

**MINUTES OF THE MEETING OF THE CORPORATE SCRUTINY
COMMITTEE HELD ON 19 JANUARY 2024 IN CONFERENCE ROOMS
1/2, WELLINGTON HOUSE, 40-50 WELLINGTON STREET, LEEDS, LS1
2DE.**

Present:

Barry Anderson (Chair)	Leeds City Council
Brenda Monteith (Deputy Chair)	Calderdale Council
Alan Griffiths	Bradford Council
David Nunns	Bradford Council
Aneela Ahmed (Sub)	Bradford Council
Mike Barnes	Calderdale Council
Jane Dawson	Leeds City Council
Tony Hames (Sub)	Wakefield Council
Richard Forster	Wakefield Council
Betty Rhodes	Wakefield Council
Andrew Waller	City of York Council

In attendance:

Ben Still	West Yorkshire Combined Authority
Alan Reiss	West Yorkshire Combined Authority
Sarah Eaton	West Yorkshire Combined Authority
Angela Taylor	West Yorkshire Combined Authority
Caroline Allen	West Yorkshire Combined Authority
Khaled Berroum	West Yorkshire Combined Authority

21. Apologies for absence

Apologies for absence were received from Councillors Paul Wray, Rahat Khan, Jo Lawson, Susan Lee- Richards, Samantha Harvey, Ralph Berry and Moses Crook.

Councillors Tony Hames and Aneela Ahmed substituted for Councillors Samantha Harvey and Ralph Berry respectively.

The meeting was confirmed as quorate with 11 members present (out of 11 needed for quorum).

22. Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

23. Possible exclusion of the press and public

There were no items requiring the exclusion of the press and public.

24. Minutes of the meeting held on 24 November 2023

Resolved: That the minutes of the meeting held on 24 November 2023 to be approved.

25. Chair's comments and update

The Chair confirmed that Mayor's Questions was postponed from this meeting until 8 March due to the Mayor's availability and an additional meeting on the 1 March will now take place to cover the original agenda items planned for the 8 March meeting.

Resolved: That the Chair's verbal update be noted.

26. Level 4 Devolution

The Director for Strategy, Communications and Intelligence presented a report summarising the additional powers, flexibilities and functions available to the CA through the Level 4 Devolution Framework, alongside timescales for the CA to submit an application and the process for implementing the Government's Scrutiny Protocol.

Questions and discussion centred around the following main headings:

Funding and autonomy

- A single settlement "Trailblazer" deal, with additional funding and greater spending autonomy which Greater Manchester and West Midlands have secured, was not offered to any new authorities in this round and the government is still reviewing how elements of the deal will work in those two areas.
- The Level 4 Devolution offer is a stepping stone to a Trailblazer deal and whilst not providing any additional funding it does give the CA the ability to consolidate funding into two pots, based on source to allow for flexibility in moving funding between previously 'ringfenced' funds from the Department of Levelling Up, Housing and Communities (DLUHC) and Department of Transport (DfT).
- Level 4 Devolution also removes the current requirement for "Gateway Reviews" by the government for Gainshare funding for those authorities which have already been through them.
- Many local authorities are currently in financial difficulty and the Mayor intends to mention this within the letter to government noting that local authorities' capacity to deliver directly impacts the CA's ability to deliver, as many of its schemes and programmes are delivered by local authority partners.
- The government has recently published a Funding Simplification Doctrine, covering all local authorities, which intends to simplify – similarly to combined authorities – how local authorities can spend capital funding. E.g. future funding will be added to existing funding

streams rather than a new one which would usually be ringfenced and governed and monitored differently.

- As Level 4 Devolution comes with no additional funding, any additional powers or functions the CA would receive would need to be delivered through existing resources and budgets – which would need to be reviewed when the new devolution deal is finalised.
- The consolidation of different funding streams into pots however would allow for greater efficiency in deploying funds, including to support delivery and administration, which would be a significant benefit to the area.

Timeline, approvals and consultation

- The Mayor and Leaders agreed at the Finance, Resources and Corporate Committee held on 18 January 2024 to submit a letter expressing interest in Level 4 Devolution to the government, by the 31 January 2024 deadline. The letter would be circulated to scrutiny members in due course.
- Subject to approval by the Secretary of State, the CA would then enter into negotiations with government on the details of the deal.
- The CA and all constituent councils would then need to discuss and approve the deal before it is formally approved – as was the case in 2020/21.
- If any particular council does not agree with any particular element of the new powers, then the CA would proceed without that element as part of the final agreement.
- It is expected, but not guaranteed, that any announcements will be made around Budget time in early March before the pre-election period begins.
- There is no statutory requirement at this stage to consult with the public and no formal plans to do so although elements of the Deal could require consultation at the next stage of the process..
- Members reported not being briefed or consulted on the L4 devolution framework and its details within their own councils. It is important that the Combined Authority and the partner authorities' brief members since approval from each council and most members is needed for any new devolution deal to be agreed.
- The CA has confirmed with the government that it does meet the eligible criteria for Level 4 devolution – as a current 'Level 3 institution' – and the Chief Operating Officer is responsible within the CA to ensure it remains so.
- Readiness conditions for an area are based on the eligibility of the combined authority and not the constituent authorities within it. If a constituent authority within a CA area filed a Section 114 notice, the CA would still be eligible as has been the case in the West Midlands where the CA is on the "Trailblazer" path while Birmingham Council filed a Section 114.

Powers from local authorities to the Combined Authority:

- Currently, the government has said that the additional powers around Transport and Employment and Skills on offer must be taken in full –

“all or nothing”. A number of Transport functions currently set out within the Framework are delivered by local authorities.

- Despite this, the CA is still negotiating the details as the government have not yet clarified exactly how some of the new powers would be exercised e.g. taxi licensing, pavement parking enforcement.
- The CA’s position is that it is not seeking to take on any function of local authorities in the region and that devolution is power devolved from central government to local areas – rather than from local authorities to combined authorities.
- Any role the CA is likely to have in the future on areas that the local authorities currently have statutory responsibility for, such as public health, would not impact on the local authority role in delivering functions at a locality level.
- The CA and five local authorities are currently refreshing and further developing the “principles of partnership working” to ensure that the partnership of six continue working efficiently together in any eventuality, regarding new powers.
- One of the principles concerns ‘sovereignty’ with agreement that the CA will not progress in a way that reduces the ‘sovereignty’ of the constituent authorities.
- On housing and land, there are no proposals within the Level 4 Devolution Framework to give the CA spatial planning powers. This element reflects what West Yorkshire does already, i.e. a ‘Strategic Place Partnership’ with Homes England chaired by the Mayor.
- Responsibility for Electric Vehicle (EV) charging infrastructure is not mentioned but the CA has funded EV charging facilities in different areas, is possibly expecting further funding from the Office for Zero Emission Vehicles and has drafted a Local Electric Vehicle Infrastructure (LEVI) Strategy which demonstrates a case for a common regional approach and coordination.
- On Public Health, the CA would not have the statutory responsibility that Councils discharge through their Directors of Public Health. The CA would instead adopt and further develop the Health in all Policies approach, in considering public health issues where it was relevant to existing CA functions and strategies e.g. employment, traffic pollution and housing quality.
- The CA currently has an Associate Director of Public Health, seconded from the Integrated Care Board (ICB), to oversee much of this work. A note on this area of work would be circulated to members.

Scrutiny Protocol

- At the previous Corporate Scrutiny Committee on 24 November 2023, a working group was established to engage in a member-led review of the Scrutiny Protocol and make recommendations to the CA on implementation and compliance.
- The CA needs to write to the Secretary of State to confirm and explain the implementation of the Scrutiny Protocol within a year of any L4 devolution agreement.
- The working group is due to meet on 29 January and 16 February 2024, with a final report returning to Corporate Scrutiny Committee on

the 1 March 2024 before being considered by the CA later in March – which has the final decision on any governance matters, including scrutiny arrangements. Allowance levels are set by independent remuneration panels (IRPs).

- The Deputy Director for Legal, Governance and Compliance is the responsible officer within the CA for governance and scrutiny arrangements.

Resolved:

- i) That the report and the Committee's feedback be noted.
- ii) That further information on the Combined Authority's role in EV charging and public health, the Scrutiny Protocol working group's terms of reference, the Level 4 Devolution letter be circulated to Members.
- iii) That a future item on the Combined Authority's role in public health strategy be considered, with the Associate Director for Public Health in attendance.

27. Work Programme

Resolved:

- i) That the work programme be noted.
- ii) That the new date and time for the next meeting on 1 March at 9.00 am – 11.00 am be noted.

28. Date of the next meeting – 1 March 2024