

Report to: West Yorkshire Combined Authority

Date: 28 June 2018

Subject: **Committee Arrangements and Appointments**

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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<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 of this report

- 1.1 To appoint committees of the West Yorkshire Combined Authority (the Combined Authority).
- 1.2 To appoint or co-opt members onto the Combined Authority's committees.
- 1.3 To appoint the Chairs and Deputy Chairs for committees of the Combined Authority.
- 1.4 To grant voting rights to some members of the Combined Authority's committees.
- 1.5 To confirm the continuing appointment of Independent Persons.

2. Information

- 2.1 The Combined Authority must by law appoint an audit committee and an overview and scrutiny committee. The proposed terms of reference for the **Governance and Audit Committee** and **Overview and Scrutiny Committee**

are attached as **Appendices 1** and **2** to this report, incorporating the following proposed amendments:

Committee		Amendment proposed
Governance and Audit Committee	Appendix 1	<ul style="list-style-type: none"> Delete reference to advising on the Assurance Framework (this role is carried out by the West Yorkshire and York Investment Committee).
Overview and Scrutiny Committee	Appendix 2	<ul style="list-style-type: none"> Insert new footnotes to clarify the remit of the committee in relation to the Leeds City Region Enterprise Partnership (the LEP).

- 2.2 It is proposed that the Combined Authority appoint the **Transport Committee** as a decision-making committee of the Combined Authority, and the **West Yorkshire and York Investment Committee** and **Leeds City Region Partnership Committee** as advisory committees of the Combined Authority. (The Transport Committee appoints five District Consultation Sub-Committees, and the West Yorkshire and York Investment Committee appoints the Business Investment Panel as its sub-committee). The proposed terms of reference for these committees are attached as **Appendices 3, 4 and 5** respectively, incorporating the following proposed amendments:

Committee		Amendment proposed
Transport Committee	Appendix 3	<ul style="list-style-type: none"> Update to insert reference to the West Yorkshire Transport Strategy 2040. Insert reference to reflect the previous budget resolution of the Combined Authority that the committee might approve of any individual scheme costing £3 million or under within the Integrated Transport Block of the Capital Programme. Insert reference to supporting the ambition for inclusive growth.
West Yorkshire and York Investment Committee	Appendix 4	<ul style="list-style-type: none"> Insert reference to clarify the committee's role in making recommendations about the progress of schemes under the Assurance Framework. Insert minor amendments for clarification and update to reflect current practice.
Leeds City Region Partnership Committee	Appendix 5	<ul style="list-style-type: none"> Delete reference to duty to co-operate in relation to sustainable planning (to be within the terms of reference of Place Panel – see below) Delete reference to appointments to the LEP (now addressed in the LEP Constitution).

2.3 Further to the resolution of the Combined Authority at its May meeting, it is proposed to appoint the following advisory panels as advisory committees to the Combined Authority, which also report to LEP Board:

- Business Innovation and Growth Panel (**Appendix 6**)
- Employment and Skills Panel (**Appendix 7**)
- Green Economy Panel (**Appendix 8**)
- Inclusive Growth and Public Policy Panel (**Appendix 9**)
- Place Panel (**Appendix 10**)

2.4 Proposed terms of reference for these panels are attached as Appendices 6 - 10, and incorporate the following proposed amendments:

Committee		Amendment proposed
Business Innovation and Growth Panel	Appendix 6	<ul style="list-style-type: none"> • Insert reference to supporting the ambition for inclusive growth. • Insert clarification that the Panel may advise on bidding for funding. • Minor amendments and re-ordering for clarification.
Employment and Skills Panel	Appendix 7	<ul style="list-style-type: none"> • Insert reference to supporting the ambition for inclusive growth. • Insert clarification that the Panel may advise on bidding for funding. • Minor amendments and re-ordering for clarification.
Green Economy Panel	Appendix 8	<ul style="list-style-type: none"> • Insert reference to supporting the ambition for inclusive growth. • Insert clarification that the Panel may advise on bidding for funding. • Insert new footnote clarifying extent of the Panel's role in relation to any flood strategy or flood alleviation programme. • Minor amendments and re-ordering for clarification.
Inclusive Growth and Public Policy Panel	Appendix 9	NEW
Place Panel	Appendix 10	NEW

Appointments

2.5 **Appendix 11** to this report sets out proposed appointments to committees (excluding the advisory panels). The proposed appointments to the **Governance and Audit Committee** and the **Overview and Scrutiny Committee** comply with statutory requirements relating to membership set out in paragraph 5 of this report. It is proposed that a substitute member is appointed for each member of the Overview and Scrutiny Committee.

- 2.6 The voting co-optees proposed for the **Transport Committee** follow the nominations made by West Yorkshire councils. It is proposed that a member from City of York Council continues to be appointed as a non-voting co-optee, together with two non-voting private sector representatives.
- 2.7 Consistent with previous municipal years, it is proposed to co-opt the relevant portfolio holders, ex-officio, of the constituent councils and the City of York Council from time to time (as confirmed by each relevant Chief Executive) onto the **West Yorkshire and York Investment Committee**. The portfolio holders for 2018/19 are identified on **Appendix 11** for information.
- 2.8 In relation to the **Leeds City Region Partnership Committee** it is proposed to appoint:
- each member of the Combined Authority appointed singly by each constituent council,
 - the member of the Combined Authority appointed by the non-constituent council (City of York Council),
 - the Leaders of other Leeds City Region councils from time to time, ex-officio, as co-optees.
 - Councillor Susan Hinchliffe as Chair of the committee and Councillor Tim Swift as Deputy Chair.
- 2.9 The substitute for a member of the Combined Authority may substitute for that member at any meeting of the Combined Authority where the member is absent, including any relevant committee meeting, (for example, of the Governance and Audit Committee, the Transport Committee and the LCR Partnership Committee). It is proposed that the Combined Authority appoints a substitute member for each of the co-opted members on the Leeds City Region Partnership Committee, as confirmed to the Head of Legal and Governance Services, by the relevant Monitoring Officer.
- 2.10 Appendix 12 to this report sets out proposed **appointments to the advisory panels** which also report to the LEP Board. The main change this municipal year is that it is proposed to appoint a co-opted member from each West Yorkshire council onto each advisory panel, including the new Place Panel and Inclusive Growth and Public Policy Panel. The proposed membership of the Inclusive Growth and Public Policy Panel is provisional in terms of non-West Yorkshire, private sector and non-voting advisory representation, and subject to review by the Combined Authority at a later date.

Voting Rights

- 2.11 It is proposed that the Independent Member on Governance and Audit Committee is a voting member of that Committee.
- 2.12 By law, each member of the Overview and Scrutiny Committee from a constituent council must have one vote, which will may be exercised in their absence by their substitute. The members from the non-constituent council (City of York Council) by law are non-voting, unless granted voting rights by

resolution of the Combined Authority. It is proposed that each of these members of the Overview and Scrutiny Committee (or any sub-committee of the committee to which they are appointed) may each exercise 1 vote, and each substitute may exercise their vote when acting in their absence.

- 2.13 It is proposed that each co-opted constituent council member on the Transport Committee (and any sub-committee of the Transport Committee) may exercise 1 vote, (with the City of York co-opted member and any private sector representatives remaining as non-voting members).
- 2.14 It is proposed that each co-opted constituent council and the co-opted member from the City of York on the West Yorkshire and York Investment Committee (and the Business Investment Panel sub-committee) may exercise 1 vote.
- 2.15 It is proposed that each member of the Leeds City Region Partnership Committee may exercise 1 vote.
- 2.16 In relation to the advisory panels, it is proposed that in addition to each member of the Combined Authority exercising 1 vote:
- each member co-opted from a constituent council may exercise 1 vote,
 - each member co-opted from the City of York Council may exercise 1 vote,
 - each member co-opted from a council outside West Yorkshire and York may exercise 1 vote, and
 - each private sector representative may exercise 1 vote.
- 2.17 It is proposed that members of the advisory panels who are ex-officio representatives of other bodies will be non-voting.

Chairing arrangements

- 2.18 Proposed chairing arrangements, together with the position of leader of the opposition for Transport Committee, are set out in **Appendices 11 and 12**, (and paragraph 2.8 above in relation to the Leeds City Region Partnership Committee).

Appointment of Independent Persons

- 2.19 The Combined Authority is required to have Independent Persons available to act in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct. The Combined Authority at its annual meeting in 2017 extended the appointments of Ian Brown and Carolyn Lord up to the Combined Authority's annual meeting in 2019. Both have confirmed their continuing eligibility to be Independent Persons for 2018/19.

3. Inclusive Growth Implications

- 3.1 None.

4. Financial Implications

- 4.1 Any change to the number of co-opted members on the Transport Committee or Overview and Scrutiny Committee would impact on the overall budget for Members' allowances.

5. Legal Implications

- 5.1 Governance and Audit Committee membership must by law include an independent member, and the membership of an audit committee taken as a whole must by law 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.
- 5.2 The requirement in respect of political balance set out in 5.1, also applies to the appointment of members of the Overview and Scrutiny Committee. The Chair of this committee must by law be an "independent person" or an "appropriate person" who is a member of one of the Combined Authority's constituent councils. An "appropriate person" is defined as a person who is not a member of the registered political party which has the most representatives among the members of the constituent councils.
- 5.3 Political balance requirements under Section 15 Local Government and Housing Act 1989 apply to the appointment of members of Combined Authority to ordinary committees, unless those requirements are waived in accordance with Section 17 of the 1989 Act. The Governance and Audit Committee and the Overview and Scrutiny Committee are not ordinary committees for this purpose, and other requirements apply as outlined above.
- 5.4 The co-option of members onto Transport Committee is not required to be politically balanced under Section 15.
- 5.5 If no appointment is made by the Combined Authority, a committee shall appoint its own Chair and/or Deputy Chair.
- 5.6 Section 28 of the Localism Act 2011 requires the Combined Authority to appoint at least one Independent Person to act in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct.

6. Staffing Implications

- 6.1 None.

7. External Consultees

- 7.1 No external consultations have been undertaken.

8. Recommendations

8.1 In relation to appointment of committees, that the Combined Authority:

8.1.1 **appoints** the following **statutory committees** on the terms of reference set out in the relevant Appendix:

- Governance and Audit Committee (**Appendix 1**)
- Overview and Scrutiny Committee (**Appendix 2**)

8.1.2 **appoints** the following **committees** on the terms of reference set out in the relevant Appendix:

- Transport Committee (**Appendix 3**)
- West Yorkshire and York Investment Committee (**Appendix 4**)
- Leeds City Region Partnership Committee (**Appendix 5**)

8.1.3 **appoints** the following **advisory panels** as advisory committees which also report to the LEP Board on the terms of reference set out in the relevant Appendix:

- Business Innovation and Growth Panel (**Appendix 6**)
- Employment and Skills Panel (**Appendix 7**)
- Green Economy Panel (**Appendix 8**)
- Inclusive Growth and Public Policy Panel (**Appendix 9**)
- Place Panel (**Appendix 10**)

8.2 In relation to the appointment of committee members, that the Combined Authority:-

8.2.1 resolves in accordance with Section 17 Local Government and Housing Act 1989 to **appoint members of the Combined Authority** to:

- the **Transport Committee** and the **West Yorkshire and York Investment Committee**, as set out in the attached **Appendix 11**, and
- the **Leeds City Region Partnership Committee** as follows:
 - each of the 5 Combined Authority Members singly appointed by each constituent council, and
 - the member of the Combined Authority appointed by the non-constituent council (the City of York Council).
- the **Business Innovation and Growth Panel, Employment and Skills Panel, Green Economy Panel, Inclusive Growth and Public Policy Panel**, and the **Place Panel** as set out in **Appendix 12**.

8.2.2 resolves¹ to appoint members of the Combined Authority to the **Governance and Audit Committee**, as set out in **Appendix 11**,

¹ In accordance with SI 2017/68

together with Andy Clayton as an independent member of the Governance and Audit Committee.

8.2.3 resolves² to appoint members and substitutes to the Overview and Scrutiny Committee as set out in **Appendix 11**.

8.2.4 resolves to **co-opt members** to:

- the **Transport Committee** as set out in **Appendix 11**,
- the **West Yorkshire and York Investment Committee** as set out paragraph 2 of this report, and
- the **advisory panels** as set out in **Appendix 12**,
- the **Leeds City Region Partnership Committee** as set out in paragraph 2 of this report, including a substitute for each member as set out in the report.

8.3 In relation to **voting rights** for committee members, (in addition to each member of the Combined Authority on any relevant committee exercising one vote) that the Combined Authority:

8.3.1 notes that each member of a constituent council appointed to the **Overview and Scrutiny Committee** has one vote³ (and resolves that this may be exercised in their absence by their substitute).

8.3.2 resolves⁴ that each member of the City of York Council 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) and resolves that any such vote may be exercised in their absence by their substitute.

8.3.3 resolves that the independent member of the **Governance and Audit Committee** will be a voting member of that committee.

8.3.4 resolves that all co-opted members of the **Leeds City Region Partnership Committee** shall be voting members of that committee and resolves that a vote may be exercised in their absence by their substitute.

8.3.5 resolves that⁵ any constituent council member co-opted to 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).

8.3.6 resolves that⁶ any constituent council member or member of the City of York Council on the **West Yorkshire and York Investment**

² In accordance with SI 2017/68

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

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

⁵ In accordance with the West Yorkshire Combined Authority Order 2014

⁶ In accordance with the West Yorkshire Combined Authority Order 2014

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

8.3.7 resolves that each of the following members appointed to the **advisory panels** set out in Appendix 12 shall be a voting member:

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

8.4 That the Combined Authority appoints:

- **Chairs and Deputy Chairs** to committees, as set out in paragraph 2.8 of this report for the Leeds City Region Partnership Committee, and **Appendices 11 and 12** in respect of other committees and panels, and
- the leader of the opposition position on Transport Committee, as set out in Appendix 11.

8.5 That the Combined Authority resolves that Ian Brown and Carolyn Lord continue as **Independent Persons** available to act in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct on the existing terms for remuneration, until the Combined Authority's annual meeting in 2019.

9. Background Documents

None.

10. Appendices

Appendix 1 – Governance and Audit Committee, Terms of Reference
Appendix 2 – Overview and Scrutiny Committee, Terms of Reference
Appendix 3 – Transport Committee, Terms of Reference
Appendix 4 – Investment Committee, Terms of Reference
Appendix 5 – Leeds City Region Partnership Committee, Terms of Reference
Appendix 6 – Business Innovation and Growth Panel, Terms of Reference
Appendix 7 – Employment and Skills Panel, Terms of Reference
Appendix 8 – Green Economy Panel, Terms of Reference
Appendix 9 – Inclusive Growth and Public Policy Panel, Terms of Reference
Appendix 10 – Place Panel, Terms of Reference
Appendix 11 – Appointments Table – Committees
Appendix 12 – Appointments Table – Panels