



Policy document on options for Sub-Regional  
Cooperation in the Local Democracy, Economic  
Development and Construction Bill



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January 2009

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# Contents

<b>Chapter 1: Introduction</b>	<b>2</b>
Background	2
<b>Chapter 2: Multi-Area Agreements</b>	<b>4</b>
Main points	4
Arrangements for MAAs with duties	7
<b>Chapter 3: Economic Prosperity Boards</b>	<b>9</b>
Main points	9
Process for establishing an EPB	10
Arrangements for EPBs	12
<b>Chapter 4: Interaction Between MAAs and EPBs</b>	<b>16</b>
<b>Chapter 5: Related Initiatives</b>	<b>17</b>
Pre-Budget Report: City Regions	17

# Chapter 1: Introduction

1. Parts 6 and 7 of the Local Democracy, Economic Development and Construction (LDEDC) Bill provide for the creation of three new options for sub-regional cooperation: economic prosperity boards; the combination of the functions of an economic prosperity board with the functions of an integrated transport authority; and multi-area agreements with statutory duties.
2. This document sets out further details of the Government's intentions in relation to these new options and is provided for the information of peers, MPs and other interested parties. It is not itself guidance or final policy, but will form the basis of guidance, which will be subject to public consultation.

## Background

3. The Government believes that local authorities should be able to cooperate effectively – where appropriate and where they wish to do so – on matters relating to economic development and regeneration. As markets, for example for jobs, skills, transport and housing, often cross multiple local authority boundaries, it makes sense for local authorities to work together to ensure that economic issues are being effectively and efficiently addressed. Such cooperation between local authorities can help improve outcomes for residents and value for money for local authorities.
4. One of the principles that underpinned the Government's *Review of Sub-National Economic Development and Regeneration* (the SNR), published in July 2007, was that economic decisions should be taken at the most appropriate spatial level. Given the nature of economic markets, the best level may often be across a sub-region, ie across a group of local authorities.
5. The SNR confirmed the Government would introduce multi-area agreements (MAAs)<sup>1</sup>. An MAA is a voluntary agreement between two or more local authorities, their local partners and central Government to work together to deliver targets in return for policy freedoms and flexibilities that will remove barriers to better local delivery. Following requests by some MAA partnerships, the Government has decided to legislate to allow MAAs, where the authorities involved wish to do so, to include statutory duties. This will give such MAAs a more formal status and will place duties on the local authorities and partners involved both to cooperate in preparing the MAA and to have regard to its targets in exercising their functions.

<sup>1</sup> These were first proposed in the 2006 Local Government white paper *Strong and Prosperous Communities*.

6. A consultation on the SNR conducted in 2008 included a request for views on a proposal to increase the options available to local authorities to collaborate on economic development by allowing for the creation of statutory sub-regional structures which would provide local authorities with formal arrangements for joint decision making. The responses to the consultation were supportive of this proposal – on condition that participating in any such structure would be voluntary for authorities. The Government has therefore decided to bring forward legislation to allow for the creation of economic prosperity boards (EPBs). Following the enactment of the Local Transport Act 2008, the Government has also decided to allow for the functions of EPBs to be combined with the functions of integrated transport authorities, to allow a consistent approach to be taken to economic development and transport across an area and to streamline sub-regional working.
7. As well as allowing groups of local authorities to work together more effectively to tackle economic issues, these mechanisms will support local government in taking a tailored approach to the challenges facing their particular location. Authorities will be able to use these arrangements to focus on the issues that are most pressing for the sub-region and will make the biggest difference to local residents and businesses.

# Chapter 2: Multi-Area Agreements

## Main points

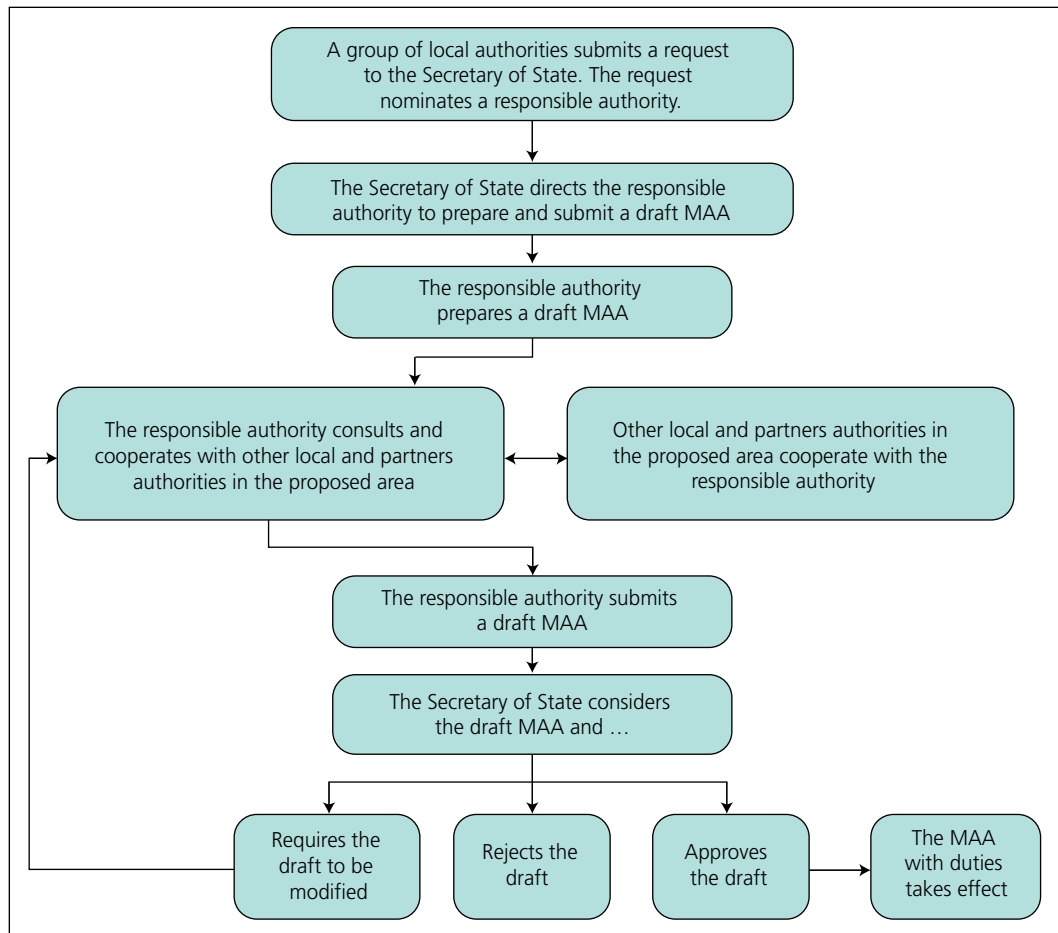
8. On 14 July 2008 the Government signed the first wave of MAAs with local authorities in seven sub-regional partnerships. Three further MAAs were signed on 12 January 2009. There are seven other local partnerships actively developing an MAA with one or two others considering the potential for one.
9. MAAs are agreements between groups of local authorities and partners to deliver improvement targets, particularly in relation to economic development, although other objectives are not ruled out. They help to increase co-ordination of policies which have an impact on growth (eg transport, housing and employment) at a level that reflects a geographical economic footprint. The MAA is prepared by one authority (responsible authority) on behalf of all the local authorities within the area.
10. Following the experience gained from developing MAAs and at the request of some MAA partnerships, the Government has decided to bring forward legislation to allow groups of local authorities to develop an MAA that includes statutory duties. Such MAAs will be known as 'MAAs with duties' to distinguish them from the existing MAA model, which groups of local authorities will continue to be able to use if they prefer. An MAA with duties would provide for local authorities and partners to be placed under a duty both to co-operate with the responsible authority to develop the MAA and to also have regard to the targets within the MAA that relate to them. This would give MAAs a similar legal status to local area agreements (LAAs).
11. MAAs with duties are intended to complement rather than replace the existing model for MAAs. Therefore, while it will be possible for an existing MAA to become an MAA with duties, there is no expectation that this should necessarily happen. It will be up to local authorities and their partners to determine what, if any, is the right model for their area.
12. As with the existing model, MAAs with duties will be voluntary for local authorities. The decision to proceed towards an MAA with duties will come from the local authorities within the area concerned. Each body that is party to the agreement will have to give its consent before a particular MAA target can apply to it.

### Overview of the process for establishing an MAA with duties

13. The following paragraphs summarise the process for setting up an MAA with duties. The process for developing an MAA under the existing model will remain the same – more information on this can be found in chapter 5 of *Development of the new LAA framework: Operational Guidance 2007*<sup>2</sup>.
14. The first stage in establishing an MAA with duties will be for a group of local authorities to make a request to the Secretary of State for a direction to prepare and submit an MAA. This request must identify the local authorities involved, the area that would be covered by the agreement and must nominate one of the authorities to act as the responsible authority. All the local authorities within the proposed area of the MAA with duties must be involved in making the request, except non-unitary district councils, though they may be party to the request if they so wish. Following a request, the Secretary of State may then direct the responsible authority to prepare a draft MAA.
15. In preparing the draft agreement, the responsible authority must consult each of the other local authorities for the proposed area, each partner authority and any other bodies and people it considers appropriate. The responsible authority will be under a duty to co-operate with local and partner authorities to determine the improvement targets to be specified in the MAA. Similarly, local and partner authorities will be under a duty to co-operate with the responsible authority.
16. The draft MAA is then submitted to the Secretary of State who may either approve it, ask for it to be modified, or reject it. If the draft is approved, the MAA with duties will come into effect and the local and partner authorities will be under a duty to have regard to the targets in the MAA that relate to them in exercising their functions.
17. This description and the diagram below provide an outline of the process. Further detail on setting up MAAs with duties will be set out in guidance.

<sup>2</sup> <http://www.communities.gov.uk/documents/localgovernment/doc/554905.doc>

## Overview of the process for establishing an MAA with duties – flow chart



### Converting an existing MAA to an MAA with duties

18. An MAA that has been prepared by any means other than following a direction from the Secretary of State may be submitted by local authorities to the Secretary of State for approval. For example, the MAAs that have already been agreed by Government could be presented for approval by the local authorities concerned so as to have the statutory duties apply to the MAA. Before submitting an MAA that has been prepared other than following a direction, the local authorities making the submission must consult any other local and partner authorities covered by the area of the MAA and provide the results of that consultation to the Secretary of State to help inform their decision. If the Secretary of State approves the agreement, this would have the effect of establishing an MAA with duties. This would mean that local and partner authorities covered by the agreement would have to have regard to the improvement targets that relate to them in the MAA when exercising their functions.

### Amending an existing MAA with duties

19. The LDEDC Bill allows for revisions to be made to an approved MAA with duties whether the MAA was initially prepared and approved following a direction by the Secretary of State or without such a

direction. In order for this to happen, the responsible authority would prepare a revision proposal for submission to the Secretary of State. This could cover revisions such as enlarging the area covered by the agreement; adding, removing or changing improvement targets; and/or extending the period for which the agreement has effect. When preparing a revision proposal, the responsible authority must consult the other local and partner authorities in the area and any other bodies and people it considers appropriate. The responsible authority, other local authorities and partner authorities will again be under a duty to cooperate in determining the changes. If changes are made to targets in the MAA with duties, the new target(s) will only apply to those bodies or persons that agree to the changes.

## Arrangements for MAAs with duties

### Geographical conditions

20. The LDEDC Bill does not include any restrictions on the area that could be covered by an MAA with duties. This is in line with the existing model for MAAs and means that no areas would be automatically precluded from entering into an agreement. It is the Government's intention that it should be possible for an MAA with duties to cross regional boundaries and also for it to cover only part of the area administered by a local authority.
21. However, the Government expects that where a proposed MAA with duties focuses exclusively on economic development, the area covered should reflect a functional economic area. This is also in line with expectations for existing MAAs.

### Targets

22. As with existing MAAs, an MAA with duties is an agreement between a group of local authorities and partners to deliver improvements in an area. These improvements will be specified in a number of targets set out in the agreement. While the expectation is that MAAs with duties will primarily be put in place to help deliver improvements in the economic development of an area, the Government will not be prescriptive on this point. Targets can therefore relate to any aspect of the economic, social or environmental well-being of the area or any part of the area. Targets will only relate to a local authority or partner if they have agreed that it should do so. As well as reflecting local priorities, targets in MAAs with duties should be consistent with regional strategies.

### Partner authorities

23. A list of partner authorities has been included on the face of the bill in clause 118. The responsible authority for an MAA with duties will need to consult and co-operate with each partner authority relevant to the area for the proposed MAA with duties in determining improvement

targets to be contained in the agreement. There will be a corresponding duty on partner authorities to cooperate with the responsible authority. Once approved, partner authorities will also have a duty to have regard to the targets in the MAA that relate to them.

24. As well as the partner authorities listed in clause 118, the Government would expect the responsible authority to consult other appropriate persons in developing the priorities and targets for the MAA, particularly the private and third sectors.

### **Governance**

25. There is no one model for the governance arrangements that should be put in place to support the development or delivery of an MAA with duties and the LDEDC Bill does not include any provisions on this point. However, the Government would expect the authorities involved to set up robust governance arrangements to enable accountable decision making, effective commissioning and evaluation of activities, and appropriate engagement with local stakeholders to take place.
26. If groups of local authorities wish to set up a robust and long term governance structure across their area to deliver the improvement targets agreed to in an MAA, they may wish to consider establishing an economic prosperity board across the area. More information on the links between MAAs with duties and EPBs can be found at paragraphs 59 and 60.

# Chapter 3: Economic Prosperity Boards

## Main points

27. The Government is legislating to allow the creation of economic prosperity boards (EPBs). These will enable groups of local authorities, where they wish to do so, to act collectively across the whole area covered by those authorities on economic development issues. The principal purpose of EPBs will be to promote the economic development and regeneration of the area they cover.
28. The Government recognises that there are very strong links between economic development, regeneration and transport provision and, where an EPB is proposed, the Government would expect that its constituent local authorities would want to consider the case for including transport functions. The LDEDC Bill therefore also makes provision for the economic development and regeneration functions of an EPB to be combined with the transport functions of an integrated transport authority (ITA)<sup>3</sup>. ITAs are corporate bodies at the sub-regional level with responsibility for the local transport plan and other transport functions. ITAs are governed by part 5 of the Local Transport Act 2008<sup>4</sup>.
29. EPBs are designed to provide areas with a stable mechanism for long-term, strategic decision making on economic issues. Their leadership will be drawn from elected members of the participating authorities, providing a democratically accountable arrangement for the sub-region as a whole. Having an EPB in place will give confidence to authorities and partners that there is commitment to effective joint working across the area and could provide a platform for further devolution to sub-regions.<sup>5</sup>
30. EPBs are intended to increase the options available to local authorities to work together on economic development and regeneration. Other, existing forms of partnership (such as MAAs) will continue to be available and it will be up to local authorities to decide which, if any, sub-regional arrangements would be most appropriate for their area. However, as EPBs will provide increased transparency and accountability, they will be a preferable option for those sub-regional partnerships that have a strong, long-term commitment to joint working on economic issues. As a strong governance mechanism they

<sup>3</sup> These 'combined authorities' are covered by clauses 98 to 108 of the LDEDC Bill

<sup>4</sup> For further information on ITAs see the Department for Transport guidance at <http://www.dft.gov.uk/pgg/regional/localtransportbill/guidancegovernance.pdf>

<sup>5</sup> See paragraphs 61 and 62 for more information on the Government's proposals to increase devolution to city-regions.

could also take responsibility for the management of other sub-regional initiatives, such as economic development companies.

31. The Government's intention is that the decision to proceed towards an EPB will be made by local authorities which believe that these arrangements would provide benefits for their areas. The Government does not propose to direct local authorities to establish EPBs. The Government also wishes EPBs to be able to accommodate local circumstances. The legislation is therefore deliberately flexible with regard to their functions and constitutional arrangements.
32. Before an EPB is established, the participating local authorities will need to show that the proposed arrangement would be likely to deliver benefits in terms of the economic development and regeneration (and transport if appropriate) of the area. The costs of setting up and running an EPB will be met by the participating local authorities.

## Process for establishing an EPB

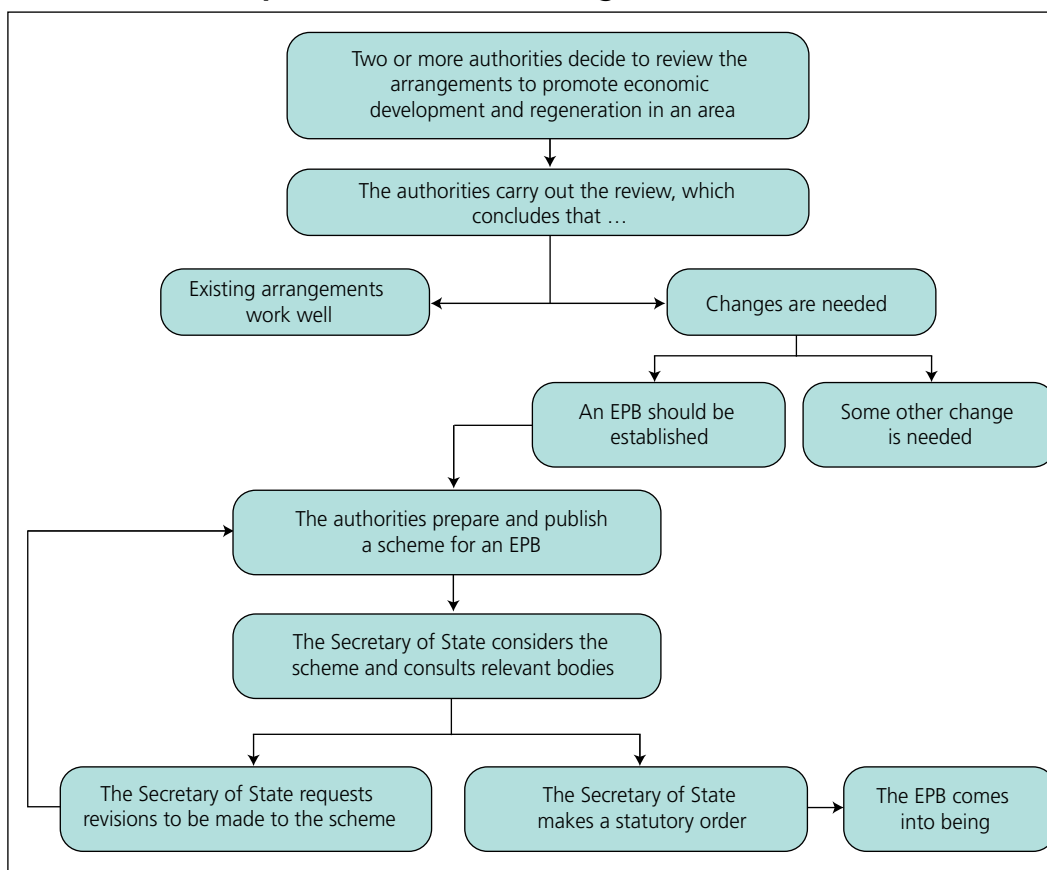
33. The following paragraphs summarise the process for establishing an EPB. The process for establishing an arrangement which includes both economic development and transport functions is broadly similar but will also need to take account of transport provision in the area concerned.

### Overview of the process for establishing an EPB

34. The first stage will be for two or more local authorities to jointly conduct a review of economic development arrangements across an area. This review should determine whether the existing arrangements for promoting economic development and regeneration in the area are effective and whether the area would benefit from changes, such as the establishment of an EPB. The review will draw on evidence about the economy of the area, including the economic assessment that will be carried out by local authorities (part 5 of the bill) and evidence used to inform the development of relevant regional strategies (part 6).
35. If the review concludes that establishing an EPB for an area would be likely to deliver improvements in economic development and regeneration, then the local authorities can prepare a scheme for the creation of an EPB. The scheme should set out the area to be covered and the functions of the proposed EPB. The scheme should also detail the arrangements that will be made with regard to the EPB's membership, constitution and funding. The Government will expect authorities to consult widely as they develop their proposals for an EPB and should involve relevant partners both during the review and when preparing a scheme. These might include bodies such as the Regional Development Agency, Homes and Communities Agency, the Environment Agency, National Parks Authorities and the Learning and Skills Council.

36. The scheme would then be published and submitted to the Secretary of State. If the Secretary of State considers that establishing an EPB will deliver improvements in the economic development and regeneration of the area, he may then make a statutory order creating the EPB. The Secretary of State would need to consult relevant bodies before making the order and would be able to request revisions to be made to the scheme if necessary. However, effective working between authorities, their partners and other stakeholders during the preparation of the review and scheme will minimise any revisions or delay at this stage.
37. This description and the diagram below provide an outline of the process. Further detail, for example the information that should be contained in the scheme that is submitted to the Secretary of State and the expected timetables involved, will be set out in guidance. The department will aim to ensure the process delivers both effective stakeholder engagement and an efficient route to establishing an EPB.

### Overview of the process for establishing an EPB – flow chart



### Amending an existing EPB

38. EPBs are designed to provide long-term, stable governance mechanisms for areas that are committed to joint working. However, the Government recognises that it may sometimes be necessary to make changes to some aspect(s) of an EPB once it has been established, and so the bill contains provision for this to happen. These provisions include the possibility of making amendments to the area

covered by the EPB (ie adding or removing local authority areas); its functions; and its constitutional, membership, voting or funding arrangements. In order to ensure that such changes will result in benefits to the area, it will be necessary for a new review to take place and a revised scheme to be published before any amendments are made.

### Abolishing an EPB

39. The LDEDC Bill also makes provision for the Secretary of State to dissolve an EPB's area and abolish the EPB for that area. Before this could take place, one or more of the constituent local authorities (which could include the EPB itself) would need to conduct a review of the EPB and publish a new scheme showing how the area would operate without the EPB. The Secretary of State could then make an order abolishing the EPB, on condition that he considered that this would lead to improvements in the economic development of the area. The EPB could also not be abolished unless a majority of the county and unitary authorities within the EPB consented. The abolition of a combined EPB and ITA would follow a similar process.

## Arrangements for EPBs

### Geographical conditions for EPBs

40. The LDEDC Bill sets out certain conditions that an area must meet in order to be able to have an EPB across that area. These conditions are set out in clause 83.
41. The conditions are designed to ensure that the areas covered by an EPB are contiguous – ie that there are no 'gaps' in the area which could cause difficulties in ensuring effective economic development. EPBs are not designed to be a mechanism for making changes to local authority boundaries. They must therefore be made up of the whole of the area of two or more local authorities (including districts, counties or unitaries). However, it will be possible for an EPB to cover the area of a district in a two tier area, without including the whole of the county's area.
42. The bill also sets out that any area cannot be part of more than one EPB or combined EPB and ITA. The Government's view is that if these arrangements were to overlap, it would undermine their ability to make decisions about the economic development of their area and weaken their overall effectiveness.
43. It is not the Government's intention to insist that EPBs must be within regional boundaries. The Government would therefore be prepared to consider a scheme for an EPB that contained part of the area of two or more of the English regions, as set out in the RDA Act 1998, provided the other geographical conditions were met. The bill does, however, require that the area of an EPB is entirely within England.

44. Given London's unique status and governance arrangements, the Government does not feel that it would be appropriate for London boroughs to be able to enter into an EPB or combined EPB and ITA. The GLA Acts established the Greater London Authority to provide strategic leadership for London, and devolved down to the Mayor significant powers to facilitate economic development across the capital, including oversight of Transport for London and London Development Agency, responsibility for strategic planning, and statutory influence over skills and housing funding. The bill therefore does not include London borough councils in any of the provisions relating to EPBs.

### Participation by local authorities in an EPB

45. Participation in an EPB will be voluntary for local authorities. Clause 93 of the LDEDC Bill sets out that a scheme for the establishment of an EPB cannot include a local government area unless the authority responsible for that area either participates in preparing the scheme or consents to being included in the scheme.
46. There is one exception to this, which is that where the whole of a county council's area is to be included in the EPB, the districts within the county do not have to give their consent to the scheme. The Government has included this exception in order to ensure that if a county wishes to participate in an EPB, this cannot be prevented by one or more of its districts. However, where a district does not wish to participate in an EPB, it is not the Government's intention that any of its functions should be transferred to the EPB or that the district should be liable in any way for the funding or activity of the EPB.
47. If an EPB is to be set up across an area that includes part but not all of a county, each of the districts within the part to be included must give their consent to the scheme in order for it to go ahead.

### Membership and voting arrangements

48. The membership and voting arrangements for a particular EPB will be set out in the scheme prepared by the local authorities. However, the Government wishes to ensure that arrangements allow for transparent and accountable decision making. As a minimum, therefore, the majority of members of the EPB must be appointed by the participating councils and must be made up of elected representatives from those councils.
49. It will also be possible – but not necessary – for people other than elected members, such as representatives from the private or voluntary sectors, to be members of an EPB. However, these members will not have voting rights unless the members that are drawn from the local authorities resolve otherwise. It is not the Government's intention that members of EPBs will be appointed by anyone other than the participating local authorities. Processes for making appointments to the EPB should be agreed by the participating local authorities and set out in the initial scheme.

### Executive arrangements

50. The Bill allows an EPB to set up executive arrangements where it wishes to do so. Under such arrangements, an executive body can be set up to make specific decisions, especially day to day decisions, on behalf of the EPB. Again, information on how such executive arrangements will operate should be set out in the scheme. The constituent local authorities in the EPB will be responsible for the executive and it will not be possible for anyone other than the EPB to agree its budget. This function cannot be delegated to an executive body.

### Functions of EPBs

51. An EPB's main purpose should be the economic development and regeneration of the area for which it is established. However, activities to support economic development are complex and varied and the Government has therefore decided not to prescribe in detail the functions that could or could not be given to EPBs. Rather, it will be for the local authorities concerned to propose those functions that they feel will best meet the needs of the particular area. Given this, the legislation allows for any function that can be exercised by a local authority in relation to an area covered by the EPB, to be granted to the EPB. However, it is implicit in the legislation that any function proposed for an EPB should relate to economic development and/or regeneration.
52. In order to provide further flexibility for local authorities, the legislation provides for an EPB's functions to be exercisable only by the EPB (i.e. the function to be transferred to the EPB) or by both the EPB and the local authority (ie the function to be shared). The scheme which is prepared by the local authorities should specify what functions they propose granting to the EPB and how these would be exercised.
53. Combined EPBs and ITAs will be able to have any function that can be given to an EPB and any function that can be given to an ITA. The functions that can be given to ITAs are set out in part 5, chapter 2 of the Local Transport Act 2008.

### Funding arrangements and financial implications

54. An EPB will be funded by its constituent councils. The basis for how the contribution of each participating council is determined should be agreed by the local authorities and set out in the scheme to set up the EPB. The running costs of an EPB will vary depending on its scope and functions.
55. The Government does not intend to provide any additional funding to local authorities to cover the start up or running costs of an EPB. Local authorities will need to determine whether establishing such an arrangement will provide value for money before making a final decision as to whether to participate in a scheme. The review that precedes the

creation of a scheme should establish whether new governance arrangements across the area are likely to offer value for money.

56. The LDEDC Bill does not provide powers for EPBs to be levying or precepting bodies; nor does it provide EPBs with borrowing powers. Constituent authorities will therefore need to meet the costs of the EPB.
57. Passenger Transport Authorities (the precursor to ITAs) had borrowing powers and powers to raise a levy from constituent authorities for transport funding, which have been assumed by ITAs. A combined EPB and ITA will also have these powers but any funds raised by borrowing or a levy will have to be used solely for transport purposes. For non transport purposes, the combined EPB and ITA will be funded through agreement between the participating local authorities, as is the case for EPBs.

## Chapter 4: Interaction Between MAAs and EPBs

58. As mentioned in paragraph 18, it will be straightforward for an existing MAA to be converted into an MAA with duties. While there will be no expectation that this should take place, groups of local authorities may want to consider taking this step in order to give their agreement greater purchase and to ensure that it is taken seriously by partners.
59. MAAs and EPBs are different types of arrangement. The former are agreements to deliver targets, while the latter provide a governance arrangement for a sub-region. Where an EPB is proposed across the area of an existing MAA or MAA with duties, it would make sense for the EPB to take over responsibility for delivery of the targets agreed through the MAA.
60. As stated in paragraph 45, the Government does not feel that it would be appropriate for the areas covered by EPBs (or combined EPBs and ITAs) to overlap. However, the legislation does allow for an EPB (or combined EPB and ITA) to enter into an MAA with an area or areas beyond its boundaries. This would make it possible, for example, for an EPB to agree an MAA with a London borough, in order to coordinate activity on economic issues of interest to both parties.

# Chapter 5: Related Initiatives

## Pre-Budget Report: City Regions

61. The 2008 Pre-Budget Report, published on 24 of November, made clear that city-regions have a vital role to play in driving regional and national prosperity. It set out the Government's intention to agree '*a set of devolutionary proposals with local authorities in city-regions, to increase further their ability to drive economic growth*'. The Government has committed to having agreements with at least two city-regions in place by Budget 2009. A letter was issued to upper tier authorities and Regional Development Agencies in December 2008 setting out more information on the government's intentions and the process that groups of authorities would need to go through in order to be considered. A copy of this letter has been placed in the library of the House.
62. In order to take full advantage of the devolutionary proposals on offer, city-regions will need to have an effective mechanism in place for taking decisions at that level. Establishing an EPB would be a way of achieving this and the Government has indicated that this would be its preferred mechanism, at such time as they become available. In the interim, the work that will be done to develop the devolutionary measures with city-regions will increase the evidence available on the effectiveness of exercising particular functions and powers at a sub-regional level.

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