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Report to: West Yorkshire Combined Authority

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Subject: Revised Committee Arrangements and Appointments

Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12a, Local Government Act 1972, Part 1	

1. Purpose

- 1.1 To appoint West Yorkshire Combined Authority (WYCA) committees.
- 1.2 To appoint members to WYCA committees, including an independent member to the Governance and Audit Committee.
- 1.3 To appoint Chairs/Deputy Chairs of WYCA committees.
- 1.4 To grant voting rights to some members of WYCA committees.
- 1.5 To confirm the continuing appointment of Independent Persons.

2. Information

- 2.1 It is proposed that the following committees are appointed, with the terms of reference attached as appendices to this report:
 - Governance and Audit Committee **(Appendix 1)**
 - Leeds City Region Partnership Committee **(Appendix 2)**
 - Overview and Scrutiny Committee **(Appendix 3)**
 - Transport Committee **(Appendix 4)**
 - West Yorkshire and York Investment Committee **(Appendix 5)**
- 2.2 No substantive amendments are proposed to the terms of reference for these committees, although it is proposed to review the terms of reference of the Leeds City Region Partnership Committee in the coming municipal year. Minor amendments to terms of reference currently proposed are set out in the table below (and highlighted on the terms of reference):

Committee	Amendments
LCR Partnership Committee	Delete footnote to LEP Panels.
Transport Committee	Updating amendments further to the Bus Services Act 2017. Minor amendments for clarification.
West Yorkshire and York Investment Committee	Updating by inserting reference to the LCR Assurance Framework.

New advisory committee arrangements

- 2.3 The WYCA meeting on 7 April considered a proposal to integrate LEP Panels and the Strategic Land and Assets Board into WYCA’s decision making structure in the context of the on-going review of Leeds City Region governance arrangements and noted the principal advantages of streamlining decision making, having direct private sector involvement in WYCA decision making and increased accountability and transparency. It was agreed that the Panels be appointed as WYCA advisory committees or sub committees at the Annual Meeting, subject to the outcome of further consultation including with the LEP Board and LEP Panel Chairs.
- 2.4 The proposal was discussed in detail at the LEP Board meeting on 17 May and was unanimously agreed by the Board. It is therefore now proposed that WYCA appoint the following as WYCA advisory committees on the terms of reference attached:
- Business Innovation and Growth Panel (**Appendix 6**)
 - Employment and Skills Panel (**Appendix 7**)
 - Green Economy Panel (**Appendix 8**)
 - Land and Assets Panel (**Appendix 9**)
- 2.5 It is proposed to review the Green Economy Panel’s terms of reference with a view to incorporating broader environmental issues, in due course.
- 2.6 Investment Panel is to be appointed as an advisory sub-committee of WYCA’s West Yorkshire and York Investment Committee.
- 2.7 To allow for a transitional period it is proposed that the new advisory committee arrangements will not be of effect until **1 September**. This allows for scheduled meetings of the LEP Panels before September to be used to provide an informal opportunity for Panel members to discuss these changes, and for guidance and support to be provided as necessary.

Appointments

- 2.8 **Appendix 10** sets out appointments and/or co-options proposed to the Governance and Audit Committee, Overview and Scrutiny Committee, Transport Committee and the West Yorkshire and York Investment Committee.

- 2.9 By Order of the Secretary of State, the **Governance and Audit Committee** membership now needs to include an independent member. Further to the resolution of WYCA at its meeting on 1 December 2016, the post was advertised, and interviews held. It is now recommended that Andy Clayton be appointed as independent member to the committee; he is a qualified internal auditor with many years experience in the civil service, currently in an Assistant Head of Internal Audit post with the Government Internal Audit Agency. In appointing members to an audit committee, there is a new statutory requirement for members of the committee taken as a whole to reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils when taken together. The proposed appointments to this committee as set out in Appendix 10 comply with this requirement.
- 2.10 As a result of new statutory requirements, members of the **Overview and Scrutiny Committee** of a combined authority must “taken as a whole ... reflect so far as reasonably practicable the balance of political parties prevailing among the **constituent** councils when taken together”. The proposed membership reflects this requirement.
- 2.11 The proposals for co-optees from constituent councils to the **Transport Committee** reflect nominations made by district councils on the same basis as for 2016/17. It is also proposed that a member from City of York Council continues to be appointed as a non-voting member, together with two private sector representatives to be nominated by the LEP Board. At present, the LEP Board has nominated one representative, and will undertake a recruitment exercise for the other nominee after the annual meeting. It is understood that the Transport Committee will re-appoint District Consultation Sub-Committees at their first meeting of the municipal year.
- 2.12 It is proposed to co-opt onto the **West Yorkshire and York Investment Committee** the relevant portfolio holders, ex-officio, of the Constituent Councils and the City of York Council from time to time, as confirmed by the relevant Chief Executive, consistent with arrangements for 2016/17. The relevant portfolio holders for 2017/18 are identified on Appendix 10 for information.
- 2.13 In relation to the **LCR Partnership Committee** it is proposed to appoint:
- each WYCA Member individually appointed by each Constituent Council,
 - the Non-Constituent Council WYCA Member, and
 - as co-optees, ex-officio, the Leaders of other LCR Councils from time to time.
- 2.14 It is proposed that WYCA continues to appoint a substitute member for each of the co-opted members on the LCR Partnership Committee, which should be that Member nominated as substitute by the Monitoring Officer of the relevant authority to the Head of Legal and Governance Services. (WYCA Members on the committee have substitutes appointed under the terms of the WYCA Order).

2.15 **Appendix 11** to this report sets out the members to be appointed to the new advisory Panels, with effect on 1 September for the remainder of the municipal year 2017/18. For continuity, members of existing LEP Panels were invited to continue in their valuable role on the new advisory committees, and their appointments are therefore proposed where they have agreed to continue to serve on an advisory Panel.¹

Voting Rights

- 2.16 It is proposed that the new Independent Member on **Governance and Audit Committee** is a voting member of that Committee.
- 2.17 By law, each member of the **Overview and Scrutiny Committee** (or sub-committee) from a constituent council must have one vote. The members from the City of York council shall by law be non-voting, unless they are granted voting rights by WYCA. It is proposed that as for 2016/17, the City of York members of the Overview and Scrutiny Committee (or any sub-committee of the committee to which they are appointed) may each exercise 1 vote.
- 2.18 It is proposed that voting rights for co-opted constituent council members on the **Transport Committee** (or a District Consultation Sub-committee of the Transport Committee) remain unchanged from the last municipal year, so that each member may exercise 1 vote. As set out above, it is not proposed to extend voting rights to the City of York member, nor to any private sector representative on Transport Committee.
- 2.19 It is proposed that voting rights for co-opted constituent council and non-constituent council members on the **West Yorkshire and York Investment Committee** remain unchanged from the last municipal year, so that each member may exercise 1 vote.
- 2.20 It is proposed that each Member of the **LCR Partnership Committee** exercises 1 vote.
- 2.21 In relation to the **new advisory Panels**, it is proposed that in addition to each WYCA Member appointed exercising 1 vote:
- each member co-opted from a constituent council may exercise 1 vote;
 - each member co-opted from the non-constituent council may exercise 1 vote;
 - each member co-opted from a LCR council outside West Yorkshire and York may exercise 1 vote;
 - each private sector representative may exercise 1 vote.

¹ with the exception of Panel members who are Officers, and who cannot therefore for legal reasons be appointed to a WYCA Committee. Each Panel will continue to have a Lead Chief Executive attending to provide advice to the Panel.

- 2.22 It is proposed that committee members of the new advisory Panels who are ex-officio representatives of other bodies, will be non-voting.

Chairing arrangements

- 2.23 WYCA may appoint Chairs and Deputy Chairs to committees, including the advisory Panels. If no appointment is made by WYCA, a committee shall appoint its own Chair and/or Deputy Chair.

Appointment of Independent Persons

- 2.24 WYCA is required to have Independent Persons available to act in relation to complaints concerning allegations of a breach of WYCA's Members' Code of Conduct. WYCA at its annual meeting in 2016 approved the appointment of Ian Brown and Carolyn Lord to be paid £800 annually, with a further £220.19 for each day or part of a day attending at a meeting of the relevant committee at which an allegation of misconduct is considered. Both have confirmed their continuing eligibility to be Independent Persons for 2017/18. It is proposed that the terms of office of these Independent Persons be extended to WYCA's annual meeting in 2018.

3. Financial Implications

- 3.1 The Members' Allowances Scheme provides for remuneration for co-opted members on some committees. Any change to the number of co-opted members on these committees may therefore impact on the overall budget for Members' allowances.
- 3.2 No changes are proposed to the remuneration for Independent Persons.

4. Legal Implications

- 4.1 **Political balance requirements** under S15 Local Government and Housing Act 1989 apply to the appointment of WYCA Members to WYCA ordinary committees, unless those requirements are waived in accordance with S17 of the 1989 Act. The Governance and Audit Committee and the Overview and Scrutiny Committee are not ordinary committees for this purpose – see further above.
- 4.2 The co-option of members onto Transport Committee is not required to be politically balanced under S15; however, by convention, WYCA has sought to reflect West Yorkshire political balance in relation to the appointments.
- 4.3 Section 28 of the Localism Act 2011 requires the Authority to appoint at least one Independent Person to act in relation to complaints concerning allegations of a breach of WYCA's Members' Code of Conduct. Any appointment must be approved by a majority of WYCA Members.

5. Staffing Implications

5.1 None.

6. External Consultees

6.1 The LEP Board and LEP Panel Chairs have been consulted about, and agreed, the proposals to appoint new advisory Panels.

7. Recommendations

7.1 In relation to **appointment of committees**, it is recommended that:

7.1.2 WYCA appoints the following committees, each with the terms of reference set out in the relevant Appendix:

- Governance and Audit Committee (Appendix 1)
- LCR Partnership Committee (Appendix 2)
- Overview and Scrutiny Committee (Appendix 3)
- Transport Committee (Appendix 4)
- West Yorkshire and York Investment Committee (Appendix 5)

7.1.3 WYCA appoints the following committees, each with the terms of reference set out in the relevant Appendix, with effect from 1 September 2017:

- Business Innovation and Growth Panel (Appendix 6)
- Employment and Skills Panel (Appendix 7)
- Green Economy Panel (Appendix 8) and
- Land and Assets Panel (Appendix 9)

7.2 In relation to the **appointment of committee members**, it is recommended that:-

7.2.1 WYCA resolves in accordance with S17 Local Government and Housing Act 1989 to appoint **WYCA Members** to:

- the Transport Committee and the West Yorkshire and York Investment Committee, as set out in the attached Appendix 10, and
- the LCR Partnership Committee as follows:
 - each of the 5 WYCA Members individually appointed by each constituent council, and
 - the non-constituent council WYCA Member.
- Business Innovation and Growth Panel, Employment and Skills Panel, Land and Assets Panel as set out in Appendix 11, these appointments to be of effect from 1 September 2017.

- 7.2.2 WYCA resolves² to appoint WYCA Members to the Governance and Audit Committee, as set out in Appendix 10, together with Andy Clayton as an independent member of the Governance and Audit Committee.
- 7.2.3 WYCA resolves³ to appoint members to the Overview and Scrutiny Committee as set out in Appendix 10.
- 7.2.4 WYCA resolves to **co-opt** members to:
- the Transport Committee as set out in the attached Appendix 10;
 - the LCR Partnership Committee as set out in paragraph 2 of this report, including substitute arrangements for those members;
 - the West Yorkshire and York Investment Committee as set out paragraph 2 of this report; and
 - the new Panels as set out in Appendix 11, with appointments to be of effect from 1 September 2017.
- 7.3 In relation to **voting rights for committee members**, it is recommended that (in addition to each WYCA Member on any relevant committee exercising one vote):
- 7.3.1 WYCA note that each member of a constituent council appointed to the Overview and Scrutiny Committee will have one vote⁴.
- 7.3.2 WYCA resolves⁵ that any non-constituent council member co-opted to the Overview and Scrutiny Committee shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).
- 7.3.3 WYCA resolves that the independent member of the Governance and Audit Committee will be a voting member of that committee.
- 7.3.4 WYCA resolves that all co-opted members of the LCR Partnership Committee shall be voting members of that committee.
- 7.3.5 WYCA resolves that⁶ any constituent council member of the Transport Committee shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).
- 7.3.6 WYCA resolves that⁷ any constituent council member or non-constituent council member on the West Yorkshire and York Investment Committee shall

² In accordance with SI 2017/68

³ In accordance with SI 2017/68

⁴ In accordance with Regulation 3(3) SI 2017/68

⁵ In accordance with Regulation 3(4) SI 2017/68

⁶ In accordance with the WYCA Order 2014

⁷ In accordance with the WYCA Order 2014

be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).

7.3.7 WYCA resolves that each of the following members to be appointed to the new advisory Panels with effect from 1 September 2017 shall be a voting member:

- each member co-opted from a local authority; and
- each private sector representative.

7.4 It is recommended that WYCA **appoints a Chair and a Deputy Chair** to each committee, as set out in Appendix 10 and 11, any such appointment in respect of any new advisory Panel to be of effect from 1 September 2017.

7.5 That Ian Brown and Carolyn Lord continue as Independent Persons available to act in relation to complaints concerning allegations of a breach of WYCA's Members' Code of Conduct on the existing terms for remuneration, until WYCA's annual meeting in 2018.

8. Background Documents

8.1 None.