individuals in the region who may not have the time or inclination to stand for election themselves.²³⁴

The Policy Statement reiterates this view, explaining that “the active participation of stakeholders with a range of different skills and experiences may often be key to developing and delivering regional priorities”.²³⁵ This was also stressed in the Minister’s oral evidence:

there must be provision for engaging stakeholders that is very much part of the main architecture in which the business community, voluntary sector, local authorities and others who have a key role to play in the region should be constructively engaged.²³⁶

169. This policy is translated into the draft Bill in a number of ways. The key provision is Clause 53, which requires assemblies to make arrangements to encourage and facilitate the participation of stakeholders “to such extent as the assembly thinks appropriate”. The Secretary of State would be required to issue guidance to elected assemblies regarding the promotion of participation.²³⁷ The general duty in Clause 53 is also supported by a number of specific obligations, such as consultation when preparing the assembly scheme and co-opting stakeholders as members of review and monitoring committees. As Mr Scotter of ODPM told us:

The draft Bill sets out a variety of ways in which stakeholders could be involved. There is the co-opting them to commit to the review and monitoring committee or its sub-committees, or taking on people, special advisers, in various roles in order to bring particular expertise to the work of the assembly either through the executive or through the review and monitoring committees.

²³⁴ *Your Region, Your Choice*, paragraph 7.8

²³⁵ Policy Statement, paragraph 31

²³⁶ Q 435 (The Minister)

²³⁷ Clause 53(5)

A permissive regime

170. The draft Bill does not, however, prescribe how elected regional assemblies should go about ensuring stakeholder participation. Mr Scotter explained this as follows:

The draft Bill puts a duty on an elected assembly to take action to involve stakeholders, assembly participants, as they are called, in its work ... What the Bill does not do is lay down exactly in black and white how that should take place, because this is about putting in -- the regions decide -- putting in place the arrangements which are right for them. There is no single approach to involving stakeholders which the Government thinks is the right one to follow.²³⁸

He later told us that the draft Bill offers “a framework under which assemblies can decide what is the best way to bring stakeholder expertise into their work and to pick up the ones which are suitable, firstly, in general terms for the region and, secondly, suitable for a particular issue within the region.”²³⁹

171. Our evidence was generally supportive of the policy of stakeholder participation. The Chartered Institute of Environmental Health, for example, wrote that:

This diversity of expertise is available within a region to support, shape and influence the core activities of the proposed regional assembly as direct advisors, co-optees on review and monitoring committees or with specialist expertise.²⁴⁰

172. Much of our evidence did, however, suggest that the draft Bill does not go far enough to guarantee that stakeholder participation would be achieved in practice. Paul Bevan of the South East Regional Assembly told us that “the stakeholder participation arrangements are simply permissive in the Bill”.²⁴¹ The North West Environment Link also urged for a less discretionary approach:

NWEL look forward to the issuing of statutory guidance about assemblies’ duties on stakeholder involvement. We hope that this will move away from the discretionary approach implied at present to include explicit provision for the appointment of particular stakeholders with relevant knowledge or experience to act as policy advisers and for involving stakeholder groups throughout the process of regional policy and strategy development and review.²⁴²

Similarly, when asked whether the current provisions in the draft Bill would be sufficient, Mr Cowcher of the Chamber of Commerce replied:

We believe that should be strengthened significantly. From the original White Paper we think there has been significant movement in relation to stakeholder involvement and that is very welcome. At the moment it is purely facilitative and it is not actually set in statute. We believe that is a significant weakness. It is absolutely vital that there

²³⁸ Q 258 (Mr Scotter)

²³⁹ Q 321 (Mr Scotter)

²⁴⁰ Ev 183

²⁴¹ Q 329 (Mr Bevan)

²⁴² Ev 196

will be a range of stakeholder involvement in the workings and in the decision-making in relation to the assembly.²⁴³

173. A number of interested parties argued that stakeholder involvement should be required to encompass a wide range of sectors. The National Trust wrote that:

Often the voluntary, environment, and ngos interests are represented, but marginally, with one person expected to represent the wide and diverse range of expertise in the environment, heritage, cultural, educational, community regeneration etc. sectors. This sector has a great deal of skills, knowledge and enthusiasm to contribute, which needs to be better recognised and rewarded.²⁴⁴

IPPR North supported this:

Partnership Councils and Civic Forums are important, but more imaginative schemes are necessary. Furthermore, they must be accompanied by a real commitment by the elected members and officers of a regional assembly to engage both with civil society and with the general public. Debate must be genuine, not tokenistic. In particular it is important not to prioritise a number of 'key stakeholders' and to involve a wider variety of (often marginalised) civic groups and individuals.²⁴⁵

174. When asked whether additional measures need to be introduced into the draft Bill to encourage the involvement of the voluntary sector, Mr Simpson of Voluntary Organisation, Network North East (VONNE) told us:

I think it would be important to have a statutory requirement for an assembly to engage with the voluntary sector and other stakeholders ... I think it is very important to have a distinction between simple consultation, where people might be able to come into a room and speak, and actual discussion/involvement in policy. I think if that could be hardened up in the bill that would be very helpful.²⁴⁶

Mr Cowell of VONNE explained that, at present, voluntary organisations were represented on the North East assembly "not quite on sufferance but almost as an afterthought".²⁴⁷ The Royal Society for the Protection of Birds commented that, while it "can understand the Government's desire not to be overly prescriptive in setting out mechanisms for stakeholder involvement", it "believe[s] that a set of principles to encourage stakeholder involvement, and to provide for at least a minimum level of engagement, is likely to be useful."²⁴⁸

175. Some witnesses suggested that the effectiveness of elected regional assemblies in engaging stakeholders should be assessed on a regular basis. Mr Bevan of the South East Regional Assembly suggested that "there should be some scrutiny on regional assemblies

²⁴³ Q 378 (Mr Cowcher)

²⁴⁴ Ev 69

²⁴⁵ Ev 35

²⁴⁶ Q 165 (Mr Simpson)

²⁴⁷ Q 168 (Mr Cowell)

²⁴⁸ Ev 18

perhaps through a comprehensive performance assessment, so that while you are allowing them the diversity of arrangements to be stakeholders those are tested regularly and routinely in a public way.”²⁴⁹ Mr Simpson of VONNE argued that the draft Bill should contain “an obligation [for elected regional assemblies] to explain what [stakeholder] involvement there was, how that has influenced decisions and to account for that”.²⁵⁰

176. The quality and reception of assembly policies, strategies and scrutiny would depend to a large extent on their success in encouraging stakeholders from a wide variety of sectors to participate in their work. We, therefore, welcome the requirement for assemblies to make arrangements to encourage stakeholder participation and to assess the effectiveness of these arrangements in their assembly annual report, which could then be questioned by the public in the report meeting. Any Bill setting up elected regional assemblies should not prescribe the manner in which elected regional assemblies promote participation. Statutory guidance would, however, be useful in ensuring that elected regional assemblies do not neglect this duty and in illustrating ways in which this could be achieved. Allowing stakeholders voting rights in policy sub-committees would encourage participation and should be encouraged, providing that decisions of policy sub-groups are subject to ratification or amendment by the full Assembly.

Co-opted members of review and monitoring committees

177. One specific form of stakeholder participation envisaged in the draft Bill, is the co-option of stakeholders as members of RMCs. *Your Region, Your Choice* described this as follows:

people with specific expertise could be co-opted onto scrutiny committees, possibly with voting rights. This would be in line with existing local government practice and proposals for change in “Strong Local Leadership Quality Public Services”.²⁵¹

Clauses 78 to 82 of the draft Bill provide a legal framework for the co-opting of stakeholders but do not explain how this would operate in practice. Instead the draft Bill proposes that this detail would be set out in an elected regional assembly's standing orders, in guidance issued by the Secretary of State and in secondary legislation.²⁵² For example, the Secretary of State would be required to issue guidance as to:²⁵³

- a) the circumstances in which, and the means by which, it is appropriate for an assembly to co-opt a member of the RMC or an RMC sub-committee;
- b) the descriptions of persons who may be appropriate to be co-opted, and the circumstances in which it may be appropriate to co-opt an assembly participant or an assembly participant representative;

²⁴⁹ Q 329 (Mr Bevan)

²⁵⁰ Q 165 (Mr Simpson)

²⁵¹ *Your Region, Your Choice*, paragraph 7.13

²⁵² See, for example, Clause 78(4) and Clauses 80 and 81

²⁵³ Clause 82(1)

- c) the function of co-opted members; and
- d) provision to be made by an assembly in its standing orders for co-opted members.

178. We received a significant amount of evidence supporting these proposals. IPPR North, for example, wrote that “[t]he power of co-option can be a useful tool to broaden the knowledge and experience of a committee”.²⁵⁴ Professor Hazell also explained how he thought co-opted members could improve the quality of RMC scrutiny:

They will be on both sides of the table as it were and because some of them will be on your side of the table they will be very well placed to encourage and beat the bushes hard in relation to any specific inquiry and to get the best set of witnesses on this side of the table.²⁵⁵

179. Some witnesses were, however, concerned about the degree of discretion which assemblies would be given in this context. The Social and Environmental Partners of the South East Regional Assembly wrote:

The requirement to co-opt ‘assembly participants’ to Review and Monitoring Committees (RMCs) is undefined and appears to be largely discretionary (Clauses 81 and 82). As the approval of the Secretary of State is required before such stakeholder engagement, there is a presumption that there is no engagement until formally approved. If there is no proposal for a statutory basis to allow full stakeholder involvement on these committees, it is dubious whether their sponsor organizations or networks would be as supportive as is currently the case. There would equally be little prospect of continuity of personal engagement.²⁵⁶

The Campaign for the Protection of Rural England urged for the permissive regime in the draft Bill to be strengthened:

We question whether the discretionary nature of this co-option will actually lead to effective participation by stakeholder representatives. We would welcome more explicit requirements for co-option where Assembly members lack the specialist knowledge to effectively input to specific strategy development processes. We also wish to see mechanisms in the Bill for ensuring that Assemblies do not restrict co-option to a regularly used, narrow base but involve a range of appropriate stakeholders, all of whom should have a requirement upon them to pursue the objectives of the Assembly.²⁵⁷

It asked us to “push for guidance on this aspect from the Secretary of State as soon as possible.”²⁵⁸ The National Trust also wrote that it “wishes to see better acknowledgement of the valuable role of the voluntary and third sector in regional affairs by increasing its representation and co-option opportunities.”²⁵⁹ The Royal National Institute for the Blind

²⁵⁴ Ev 35

²⁵⁵ Q 39 (Professor Hazell)

²⁵⁶ Ev 55

²⁵⁷ Ev 59

²⁵⁸ Ibid.

²⁵⁹ Ev 66

(RNIB) wrote of its hope “that the Secretary of State will include representatives of disability organisations amongst those that he believes it is appropriate to have as co-opted members and that he will consult RNIB in preparing such guidance.”²⁶⁰

180. The voluntary sector has an important role in providing specialist expertise. elected regional assemblies would need guidance on how this input should be facilitated.

Voting rights

181. The draft Bill goes further than merely suggesting that stakeholders could sit on review and monitoring committees; it also provides statutory authority for co-opted members to be given voting rights. Co-opted members of an RMC or an RMC sub-committee could, however, only be given voting rights if the assembly has a voting scheme.²⁶¹ These are described in the draft Bill as schemes which provide:

- a) for a maximum or minimum number of the co-opted members of the RMC or an RMC sub-committee who may be permitted to vote at meetings of the RMC or the RMC sub-committee; and
- b) for rules by which the assembly may determine in any particular case which of the co-opted members are permitted to vote at a meeting.²⁶²

The draft Bill would give the Secretary of State the power to direct an assembly to vary or revoke its voting scheme and to make regulations regarding what voting schemes can and cannot include.²⁶³

182. While many interested parties supported the general idea of co-option, some considered that giving voting rights to non-elected members would be a step too far. The Campaign for the English Regions (CfER) wrote:

We believe there are certain decision-making which should be in the hands of democratically accountable members. If co-opted people are to have equal voting rights, then as a minimum there should be the same requirements to make a declaration of financial interest as well as political affiliation.²⁶⁴

CfER also argued that “[a]lthough it is valuable to have wide engagement with scrutiny, this can be achieved by inviting evidence, hearing witnesses, and appointing advisers, and by non-voting co-option.”²⁶⁵ IPPR North viewed the grant of voting rights to non-elected RMC members as an affront to democracy:

The draft Bill creates Review and Monitoring Committees, and gives a regional assembly the power to co-opt individuals onto this committee (clause 78). However,

²⁶⁰ Ev 170

²⁶¹ Clause 80(1).

²⁶² Clause 80(2).

²⁶³ Clause 80(5)

²⁶⁴ Ev 9

²⁶⁵ Ibid.

clause 80 gives that individual equal voting rights with a democratically elected assembly member. The power of co-option can be a useful tool to broaden the knowledge and experience of a committee, but co-option with voting rights is contrary to democracy.²⁶⁶

183. The co-option of non-elected members to the Review and Monitoring Committees of elected regional assemblies should be encouraged as a way of securing specialist knowledge. Giving these members voting rights, however should be treated with extreme caution as it can undermine the role of the elected representatives.

Conclusions and recommendations

The background

1. This report was originally intended to improve the draft legislation which is now unlikely to proceed through Parliament in the near future. It now aims to put down some markers should the Government in future decide to return to the question of introducing elected regional assemblies, and to point to areas where future legislation would need to be more ambitious than the draft Regional Assemblies Bill in order to create regional bodies that are fit for purpose. (Paragraph 7)
2. It is unfortunate that a complete draft of the Bill was not published and that the missing Clauses were not to be provided until the Bill was to be introduced to Parliament. Some of the omissions relate to areas which could have a significant impact on how elected regional assemblies would operate and how effective they would be in practice. We recommend that the Government should, in future, demonstrate its commitment to pre-legislative scrutiny and facilitate the scrutiny process by publishing complete Bills in draft. (Paragraph 13)
3. Some of the statutory guidance and delegated legislation proposed under the draft Bill would have significantly affected the shape of elected regional government. We, therefore, recommend that drafts of these key documents should have been published for consultation with stakeholders. This would also have given members of Parliament and voters a complete picture of the legal framework that would have regulated elected regional assemblies. (Paragraph 17)

Elected regional assemblies – powers and resources

4. We believe that how elected regional assemblies reconcile and integrate their economic, social and environmental goals would be determined by the balance of resources available to them rather than how their purposes are defined in the legislation. The assemblies would need to be clear which agencies would deliver each of their objectives. (Paragraph 21)
5. The requirement on assemblies to promote sustainable development should be backed up by a requirement to undertake sustainability appraisals on key strategy statements and corporate plans or to identify sustainable development targets. (Paragraph 24)
6. It is important that the assemblies attract a new group of politicians. This would only be achieved if the assemblies have enough powers and were seen as worthwhile. We also recommend that a suitable statutory commitment to promoting equality and diversity should be included in any future Bill. (Paragraph 26)
7. With the general powers proposed in the draft Bill there would have been little chance of persuading the electorate or potential assembly members that the elected regional assemblies would be worth establishing. The assemblies must have specific powers and responsibilities not only to convince the electorate that they are worth

voting in favour of but also to persuade serious politicians at local and national level, that they are worth getting involved in. (Paragraph 33)

8. Regional assemblies would need to have a clearly defined set of functions and the resources to perform them effectively. In light of this evidence we are not convinced that a simple statement of open-ended powers is the most appropriate way forward, and recommend that the general power be supplemented by a clearer definition of a core set of specific functions that elected regional assemblies would perform. (Paragraph 34)

Managing three tiers of elected government

9. It is important that legislation setting up regional assemblies should circumscribe their activities to avoid any confusion or overlap with the role of existing local government. Ministerial assurances before the Committee and in other public statements should have been supplemented by a formal statement on the face of the bill of a general presumption that local functions should not be absorbed by the regional level (Paragraph 42)
10. The elected regional assemblies would offer an opportunity to coordinate services across regions. The assemblies would need to work closely with local authorities to provide services. Any new legislation proposing elected regional assemblies should include a requirement that they have a formal structure for involving local authorities in their work. (Paragraph 49)
11. Guidance to elected regional assemblies and the Government Offices in the Regions should emphasise the assemblies' role in overseeing the work of Government Offices in the Regions. Rather than overseeing the assemblies' work and ensuring they pursue national priorities, the Offices should support the assemblies in developing regionally specific policies which could then be fed into national policy. (Paragraph 55)
12. Any proposals to develop effective elected regional assemblies would require the full involvement of all Government departments that fund or deliver services at a local or regional level. The fact that limited powers and resources that were to be devolved under the draft legislation were mainly to come from the ODPM suggested that the other departments were not signed up to the proposals. (Paragraph 59)
13. The successful development and implementation of some policies, for example the maintenance and development of cross-country railway networks, obviously requires coordination across regions. An over-emphasis on the importance of central government in coordinating inter-regional policies and externalities could act as a brake on devolution, as it has in the context of transport. The fact that an issue cannot be addressed adequately by an individual region working in isolation does not necessarily mean that it is most appropriate to resolve the issue within Whitehall. Further thought should be given to ways of addressing inter-regional issues within the context of devolution. It might, for example, be possible to devolve transport responsibilities to the regions on the condition that all regions affected by a major development are required to work together to design, approve and implement the

policy. Central government could usefully retain a role in facilitating such an inter-regional approach, but need not necessarily retain overall control. (Paragraph 63)

Policy Areas

14. Elected regional assemblies could be effective in improving regional economic performance. It is important that should the Government propose elected regional assemblies in the future, sufficient resources and clout are devolved to them to make a difference in terms of funding from Government departments. (Paragraph 67)
15. The weight of evidence in this case was unambiguous. We note that the Department of Transport has shown a fuller openness to the regionalisation of some of its functions than some other Government departments. However, there is a strong case for pushing regionalisation further. (Paragraph 70)
16. We recommend that elected regional assemblies – as is broadly the case in London – act as regional transport authorities with responsibility for deciding on the distribution of funding currently allocated by Whitehall for local transport plans. We also recommend that agencies quite rightly focused on nationwide priorities such as the Highways Agency and national railways authorities are required more explicitly to take account of Assemblies’ regional priorities and consult on the regional dimensions of their policy programmes. (Paragraph 71)
17. The effectiveness of any future elected regional assemblies in developing regional training and skills development policies and programmes would need to be kept under review with a view to further devolution within what is currently a national budget. This process could usefully be attempted in two stages, with adult training budgets being devolved to elected regional assemblies as a test case in the first instance with a second, more thoroughgoing devolution of resources to follow if the first stage proved successful when measured against mutually agreed criteria. As with the Regional Development Agencies, regional assemblies should appoint the Chair and members of the LSC, issue policy guidance and ratify development plans. (Paragraph 74)
18. The potential dual funding of housing associations by the elected regional assemblies and the Housing Corporation as proposed in the draft Bill would have been unsatisfactory. Regional assemblies should appoint the Chair and members of the Regional Housing Boards, issue policy guidance and ratify development plans. (Paragraph 77)
19. Because of concerns that they could lose their community focus and scales for operation we remain unconvinced of the rationale for establishing regional fire and rescue services as functional bodies of elected regional assemblies. There is a need however to develop the wider role foreseen in the White Paper in which elected regional assemblies would lead the planning process for civil contingencies, involving all the blue light services, but across a narrower part of their fields of responsibility. (Paragraph 83)

Funding

20. Should the Government revisit the idea of elected regional assemblies in the future it should adhere to the idea of ‘single pot’ block funding and avoid the temptation to be overly prescriptive on how elected regional assemblies draw up their budgets. As far as possible the assemblies should be empowered to set their own targets, and to deploy resources to meet them. They would be accountable to regional electorates, and need not be subject to the heavy hand of central Government. (Paragraph 87)
21. To be effective elected regional assemblies should have precepting powers and they should also be fiscally accountable so that the electorate can see how public funds are spent. At the very least separate council tax bills would be required to highlight the contribution towards the Assemblies. (Paragraph 91)
22. In making the case for any future assemblies, the Government needs to estimate the likely costs. Otherwise it will be too easy for stakeholders to express a lack of confidence in the Government’s financial planning. We find it odd that the Government had done so little detailed planning of the costs and benefits of setting up, and urge it to produce fuller estimates in the name of transparency should it at some point revive the elected regional assemblies proposals. (Paragraph 97)
23. The electorate in the North East were not convinced about the ‘cost-benefit’ calculation in regard to elected assemblies, unable to see in the modest powers of assemblies and their limited autonomy from central government sufficient prospect of concrete improvements in their daily lives to vote for their introduction. When the policy on elected regional assemblies is revived, the Government – and departments across Government - will need to invest real powers and resources in elected regional assemblies. (Paragraph 98)

Constitutional and electoral issues

24. We are not convinced that there is wide public support for the use of the additional member system to elect members to regional assemblies. We are also concerned that the experience of AMS in Wales and other devolved bodies has shown it to have a number of significant disadvantages. These most notably include: the creation of two types of assembly member; the ability for candidates to stand as both constituency and regional members (meaning that those who fail to win a constituency seat can still win a seat as a regional member); and the fact that the electorate are unfamiliar with the electoral system. (Paragraph 109)
25. When legislation is considered for elected regional assemblies, we recommend that the additional member system should not be used to return members. The Government should use the more established and straightforward first past the post system, that is used to return members to the House of Commons. At the very least the Government should remove as many of the difficulties with AMS as possible, for example by prohibiting candidates from standing for both constituency and regional seats. (Paragraph 110)
26. If the additional member system is used to return members to elected regional assemblies, the proportion of constituency to regional members could significantly

affect the political composition of the assembly and how it operates. This detail should be included in a draft Bill and not left to the discretion of the Secretary of State. (Paragraph 115)

27. The Government expressed its intention that elected regional assemblies would comprise one-third regional members and two-thirds constituency members. This expression of intent is not, however, satisfactory as a Regional Assemblies Act could remain on the statute book for many years and many different Parliaments. We, therefore, recommend that the Government's current intention should be stated clearly in a draft Bill and it should require this proportion to be maintained, regardless of the size of an assembly. (Paragraph 116)
28. We recognise the Government's wish to ensure that elected regional assemblies were streamlined, strategic bodies, with a size appropriate to the functions they would perform. We would not want elected regional assemblies to become large and cumbersome and agree that a significant advantage of a relatively small assembly would be greater use of unelected stakeholders. (Paragraph 126)
29. We are, however, concerned that a maximum of 35 elected regional assembly members could lead to a democratic deficit in some regions, with just over 20 constituency members struggling to represent constituencies significantly larger than parliamentary ones. In particular, this proposed size limit could disadvantage rural areas in favour of urban ones and would disproportionately affect regions with larger populations. We are also worried that an assembly within the size-range currently proposed might struggle to perform its proposed functions, especially in the context of scrutiny. (Paragraph 127)
30. Rejecting the additional member system and regional seats, in favour of the first past the post system would make room for more constituency members and accordingly go some way to addressing the risk of democratic deficits. Regardless of its decision with respect to the appropriate electoral system, any new Bill setting up elected regional assemblies should allow for the number of constituency members to be linked to the size of the region's population. A maximum number of members should be imposed, perhaps in the region of 45 to 50. (Paragraph 128)
31. We agree with the Government's proposal to establish a cabinet structure for elected regional assemblies. This would provide a prominent focal point within regional government and facilitate more efficient decision-making. If the proposed division between the executive and scrutiny committees is to be maintained the effective separation of the staff of the executive and that of review and monitoring committees would, however, be vital. We recommend that the Government should reflect on the experiences of other devolved bodies in this regard when producing the statutory guidance on the operation of the cabinet structures. (Paragraph 134)
32. We agree with the Government's proposals to give elected regional assemblies a significant degree of flexibility regarding the size of its executive. (Paragraph 138)
33. We are concerned about the scope of the proposed powers which could be exercised by an executive on behalf of an elected regional assembly. We would expect the entire assembly to be involved in agreeing key strategy documents such as the

assembly scheme and the assembly report. We would also recommend that the entire assembly should make key decisions relating to functional bodies, such as agreeing amendments to the regional economic strategy. This would reduce the likelihood of regional government interfering in the day-to-day running of its functional bodies and maintain an arm's-length relationship. (Paragraph 143)

34. We agree that any legislation setting up elected regional assemblies should not impose a pre-determined scrutiny structure on elected regional assemblies. Assemblies should be able to determine for themselves what committee structure would most effectively hold the executive to account. Elected regional assemblies would, however, be able to draw upon the wealth of experience of scrutiny within Parliament, the devolved bodies and local government. (Paragraph 150)
35. The main Review and Monitoring Committee of an elected regional assembly could consist of as many as 32 elected members, as well as co-opted members. Our experience of the select committee structure within the House of Commons would suggest that a committee this large might struggle to operate effectively. We would expect the main job of scrutiny to be performed instead by smaller sub-committees, which would be able to develop expertise in specific policy or geographic areas. An assembly could, for example, establish three sub-committees, one for each of the three purposes of elected regional assemblies. This would enable backbench members and other stakeholders to ensure that the executive is not neglecting any one of the assembly's purposes. (Paragraph 151)
36. The proposed limits on the size of elected regional assemblies would have placed significant pressure on backbench members. If an assembly had adopted a sub-committee structure, it is likely that individual members would be required to sit on several committees. This would have made it difficult for members to do justice to their scrutiny role. Increasing the number of elected regional assembly members, as we have recommended, could, therefore, have a knock-on effect on the quality of the scrutiny performed. (Paragraph 152)
37. The membership of scrutiny committees in Parliament, the devolved bodies and local government, reflect the political composition of the entire elected membership. This approach works well and prevents scrutiny of the executive becoming a tool of the opposition. This, in turn, improves the quality of the scrutiny undertaken and ensures that committee work is taken more seriously by the executive. (Paragraph 158)
38. Despite the advantages of the approach taken elsewhere in the British constitution, the draft Bill proposed that the political composition of review and monitoring committees should reflect the composition of the backbench membership, i.e. excluding the executive, rather than that of the entire elected regional assembly. This would create the risk that these committees could be controlled by the opposition which would be detrimental to both the quality and perception of the vital scrutiny role of review and monitoring committees. (Paragraph 159)
39. The powers that the review and monitoring committees would have are inadequate and inconsistent with the arguments made by the Government in favour of elected

regional assemblies. If their powers are not extended, review and monitoring committees would be unable to hold to account unelected quangos operating within the region, even if they have received funding from the assembly. They may also be unable to investigate whether a coordinated and effective approach to sustainable development is being taken within the region. Review and monitoring committees should not be expected to rely on the voluntary cooperation of those outside bodies which are key to delivery of the assembly's underlying purposes. The power to compel witnesses to attend and to provide evidence, though rarely used, would give an important impetus for key stakeholders to cooperate in the process of scrutiny. (Paragraph 164)

40. It would be unfortunate if backbench members were paid only a part-time salary as this could lead to review and monitoring committees being dominated by dual-mandate holders, the retired and the unemployed. While such groups should be represented, other groups which are more likely to need a full-time salary, such as younger people and those with families, should not be dissuaded from standing for election. In addition, we are concerned that part-time backbench members could struggle to perform their role effectively. Non-executive members may, for example, be required to sit on more than one review and monitoring committee. If they are to do justice to their committee work, the three days per week suggested by the Government would be insufficient. (Paragraph 167)

Stakeholders

41. The quality and reception of assembly policies, strategies and scrutiny would depend to a large extent on their success in encouraging stakeholders from a wide variety of sectors to participate in their work. We, therefore, welcome the requirement for assemblies to make arrangements to encourage stakeholder participation and to assess the effectiveness of these arrangements in their assembly annual report, which could then be questioned by the public in the report meeting. Any Bill setting up elected regional assemblies should not prescribe the manner in which elected regional assemblies promote participation. Statutory guidance would, however, be useful in ensuring that elected regional assemblies do not neglect this duty and in illustrating ways in which this could be achieved. Allowing stakeholders voting rights in policy sub-committees would encourage participation and should be encouraged, providing that decisions of policy sub-groups are subject to ratification or amendment by the full Assembly. (Paragraph 176)
42. The voluntary sector has an important role in providing specialist expertise. elected regional assemblies would need guidance on how this input should be facilitated. (Paragraph 180)
43. The co-option of non-elected members to the Review and Monitoring Committees of elected regional assemblies should be encouraged as a way of securing specialist knowledge. Giving these members voting rights, however should be treated with extreme caution as it can undermine the role of the elected representatives. (Paragraph 183)

Formal minutes

Tuesday 14 December 2004

Members present:

Andrew Bennett, in the Chair

Sir Paul Beresford

Chris Mole

Mr Clive Betts

Mr Bill O'Brien

Mr David Clelland

Christine Russell

Mr John Cummings

Mr Adrian Sanders

The Committee deliberated.

Draft Report (The Draft Regional Assemblies Bill), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 183 agreed to.

Summary agreed to.

Motion made, and Question put, That the Report be the First Report of the Committee to the House.

The Committee divided.

Ayes, 7

Noes, 1

Mr Clive Betts

Sir Paul Beresford

Mr David Clelland

Mr John Cummings

Chris Mole

Mr Bill O'Brien

Christine Russell

Adrian Sanders

Ordered, That the Chairman do make the Report to the House.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[The Committee adjourned.]

Witnesses

Wednesday 8 September 2004 [HC 972-i, Session 2003-04]

Page

Professor Robert Hazell and **Mr Mark Sandford**, Constitution Unit, University College London

Professor Tony Travers, London School of Economics

Mr Nicholas Boles, Policy Exchange

Mr John Adams, IPPR North

Mr Dan Corry, New Local Government Network and **Mr Warren Hatter**, Head of Research, New Government Network

Dr Peter Kenway, New Policy Institute

Ms Pamela Gordon, Chairman, and **Mr Roger Creedon**, Chief Executive, Electoral Commission

Mr Archie Gall, Director, Boundary Committee for England

Thursday 9 September 2004 [HC 972-ii, Session 2003-04]

Councillor Sir Sandy Bruce-Lockhart, Chairman, and **Councillor Sir Jeremy Beecham**, Vice-Chairman, Local Government Association (LGA)

Nick Skellett, Chairman and **Tim Byles**, Chief Executive of Norfolk County Council and the lead advisor to the CCN on regions, County Councils Network (CCN)

Mr Nicholas Russell, Campaigns Officer, Royal National Institute for the Blind (RNIB)

Mr Tony Burton, Director of Policy Strategy, National Trust

Mr Ray Cowell, Director, and **Mr Julian Simpson**, Policy Development Officer, Voluntary Organisations Network North East (VONNE)

Councillor Les Byrom, Vice-chair of the Fire Executive, Local Government Association and member of Merseyside Fire and Civil Defence Authority

Mr Richard Bull, Chief Fire Officer, Tyne and Wear Fire Authority

Baroness Ruth Henig, Chair, Association of Police Authorities (APA)

Crispian Strachan, Chief Constable, Northumbria Constabulary, Association of Chief Police Officers (ACPO)

Tuesday 14 September 2004 [HC 972-iii, Session 2003-04]

Mr Richard Allan, Director of Regional Policy, and **Mr Ian Scotter**, Regional Assemblies Division Manager, Office of the Deputy Prime Minister

Mr Jonathan Blackie, Regional Director, Government Office for the North East

Andrew Campbell, Director, Regional Coordination Unit

Councillor Arthur Bransby Thomas, English Regions Network

Councillor Bob Gibson, Chairman, North East Regional Assembly, and **Mr Paul Briggs**, Vice Chairman of the Regional Assembly and Chairman of the Economic and Social Departments

Mr Steve Machin, Chief Executive, North West Regional Assembly

Paul Bevan, Chief Executive, South East Regional Assembly

Mr Alan Clarke, Chief Executive, and **Ms Pat Richie**, ONE North East RDA

Mr Chris Roberts, North East Regional Director and **Mr Rob Wye**, Learning and Skills Council

Mr George Cowcher, Chief Executive, Chamber of Commerce

Mr Roy Wicks, Director General, South Yorkshire PTE, and **Mr Ken Kemp** Planning Manager at Nexus (Tyne & Wear PTE), Passenger Transport Executive Group (pteg)

Mr Stewart Francis, Chairman of the Rail Passengers Council, Commission for Integrated Transport

Wednesday 15 September 2004 [HC 972-iv, Session 2003-04]

Rt Hon Nick Raynsford, a Member of the House, Minister for Local and Regional Government, Office of the Deputy Prime Minister

Mr Ian Scotter, Senior Official on Devolution Agenda, Office of the Deputy Prime Minister

Mr Alan Donnelly, and **Mr Kevin Rowan**, Yes 4 the North East

Councillor Philip Davis, Campaign for the English Regions

Mr Nick Skellett, Leader of Surrey County Council, South East County Leaders' Group (SECL)

List of supplementary written evidence

Memoranda DRA 01 to DRA 70 were published as HC 972-II, Session 2003-04 on 20 September 2004

Commission for Integrated Transport (CfIT) (DRA 71)
Housing Corporation (DRA 72)
Office of the Deputy Prime Minister (DRA 73)
Professor Tony Travers (DRA 74)
National Audit Office (NAO) (DRA 75)
Mid-Yorkshire Chamber of Commerce and Industry (MYCCI) (DRA 76)
Andrew George MP (DRA 77)
John Devine and Gavin Ridewood (DRA 78)
Council for National Parks (CNP) (DRA 79)
Constitution Unit, University College London (DRA 80)
Peter Bottomley MP (DRA 81)
Supplementary Memorandum by the Association of Colleges (AoC) (DRA 47(a))
Supplementary Memorandum by the Office of the Deputy Prime Minister (DRA 73(a))

Reports from the ODPM Committee since 2002

The following reports have been produced by the Committee since 2002. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2003–04

First Report	ODPM Annual Report and Accounts 2003	HC 102-I (CM 6141)
Second Report	Annual Report to the Liaison Committee	HC 221
Third Report	The Fire Service	HC 43-I (CM 6154)
Fourth Report	Coalfield Communities	HC 44-I (CM 6265)
Fifth Report	Decent Homes	HC 46-I (CM 6266)
Sixth Report	Social Cohesion	HC 45-I (CM 6284)
Seventh Report	Postal Voting	HC 400-I (HC 973)
Eighth Report	The Role and Effectiveness of the Housing Corporation	HC 401-I (CM 6351)
Ninth Report	Local Government Revenue	HC 402-I (CM 6328)
Tenth Report	Supporting Vulnerable and Older People: The Supporting People Programme	HC 504-I (CM 6348)
Eleventh Report	The Role of Historic Buildings in Urban Regeneration	HC 47-I (CM 6420)
Twelfth Report	Draft Planning Policy Statement 6: Planning for Town Centres	HC 952

Session 2002-03

First Report	Local Government Finance: Formula Grant Distribution	HC 164 (CM 5753)
Second Report	Annual Report to the Liaison Committee	HC 288
Third Report	Affordable Housing	HC 77 (CM 3783)
Fourth Report	Planning, Competitiveness and Productivity	HC 114 (CM 5809)
Fifth Report	Departmental Annual Report and Estimates	HC 78 (CM 5841)
Sixth Report	The Evening Economy and the Urban Renaissance: Interim Report [Responding to issues in the Licensing Bill]	HC 541 (HC 750)
Seventh Report	The Effectiveness of Government Regeneration Initiatives	HC 76-I (CM 5865)
Eighth Report	Planning for Sustainable Communities: Sustainable Communities in the South East	HC 77-I (CM 5985)
Ninth Report	Reducing Regional Disparities in Prosperity	HC 492-I (CM 5958)
Tenth Report	The Draft Housing Bill	HC 751-I (CM 6000)
Eleventh Report	Living Places: Cleaner, Safer, Greener	HC 673-I (CM 5989)
Twelfth Report	The Evening Economy and the Urban Renaissance	HC 396-I (CM 5971)

ISBN 0-215-02103-7



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