

WEST YORKSHIRE COMBINED AUTHORITY

**ANNUAL MEETING TO BE HELD ON THURSDAY, 27 JUNE 2019
AT 11.00 AM IN COMMITTEE ROOM A, WELLINGTON HOUSE, 40-50
WELLINGTON STREET, LEEDS**

A G E N D A

Please note that this meeting will be filmed for live or subsequent broadcast via the Combined Authority's internet site. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. Generally the public seating areas will not be filmed; however by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting. If you have any queries regarding this, please contact Governance Services on 0113 251 7220.

PART 1 - ANNUAL MEETING BUSINESS

1. MEMBERSHIP OF THE WEST YORKSHIRE COMBINED AUTHORITY

To consider the attached report in relation to:

- (i) Noting the members and substitute members to the Combined Authority appointed by constituent councils and the non constituent council (City of York Council).
- (ii) Appointing the Local Enterprise Partnership (LEP) member and substitute.
- (iii) Granting voting rights to the non constituent council member from City of York Council and the LEP member and their substitutes.

(Pages 1 - 6)

2. APPOINTMENT OF THE CHAIR AND VICE CHAIR

(Lead officer: Ben Still, Author: Angela Taylor)

(Pages 7 - 8)

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

5. EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

1. To highlight Appendix 3 to Agenda Item 17 which officers have identified as containing exempt information within the meaning of Schedule 12A to the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.
2. To consider whether or not to accept the officers' recommendation in respect of the above information as set out in paragraph 6.2 of Agenda Item 17.
3. If the recommendation is accepted, to formally pass the following resolution:-

RESOLVED – That in accordance with paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, the public be excluded from the meeting during consideration of Appendix 3 to Agenda Item 17 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information and for the reasons set out in the report that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. MINUTES OF THE MEETING OF THE COMBINED AUTHORITY HELD ON 25 APRIL 2019

(Pages 9 - 24)

7. ANNOUNCEMENTS

8. COMMITTEE ARRANGEMENTS AND APPOINTMENTS

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

(Pages 25 - 58)

9. REPRESENTATION ON OUTSIDE BODIES

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

(Pages 59 - 62)

10. GOVERNANCE ARRANGEMENTS

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

- Procedure Standing Orders
- Access to Information Annex
- Code of Practice for recording meetings
- Scrutiny Standing Orders

- Contracts Standing Orders
- Financial Regulations
- Best Practice Recommendations
- Code of Conduct for Members
- Procedure for complaints
- Conflicts of Interest Policy
- Conflicts of Interest Protocol

(Pages 63 - 184)

11. CORPORATE GOVERNANCE CODE AND FRAMEWORK

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

- Corporate Governance Code and Framework
- Annual Governance Statement

(Pages 185 - 208)

12. MEMBERS' ALLOWANCES SCHEME

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

(Pages 209 - 220)

13. OFFICER ARRANGEMENTS

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

(Pages 221 - 240)

14. SCRUTINY ANNUAL REPORT AND STATUTORY GUIDANCE

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

(Pages 241 - 260)

15. CALENDAR OF MEETINGS 2019/20

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

(Pages 261 - 266)

PART 2 - OTHER BUSINESS

For Decision

16. RAIL REVIEWS

(Member lead: Cllr J Blake, Director: Dave Pearson)

(Pages 267 - 308)

17. CAPITAL SPENDING AND PROJECT APPROVALS

(Member lead: Cllr P Box, Director: Melanie Corcoran)

(Pages 309 - 354)

18. CO2 EMISSION REDUCTION COMMITMENTS AND ACTIVITY

(Member lead: Cllr S Hinchcliffe, Director: Alan Reiss)

(Pages 355 - 358)

19. CORPORATE PLANNING AND PERFORMANCE

(Member lead: Cllr S Hinchcliffe, Director: Angela Taylor)

(Pages 359 - 374)

**20. PROPOSAL TO RECRUIT TO THE ROLE OF DIRECTOR,
ECONOMIC SERVICES**

(Member lead: Cllr S Hinchcliffe, Director: Ben Still)

(Pages 375 - 380)

For Information

21. MINUTES FOR INFORMATION

(Pages 381 - 382)

Signed:

A handwritten signature in black ink, appearing to read 'B Still', with a horizontal line underneath.

**Managing Director
West Yorkshire Combined Authority**



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Membership of the West Yorkshire Combined Authority**

Director: Angela Taylor, Director of Corporate Services

Author(s): Caroline Allen

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 note the appointment of members and substitute members to the West Yorkshire Combined Authority (the Combined Authority) by the constituent councils (West Yorkshire councils) and the non-constituent council (the City of York Council).
- 1.2 To appoint the Leeds City Region Local Enterprise Partnership Combined Authority Member (“the LEP Member”) and substitute LEP Member to the Combined Authority.
- 1.3 To grant voting rights to the member of the Combined Authority appointed by the City of York Council and to the LEP Member, (and their substitutes).

2. Information

Membership

- 2.1 The West Yorkshire Combined Authority Order 2014 (the 2014 Order) which established the Combined Authority provides that the Combined Authority shall comprise ten members in total. Of these, eight are appointed by the West Yorkshire councils and one by the City of York Council. The Order also

provides for substitutes for these members to be appointed. Appendix 1 to this report contains details of the appointments made by the councils.

- 2.2 The tenth member of the Combined Authority is the LEP Member, nominated by the LEP and appointed by the Combined Authority. The Combined Authority must also appoint a substitute LEP Member to act in the absence of the LEP Member. At their meeting on 6 June 2019, the LEP nominated Roger Marsh to continue as the LEP Member, and Professor Bob Cryan as the substitute LEP Member.

Voting rights

- 2.3 The 2014 Order provides for the LEP Member and the member appointed by the City of York Council to be non-voting. However, the members of the Combined Authority appointed by constituent councils may resolve that this provision does not apply.
- 2.4 For the 2018/19 municipal year, the Combined Authority granted voting rights to both the LEP Member and the member appointed by the City of York Council. These rights were exercisable at any Combined Authority meeting (including any committee or sub-committee to which those members are appointed) on any decision, subject to the following exceptions:
- budget and levy setting, and
 - the adoption of any implementation plans appended to the Single Transport Plan (now the West Yorkshire Transport Strategy 2040¹) which relate specifically to the combined area (that is, West Yorkshire).
- 2.5 The Combined Authority is asked to confirm any voting rights to be granted to the LEP Member and to the member appointed by the City of York Council for 2019/20. For the avoidance of doubt, the Combined Authority are asked to resolve that the substitute LEP Member and the substitute member appointed by the City of York Council may exercise these voting rights when acting in the absence of the person for whom they substitute.

3. Inclusive Growth Implications

- 3.1 None.

4. Financial Implications

- 4.1 None.

5. Legal Implications

- 5.1 The 2014 Order sets out membership arrangements for the Combined Authority, as outlined above.

¹ The West Yorkshire Transport Strategy 2040 is the Combined Authority's statutory Local Transport Plan.

5.2 The LEP Member and the member appointed by the City of York Council are non-voting unless granted voting rights by the other members of the Combined Authority.

6. Staffing Implications

6.1 None.

7. External Consultees

7.1 None

8. Recommendations

8.1 That the Combined Authority resolves:-

8.1.1 To note the members of the Combined Authority and their substitutes appointed by the constituent councils and the non-constituent council (the City of York Council) as set out in Appendix 1 to this report.

8.1.2 To appoint:

- Roger Marsh as the LEP Member of the Combined Authority, and
- Professor Bob Cryan as substitute LEP Member, to act in the absence of the LEP Member.

8.1.3 That the LEP Member and the member of the Combined Authority appointed by the non-constituent council (City of York Council) may vote at any meetings of the Combined Authority (including any committee or sub-committee to which those members are appointed) on any decision, subject to the following exceptions:-

- budget and levy setting; and
- the adoption of any implementation plans appended to the West Yorkshire Transport Strategy 2040 which relate specifically to the combined area (that is, West Yorkshire).

8.1.4 That the substitutes for the LEP Member and the member of the Combined Authority appointed by the non-constituent council (City of York Council) may exercise the voting rights granted to the LEP Member and the member of the Combined Authority appointed by the non-constituent council (the City of York Council) when acting in the absence of their respective member.

9. Background Documents

9.1 None.

10. Appendices

Appendix 1 – Table of appointments

West Yorkshire Combined Authority - Membership

Combined Authority Members appointed by each constituent council		
	Appointment	Substitute
Bradford	Susan Hinchcliffe (L)	Imran Khan
Calderdale	Tim Swift (L)	Jane Scullion
Kirklees	Shabir Pandor (L)	Peter McBride
Leeds	Judith Blake (L)	James Lewis
Wakefield	Peter Box (L)	Denise Jeffery
Combined Authority Member appointed by the non-constituent council		
	Appointment	Substitute
York	Keith Aspden (Lib Dem)	Andy D’Agorne (G)

Members appointed by constituent councils to reflect political balance among members of the constituent councils		
	Appointment	Substitute
Joint appointments by the 5 constituent councils:	John Pennington	Rebecca Poulsen
	David Hall	Geraldine Carter
	Stewart Golton	John Lawson

LEP Member – to be appointed by the Combined Authority		
	Appointment	Substitute
Further to LEP nominations:	Roger Marsh	Professor Bob Cryan

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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Appointment of the Chair and Vice-Chair**

Director: Angela Taylor, Director of Corporate Services

Author(s): Caroline Allen

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 the Chair and Vice Chair of the West Yorkshire Combined Authority (the Combined Authority).

2. Information

- 2.1 The West Yorkshire Combined Authority Order 2014 (the 2014 Order) requires the Combined Authority to appoint a Chair and Vice Chair each municipal year from among the members of the Combined Authority.

3. Inclusive Growth Implications

- 3.1 None.

4. Financial Implications

- 4.1 None - no allowance attaches to either position.

5. Legal Implications

- 5.1 The 2014 Order provides that no member of the Combined Authority (or their substitute) has a casting vote at a Combined Authority meeting. The Chair will not therefore have a casting vote.

6. Staffing Implications

- 6.1 None.

7. External Consultees

- 7.1 No external consultation is required.

8. Recommendations

- 8.1 That the Combined Authority appoint the Chair and Vice Chair of the Combined Authority for the municipal year 2019/20.

9. Background Documents

None.

10. Appendices

None.



**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD ON THURSDAY, 25 APRIL 2019 AT COMMITTEE ROOM A,
WELLINGTON HOUSE, 40-50 WELLINGTON STREET, LEEDS**

Present:

Councillor Susan Hinchcliffe (Chair)	Bradford Council
Councillor Judith Blake CBE	Leeds City Council
Councillor Peter Box CBE	Wakefield Council
Councillor Stewart Golton	Leeds City Council
Councillor David Hall	Kirklees Council
Roger Marsh OBE	Leeds City Region Enterprise Partnership
Councillor Shabir Pandor	Kirklees Council
Councillor John Pennington	Bradford Council
Councillor Andrew Waller	City of York Council

In attendance:

Councillor Kim Groves	Chair, Transport Committee (to minute 108)
Councillor Elizabeth Smaje	Chair, Overview & Scrutiny Committee (to minute 108)
Anna Jane Hunter	Network Rail (minute 99)
Peggy Haywood	Ministry of Housing, Communities & Local Government (minute 109)
Ben Still	West Yorkshire Combined Authority (to minute 108)
Caroline Allen	West Yorkshire Combined Authority (to minute 108)
Dave Pearson	West Yorkshire Combined Authority (to minute 100)
Angela Taylor	West Yorkshire Combined Authority
Jacqui Warren	West Yorkshire Combined Authority (minute 109)
Patrick Bowes	West Yorkshire Combined Authority (minute 109)
Seamus McDonnell	West Yorkshire Combined Authority (minute 109)
Ruth Chaplin	West Yorkshire Combined Authority

95. Apologies for Absence

Apologies for absence were received from Councillor Tim Swift.

96. Declarations of Disclosable Pecuniary Interests

There were no pecuniary interests declared by members at the meeting.

97. Exempt Information - Possible Exclusion of the Press and Public

Resolved: That in accordance with paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 2972, the public be excluded from the meeting during consideration of Appendices 1 and 2 to Agenda Item 13 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information and for the reasons set out in the report that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

98. Minutes of the Meeting of the Combined Authority held on 14 February 2019

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 14 February 2019 be approved and signed by the Chair.

99. Rail Issues

The Combined Authority considered a report of the Director of Transport Services on the current main issues affecting rail services in the City Region.

The meeting was attended by Anna Jane Hunter, Director, North of England Rail for Network Rail who explained the issues around central Leeds and how Network Rail was addressing them. She advised that services were almost at the level they were before the May 2018 timetable changes but there was still work to be done.

A full discussion ensued and Members repeated the concerns raised at the previous meeting which had been attended by representatives from Northern and TransPennine Express and expressed their disappointment that Network Rail had not been present. Whilst noting there had been some improvements to performance, it was stressed that many services continued to be shortformed and were still failing to operate at an acceptable level with the impact on passengers and the local economy being severely affected.

In respect of rolling stock, Members asked Anna Jane Hunter for confirmation that the Pacer units would be withdrawn by the end of the year. She advised that it was her understanding that this was the case as the Pacers would be illegal from 1 January 2020 but she would seek clarification. It was requested that information for when the new trains, timetables and service improvements for the City Region would be implemented be provided at the earliest opportunity so that this could be communicated to the public.

It was considered that the rail industry was fragmented and not fit for purpose. There was no single accountable body and a fundamental structural change was needed to provide greater transparency, local level accountability and more devolved powers for the North. Members discussed the work being undertaken by Richard George who had been appointed by the Government to oversee infrastructure and train operations, working

closely with Transport for the North, the Rail North Partnership, Network Rail and the train operators. It was noted that his work was highlighting that the constraints at Leeds Station and that the network in central Leeds impacts on service improvements and effects reliability across the City Region. Recommendations from Richard George and his team were outlined in the report and it was noted that he had been invited to attend the next meeting to explain the main outcomes of the work he had undertaken.

The Combined Authority thanked Anna Jane Hunter for attending the meeting and Members reiterated that for the rail industry to maintain the status quo was not an option and the need to see continued improvements and better communication and engagement with the public was essential to help to restore passenger confidence.

Resolved:

- (a) That the current issues affecting the delivery of rail services in the City Region be noted.
- (b) That the Combined Authority urges DfT and Network Rail to prioritise the technical capacity analysis needed to determine the rail network requirements in and around central Leeds necessary to bring clarity on the investment required to deliver committed service improvements and accommodate growth across the City Region.
- (c) That in response to the importance of addressing rail network capacity in and around central Leeds for improved services across the Leeds City Region and beyond, the Combined Authority endorses the need for ongoing activity to make a strong case for investment by:
 - working with Transport for the North to ensure that the strategies and investment plans it is developing reflect this important priority;
 - continuing to shape and influence plans for TransPennine Route Upgrade, HS2 and Northern Powerhouse Rail to ensure that these respond to the need to facilitate rail service growth and improvements across all parts of the City Region; and
 - alongside Council partners, continuing to make a strong and compelling pitch to central government for the Rail Network Enhancement Programme funding that will be required to unlock network capacity in the City Region.

100. West Yorkshire Bus Alliance

The Combined Authority considered a report of the Director of Transport Services on the West Yorkshire Bus Alliance which:

- Provided an update in the development of the West Yorkshire Bus Alliance.

- Set out the next steps in developing the Alliance into a formal agreement incorporating key performance indicators and a delivery plan.

It was noted that the progress towards a formal partnership had been endorsed by the Transport Committee and the West Yorkshire Bus Alliance had been formally launched in March 2019. It was agreed that the Transport Committee will oversee the Alliance and details of the governance and reporting were outlined in the report.

Members noted the work in progress to create a delivery plan and performance measures which will be considered for adoption by the Transport Committee in July 2019 together with the terms of a formal West Yorkshire wide Voluntary Partnership Agreement prior to signature with bus operators.

In welcoming the Alliance, it was noted that the first priority will be to promote affordable travel for young people and an announcement would be made in the Summer.

Resolved:

- (a) That the steps taken to develop the West Yorkshire Bus Alliance and the commitments to improve bus services be endorsed.
- (b) That the Transport Committee oversees the development and signature of a Voluntary Partnership Agreement which will establish the form and processes of the Alliance.

101. Brexit Update

The Combined Authority considered a report of the Director of Policy, Strategy and Communications which provided an update on the organisational preparation being undertaken by the West Yorkshire Combined Authority and Leeds City Region Local Enterprise Partnership (LEP) as the UK prepares to leave the European Union.

The report highlighted the decision of the LEP Board to endorse a number of options for business support programmes should the UK leave the EU without a negotiated deal. Details of the specific programmes – Brexit Transition Grant Scheme, Capital Grants Programme, Advice Service and Exporting for Growth Scheme, were provided in the submitted report.

It was important that the Combined Authority, Local Authorities and partners are as prepared as possible and, as there was still uncertainty regarding the progress of negotiations, Members would be provided with information as it became available.

Resolved: That the update and decision of the Local Enterprise Partnership (LEP) Board to endorse a number of options for business support programmes should the UK leave the EU without a negotiated deal be noted.

102. Capital Spending and Project Approvals

The Combined Authority considered a report of the Director of Delivery on the progression and funding for the following schemes through the Combined Authority's assurance process:

- Leeds City Region Growth Service
- Resource Efficiency Fund 2
- Leeds Flood Alleviation Scheme 2
- A61 (North) Bus Priority Corridor
- Wakefield South East Gateway
- A6177 Great Horton Road/Horton Grange Road
- A6177 Thornton Road/Toller Lane
- Superfast West Yorkshire and York – Contract 3

In addition to the above, the Combined Authority considered the revised approval routes for the following schemes to enable the Investment Committee to make decisions on behalf of the Combined Authority:

- Halifax Living Housing Programme – Phase 1 (decision point 3)
- City Connect Phase 3 Cycling Scheme (decision point 3)
- Bradford Heritage Properties – Conditioning House (decision point 3)
- Harrogate Road/New Line (decision point 4)
- Halifax Bus Station (decision point 3)
- Bradford Interchange Station Gateway Phase 1 (decision point 3)
- York Outer Ring Road Phase 3 (decision point 4)
- A62/A644 Wakefield Road (Cooper Bridge) (decision point 3)
- Bradford Interchange Station Gateway Phase 2 (decision point 3)

Decisions on the following schemes have been made by the Investment Committee at their meeting held on 13 March 2019:

- Dewsbury Riverside
- York Central: Access Road and Station Access Improvements

Details of all the schemes were provided in the submitted report.

Resolved:

- (a) That the Combined Authority approves the revised approval route for the following schemes to enable the Investment Committee to make the decision on behalf of the Combined Authority:
- (i) Halifax Living Housing Programme, Phase 1 – decision point 3
 - (ii) City Connect Phase 3 cycling scheme – decision point 3
 - (iii) Bradford Heritage Properties, Conditioning House – decision point 3

- (iv) Harrogate Road/New Line – decision point 4
 - (v) Halifax Bus Station – decision point 3
 - (vi) Bradford Interchange Station Gateway Phase 1 – decision point 3
 - (vii) York Outer Ring Road Phase 3 – decision point 4
 - (viii) A62/A644 Wakefield road (Cooper bridge) – decision point 3
 - (ix) Bradford Interchange Station Gateway Phase 2 – decision point 3
- (b) In respect of the Leeds City Region Growth Service –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the Leeds City Region Growth Service project proceeds through decision point 2 (case paper) and work commences on activity 5 (full business case).
- (ii) That an indicative approval to the total project costs of £3,401,756, of which the Combined Authority contribution will be £2,465,413 (which will be funded through £764,535 from the BEIS Growth Hub funding and £1,700,878 from the ESIF funding is given with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs). The remaining £936,343 will be funded by Leeds City Region District Partners.
- (iii) That the Combined Authority delegates the authority to enter into a funding agreement with Ministry for Housing, Communities and Local Government (ESIF) and BEIS (Growth hub funding) to the Combined Authority's Managing Director.
- (iv) That the Combined Authority delegates the authority to enter into or amend funding agreements with the local authorities to the Combined Authority's Managing Director.
- (v) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report including at decision point 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.

(c) In respect of the Resource Efficiency Fund 2 –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the Resource Efficiency Fund 2 project proceeds through decision point 2 and work commences on activity 5 (full business case with finalised costs).
- (ii) That an indicative approval to the total project value for both regions (Leeds City Region and four North Yorkshire districts) of £6.293 million is given as detailed below, with full approval to spend being granted once the project has progressed through the assurance process to decision point 5 (full business case with finalised costs).
 - Leeds City Region element of the project of £4.644 million (subject to a successful ERDF application), of which £2.751 million will be funded by the Combined Authority (£2 million ERDF funding for Leeds City Region and £751,137 from the Leeds City Region Local Growth Fund). The remaining funding will be from £1.893 million SME match.
 - York, North Yorkshire and East Riding element of the project of £1.649 million (subject to a successful ERDF application) of which £1.035 million will be funded by the Combined Authority (from £824,522 ERDF funding and £210,122 from the York, North Yorkshire and East Riding region Local Growth Fund, subject to the West Yorkshire Combined Authority submitting a successful bid to the York, North Yorkshire and East Riding LEP; the Combined Authority will be the accountable body for its expenditure for the purposes of this scheme). The remaining scheme costs of £614,000 will be from SME match funding.
- (iii) That the Combined Authority delegates authority to the Combined Authority's Managing Director to enter into an agreement with North Yorkshire County Council as the accountable body for the York, North Yorkshire and East Riding Local Enterprise Partnership (at decision point 5), for the Combined Authority to receive and manage York, North Yorkshire and East Riding match funding contribution of £210,122, subject to a successful bid to the York, North Yorkshire and East Riding Local Growth Fund.
- (iv) That the Combined Authority delegates authority to the Combined Authority's Managing Director to enter into a contract for the provision of the ERDF funding with Ministry of Housing, Communities and Local Government (MHCLG) at decision point 5.

- (v) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report including at decision point 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.

(d) In respect of the Leeds Flood Alleviation Scheme 2 –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the Leeds Flood Alleviation Scheme Phase 2 proceeds through decision point 3 and work commences on activity 5 (full business case with finalised costs)
- (ii) That an indicative approval to the Combined Authority's contribution of up to £3.9 million, which will be funded through Growth Deal 3 is given with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs). The total project value is £112 million.
- (iii) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report including at decision point 5, through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.

(e) In respect of the A61 (North) Bus Priority Corridor –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the Leeds Public Transport Investment Programme: A61 (North) Bus Priority Corridor project proceeds through decision point 3 (outline business case) and work commences on activity 4 (full business case).
- (ii) That an indicative approval to the total project value of £16.1 million is given from Leeds Public Transport Investment Programme funding with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
- (iii) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report including at decision point 4 (full business case) and decision point 5 (full business case with finalised

costs) through a delegation to the Combined Authority's Managing Director.

(f) In respect of Wakefield South East Gateway –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the Wakefield City Centre, South East Gateway scheme proceeds through decision point 3 and work commences on activity 4 (full business case).
- (ii) That the individual elements of the Wakefield City Centre, South East Gateway scheme progress as separate full business cases for Kirkgate and the Waterfront through activity 4 (full business case) and activity 5 (full business case with finalised costs).
- (iii) That an indicative approval to the Combined Authority's capped contribution of £4.9 million to the Waterfront scheme and capped contribution of £1.6 million to the Kirkgate scheme (a total contribution of £6.5 million) to be funded from the Local Growth Fund programme is given towards a total scheme cost of £32.62 million (Waterfront (Rutland Mills) £21.52 million, Kirkgate £11.1 million) with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs)
- (iv) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.

(g) In respect of A6177 Great Horton Road/Horton Grange Road -

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the A6177 Great Horton Road / Horton Grange Road scheme proceeds through decision point 3 and work commences on activity 4 (full business case).
- (ii) That an indicative approval to the total project value of £4.205 million is given from the West Yorkshire plus Transport Fund with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
- (iii) That additional development costs of £584,007 are approved in order to progress the scheme to full business case with

finalised costs (decision point 5), taking the total project approval to £809,007.

- (iv) That the Combined Authority enters in to funding agreement with Bradford Council for expenditure of up to £809,007 from the West Yorkshire plus Transport Fund.
 - (v) That future approvals are made in accordance with the approval pathway and approval route outlined in the submitted report, including at decision points 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.
- (h) In respect of the A6177 Thornton Road/Toller Lane -
- That following a recommendation from the Investment Committee, the Combined Authority approves:
- (i) That the A6177 Thornton Road / Toller Lane scheme proceeds through decision point 3 and work commences on activity 4 (full business case).
 - (ii) That an indicative approval to the total project value of £9.662 million is given from the West Yorkshire plus Transport Fund with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
 - (iii) That additional development costs of £721,670 are approved in order to progress the scheme to decision point 5 (full business case with finalised costs) taking the total project approval to £946,670.
 - (iv) That the Combined Authority enters into an addendum to the existing funding agreement with Bradford Council for additional expenditure of up to £721,670 from the West Yorkshire plus Transport Fund, taking total value of the funding agreements to £946,670.
 - (v) That future approvals are made in accordance with the approval pathway and approval route outlined in the submitted report including at decision points 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.

- (i) In respect of Superfast West Yorkshire and York – Contract 3 –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the change request to the Superfast West Yorkshire and York – Contract Three project to reduce the total project value to £10.828 million due to changes in funding from Gainshare, DEFRA, BDUK and ESIF / ERDF is approved.
- (ii) That an indicative approval to the total project value of £10.828 million from the funding sources outlined in this report for which the Combined Authority is the accountable body is given, with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs)
- (iii) That future approvals are made in accordance with the approval pathway and approval route outlined in the submitted report including at decision 5 (full business case with finalised costs) through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the report.

103. Integrated Transport (IT) Block Programme 2019-2022

The Combined Authority considered a report of the Director of Policy, Strategy and Communications in respect of the Integrated Transport Block (ITB) Programme 2019-2022.

The report and appendix provided details of the proposed ITB funded programme for 2019-2022 that would support delivery of the West Yorkshire Transport Strategy 2040 and Members discussed local transport priorities and value for money.

It was noted that £39.3 million is the total expected ITB funding for the three year period and details of the allocations that go directly to each of the five West Yorkshire partner councils were provided in Table 1 of the submitted report. The programme had been developed in partnership with the district councils and the Combined Authority and had been endorsed by the Transport Committee.

Resolved:

- (a) That the West Yorkshire Integrated Transport funded programme for the three year period 2019-22 be approved.
- (b) That the assurance process detailed in the submitted report be approved to gain full approval of the programme including delegation

to approve partner council's programme's and the Combined Authority's sub-programmes/projects to the Investment Committee.

104. Corporate Matters

The Combined Authority considered a report of the Director of Corporate Services which provided an update on corporate matters including:

- The gender pay report for 2018.
- The draft capital strategy.
- Scrutiny arrangements.
- Conflicts of interest policy and protocol.
- Local authority appointments.

Members noted the updates and discussed the information provided in the submitted report and appendices.

It was reported that the capital strategy, which was attached at Appendix 2, was a new requirement of the Prudential Code and will assist in informing the medium term financial strategy and decision making on investment.

The Combined Authority was informed that due to the delay in the publication of new statutory guidance, the Overview and Scrutiny Committee had agreed to arrange workshops to review scrutiny arrangements.

The conflicts of interest policy and protocol was endorsed for formal sign off by the Combined Authority's Managing Director. This had been further developed to ensure it meets the requirements of the Combined Authority and the LEP and a copy was attached at Appendices 3 and 4.

In respect of local authority appointments, the Combined Authority delegated authority to the Head of Legal and Governance to accept local authority nominations to committees arising after the local elections before the next meeting of the Authority which would help in ensuring meetings held in May and June are quorate.

Resolved:

- (a) That the gender pay gap and the actions identified to further reduce the gap be noted.
- (b) That the capital strategy attached at Appendix 2 to the submitted report be approved.
- (c) That the intention to review the Combined Authority's current scrutiny arrangements to ensure scrutiny arrangements are in line with best practice nationally and to ensure compliance with new statutory scrutiny guidance expected this year be supported.
- (d) That the Combined Authority delegates authority to the Combined Authority's Managing Director to approve the Conflicts of Interest

Policy and Protocol attached as Appendices 3 and 4 to the submitted report, subject to consultation with the Chair of the Combined Authority and the LEP Chair, and deletes the requirement in the Officer Delegation scheme that the Managing Director consult with the Chair of Overview and Scrutiny Committee before determining any application for a grant or loan where a potential conflict of interest arises.

- (e) That the Combined Authority delegates authority to the Head of Legal and Governance Services to confirm any appointment (made in accordance with a nomination by the relevant partner council) to fill any vacancy for a local authority representative on any committee of the Combined Authority arising after the local elections and before the Combined Authority's annual meeting.

105. Corporate Planning and Performance

The Combined Authority considered a report of the Director of Corporate Services which provided an update on corporate performance including progress against corporate plan priorities, risk management and budget position.

The update on progress against the 2018/19 corporate plan headline indicators set out in Appendix 1 was noted. Whilst the majority of indicators were on track to be met, three were currently assessed as red and these were summarised in the report. It was reported that a further review of the corporate risk register had been undertaken and four new risks had been added to the register with details provided in Appendix 1.

Members discussed and endorsed the draft content for the 2019/20 corporate plan which was attached at Appendix 2 and agreed that the final sign off be delegated to the Combined Authority's Managing Director in consultation with the Chair of the Combined Authority and the LEP Chair. It was suggested that a narrative explaining the roles of the Combined Authority and LEP should be prepared prior to publication.

A summary of the 2018/19 current spend to budget as at December 2018 was attached at Appendix 3 and it was noted that there were currently no 'red' areas of concern to report.

Resolved:

- (a) That the information provided on corporate performance be noted.
- (b) That the 2019/20 corporate plan be endorsed, with a final sign off delegated to the Managing Director, in consultation with the Chair of the Combined Authority and the LEP Chair.

106. Review of Inclusive Growth for Business Grants

The Combined Authority considered a report of the Executive Head of Economic Services on a review of inclusive growth for business grants.

The report provided an update on the effectiveness to date of the new approach to securing inclusive growth commitments from recipients of business grants from the LEP's Business Growth Programme (BGP).

Members welcomed the future approach to inclusive growth commitments from recipients of business grants and in particular the key underpinning 'proportionality' principle. Feedback from consultation with the Business Innovation and Growth Panel, the Inclusive Growth and Public Policy Panel and the Overview and Scrutiny Committee was noted. The Overview and Scrutiny Committee had welcomed the new criteria and Councillor Smaje outlined some of the recommendations they had made in considering the approach and looked forward to receiving a response from the Combined Authority and LEP in due course.

The Combined Authority adopted the LEP Board's decision to extend the inclusive growth criteria and commitments to the full range of LEP business grants which were attached at Appendices 1 and 2. It was noted that the approach would continue to be reviewed for another six month period.

Resolved:

- (a) That the progress to date on the implementation of the new Inclusive Growth criteria and commitments to the Business Growth Programme (BGP) be noted.
- (b) That the proposal to continue the approach to inclusive growth for recipients of business grants be endorsed.
- (c) That LEP Board's decision to extend the inclusive growth criteria and commitments to the full range of LEP business grants as set out in Appendices 1 and 2 be adopted.
- (d) That it be noted that the approach should be closely monitored for another six month period.

107. Economic Reporting

The Combined Authority considered a report of the Director of Policy, Strategy and Communications which provided an update on the latest economic and business intelligence for Leeds City Region.

Resolved: That the analysis presented in the economic update and dashboard be noted.

108. Minutes for Information

The Combined Authority noted the minutes of the committees, panels and LEP Board that have been published on the West Yorkshire Combined Authority's website since the last meeting.

Resolved: That the minutes of the Combined Authority's committees and panels and the LEP Board be noted.

109. European Structural and Investment Funds (ESIF) - Sustainable Urban Development (SUD)

The Combined Authority considered a report of the Director of Corporate Services on the European Structural and Investment Funds (ESIF) – Sustainable Urban Development (SUD).

It was reported that one outline application had been received in response to the third round of the SUD call for projects which had closed on 22 February 2019.

At their meeting on 12 April 2019, the Investment Committee had considered and endorsed the advice included in the outline assessment for the project. In its role as the Intermediate Body, the Combined Authority considered and agreed the advice provided in the exempt appendices. The assessment form will now be submitted to the Ministry of Housing, Communities and Local Government (MHCLG) as Managing Authority, for their consideration.

Resolved: That the advice included in the outline assessment form and any respective conditions at Part 3 of exempt Appendix 2 be approved by the Combined Authority, in its role as the Intermediate Body for the SUD part of the ESIF programme.

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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Committee Arrangements and Appointments**

Director: Angela Taylor, Director of Corporate Services

Author(s): Caroline Allen

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 of 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. The only amendment

proposed is the new footnote (highlighted on Appendix 1) to clarify the Governance and Audit Committee’s role in relation to the Leeds City Region Enterprise Partnership (the LEP).

2.2 It is proposed that the Combined Authority appoints the **Transport Committee** and the **West Yorkshire and York Investment Committee** as decision-making committees of the Combined Authority, and **Leeds City Region Partnership Committee** as an advisory committee. The proposed terms of reference for these committees are attached as **Appendices 3, 4 and 5** respectively, incorporating the following proposed amendments, highlighted on the attached appendices:

Committee	Appendix	Amendment proposed
Transport Committee	Appendix 3	<ul style="list-style-type: none"> • Simplify the TOR and ensure they are comprehensive by making a general delegation of transport functions to the committee, rather than delegating specified functions. This will be subject to the existing exception of the functions currently reserved to the Combined Authority as set out in the Officer Delegation Scheme. The Transport Committee will continue to progress any scheme under the Leeds City Region Assurance Framework, within the Integrated Transport Block of the Capital Programme for which the cumulative total of the financial approval and tolerance threshold is £3 million or under. • Insert reference to securing “clean growth”, to reflect revised corporate priorities.
West Yorkshire and York Investment Committee	Appendix 4	<ul style="list-style-type: none"> • Re-format to simplify and clarify: no changes to functions. • Amend to refer to “partner” councils.
Leeds City Region Partnership Committee	Appendix 5	<ul style="list-style-type: none"> • Amend to refer to “partner” councils.

2.3 It is anticipated that for the new municipal year, the Transport Committee will appoint five District Consultation Sub-Committees, and the West Yorkshire and York Investment Committee will appoint the Business Investment Panel as its sub-committee.

2.4 It is also proposed to appoint the following advisory panels as advisory committees to the Combined Authority which also report to the 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**)

2.5 The proposed terms of reference for the advisory panels are set out in **Appendices 6 - 10**, incorporating the following proposed amendments, highlighted on the attached appendices:

Committee	Appendix	Amendment proposed
All advisory panels	Appendices 6 -10	<ul style="list-style-type: none"> • Insert reference to securing “clean growth” to reflect revised corporate priorities.
Employment and Skills Panel	Appendix 7	<ul style="list-style-type: none"> • Insert reference to the Panel acting as the LEP’s skills advisory panel.

Appointments

2.6 **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 the current Independent Member is re-appointed to the Governance and Audit Committee, and that an additional Independent Member be appointed to promote accountability and facilitate achieving a quorum. By law, the position needs to be advertised. Approval is therefore sought in principle to the additional appointment, and it is proposed the Head of Legal and Governance Services be authorised to progress appointment arrangements, including convening an interview panel to make recommendations to the Combined Authority.

2.7 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, nominated by the LEP.

2.8 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 2019/20 are identified on **Appendix 11** for information. It is not proposed at this time to increase the committee’s membership by the appointment of additional opposition members, given that the functions and membership of the committee may be reviewed as part of the on-going review of LEP arrangements.

2.9 In relation to the **Leeds City Region Partnership Committee** it is proposed to appoint:

- the 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 Hinchcliffe as Chair of the committee and Councillor Tim Swift as Deputy Chair.
- 2.10 A 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. 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.
- 2.11 **Appendix 12** to this report sets out proposed appointments to the **advisory panels** which also report to the LEP Board, including of members of the Combined Authority to be appointed. The Appendix sets out proposed co-optees for each panel, including:
- local authority representatives (including a local authority representative from each West Yorkshire council to each panel) as set out in the Appendix,
 - any private sector representative, further to nominations by the LEP Board,
 - any ex-officio representative of a relevant body including an additional representative on the Employment and Skills Panel for compliance with government guidance relating to skills advisory panels.

Voting Rights

- 2.12 It is proposed that any Independent Member on the Governance and Audit Committee will be a voting member of that Committee, in addition to the members of the Combined Authority.
- 2.13 By law, each member of the Overview and Scrutiny Committee from a constituent council must have one vote, which 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 (or their substitute) exercises 1 vote on the committee (or any sub-committee of the committee to which they are appointed).
- 2.14 In addition to each member of the Combined Authority, 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 co-opted member from the City of York Council and private sector representatives remaining as non-voting members).

- 2.15 In addition to each member of the Combined Authority, it is proposed that each co-opted representative from a West Yorkshire council and the co-opted member from the City of York Council on the West Yorkshire and York Investment Committee (and the Business Investment Panel sub-committee) may exercise 1 vote.
- 2.16 In addition to each member of the Combined Authority, it is proposed that each co-opted member (or their substitute) of the Leeds City Region Partnership Committee may exercise 1 vote.
- 2.17 In relation to the advisory panels, it is proposed that in addition to each member of the Combined Authority exercising 1 vote:
- each local authority representative co-opted from a partner council (including a constituent council, the City of York Council or other council) exercises 1 vote, and
 - each private sector representative co-optee exercises 1 vote.
- 2.18 It is proposed that members of the advisory panels who are ex-officio representatives of other bodies will be non-voting.

Chairing arrangements

- 2.19 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 2.9 above in relation to the Leeds City Region Partnership Committee).

Appointment of Independent Persons

- 2.20 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. Ian Brown and Carolyn Lord currently carry out this role. Both have confirmed their continuing eligibility to be Independent Persons for 2019/20. It is proposed that both are now appointed for a further municipal year on the current terms, with the appointments to be reviewed for the next municipal year.

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 budget for Members' allowances.

5. Legal Implications

- 5.1 Governance and Audit Committee membership must by law include at least one 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 (West Yorkshire councils) when taken together.
- 5.2 An Independent Member may not be appointed to the Governance and Audit Committee unless the vacancy has been advertised.
- 5.3 The political balance requirement set out in 5.1 also applies to the Overview and Scrutiny Committee. The Chair of this committee must, by law, either be an “independent person” or else an “appropriate person” who is a member of one of the Combined Authority’s constituent councils. An “appropriate person” is a person who is not a member of the registered political party which has the most representatives among the members of the constituent councils.
- 5.4 Political balance requirements under Section 15 Local Government and Housing Act 1989 apply to appointing members of Combined Authority to ordinary committees and sub-committees, unless 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.
- 5.5 The co-option of members onto Transport Committee is not required to be politically balanced.
- 5.6 If no appointment is made by the Combined Authority, a committee shall appoint its own Chair and/or Deputy Chair.
- 5.7 Section 28 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** each of the following **statutory committees** with 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** each of the following **committees** with 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** each of the following **advisory panels** as advisory committees which also report to the LEP Board, with 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**, Andy Clayton as an Independent Member of the Governance and Audit Committee for this municipal year, and (in principle) an additional Independent Member.

8.2.3 authorises the Head of Legal and Governance Services to progress appointment arrangements for the additional Independent Member of

¹ In accordance with SI 2017/68

the Governance and Audit Committee, including convening an interview panel to make recommendations to the Combined Authority.

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

8.2.5 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 2.9 of this report, including a substitute for each member as set out in paragraph 2.10 of the report.

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

8.3.1 notes that any 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 any 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 any Independent Member of the **Governance and Audit Committee** shall be a voting member of that committee.

8.3.4 resolves that any co-opted member of the **Leeds City Region Partnership Committee** shall be a voting member 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 any of the following co-opted to the **advisory panels** set out in Appendix 12 shall be a voting member:

- any local authority representative; and
- any private sector representative.

8.4 That the Combined Authority appoints:

- **Chairs and Deputy Chairs** to committees, as set out in paragraph 2.9 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** 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 2020.

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 – West Yorkshire and York 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

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Terms of Reference

Governance and Audit Committee¹

The Governance and Audit Committee is authorised²:

1. To review and scrutinise the Combined Authority's financial affairs.
2. To review and assess the Combined Authority's risk management, internal control and corporate governance arrangements.
3. To review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions.
4. To make reports and recommendations to the Combined Authority³ in relation to reviews conducted under paragraphs 1, 2 and 3 above.
5. To consider the findings of a review of the effectiveness of the system of internal control and approve the annual governance statement⁴.
6. To consider and approve the statement of accounts.
7. To consider external audit arrangements and reports, and consider any audit letter from the local auditor following an audit.
8. To promote and maintain high standards of conduct by members and co-opted members of the Combined Authority.⁵
9. To advise the Combined Authority in relation to:

¹ Appointed in accordance with Schedule 5A paragraph 4 of the Local Democracy, Economic Development and Construction Act 2009.

² These terms of reference should be construed in a broad and inclusive fashion to include any action which facilitates or is conducive or incidental to the role of the Combined Authority as accountable body for the Leeds City Region Enterprise Partnership (the LEP).

³ The LEP's Procedure Rules provide that the LEP Board shall consider any audit reports or recommendations relating to LEP activities.

⁴ Regulation 6 of the Accounts and Audit Regulations 2015.

⁵ This function does not extend to adopting, revising or replacing the Members' Code of Conduct.

- adopting, revising or replacing its Members' Code of Conduct⁶;
 - appointing at least one independent person⁷;
 - arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct.
10. To consider and determine any allegation of failing to comply with the Members' Code of Conduct⁸.
 11. To consider and determine any matter within the delegated authority of a Director⁹, which is referred to the Committee by that Director.

⁶ The Code applies to members and voting co-opted members of the Combined Authority and includes provision about registering and disclosing interests.

⁷ In accordance with Section 28(7) Localism Act 2011.

⁸ In accordance with arrangements made by the Combined Authority.

⁹ A Director, in this context, is any officer to whom functions are directly delegated by the Combined Authority under the Officer Delegation Scheme.



Terms of Reference

Overview and Scrutiny Committee

The Overview and Scrutiny Committee is authorised:

1. To review or scrutinise any decision made, or other action taken, in connection with any function¹ of the Combined Authority.²
2. To make reports or recommendations to the Combined Authority, with respect to any function of the Combined Authority.
3. To make reports or recommendations to the Combined Authority on any matter that affects the Combined Authority's area or the inhabitants of the area³.
4. To receive and monitor responses to any report or recommendation made by the Overview and Scrutiny Committee.

¹ Including in relation to the Combined Authority's role as the accountable body for the Leeds City Region Enterprise Partnership (the LEP).

² In relation to a decision made but not implemented, this includes:

- the power to direct that a decision is not to be implemented while it is under review or scrutiny by the Overview and Scrutiny Committee, and
- the power to recommend that the decision be reconsidered in accordance with the Scrutiny Standing Orders.

³ This includes any matter considered by the LEP or relating to LEP governance.

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Terms of Reference

Transport Committee

The Transport Committee is authorised:

1. In accordance with the policies and strategies set by the Combined Authority, to carry out any transport function¹ of the Combined Authority or any other function related to transport, including
 - any function of the Combined Authority in its role as local transport authority, travel concession authority or transport authority,
 - the exercise of the general power of the Combined Authority under S113A Local Democracy, Economic Development and Construction Act 2009 in relation to these functions, and
 - progressing any scheme under the Leeds City Region Assurance Framework within the Integrated Transport Block of the Capital Programme, for which the cumulative total of the financial approval and tolerance threshold is £3 million or under

with the exception of any function which is reserved to the Combined Authority².

¹ Transport functions in this context are to be construed in a broad and inclusive fashion.

² The functions reserved to the Combined Authority are set out in Table A of the Officer Delegation Scheme and include:

- preparing, reviewing, altering or replacing the **Local Transport Plan** (the West Yorkshire Transport Strategy 2040)
- setting a **levy**
- consenting to any **regulations relating to a sub-national transport body**
- consenting to **regulations to borrow**
- publishing an **annual report** on the exercise and performance of transport functions
- functions relating to **road user charging** schemes
- **jointly** (that is, with at least one other local transport authority)
 - approving, varying, revoking or postponing an **advanced quality partnership scheme**
 - making varying or revoking an **enhanced partnership plan**
 - making postponing, revoking an **enhanced partnership scheme**
 - approving varying or revoking an **advanced ticketing scheme**
 - making, varying or terminating a **voluntary partnership agreement**

2. To respond to any report or recommendation from an overview and scrutiny committee³.
3. To advise the Combined Authority in support of its ambition to secure inclusive and clean growth, in relation to any of its transport or transport-related functions.
4. To liaise with the West Yorkshire and York Investment Committee to promote the strategic alignment of regional transport funding investment.⁴

³ of the Combined Authority (in accordance with Scrutiny Standing Orders) or any partner council

⁴ This may be through holding joint meetings with the West Yorkshire and York Investment Committee.



Terms of Reference

West Yorkshire and York Investment Committee

The West Yorkshire and York Investment committee is authorised:

1. To advise the Combined Authority in relation to any function¹ of the Combined Authority relating to:
 - **economic development** and
 - **economic and transport led regeneration.**
2. In relation to any scheme under the Leeds City Region Assurance Framework:
 - to make a decision to progress the scheme² in accordance with the scheme's bespoke approval pathway and approval route,³
 - to make any recommendation to the Combined Authority⁴ about progressing the scheme, and
 - to review the scheme's impact and make any recommendation to the Combined Authority.
3. To liaise with the Transport Committee to promote the strategic alignment of regional transport funding investment.⁵
4. To respond to any report or recommendation from an overview and scrutiny committee.⁶

¹ including in relation to

- scheme management and delivery arrangements, including the adoption, application and review of the Leeds City Region Assurance Framework for schemes seeking funding from (or funding by) the Combined Authority or the Leeds City Region Enterprise Partnership (the LEP), and
- any function of the Combined Authority relating to its role as accountable body for the LEP.

² After decision point 2 only and including determining change requests

³ with the exception of those cases where any decision would result in a revised financial approval which exceeds the cumulative total of the financial approval and tolerance threshold agreed by the Combined Authority at decision point 2 (or decision point 3) by more than 25%, in which case the decision must be referred to the Combined Authority.

⁴ or to any relevant officer with delegated authority.

⁵ this may be through holding joint meetings with the Transport Committee.

⁶ of the Combined Authority, (in accordance with Scrutiny Standing Orders), or of any **partner** council.

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Terms of Reference

Leeds City Region¹ Partnership Committee

The Leeds City Region Partnership Committee is authorised:

1. To act as a consultative forum in relation to any matter referred to it by the Combined Authority².
2. To advise the Combined Authority in relation to any function of the Combined Authority relating to its role as accountable body for funding received for the Leeds City Region.

¹ The Leeds City Region consists of the areas of those local authorities in the Leeds City Region Enterprise Partnership (the LEP).

² This may include a matter raised (through the Chair of this committee) by any partner authority, the LEP Board or Leeds City Region RIF (GP) Limited.

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Terms of Reference

Business Innovation and Growth Panel¹

The Business Innovation and Growth Panel is authorised to advise the Combined Authority and the Leeds City Region Enterprise Partnership in support of their ambition to secure inclusive **and clean** growth in relation to:

- a) approving, reviewing or varying any policy or investment priorities, strategy or plan;
- b) identifying and promoting opportunities for obtaining devolved funding and bidding for other funding;
- c) developing and delivering new services;
- d) monitoring and reviewing the delivery of agreed outcomes and impact of any strategy plan or services²;
- e) developing and promoting a shared understanding of growth opportunities and inhibitors with key partners; and
- f) aligning strategic priorities, strategies and plans³

in respect of any function of the Combined Authority relating to **business growth**⁴ within the Leeds City Region.

¹ The Business Innovation and Growth Panel is an advisory committee of the Combined Authority, appointed under S102(4) Local Government Act 1972, and in this capacity also acts as the Combined Authority's Joint Trade and Investment Board.

² This includes the delivery of key projects and work programmes.

³ Through liaison with other committees or sub-committees of the Combined Authority and partner councils.

⁴ This includes business support, innovation, digital, trade and inward investment.

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Terms of Reference

Employment and Skills Panel¹

The Employment and Skills Panel is authorised to advise the Combined Authority and the Leeds City Region Enterprise Partnership in support of their ambition to secure inclusive **and clean** growth in relation to:

- a) approving, reviewing or varying any policy or investment priorities, strategy or plan;
- b) identifying and promoting opportunities for obtaining devolved funding and bidding for other funding;
- c) developing and delivering new services;
- d) monitoring and reviewing the delivery of agreed outcomes and impact of any strategy, plan or service;
- e) developing and promoting a shared understanding of the demand for skills and employment with key partners;
- f) influencing the provision of education and training;
- g) promoting coherence with education strategies and policies, and
- h) aligning strategic priorities, strategies and plans,²

in respect of any function of the Combined Authority relating to **employment and skills** within the Leeds City Region³.

¹ The Employment and Skills Panel is an advisory committee of the Combined Authority, appointed under S102(4) Local Government Act 1972.

² through liaison with other committees or sub-committees and partner councils.

³ The Employment and Skills Panel is the Skills Advisory Panel for the Leeds City Region Enterprise Partnership

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Terms of Reference

Green Economy Panel¹

The Green Economy Panel is authorised to advise the Combined Authority and the Leeds City Region Enterprise Partnership in support of their ambition to secure inclusive **and clean** growth in relation to:

- a) approving, reviewing or varying any policy or investment priorities, strategy or plan;
- b) identifying and promoting opportunities for obtaining devolved funding and bidding for other funding;
- c) developing and delivering new services;
- d) monitoring and reviewing the delivery of agreed outcomes and impact of any strategy, plan or service; and
- e) aligning strategic priorities, strategies and plans²

in respect of any function of the Combined Authority relating to **environmental sustainability**³ and **achieving a zero carbon economy** in the Leeds City Region.

¹ The Green Economy Panel is an advisory committee of the Combined Authority, appointed under S102(4) Local Government Act 1972.

² through liaison with other committees or sub-committees.

³ Including green and blue infrastructure, and any flooding strategy or flood alleviation programme in so far as these relate to these functions.

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Terms of Reference

Inclusive Growth and Public Policy Panel¹

The Inclusive Growth and Public Policy Panel is authorised to advise the Combined Authority and the Leeds City Region Enterprise Partnership in support of their ambition to secure inclusive **and clean** growth, in relation to:

- a) overseeing and monitoring the realisation of inclusive growth;
- b) promoting collaboration and joint working on public services between partner councils; and
- c) developing public policy in so far as this relates to any function of the Combined Authority which is not specifically within the terms of reference of any other advisory committee or panel appointed by the Combined Authority.

¹ The Inclusive Growth and Public Policy Panel is an advisory committee to the Combined Authority, appointed under S102(4) Local Government Act 1972.

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Terms of Reference

Place Panel¹

The Place Panel is authorised to advise the Combined Authority and the Leeds City Region Enterprise Partnership in support of their ambition to secure inclusive **and clean** growth, in relation to:

- a) approving, reviewing or varying any policy or investment priorities, strategy or plan;
- b) identifying and promoting opportunities for obtaining devolved funding and bidding for other funding;
- c) developing and delivering new services;
- d) monitoring and reviewing the delivery of agreed outcomes and impact of any strategy, plan or service; and
- e) aligning strategic priorities, strategies and plans²

in respect of any function of the Combined Authority relating to promoting the **quality of place** in the Leeds City Region, including:

- housing growth, quality and regeneration,
- infrastructure planning including in respect of transport, recreation and culture,
- strategic land use and asset management³,
- the planning of sustainable development including the duty to co-operate with other authorities and bodies⁴, and
- any Leeds City Region Enterprise Zone.

¹ The Place Panel is an advisory committee to the Combined Authority, appointed under S102(4) Local Government Act 1972.

² Through liaison with other committees or sub-committees and partner councils.

³ This includes advising in relation to the Combined Authority's role as lead authority for the One Public Estate Programme, and making best use of surplus public sector land and assets.

⁴ Under S33A Planning and Compulsory Purchase Act 2004, the Combined Authority has a duty to co-operate with other specified authorities and bodies in relation to the sustainable development.

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West Yorkshire Combined Authority Appointments 2019 / 2020

West Yorkshire Combined Authority		Bradford	Calderdale	Kirklees	Leeds	Wakefield	York	LEP
Chair: Susan Hinchcliffe	Member	Susan Hinchcliffe (L)	Tim Swift (L)	Shabir Pandor (L)	Judith Blake (L)	Peter Box (L)	Keith Aspden (LD)	Roger Marsh
Deputy Chair: Tim Swift	Substitute	Imran Khan (L)	Jane Scullion (L)	Peter McBride (L)	James Lewis (L)	Denise Jeffery (L)	Andy D'Agorne (G)	Bob Cryan
Members appointed to better reflect political balance across West Yorkshire:		<u>Conservative</u>		<u>Conservative</u>	<u>Liberal Democrat</u>			
	Member	John Pennington		David Hall	Stewart Golton			
	Substitute	Rebecca Poulsen (Bradford)		Geraldine Carter (Calderdale)	John Lawson (Kirklees)			

West Yorkshire Combined Authority Committees

	CA Members (Voting)	Bradford Co-optees (Voting)	Calderdale Co-optees (Voting)	Kirklees Co-optees (Voting)	Leeds Co-optees (Voting)	Wakefield Co-optees (Voting)	York Co-optees (Voting ¹)	Other Co-optees
Governance and Audit	David Hall (C) Susan Hinchcliffe (L) Shabir Pandor (L) Tim Swift (L)	N/A	N/A	N/A	N/A	N/A	N/A	Andy Clayton (Independent voting member) Independent Member (vacancy)
Chair: Andy Clayton								
Overview and Scrutiny	N/A	Sarfraz Nazir (L) Sub: Joanne Dodds	Stephen Baines (C) Sub: Scott Benton	Paul Kane (L) Sub: Manisha Kaushik	Jacob Goddard (L) Sub: TBC	Patricia Garbutt (L) Sub: Harry Ellis	Stephen Fenton (LD) Sub: Anne Hook	N/A
Chair: Peter Harrand		Rosie Watson (L) Sub: Carol Thirkill	James Baker (LD) Sub: Ashley Evans	Fazila Loonat (L) Sub: James Homewood	Peter Harrand (C) Sub: Neil Buckley	Graham Isherwood (L) Sub: Richard Forster	Peter Kilbane (L) Sub: TBC	
		Geoff Winnard (C) Sub: Naveed Riaz	Dot Foster (L) Sub: Steve Sweeney	Richard Smith (C) Sub: Michael Watson	Christine Knight (L) Sub: TBC	Elizabeth Rhodes (L) Sub: Lynne Whitehouse(L)	Edward Pearson (LD) Sub: Simon Daubeny	
Transport Committee	Peter Box (L)	Michael Ellis (C)	Peter Caffrey (C)	Martyn Bolt (C)	Neil Buckley (C)	Matthew Morley (L)	Andy D'Agorne (G) (Non-Voting)	Simon Pringle Mark Roberts*
Chair: Kim Groves Deputy Chair: Manisha Kaushik Leader of the Opposition: TBC		Sinead Engel (L) Hassan Khan (L) Taj Salam (L)	Daniel Sutherland (L)	James Homewood (L) Manisha Kaushik (L)	Peter Carlill (L) Kim Groves (L) Carmel Hall (LD)	Kevin Swift (L)		Private Sector Reps (non-voting) *from 01.07.19
West Yorkshire and York Investment	Peter Box (L)	Ex-officio Portfolio Holder	Ex-officio Portfolio Holder	Ex-officio Portfolio Holder	Ex-officio Portfolio Holder	Ex-officio Portfolio Holder	Ex-officio Portfolio Holder	N/A
Chair: Peter Box Dep Chair: Roger Marsh	Roger Marsh	Alex Ross-Shaw (L)	Jane Scullion (L)	Peter McBride (L)	Jonathan Pryor (L)	Denise Jeffery (L)	Andrew Waller (LD)	

¹ Except for Transport Committee

Note: Where appointments are still to be confirmed, appointments will be made in accordance with the nominations received from the relevant Council by the Combined Authority's Head of Legal and Governance Services.

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West Yorkshire Combined Authority - Advisory Panel Appointments 2019/2020

V1 (as at 19 June 2019)

Panel	CA Members (voting)	Local Authority Co-optees (voting)	Private Sector Rep (voting)	Advisory Representatives (non-voting)	Chief Exec Lead
Business Innovation and Growth Chair: Andrew Wright	Tim Swift (L) Shabir Pandor (L)	Barnsley: Tim Cheetham (L) Bradford: Alex Ross-Shaw (L) Calderdale: Jane Scullion (L) Craven: Simon Myers (C) Kirklees: Naheed Mather (L) Leeds: Julie Heselwood (L) North Yorks: Andrew Lee (C) Wakefield: Darren Byford (L)	Martin Booth Mike Danby Nicola Greenan Amir Hussain Andrew Latchmore Mark Roberts Will Roebuck Philip Wilson Andrew Wright (Chair) Simon Wright	<ul style="list-style-type: none"> - Yorkshire Universities; Director - Leeds City Region Universities; 2 reps at Pro-VC level - WY Consortium of Colleges; FE Rep - West & North Yorkshire Chamber of Commerce; Chief Executive Innovate UK; Regional Manager - Digital Health Enterprise Zone - Department for International Trade; Regional Director for Yorkshire & Humber 	Kersten England (Bradford)
Employment and Skills Chair: Rashik Parmar	Susan Hinchcliffe (L)	Bradford: Imran Khan (L) Calderdale: TBC (L) Kirklees: Peter McBride (L) Leeds: Jonathan Pryor (L) North Yorks: Patrick Mulligan (C) Wakefield: Michael Graham (L) York: Ian Cuthbertson (LD)	Simon Barratt Martin Booth Rashik Parmar (Chair) Mark Roberts Glynn Robinson Amanda Stainton	<ul style="list-style-type: none"> - Leeds City Region Skills Network; Chair - Leeds City Region Skills Network; Deputy Chair - Leeds City Region Skills Network; Deputy Chair - Voluntary and Community Sector Representative - Leeds City Region Headteachers Network; Rep - Yorkshire & Humber NHS; Local Director Y&H - Department of Work and Pensions; Rep 	Merran McRae (Wakefield)
Green Economy Chair: Simon Pringle		Bradford: Sarah Ferriby (L) Calderdale: Scott Patient (L) Kirklees: Andrew Cooper (G) Leeds: Neil Walshaw (L) Wakefield: Maureen Cummings (L) York: Andrew Waller (LD)	William Firth Natasha Luther-Jones Dr Alice Owen Simon Pringle (Chair)	<ul style="list-style-type: none"> - Northern Powergrid; Rep - Yorkshire Water; Rep - Northern Gas Grid; Rep - The Environment Agency; Rep 	Wallace Sampson (Harrogate) Martin Farrington (WYLN)
Inclusive Growth & Public Policy Panel Chair: Shabir Pandor	Shabir Pandor (L) (Chair)	Bradford: Alex Ross-Shaw (L) Calderdale: Jane Scullion (L) Kirklees: Carole Pattison (L) Leeds: Debra Coupar (L) Wakefield: Denise Jeffrey (L) York: Andrew Waller (LD)	Mike Danby Nicola Greenan Dr Alice Owen	<ul style="list-style-type: none"> - Yorkshire Universities; Rep - Leeds City Region Universities; Rep - West Yorkshire and Harrogate Sustainability and Transformation Partnership (STP); Rep - Joseph Rowntree Foundation; Rep 	Jacqui Gedman (Kirklees)

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Note: Where appointments are still to be confirmed, appointments will be made in accordance with the nominations received from the relevant Council by the Combined Authority's Head of Legal and Governance Services.

West Yorkshire Combined Authority - Advisory Panel Appointments 2019/2020

V1 (as at 19 June 2019)

Panel	CA Members (voting)	Local Authority Co-optees (voting)	Private Sector Rep (voting)	Advisory Representatives (non-voting)	Chief Exec Lead
Place Panel	Susan Hinchcliffe (L) Tim Swift (Chair) (L)	Barnsley: Tim Cheetham (L) Bradford: Alex Ross-Shaw (L) Calderdale: Jane Scullion (L) Craven: Richard Foster (C) Harrogate: Rebecca Burnett (C) Kirklees: Peter McBride (L) Leeds: Lisa Mulherin (L) North Yorkshire: Andrew Lee (C) Selby: John Mackman (C) Wakefield: Denise Jeffery (L) York: Andrew Waller (LD)	Amir Hussain Andrew Latchmore	– National Housing Federation; Rep – Homes England; Rep	Jacqui Gedman (Kirklees)
Chair: Tim Swift					



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Representation on Outside Bodies**

Director: Angela Taylor, Director of Corporate Services

Author(s): Caroline Allen

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 consider West Yorkshire Combined Authority (Combined Authority) representation on outside bodies.

2. Information

- 2.1 The Combined Authority is represented on a number of outside bodies. Proposed appointments for this municipal year are set out in the attached **Appendix 1**.
- 2.2 The appendix sets out the appointments to be made to Transport for the North (TfN), the statutory Sub-National Transport Body. It is understood that the Combined Authority's representative and substitute on the TfN Board will subsequently be appointed by the TfN Board to the TfN Partnership Board in their respective capacities.
- 2.3 TfN have advised that Rail North Ltd is in the process of being wound up, but that the process will not be completed by the date of the Combined Authority's annual meeting. The Combined Authority is therefore requested to re-appoint

Directors to the company, who will act in this role until the company is wound up in the near future.

3. Inclusive Growth Implications

3.1 None.

4. Financial Implications

4.1 None.

5. Legal Implications

5.1 The appointment to the TfN Board must be the Combined Authority's Chair or the elected member with responsibility for transport.

5.2 The appointment to the TfN Scrutiny Committee may be an elected member of the Combined Authority or of any of the constituent councils of the Combined Authority. It cannot be the TfN Member or their substitute, nor a TfN co-opted Member.

5.3 The appointments to Rail North Committee represent the Combined Authority and the City of York Council, as a regional grouping. They must be TfN Board Members or substitutes. City Of York Council have agreed that representation may remain as for the last municipal year.

6. Staffing Implications

6.1 None.

7. External Consultees

7.1 No external consultations have been undertaken.

8. Recommendations

8.1 That the Combined Authority approves the appointments to the outside bodies for the municipal year 2019/20, as detailed in Appendix 1.

9. Background Documents

None.

10. Appendices

Appendix 1 - Combined Authority representation on outside bodies 2019/20

West Yorkshire Combined Authority Representation on outside bodies 2019/20

Outside Body	Named Representative
TfN Members' Board ¹	Representative: Cllr Judith Blake Substitute: Cllr Susan Hinchcliffe
TfN Scrutiny Committee	Representative: Cllr Manisha Kaushik Substitute: Cllr Kim Groves
Rail North Committee	Representative: Cllr Judith Blake Substitute: Cllr Susan Hinchcliffe
Rail North Ltd	Representative: Cllr Judith Blake (Director) Substitute: Cllr Susan Hinchcliffe (Alternate Director)
East Coast Main Line Authorities ²	Representative: Cllr Kim Groves
HS2 East	Representative: Cllr Judith Blake

¹ The City of York Council also appoint to the TfN Board.

² The City of York Council also appoint to the East Coast Main Line Authorities.

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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Governance Arrangements**

Director: Angela Taylor, Director of Resources

Author(s): Caroline Allen

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 ask the West Yorkshire Combined Authority (the Combined Authority) to confirm or consider amendments to the Combined Authority’s governance documents.

2. Information

- 2.1 The Head of Legal and Governance Services carries out an annual review of the Combined Authority’s governance documents, and has identified proposed amendments, mainly for clarification and updating purposes. For example, all references to the Director of Resources need to be updated to the Director of Corporate Services. The more substantive changes are detailed in the following tables, and are highlighted in the relevant appendix.
- 2.2 **Procedure Standing Orders** are attached as **Appendix 1**, the **Access to Information Annex** to the Procedure Standing Orders as **Appendix 2**, and the related **Code of Practice for recording meetings** as **Appendix 3**. The changes proposed to these documents are set out in the following table:

Procedure Standing Orders (Appendix 1)	Proposed amendment
Definitions	Insert definition of “LEP Member”.
SO 5.2 and new footnote 8	Insert provision for the Annual Scrutiny Report to be considered at the annual meeting.
SO 6(h)	Insert reference to receiving the minutes of the Leeds City Region Enterprise Partnership (the LEP) for information, at each ordinary meeting of the Combined Authority.
SO 5.2 – new footnote 9, and SO 6.3 and footnote 10	Amend to clarify that meeting dates are set at the Combined Authority’s annual meeting, and that at the request of the relevant Chair, the Head of Legal and Governance Services may amend the date or time of any meeting or convene an additional meeting.
Access to Information Annex (Appendix 2)	
Part 1, paragraph 7	Clarify definition of Key Decision for consistency with functions reserved to the Combined Authority under the Officer Delegation Scheme.
Part 3	Insert references to the Transparency Code 2015 for completeness and to promote transparency.
Part 4	<ul style="list-style-type: none"> • Clarify provisions relating to Members’ right to access information. • Insert reference to access to the Combined Authority’s accounts. • Insert footnotes referring to statutory authority, for clarification.
Code of Practice for recording meetings (Appendix 3)	
New para 2	Insert provisions relating to the Combined Authority recording meetings.

2.3 **Scrutiny Standing Orders** are attached as **Appendix 4** to this report. At its April meeting, the Combined Authority resolved to “support a proposed review of the Combined Authority’s current scrutiny arrangements to ensure scrutiny arrangements are in line with best practice nationally and to ensure compliance with expected new statutory scrutiny guidance”. The statutory guidance has now been published, and will be reviewed (as detailed in the item on the Annual Scrutiny Report). Recommendations will be put forward to the Overview and Scrutiny Committee, the Combined Authority, the LEP and partner councils as appropriate. The review may result in amendments to existing arrangements but in the interim, the following changes are proposed to Scrutiny Standing Orders, as set out in the following table:

Scrutiny Standing Order	Proposed amendment

Scrutiny Standing Order	Proposed amendment
New SOs 9,10.6, 13.1.4, 16.4 and footnote 16	Insert additional provisions for scrutiny of LEP, reflecting arrangements agreed in the Leeds City Region Assurance Framework.
New footnote 4	Clarify that a substitute's role does not extend to chairing responsibilities.
New footnote 5	Clarify that substitutes for Combined Authority members and LEP Board members may not be appointed as a member or substitute member of an overview and scrutiny committee – reflecting the statutory guidance.
Revised SO 7	Clarify that the role of a working group extends to making recommendations.
New SO 13.1.5	Amend to reflect statutory guidance relating to promoting engagement with partner councils.
Revised SO 14 and new footnote 26	Clarify the process when an overview and scrutiny committee has called-in a decision, including a new requirement for the Scrutiny Officer to notify decision-makers of the outcome within 2 clear working days.
Revised footnote 15	Update to reflect that the WY and Y Investment Committee, as a decision-making committee, may consider overview and scrutiny reports and recommendations.
SO 16.2 and 16.3	Minor amendments for clarification.

2.4 **Contracts Standing Orders** are attached as **Appendix 5** to this report. The changes proposed are as follows:

Contract Standing Order	Proposed amendment
Throughout	Amend references to “Proactis” to “purchase order system” - to allow for future changes to system provider.
Throughout	Amend any reference to <ul style="list-style-type: none"> • Director of Resources to Director of Corporate Services, and • Head of Transport Operations to Head of Mobility Services.
SO 2.16 (now omitted - work by a directorate).	Delete as no longer required: all procurements by the Combined Authority are subject to Contracts Standing Orders.
SO 3.2 Financial Categories	Increase thresholds to allow proportionality between spend and time, and the resource allocated to it, as follows: <ul style="list-style-type: none"> • Cat A increased from £500 to £5000 • Cat B increased from £25,000 to £30,000

Contract Standing Order	Proposed amendment
	<ul style="list-style-type: none"> • Cat C increased from £75,000 to £100,000 • Cat D changed from OJEU limit to £1,000,000 – to provide consistency and clarity across works, goods and services and concessions. • Cat E – over £1,000,000.
SO 7 Category D New SO 7.2	<ul style="list-style-type: none"> • Insert reference to OJEU to apply as required. • Insert requirement to engage the market, to reflect best practice. • Insert reference to publishing in accordance with OJEU requirements.
SO 8 Category E New SO 8.3	<ul style="list-style-type: none"> • Insert requirement for a procurement strategy to be approved, to reflect best practice. • Insert requirement to ensure sufficient time is allowed to carry out procurement in a robust way, adding value.
SO 10.2 (Waivers)	<p>Insert requirement for the Head of Procurement to be consulted on requests for waiving the standing orders, with delegated authority for the decision resting at an appropriate level according to contract value. This facilitates consistency of advice and approach to risk.</p>
SO 16 (Acceptance of Tenders and Quotations) SO 16.5	<ul style="list-style-type: none"> • Insert requirement for the Head of Procurement to be consulted on requests for acceptance, with delegated authority for the decision resting at an appropriate level according to contract value. This facilitates consistency of advice and approach to risk. • Delete “or quotation” as not necessary.
SO 17 (Neutral Vendor Arrangements)	<p>Insert new provision to cover situations where neutral vendors are being used.</p>
SO 33 (now omitted - issue of Final Certificate)	<p>Delete provision - to be referenced in policy and procedure rather than standing orders.</p>
SO 33.2 (Variations to Contracts)	<ul style="list-style-type: none"> • Amend over 10% variation limits for consistency with categories in SO 3.2. • Amend approval levels to provide for delegated authority to be exercised at an appropriate level.
SO 33.5 (Variations to Contracts)	<ul style="list-style-type: none"> • Clarify that consultation with Head of Procurement and the Head of Legal and Governance is required for variations resulting in a 10% increase in contract value only. • Clarify that the contract variation form is required to be supplied to Head of Legal and Governance Services for Category D and E contracts only. • Clarify that all variations need to be logged in the Purchase Ordering Systems.

2.5 **Financial Regulations** are attached as **Appendix 6** to this report, changes to which are proposed as follows:

Financial Regulation	Proposed amendment
Throughout	Amend any reference to <ul style="list-style-type: none"> • Director of Resources to Director of Corporate Services, and • Internal Audit Manager to Head of Internal Audit.
Regulation 3.2	Insert deadlines for agreeing the budget and the levy.
Regulation 4.4	Clarify that expenditure in excess of tolerances (as well as approvals) needs approval from the Combined Authority.
Regulation 5.21	Increase the authority delegated to the Chief Finance Officer to write off asset / stock from £250 to £1,000.
Regulation 5.25	Increase values relating to the disposal of surplus/obsolete stores from £500 to £1,000.
Regulation 6.4.2	Clarify that the Chief Finance Officer has authority to write off bad debts, and authorise the Head of Finance to write off bad debts up to £1,000.
Regulation 6.5.2	New footnote to authorise the Head of Finance to accept external grant funding of up to £1 million, where the grant is on terms and conditions in accordance with the bid.

2.6 In relation to standards, **the Members' Code of Conduct** and the **Procedure for Considering Complaints against Members** have been reviewed further to the report on local government ethical standards by the Committee on Standards in Public Life, concluded earlier this year. The report is available [here](#).

2.7 In summary, the Committee considered that arrangements for local management of standards should continue but need to be supported by robust safeguards. The Committee's recommendations for change include that:

- the Local Government Association should produce an **updated model code** of conduct, to be used by local authorities in developing and updating their own codes. However, the Committee recognised the importance of authorities having ownership of their codes and so did not recommend that adoption of the national model should be mandatory.
- **disclosable pecuniary interests be extended** to include: unpaid directorships; trusteeships; management roles in a charity or body of a public nature; and membership of any organisations that seek to influence opinion or public policy.
- local authorities should have **power to suspend councillors** for up to six months.
- the **criminal offences** in the Localism Act 2011 relating to disclosable pecuniary interests **should be abolished**.

These changes will require changes to legislation, and so are not of immediate effect. However, the Committee also made some best practice recommendations, which may be addressed immediately.

- 2.8 **Appendix 7** to this report outlines the suggested **best practice**, and provides recommendations as to how these should be progressed. Consequential recommended amendments are highlighted in **Appendix 8**, the Members' Code of Conduct and **Appendix 9**, the **Procedure for Considering Complaints against Members**. Some unrelated additional amendments are also proposed to the Code (**Appendix 8**) as follows:

Paragraph of the Code	Proposed amendment
New paragraph 19	Insert reference to the Conflicts of Interest Policy and Protocol.
New footnote to paragraph 20 – disclosure of significant interests	For clarity and to be comprehensive, insert reference to disclosing close connections when considering any application for a loan or business, where these do not fall within the category of a disclosable interest.
Annex 2	New annex relating to Gifts and Hospitality, to provide clarity and promote transparency.

- 2.9 It is also recommended that the Governance and Audit Committee be requested to comprehensively review the report from the Committee on Standards in Public Life, and consider any further recommendations in respect of the Combined Authority's standards arrangements.

- 2.10 **The Conflicts of Interest Policy and Protocol** which are jointly agreed by the LEP and the Combined Authority, are attached for confirmation as **Appendices 10 and 11** respectively. No substantive amendments are proposed, other than to clarify that the annual report required by the Protocol relates to applications decided during the previous financial year.

- 2.11 Currently, a standard dispensation is in place which facilitates local authority members' participation in matters which may relate to their partner council, where appropriate. Dispensations are currently granted for up to four years. For administrative purposes, it is now proposed that current dispensations are terminated, to be immediately granted afresh to all local authority members for one municipal year.

3. Inclusive Growth Implications

- 3.1 Contracts Standing Order 11.2 provides for addressing social value in relation to procurements.

4. Financial Implications

4.1 None.

5. Legal Implications

5.1 The Combined Authority may amend its standing orders at any time. The proposed amendments ensure that standing orders and other governance documents are up to date and fit for purpose.

6. Staffing Implications

6.1 None.

7. External Consultees

7.1 No external consultations have been undertaken.

8. Recommendations

8.1 That the Combined Authority approves the governance documents as attached in the following appendices:

- Procedure Standing Orders – Appendix 1
- Access to Information Annex to Procedure Standing Orders – Appendix 2
- Code of Practice for recording meetings – Appendix 3
- Scrutiny Standing Orders – Appendix 4
- Contracts Standing Orders – Appendix 5
- Financial Regulations – Appendix 6

8.2 That the Combined Authority notes the summary of recommendations of the Committee on Standards in Public Life set out in this report (including the best practice recommendations set out in Appendix 7), and requests the Governance and Audit Committee to review the report issued by the Committee on Standards in Public Life and make any further recommendations in respect of the Combined Authority's standards arrangements.

8.3 That in relation to standards arrangements, the Combined Authority approves the following:

- Members' Code of Conduct – Appendix 8
- Procedure for Considering Complaints against Members – Appendix 9
- Conflicts of Interest Policy - Appendix 10
- Conflicts of Interest Protocol - Appendix 11

8.4 That the Combined Authority agrees the proposals set out in the report, in relation to dispensation arrangements.

9. Background Documents

9.1 None.

10. Appendices

Appendix 1- Procedure Standing Orders

Appendix 2 - Access to Annex to the Procedure Standing Orders

Appendix 3 - Code of Practice for recording meetings

Appendix 4 - Scrutiny Standing Orders

Appendix 5 - Contracts Standing Orders

Appendix 6 - Financial Regulations

Appendix 7 – Best practice recommendations of the Committee for Standards in Public Life

Appendix 8 - Members' Code of Conduct

Appendix 9 - Procedure for Considering Complaints against Members

Appendix 10 - Conflicts of Interest Policy

Appendix 11 - Conflicts of Interest Protocol



West Yorkshire Combined Authority Procedure Standing Orders

Contents	Standing Order no.
Application to committees and sub-committees	-
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Standing Orders applying to committees and sub-committees

These Procedure Standing Orders apply to meetings of committees and sub-committees of the Combined Authority except that:

- Standing Orders 3-5, 6.1 and 6.2, 7, 9.2, 15.2, 19.1 – 19.4, and 22.1 shall not apply to any committee or sub-committee of the Combined Authority and
- Standing Orders 6.3, 13, 15.3, 19.1 – 19.9 shall not apply to any overview and scrutiny committee or overview and scrutiny sub-committee.

In relation to a meeting of any committee and sub-committee, except where the context requires otherwise:

- references to the Combined Authority are to the committee or sub-committee,
- references to the Chair are to the Chair of the committee or sub-committee, and
- references to the Vice Chair are to the Deputy Chair of the committee or and sub-committee.

1 Definitions

In these Procedure Standing Orders:

“The Combined Authority” means West Yorkshire Combined Authority.

“Committee” or “sub-committee” means any committee or sub-committee appointed by the Combined Authority including any overview and scrutiny committee or sub-committee, and the Committee appointed to discharge audit committee functions, except where the context otherwise requires.

“The constituent councils” means the City of Bradford Metropolitan District Council, Calderdale Council, Kirklees Metropolitan Council, Leeds City Council and City of Wakefield Metropolitan District Council.

“The area of the Combined Authority” means the area consisting of the areas of the constituent councils.

“The LEP” means the Leeds City Region Enterprise Partnership.

“The LEP Member” means the member of the Combined Authority appointed further to a nomination by the LEP.

“The non-constituent council” means the City of York Council.

“The offices of the Combined Authority” mean Wellington House, 40-50 Wellington Street, Leeds LS1 2DE.

“The 2014 Order” means the West Yorkshire Combined Authority Order 2014.

“standing orders” means together these Procedure Standing Orders, the Contracts Standing Orders, the Financial Regulations of the Combined Authority and any other procedures, protocols, rules, policies and governance documents from time to time adopted by the Combined Authority and designated as Standing Orders of the Combined Authority.

2 Interpretation

2.1 The Chair shall make any final decision about:

- how Procedure Standing Orders should be interpreted; or
- any question of procedure not provided for by the Procedure Standing Orders.

3 Membership of the Combined Authority

3.1 The Combined Authority comprises the members as provided by the 2014 Order¹.

3.2 Members of the Combined Authority shall be appointed in accordance with the 2014 Order.

4 Suspending and amending Standing Orders

4.1 The Combined Authority may by resolution suspend Standing Order 18 (order of debate) for the duration of a meeting if at least 4 members of the Combined Authority appointed by the constituent councils are present.

4.2 Any motion to:

- add to, vary or revoke any Standing Orders, or
- grant, vary or revoke the voting rights of the member appointed by the non-constituent council or the LEP Member

¹ Schedule 1 of the 2014 Order.

will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Combined Authority².

5 Annual Meeting

5.1 The Combined Authority will hold an annual meeting every year, between 1 March and 30 June. It shall be held at a time fixed by the Combined Authority, or if the Combined Authority does not fix a time, at twelve noon.

5.2 The annual meeting will:

- a) **appoint Members³** of the Combined Authority,⁴
- b) **appoint the Chair and Vice Chair** of the Combined Authority from among the members of the Combined Authority,
- c) approve the **minutes** of the last meeting,
- d) receive any **declarations of interest** from members,
- e) receive any **announcements** from the Chair and/or Head of Paid Service,
- f) appoint an audit committee,
- g) appoint an overview and scrutiny committee or committees,
- h) appoint such other **committees** as the Combined Authority considers appropriate,
- i) appoint **committee members⁵**, after:
 - i. deciding the number of members to be appointed to each committee, and their term of office
 - ii. allocating seats to political groups in accordance with political balance rules⁶, and
 - iii. considering any nominations received from constituent councils, the non-constituent council and the LEP
- j) appoint to **outside bodies**,
- k) consider any recommendations made by the Governance and Audit Committee,⁷
- l) approve **standing orders**,
- m) approve the Combined Authority's Members' **allowances scheme**

² Except where the motion is in respect of any report proposing a change to Standing Orders or to such voting rights.

³ Except where the context otherwise requires, any reference to a member in these Standing Orders shall be taken to include reference to a substitute member acting in that member's place.

⁴ The Combined Authority shall note the members of the Combined Authority (and substitutes) appointed by the constituent councils and the member appointed by the non-constituent council, and will appoint the LEP Member (and substitute). The Combined Authority may also resolve to grant voting rights to the LEP Member and the member appointed by the non-constituent council.

⁵ This may include appointing the Chair and any Deputy Chair of each committee, and confirming any voting rights for any co-optees. In the absence of an appointment by the Combined Authority, a committee shall appoint its own Chair and may appoint any Deputy Chair.

⁶ Where applicable, and subject to any arrangements approved in accordance with S17 Local Government and Housing Act 1989.

⁷ In relation to amending any governance documents.

- n) agree the officer scheme of **delegation**,
- o) **consider the Annual Scrutiny Report⁸**
- p) decide the date and time for the ordinary **meetings** of the Combined Authority for the municipal year⁹, and
- q) consider **any other business** set out in the notice convening the meeting.

6 Ordinary Meetings

6.1 The Combined Authority may decide to hold any number of ordinary meetings in a municipal year, in addition to the annual meeting. Each ordinary meeting shall be held at such date and time as the Combined Authority decides.

6.2 At an ordinary meeting, the Combined Authority will:

- a) approve the **minutes** of the last meeting,
- b) receive any **declarations of interest** from members,
- c) receive any **announcements** from the Chair or the Head of Paid Service,
- d) deal with any business from the last ordinary meeting of the Combined Authority,
- e) consider reports and recommendations from any **overview and scrutiny committee** of the Combined Authority,
- f) receive **reports from any other committee** of the Combined Authority and receive questions and answers on any of those reports,
- g) receive reports and receive questions and answers on any **subsidiary companies** of the Combined Authority,
- h) **receive any minutes of the Leeds City Region Enterprise Partnership** for information
- i) consider **motions**, and
- j) consider **any other business** specified in the summons to the meeting, and for debate.

6.3 A committee may hold any number of ordinary meetings in a municipal year.¹⁰

7 Extraordinary Meetings

7.1 The following may call an extraordinary meeting of the Combined Authority:

⁸ This summarises the work undertaken by the Overview and Scrutiny Committee in the previous year

⁹ At the request of the Chair, the Head of Legal and Governance Services may subsequently amend the date or time of any ordinary meeting, or convene an additional ordinary meeting.

¹⁰ The Combined Authority approves the date and time of each committee meeting at the Combined Authority's annual meeting. At the request of the relevant Chair, the Head of Legal and Governance Services may subsequently amend the date or time of any meeting, or convene an additional meeting.

- a) the Chair of the Combined Authority at any time¹¹;
- b) any three members of the Combined Authority who have signed a requisition¹² which has been presented to the Chair of the Combined Authority:
 - i. if the Chair refuses to call a meeting, or
 - ii. after seven days if the Chair has failed to call a meeting within seven days after being presented with the requisition.

8 Place of meetings

- 8.1 The Combined Authority shall hold its meetings at any place within or outside of the area of the Combined Authority, as the Combined Authority directs¹³.

9 Notice of meetings

- 9.1 The Head of Legal and Governance Services shall give public notice of the time and place of a meeting by posting it at the offices of the Combined Authority:

- at least five clear days before the meeting or,
- if the meeting is convened at shorter notice, at the time it is convened.

- 9.2 Where the meeting is called by three members of the Combined Authority under Standing Order 7.1 the notice must

- be signed by those members and
- specify the business to be carried out at the meeting.

10 Summons to attend a meeting

- 10.1 At least five clear days before a meeting of the Combined Authority, the Head of Paid Service will sign a summons to attend the meeting, which sets out the business to be carried out at the meeting.¹⁴

¹¹ The Monitoring Officer, Head of Paid Service or the Chief Finance Officer may require the Chair to call an extraordinary meeting.

¹² See further Procedure Standing Order 9.2.

¹³ Or, in the case of urgency, any place which the Head of Paid Service, in consultation with the Chair, directs.

¹⁴ The Chair shall set the business to be considered at any ordinary meeting of the Combined Authority in consultation with the Head of Paid Service, although the Monitoring Officer, Head of Paid Service or Chief Finance Officer may require an item to be considered at any meeting. The Chair, in consultation with the Head of Paid Service may permit any deputation referred by a partner council, or submitted directly to the Combined Authority, to be an item of business on an agenda. The Chair may also permit a spokesperson for any deputation to address the meeting.

10.2 The Head of Legal and Governance Services will send the summons by post to every member of the Combined Authority or leave it at their usual place of residence¹⁵.

11 Public access to agenda and reports

11.1 Subject to 11.3 below, at least five clear days before a meeting of the Combined Authority¹⁶, the Head of Legal and Governance Services will make available for inspection by the public at the offices of the Combined Authority:

- a copy of the agenda, and
- (subject to 11.4 below) reports for the meeting.

11.2 Where an item is added to an agenda, copies of which are open to inspection by the public, copies of the item (or of the revised agenda) and copies of any report for the meeting relating to the item (subject to 11.4 below), shall be open to inspection from the time the item is added to the agenda.

11.3 Nothing in 11.1 or 11.2 above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Combined Authority.

11.4 If a report relates only to an item during which, in the Head of Legal and Governance Services' opinion, the meeting is likely not to be open to the public¹⁷, the Head of Legal and Governance Services may decide not to make the report (or part of it) open for inspection.

11.5 Where a report or any part of a report is not open to public inspection the Head of Legal and Governance Services:

- will mark every copy of the report (or the part) "Not for publication"; and
- state on every copy of the report (or the part) the description of the exempt information by virtue of which the Combined Authority is likely to exclude the public¹⁸.

12 Public access to meetings

¹⁵ A member of the Combined Authority may give notice in writing to the Monitoring Officer that the summons should be sent to the member at some other address. The Monitoring Officer may send the summons to the member by e-mail if a member has provided an e-mail address for that purpose.

¹⁶ or where the meeting is convened at shorter notice, from the time the meeting is convened.

¹⁷ In accordance with Part VA Local Government Act 1972. See further Standing Order 12.

¹⁸ In accordance with the Local Government Act 1972 - see Access to Information Annex attached.

- 12.1 Any meeting of the Combined Authority shall be open to the public except to the extent that the public are excluded (during the whole or part of the proceedings):
- to prevent the likely disclosure of confidential information,¹⁹ or
 - by resolution, to prevent the likely disclosure of exempt information,²⁰ or
 - under Standing Order 24 relating to general disturbances.
- 12.2 A motion to exclude the press and public may be moved without notice at any meeting in relation to an item of business whenever it is likely that if members of the press or public were present for that item there would be disclosure of exempt information.²¹

13 Substitute Members²²

- 13.1 A substitute member may only act in the absence of a member:-
- for whom they are the designated substitute; and
 - where the member will be absent for the whole of the meeting.
- 13.2 A substitute member may not exercise any special powers or duties exercisable by the member for whom they are substituting.²³

14 Chair (and Vice-Chair)

- 14.1 A person ceases to be Chair or Vice-Chair if they cease to be a member of the Combined Authority.
- 14.2 If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority²⁴.
- 14.3 At each meeting of the Combined Authority, the Chair shall preside.

¹⁹ In accordance with the Local Government Act 1972 - see Access to Information Annex attached.

²⁰ In accordance with the Local Government Act 1972 - see Access to Information Annex attached.

²¹ In accordance with the Local Government Act 1972 - see Access to Information Annex attached.

²² These are:

- Any substitute member of the Combined Authority appointed in accordance with the 2014 Order, schedule 1 para 1(5), and (9). A substitute member of the Combined Authority may substitute at any meeting of the Combined Authority in the absence of the substantive member, or at a meeting of any committee or sub-committee of which the substantive member is a member but absent.
- Any substitute member of the Leeds City Region Partnership Committee appointed by the Combined Authority to substitute for a co-opted member of the committee.

²³ **Special powers or duties include any chairing responsibilities.** A substitute may exercise any voting rights exercisable by the member for whom they a substitute.

²⁴ Or if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting (Schedule 1, para 2(3) of the 2014 Order).

- 14.4 If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside.
- 14.5 If both the Chair and Vice-Chair are absent from a meeting, the members present shall choose another member to preside.
- 14.6 The person presiding at the meeting may exercise any power or duty of the Chair.

15 Quorum

- 15.1 During any meeting if the Chair counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately to a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 15.2 No business shall be transacted at a meeting of the Combined Authority unless three members²⁵ appointed by the constituent councils are present.
- 15.3 The quorum for each committee is as follows:-
- **Governance and Audit Committee:** 3
 - **Leeds City Region Partnership Committee:** 6
 - **Transport Committee:** 4, to include one co-opted member from at least 3 of the constituent councils.
 - **West Yorkshire and York Investment Committee:** 3
 - **Business Innovation and Growth Panel:** 4 voting members, to include 1 member of the Combined Authority or other local authority member and 1 private sector representative.
 - **Employment and Skills Panel:** 4 voting members, to include 1 member of the Combined Authority or other local authority member and 1 private sector representative.
 - **Green Economy Panel:** 4 voting members, to include 1 member of the Combined Authority or other local authority member and 1 private sector representative.
 - **Inclusive Growth and Public Policy Panel:** 4 voting members, to include 1 member of the Combined Authority or other local authority member.
 - **Place Panel:** 4 voting members, to include 1 member of the Combined Authority or other local authority member.

16 Items of business

²⁵ Or substitute members acting in the absence of such a member.

16.1 No item of business may be considered at any meeting except:-

- the business set out in the summons,
- business required by law to be transacted at the annual meeting, or
- business brought before the meeting as a matter of urgency in accordance with 16.2 below.

16.2 Nor may an item be considered at any meeting unless:

- a copy of the agenda including the item (or a copy of the item) has been open to public inspection for at least five clear days before the meeting²⁶, or
- by reason of **special circumstances** which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

17 Order of business

17.1 If the Chair and Vice Chair are absent from any meeting of the Combined Authority, the meeting shall select a person to preside.

17.2 All other items of business will be dealt with in the order specified in the notice of the meeting, except that such order may be varied:-

- at the discretion of the Chair, or
- on a request agreed to by the meeting.

18 Order of debate

18.1 The Chair will introduce each item and may invite an officer to explain the item.

18.2 Each member shall then be given an opportunity to speak on the item and any recommendations contained in the report. This will be in the order decided by the Chair. Unless the Chair decides otherwise, each member shall speak only once on each item.

18.3 Any member while exercising the right to speak on the item may:

- move an **amendment** to the recommendations, or
- move that an item be **withdrawn**.

Any such motion if seconded shall be voted upon.

²⁶ Or, where the meeting is convened at shorter notice, from the time the meeting is convened.

18.4 Subject to the outcome of any such motion, once each member who wishes to speak has done so, the Chair shall move the item, which if seconded, shall be voted upon.

19 Voting

19.1 Except as provided below, each member of the Combined Authority is to have one vote.

19.2 The following will be non-voting members:

- the member of the Combined Authority appointed by the non-constituent council, and
- the LEP Member

unless granted voting rights by resolution of the members appointed by the constituent councils.

19.3 Any question will be decided by a majority of members of the Combined Authority present and voting on that question at a meeting.

19.4 No member is to have a casting vote.

Committees

19.5 Except as provided below, each member of the Combined Authority on a committee is to have one vote.

19.6 The following will be non-voting members of any committee to which they are appointed:

- the member of the Combined Authority appointed by the non-constituent council, and
- the LEP Member

unless granted voting rights by resolution of the members appointed by the constituent councils.

19.7 Any co-opted member of any committee will be non-voting unless granted voting rights by resolution of the Combined Authority.

19.8 Except as otherwise provided for by law, any question will be decided by a majority of members of the Combined Authority, present and voting on that question at a meeting.

19.9 No member is to have a casting vote.

Show of hands

19.10 Unless a ballot or recorded vote is demanded under Standing Order 19.11 or 19.12, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Ballots

19.11 The vote will take place by ballot if the majority of members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

Right to require individual vote to be recorded

19.12 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the recommendation, or abstained from voting.

Recorded vote

19.13 If any member present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Voting on appointments

19.14 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20 Point of order

20.1 A member may raise a point of order any time, by specifying how a specific Standing Order or law has been breached.

20.2 The Chair will hear the point immediately. The Chair's decision on the point will be final.

21 Record of attendance

21.1 The Head of Legal and Governance Services will ensure that the name of any member present during the whole or part of a meeting is recorded.

22 Attendance at meetings

22.1 The Chair of any Combined Authority committee or sub-committee may be invited to attend and speak at any meeting of the Combined Authority to:

- present any reports or recommendations of the committee or sub-committee, or
- answer questions about any matter in the minutes of that committee or sub-committee, or
- contribute to discussion about any matter which is relevant to the functions discharged by the committee of which they are Chair.

22.2 The Chair may invite any person to attend and speak at any meeting.²⁷

23 Reporting Proceedings²⁸

23.1 Without prejudice to the Chair's powers in Standing Order 24, and subject to 23.2 and 23.3, while any meeting of the Combined Authority is open to the public, any person attending may report on the meeting, and publish or disseminate the recording at the time of the meeting or after the meeting²⁹.

23.2 The Chair may decide not to permit oral reporting or oral commentary of the meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

23.3 Where the public are excluded from a meeting to prevent the likely disclosure of confidential or exempt information, the Chair may also prevent any person from reporting on that meeting using methods:

- which can be used without that person's presence, and
- which enable persons not at the meeting to see or hear the proceedings at the meeting as it takes place or later.

²⁷ This may include any Chief Executive or other senior officer of any partner council.

²⁸ Reporting in this context means:

- filming, photographing and making an audio recording of proceedings;
- using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later;
- reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

²⁹ See the Access to Information Annex and Code of Practice for recording meetings attached.

23.4 Any meeting of the Combined Authority may be recorded and made available for public viewing on the internet³⁰. The Chair may restrict the recording of any meeting where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

24 General disturbance

24.1 If a general disturbance makes orderly business impossible, the Chair may:

- adjourn the meeting for as long as the Chair thinks necessary, or
- call for any part of the meeting room open to the public, to be cleared, if the disturbance is in that part.

24.2 If a member of the public interrupts proceedings, the Chair shall warn the person concerned. If they continue to interrupt, the Chair may order them to be removed from the meeting room.

Members

24.3 If the Chair considers at any meeting that a member is behaving improperly or offensively, or is deliberately obstructing business, the Chair may move that the member should not be heard further. If seconded, the motion will be voted on without discussion.

24.4 If the member continues to behave in the same way, the Chair may:

- adjourn the meeting for a specified period, or
- move that the member leaves the meeting (such a motion will be voted on without seconding or discussion).

25 Minutes

25.1 Minutes of a meeting shall be recorded on loose leaves consecutively numbered.

25.2 The minutes of a meeting must be signed at the same or next suitable meeting³¹ by the person presiding at that meeting, and the person signing the minutes shall also initial each leaf of the minutes.

25.3 No discussion shall take place upon the minutes except about their accuracy.

³⁰ A copy of the Combined Authority's privacy notice relating to meetings is available on the website [here](#).

³¹ The next suitable meeting is the next following meeting.

26 Conduct

Members' Interests

26.1 A member of the Combined Authority shall comply with the Members' Code of Conduct, including those provisions relating to registering and disclosing disclosable pecuniary and other interests.

26.2 Where a member has a disclosable pecuniary interest in a matter to be considered at a meeting, the member may attend the meeting to:

- make representations,
- answer questions, or
- give evidence relating to the matter

provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

26.3 As soon as the member has finished³², they must leave the room. The member may not remain in the room during the discussion or vote on the matter.

Officer's interests

26.4 An officer must comply with the Combined Authority's Officers' Code of Conduct.

26.5 The Combined Authority shall not appoint as an officer any person who is:

- the operator of any public passenger transport services,
- a director of any company or an employee of any company or other person who is such an operator, or
- a director or employee of any company which is a member of a group of inter-connected bodies corporate any one or more of which is such an operator,

and any officer who subsequently becomes such an operator, director partner or employee shall immediately vacate their office or employment with the Combined Authority.³³

³² Or the meeting decides that the member has finished.

³³ In accordance with S9A(8) Transport Act 1968.

26.6 The Head of Legal and Governance Services shall keep a record of any notice of a pecuniary interest in a contract given by an officer under Section 117 of the Local Government Act 1972. The Head of Legal and Governance Services shall make the record open for inspection by any member of the Combined Authority at the offices of the Combined Authority.

Canvassing of and recommendations by Members

26.7 Any candidate who canvasses any member of the Combined Authority (directly or indirectly) for any appointment under the control of the Combined Authority will be disqualified from appointment.

26.8 A member of the Combined Authority shall not solicit any person for any appointment under the control of the Combined Authority, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for the candidate to submit to the Combined Authority with an application for employment.

Relatives of Members or officers

26.9 A candidate for any appointment under the control of the Combined Authority who is related to any member or officer of the Combined Authority shall, when making application, disclose that relationship to the Head of Paid Service³⁴. A candidate who fails to disclose such relationship will be:

- disqualified from appointment, or
- if appointed, liable to dismissal without notice.

26.10 A member or officer of the Combined Authority shall disclose to the Head of Paid Service any relationship known to exist between the member or officer and any person who is a candidate for appointment with the Combined Authority. The Head of Paid Service shall report any such disclosure to the Combined Authority.

³⁴ or in the absence of the Head of Paid Service, the Director of **Corporate Services**.



West Yorkshire Combined Authority Access to Information Annex to the Procedure Standing Orders

Rights to attend meetings, inspect documents and record proceedings.

Part 1: Rights of the public

References to meetings of the Combined Authority include meetings of any committee or sub-committee appointed by the Combined Authority, including the Governance and Audit Committee.

These provisions do not affect any other rights to information arising under any standing orders of the Combined Authority, or by law.

1. Public access to meetings

Any meeting of the Combined Authority shall be open to the public except where the public is excluded (during the whole or part of the proceedings) in accordance with the following:

A Confidential information

The public **must** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Confidential information means:

- information given to the Combined Authority by a Government department on terms which forbid its public disclosure, or
- information the public disclosure of which is prohibited by or under an Act or Court Order.

B Exempt information

The Combined Authority **may** resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed to the public if the public were present during the item.

Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):-

Description
Paragraph 1: Information relating to any individual .
Paragraph 2: Information which is likely to reveal the identity of an individual .
Paragraph 3: Information relating to the financial or business affairs¹ of any particular person (including the Combined Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. “Financial or business affairs” includes contemplated, as well as past or current, activities.
Paragraph 4: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter² arising between the Combined Authority or a Minister of the Crown and employees of, or officer-holders under the Combined Authority.
Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings .
Paragraph 6: Information which reveals that the Combined Authority proposes:- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or (b) to make an order or direction under any enactment.
Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime .

Information falling within any of these descriptions is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.

Information falling within any of these descriptions may only be exempt if and so long as, in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

A resolution to exclude the public from a meeting must:

- identify the proceedings, or the part of the proceedings, to which it applies,
- state the description of the exempt information giving rise to the exclusion of the public, and
- confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

¹ “Financial or business affairs” includes contemplated, as well as past or current, activities.

² “Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter.

C General Disturbance

Procedural Standing Order 24 provides for the public to be excluded from a meeting where general disturbance arises.

2. Public access to agenda and reports

The Head of Legal and Governance Services shall make the following open to public inspection, at the offices of the Combined Authority³, in accordance with the Combined Authority's Procedure Standing Orders:

- copies of the **agenda** for a meeting of the Combined Authority, and
- copies of any **report** for the meeting open to the public.

3. Public access to copies at the meeting

The Head of Legal and Governance Services will make available for the use of members of the public present at a meeting a reasonable number of copies of:

- the **agenda**, and
- those **reports** open to the public.

4. Public access to documents after a meeting

The Head of Legal and Governance Services will make available for inspection copies of the following for six years after a meeting:

- the **minutes** of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information),
- a **written summary** of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record,
- the **agenda** for the meeting, and
- **reports** relating to items when the meeting was open to the public.

5. Public access to background papers

The author of any report will set out in the report a list of the background papers relating to the subject matter of the report which in the author's opinion:

- disclose any facts or matters on which the report or an important part of the report is based, and
- have been relied on to a material extent in preparing the report.

This requirement does not extend to:

- published works, or
- papers which disclose exempt or confidential information.

³ These are available on request during usual office hours

The Head of Legal and Governance Services will:

- publish a list of each of the **background documents** listed on the Combined Authority's website at the same time as the report is available for public inspection, and
- make a **copy** of each available to the public at the offices of the Combined Authority, on payment of a reasonable fee⁴.

The Head of Legal and Governance Services will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.

6. Reporting and recording meetings⁵

The Combined Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.

A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

Publication and dissemination may take place at the time of the meeting or occur after the meeting.

Any person reporting on a meeting is expected to comply with the attached Code of Practice.

Meetings of the Combined Authority may be recorded and made available for public viewing on the intranet⁶. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

⁴ A copy is taken to be open where arrangements are made to produce it to members of the public as soon as is reasonably practicable after the request to inspect the copy.

⁵ See further Procedural Standing Order 23. Reporting in this context means:

- filming, photographing and making an audio recording of proceedings,
- using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later, or
- reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

⁶ A copy of the Combined Authority's privacy notice relating to meetings can be found on the website [here](#).

7. Public notice of proposed Key Decisions

A Definition of a Key Decision

A Key Decision means a decision of a decision maker⁷, which in the view of an overview and scrutiny committee of the Combined Authority is likely:

- (i) to result in the Combined Authority incurring **significant expenditure**, or the making of **significant savings**, having regard to the Combined Authority's budget for the service or function to which the decision relates; or
- (ii) to be **significant** in terms of its effects on persons living or working in an area comprising **two or more wards** or electoral divisions in the area of the Combined Authority.

For the purposes of (i) above, this includes any decision likely to result in the Combined Authority incurring expenditure or making savings (including the receipt or loss of income) of **£1 million or more in any financial year**⁸.

For the purposes of (ii) above, the definition of a Key Decision includes (but is not limited to) any decision:

a) to approve or vary:

- the Strategic Economic Plan,
- the West Yorkshire Transport Strategy 2040,⁹ or
- the Combined Authority's budget.

b) to jointly¹⁰ approve, vary, revoke or postpone an **advanced quality partnership scheme**,

c) to jointly¹¹ make, vary or revoke an **enhanced partnership plan**,

d) to jointly¹² make, postpone or revoke an **enhanced partnership scheme**,

e) to jointly¹³ approve, vary or revoke an **advanced ticketing scheme**,

f) **to jointly¹⁴ make, vary or terminate a voluntary partnership agreement**

⁷ Including any decision taken by the Combined Authority or any **decision-making** committee or officer under authority delegated from the Combined Authority.

⁸ Where expenditure, saving or income of £1 million or more is likely to result from any decision in respect of a project or programme under the Combined Authority's Assurance Framework, the following should be treated as a Key Decision:

- any decision taken at decision point **2** of the Framework
- any decision taken at decision point **5** of the process, but only where more than 12 months has elapsed since decision point 2 **or** the scheme has substantively changed since that point
- any decision taken at any other decision point which is likely to result in an increase or decrease in agreed scheme costs of £1 million or more.

⁹ This is the Combined Authority's statutory Local Transport Plan.

¹⁰ **that is, with at least one other local transport authority**

¹¹ **that is, with at least one other local transport authority**

¹² **that is, with at least one other local transport authority**

¹³ **that is, with at least one other local transport authority**

¹⁴ **that is, with at least one other local transport authority**

- g) to set the **Transport Levy**,
- h) to consent to regulations relating to:
 - a **Sub-National Transport Body**,
 - a **levy** in relation to **functions other than transport**, or
 - **borrowing**, or
- i) to exercise a function relating to a **road user charging scheme**.

For the purposes of (i) and (ii) above, the following shall **not** be treated as a Key Decision:

- any decision which is a direct consequence of implementing a previous Key Decision,
- any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny committee following a call-in of that decision,
- a Treasury Management decision in relation to the making, payment or borrowing of a loan,
- a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
- the urgent settlement of proceedings to which the Combined Authority is a party.

B Notice provisions

Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:

- that a **Key Decision is to be made** in relation to the discharge of functions which are the Combined Authority's responsibility,
- the **matter** in respect of which the decision is to be made,
- the **decision maker's name and title** if any,
- the **date** on which, or the period within which, the decision is to be made,
- a **list of documents** submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
- the **address** from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,
- **that other documents** relevant to those matters **may be submitted** to the decision maker, and
- the **procedure** for requesting details of those documents (if any) as they become available.

The Head of Legal and Governance Services will publish any such notice on the Combined Authority's web-site at least **28 clear days** before the Key Decision is made, and make it available for public inspection at the Combined Authority's offices.

Where in relation to any matter-

- the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed, or

- documents relating to the decision need not (because of confidential information¹⁵) be disclosed to the public,

the notice must contain particulars of the matter but may not contain any confidential information or exempt information.

C General Exception

Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:

- where the Head of Legal and Governance Services has **informed the Chair of any relevant overview and scrutiny committee¹⁶ by notice** in writing of the matter about which the decision is to be made,
- where the Head of Legal and Governance Services has **published the notice** on the Combined Authority's web-site and **made the notice available for public inspection** at the Combined Authority's offices, and
- after **5 clear days** have elapsed following the day on which the Head of Legal and Governance Services made the copy of the notice available.

As soon as reasonably practicable after the Head of Legal and Governance Services has served a notice on the Chair, published the notice and made it available to the public, the Head of Legal and Governance Services must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

D Cases of special urgency

Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker¹⁷ has obtained **agreement from the Chair of any relevant overview and scrutiny committee¹⁸** that the making of the Key Decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the decision maker has obtained the necessary agreement that the Key Decision is urgent and cannot reasonably be deferred, the decision maker must¹⁹ make available to the public at the Combined Authority's offices a **notice setting out the reasons why the Key Decision is urgent and cannot reasonably be deferred**; and publish that notice on the Combined Authority's web-site.

¹⁵ See Scrutiny Standing Order 13

¹⁶ Or if there is no such person, each member of the relevant overview and scrutiny committee,

¹⁷ Where the decision maker will be a committee or the Combined Authority itself, this will fall to the Managing Director or other relevant Director.

¹⁸ If there is no such person, or if the Chair is unable to act, agreement may be given by the Combined Authority's Chair, or where there is no Chair, the Vice Chair of the Combined Authority.

¹⁹ In consultation with the Head of Legal and Governance Services.

8. Public access to written records of decisions made by officers

A decision-making Officer may be required to produce a **written record** of their decision if the decision has been delegated:

- under a specific **express authorisation**, or
- under the **Officer Delegation Scheme** where the effect of the decision is to:
 - a) grant a **permission** or **licence**,
 - b) affect the **rights of an individual**, or
 - c) award a **contract** or **incur expenditure** which, in either case, **materially affects the Combined Authority's financial position**.

For the purposes of c) above, any award of a contract or expenditure of **£500,000 or over** will be deemed to materially affect the Combined Authority's financial position.

An Officer must also record and publish any **Key Decision** they make, whether or not it is outside the criteria set out above.

An Officer may also record and publish any other decision if they consider this to be in the public interest.

As soon as reasonably practicable after an officer has made a written record, the Head of Legal and Governance Services shall make any written record and any background papers available for inspection by the public:²⁰

- at all reasonable hours, at the offices of the Combined Authority,
- on the Combined Authority's website, and
- by such other means that the Combined Authority considers appropriate.

On request²¹ the Head of Legal and Governance Services will provide²²:

- a copy of the written record, and
- a copy of any background papers.

The Combined Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.

The Combined Authority will retain any background papers and make them available for public inspection for 4 years beginning with the date on which the decision was made.

²⁰ The Combined Authority is not authorised to disclose confidential information (nor required to disclose exempt information) contained in these documents or any part of a document.

²¹ and on receipt of payment of postage, copying or other necessary charges.

²² Subject to footnote 20 above.

Part 2: Press access to meetings

The Head of Legal and Governance Services shall supply on request²³ for any newspaper:

- a copy of the **agenda** and those **reports** open to the public,
- any **further statements** necessary to indicate the nature of the items on the agenda, and
- if the Head of Legal and Governance Services thinks fit, copies of **any other documents supplied to members** of the Combined Authority in connection with the item.

Procedural Standing Order 23 and rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

Part 3: Freedom of Information (FOI) and the Local Government Transparency Code

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) apply to the Combined Authority, which therefore publishes information under a Publication Scheme²⁴. The Scheme specifies:

- the **classes of information** which the Combined Authority publishes or intends to publish,
- **how** information in each class is, or is intended to be, published, and
- whether the material is, or is intended to be, available to the public **free of charge** or on **payment**.

The public also has a general right of access to information held by the Combined Authority, but this is subject to exemptions²⁵.

A request for information must be submitted to and dealt with by the Head of Legal and Governance Services.

A request for information under the FOIA must:

- be in writing²⁶
- state the name of the applicant²⁷
- state an address for correspondence, and

²³ and on payment of postage or other necessary charges.

²⁴ This can be found under the Freedom of Information section of the Combined Authority website.

²⁵ The Monitoring Officer or in their absence the Head of Paid Service is authorised by the Secretary of State to assume the role of “qualified person” for the purposes of S36 FOIA (letter dated 4 May 2016).

²⁶ A request will be treated as made in writing where the text is transmitted by electronic means (e-mail), is received in legible form, and is capable of being used for subsequent reference.

²⁷ Under the EIR a requester does not have to provide their real name.

- describe the information requested.

A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.

The Combined Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:

- spending and expenditure including grants,
- procurement information including contracts,
- organisation chart detailing senior management personnel, and
- land and assets²⁸.

Part 4: Members' access

1. General

Any member of the Combined Authority is entitled to inspect any document which:

- is in the possession of or under the control of the Combined Authority, and
- contains material relating to any business to be transacted at a meeting of the Combined Authority

unless it appears to the Head of Legal and Governance Services that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act 1972 as listed under section 1B above), other than the following (which will be open for inspection by members):

- a) Information relating to the financial or business affairs of any particular person including the Combined Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Combined Authority in the course of negotiations for a contract), or
- b) Information which reveals that the Combined Authority proposes:
 - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
 - to make an order or direction under any enactment²⁹.

These rights are in addition to any other rights the member may have (such as those arising from a member's need to know at common law).

The accounts of the Combined Authority shall be open to the inspection of any member and any such member may make a copy of or extract from the accounts³⁰.

²⁸ This can be found under the Freedom of Information section of the Combined Authority's website

²⁹ Section 100F(1) – (2B) Local Government Act 1972

³⁰ Section 228(3) Local Government Act 1972

2. Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee

Subject to the exceptions outlined below, a member of an overview and scrutiny committee or sub-committee is entitled to a copy of any document which is in the possession or under the control of the Combined Authority and contains material relating to any business that has been transacted at a meeting of the Combined Authority or at a decision-making committee of the Combined Authority³¹. The member must make any request for such a document in writing to the Head of Legal and Governance Services, who shall consider any such request on behalf of the Combined Authority.

The document must be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Head of Legal and Governance Services receives the request.

No member of an overview and scrutiny committee or sub-committee is entitled to a copy of any such document or part of a document as contains exempt³² or confidential information³³, unless that information is relevant to:

- an action or decision that the member is reviewing or scrutinising, or
- any review contained in any programme of work of the committee or sub-committee.

Where the Head of Legal and Governance Services determines that a member is not entitled to a copy of a document or part of any such document, they must provide the overview and scrutiny committee or sub-committee with a written statement setting out the reasons for that decision.

Part 5: List of Members

The Head of Legal and Governance Services will publish a list stating:

- the name and address of all current members of the Combined Authority and the constituent or non-constituent council they represent, and
- the name and address of all current members of the other Committees and any sub-committees.

A member of the public may inspect the list.

³¹ Article 10 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

³² As defined in section 100I of the Local Government Act 1972.

³³ As defined in section 100A (3) of the Local Government Act 1972.

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West Yorkshire Combined Authority Code of Practice for recording meetings

1. Recording by the public

The right to record meetings are set out in Procedure Standing Order 23, and the Access to Information Annex to the Procedure Standing Orders. This Code of Practice supplements those provisions.

The right to record extends only to formal meetings of the Combined Authority, and its committees or sub-committees which are open to the public.

Recording in this context includes filming, photographing and making an audio recording.

No recordings should be made or published in breach of this Code of Practice.

The agenda for each meeting will state that that the meeting may be recorded. We will also display signs in the meeting room stating that the meeting may be recorded.

Please inform the Chair of the meeting **before** the meeting starts if you do not want to be recorded. The Chair will inform any person recording the meeting that you do not wish to be recorded.

If you record a meeting, you must comply with the following:

Before the meeting

Before the meeting starts, please inform the Chair (or clerk) of the committee that you want to record the meeting.

To minimise disruption, and ensure a safe environment, you must also ask the Chair's **permission** before the meeting if you wish to:

- use **large equipment** (that is, **larger** than a smart phone, tablet or compact camera)
- **move** around the room or film from different angles or
- use **lighting** for filming/**flash** photography.

Making your recording

You should record **overtly** (that is, in a way which is clearly visible to others at the meeting).

You must record from the **public seating area** and from **one fixed position**, (unless you have the Chair's permission to do otherwise).

Do not block other people's view of proceedings with your recording device.

Please put your recording device on **silent mode**.

You should **focus** recording on:

- councillors and officers attending the meeting, and
- any other people invited to address the meeting, who have not objected to being filmed.

Do not record any member of the public who has asked not to be recorded.

Do not record any child or young person present under the age of 18 unless their parents/guardians have given you written consent.

Stopping recording

You must stop recording if the Chair instructs you to¹.

Publishing recordings

You must comply with all relevant laws when recording reporting and publishing, including those relating to libel and defamation.

The Combined Authority will not be liable for recordings or reports made or published by you or any other person.

When you publish a recording, please publish an **explanatory statement** identifying:

- **when and where** the recording was made,
- the **context** of the discussion,
- the **main speakers** and their **role or title**.

Do not edit the recording in a way that could:

- lead anyone to misinterpret the proceedings or comments recorded,
- misrepresent anyone in the recording, or
- show a lack of respect for anyone in the recording.

¹ The circumstances in which the Chair may do this are set out in Procedure Standing Order 23.

Recordings may start and end at any point of a meeting, but you should publish the material between those points without editing it, or alternatively make it clear when breaks in recordings occur.

2. Combined Authority recording of meetings

Details of recording and webcasting activities carried out by the Combined Authority will be made available on meeting agendas and notices displayed at each meeting. Data collected as part of recording activities carried out by the Combined Authority will be processed in accordance with the Combined Authority's privacy notice².

The Combined Authority's Access to Information Annex to the Procedure Standing Orders applies to the recording and webcasting of meetings.

²A copy of the Combined Authority's privacy notice relating to meetings can be found on the website [here](#)

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West Yorkshire Combined Authority Scrutiny Standing Orders

1 Appointment of Committees and Sub-Committees

- 1.1 The Combined Authority shall appoint one or more overview and scrutiny committees.
- 1.2 An overview and scrutiny committee may appoint one or more sub-committees to discharge any of its functions.¹

2 Membership

- 2.1 The Combined Authority shall appoint at least one member of each constituent council² and of the non-constituent council³ to any overview and scrutiny committee.
- 2.2 The majority of members of any overview and scrutiny committee or sub-committee must be members of the constituent councils.
- 2.3 The number of members of each of the constituent councils appointed to any overview and scrutiny committee must be such that the members of the committee taken as a whole 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.
- 2.4 The Combined Authority may appoint a **substitute member** for each member of an overview and scrutiny committee to act in the absence of that member at a meeting of an overview and scrutiny committee, any sub-committee of an overview and scrutiny committee or working group to which that member is appointed. The substitute member may only act in the absence of a member:
- for whom they are the designated substitute, and
 - where the member will be absent for the whole of the meeting.
- 2.5 A substitute member may not exercise any special powers or duties exercisable by the member for whom they are substituting⁴.

¹ A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it in accordance with Standing Order 1.2.

² These are the City of Bradford Metropolitan District Council, Calderdale Council, Kirklees Metropolitan Council, Leeds City Council and the City of Wakefield Metropolitan District Council.

³ This is the City of York Council.

⁴ **Special powers or duties include any chairing responsibilities. A substitute may exercise any voting rights exercisable by the member for whom they substitute.**

- 2.6 No member of the Combined Authority nor of the Leeds City Region Enterprise Partnership (the LEP) Board⁵ may be a member or substitute member of an overview and scrutiny committee or sub-committee.
- 2.7 Within 28 days of any appointment to any overview and scrutiny committee, the Head of Legal and Governance Services will publish a notice about the appointment⁶ on the Combined Authority's web-site.

3 Voting

- 3.1 Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a constituent council has one vote.
- 3.2 Any member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from the non-constituent council is non-voting unless the Combined Authority has resolved to give such a member voting rights.
- 3.3 All questions coming or arising before an overview and scrutiny committee or an overview and scrutiny sub-committee shall be decided by a simple majority of the members present and voting on the question.
- 3.4 No member of an overview and scrutiny committee or sub-committee has a casting vote.
- 3.5 If a vote is tied on any matter it is deemed not to be carried.

4 Chair

- 4.1 The Combined Authority will appoint the Chair of any overview and scrutiny committee⁷.
- 4.2 The Chair of any overview and scrutiny sub-committee will be appointed by the appointing overview and scrutiny committee.

5 Conflicts of Interest

- 5.1 No member of an overview and scrutiny committee nor of a sub-committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.

⁵ Substitutes for members of the Combined Authority and the LEP Board are also precluded from being a member or substitute of an overview and scrutiny committee or sub-committee.

⁶ In accordance with Article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017/18.

⁷ This must be an independent person or an appropriate person, as defined by Schedule 5A Local Democracy Economic Development and Construction Act 2009.

5.2 Such a member may only attend the overview and scrutiny committee or sub-committee to:

- make representations,
- answer questions, or
- give evidence about the decision.

6 Quorum

6.1 At least **two-thirds** of the total number of members of any overview and scrutiny committee or sub-committee must be present at a meeting before business may be transacted.

7 Working Groups

7.1 An overview and scrutiny committee or sub-committee may appoint a working group to contribute to and inform the scrutiny process, **including by making recommendations.**

8 Work Programme

8.1 Each overview and scrutiny committee or sub-committee will set its own work programme.

9 Scrutiny of the LEP

9.1 The LEP and the Combined Authority (as the accountable body for the LEP) have agreed that the Combined Authority's scrutiny arrangements extend to the LEP, in accordance with these Standing Orders.

9.2 The LEP has agreed to share information with any overview and scrutiny committee or sub-committee, so that the committee or sub-committee can provide robust scrutiny and advice.

9.3 The contribution of the LEP to any meeting of an overview and scrutiny committee or sub-committee will be recorded with the outcome in the minutes of the meeting.

10 Reference of Matters to an Overview and Scrutiny Committee or Sub-Committee

10.1 The Combined Authority or any of its committees may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals.

10.2 In accordance with Standing Order 10.3 below:

- a) any member of an overview and scrutiny committee may refer to the committee any matter which is relevant to the functions of the committee;
- b) any member of an overview and scrutiny sub-committee may refer to a sub-committee any matter which is relevant to the functions of the sub-committee;
- c) any member of the Combined Authority may refer to an overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter;⁸ and
- d) any member of a constituent council or the non-constituent council may refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter⁹.

10.3 Any reference must be made in writing to the Scrutiny Officer who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.

10.4 Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 10.2 c) or d) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.

10.5 An overview and scrutiny committee must provide a member with any copy of any report or recommendations¹⁰ which it makes in connection with any matter referred to it by the member under Standing Order 10.2 c) or d) above.

10.6 The LEP may seek input from an overview and scrutiny committee on any issue relating to policy and strategy development or otherwise. Any such request must be put forward to the Scrutiny Officer in the first instance, who will ensure that the matter is included in the agenda for, and discussed at a meeting of an overview and scrutiny committee or sub-committee.

⁸ An excluded matter means any matter which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an Order made for the purposes of Section 9FC of the Local Government Act 2000.

⁹ See footnote above.

¹⁰ Subject to provisions relating to confidential and exempt information

11 Meetings

- 11.1 There shall be at least **four** ordinary meetings of any overview and scrutiny committee in each year.
- 11.2 An extraordinary meeting of an overview and scrutiny committee may be called by:
- the Chair of the committee; or
 - any **5** members of the committee from at least **2** constituent councils

12 Attendees

12.1 Members and officers

12.1.1 An overview and scrutiny committee or sub-committee may require any member of the Combined Authority¹¹ or an officer¹² of the Combined Authority to attend before it to answer questions¹³ or to provide information about any matter within its terms of reference.

12.1.2 Where a committee or sub-committee requires a member or officer to attend, the Scrutiny Officer shall inform the member or officer in writing giving at least 5 clear working days' notice of the meeting. The notice will state:

- the date of the meeting they are required to attend,
- the nature of the item, and
- whether they must produce any papers for the committee.

12.1.3 A member or officer must comply with any notice they are given.

12.1.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the overview and scrutiny committee shall consult with the member or officer to arrange an alternative date.

¹¹ The expectation is that this would be a Member of the Combined Authority, or a Chair of any Combined Authority committee or sub-committee.

¹² The expectation is that this would be the Combined Authority's Managing Director or other senior officer who has exercised delegated authority in respect of an issue being considered by the committee or sub-committee, or their nominee.

¹³ A person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

12.2 Others

An overview and scrutiny committee or sub-committee may invite other people¹⁴ to attend any meeting to

- address it,
- provide information,
- discuss issues of local concern, and/or
- answer questions.

12.3 General Principles

12.3.1 Each member of an overview and scrutiny committee or sub-committee must be given the opportunity to ask attendees questions, contribute and speak.

12.3.2 Attendees assisting the committee must be treated with respect and courtesy.

13 Reports and Recommendations

13.1 Reports and Recommendations of an Overview and Scrutiny Committee or Sub-Committee

13.1.1 An overview and scrutiny committee or sub-committee may make reports or recommendations to the Combined Authority¹⁵.

13.1.2 If an overview and scrutiny committee or sub-committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report.

13.1.3 The overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 13.3.

13.1.4 Where in the opinion of the overview and scrutiny committee, any report or recommendation relates significantly to any LEP activity or to LEP governance, the report or recommendation shall also be submitted to the LEP Board for consideration in a timely manner. Any

¹⁴ Including any co-opted member of any Combined Authority committee; members and officers from constituent councils, the non-constituent council or other councils within the Leeds City Region; any member of the LEP Board; members of the public; any other stakeholders, advisors or assessors. The committee may pay any advisers, assessors and witnesses a reasonable fee and expenses.

¹⁵ All references to the Combined Authority in Standing Order 13 should be taken as including a reference to **any relevant committee with** authority to consider and respond to reports and recommendations on behalf of the Combined Authority. The Scrutiny Officer shall in consultation with the Chair of an overview and scrutiny committee determine whether a report or recommendation shall be considered by such a committee or by the Combined Authority.

response of the LEP Board shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation¹⁶

13.1.5 Where in the opinion of the overview and scrutiny committee, any report or recommendation is of particular significance to any partner council over and above any other partner council, the report or recommendation shall also be submitted to that partner council for consideration. Any response of that partner council shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation.

13.2 Notice

13.3.1 An overview and scrutiny committee or sub-committee may by notice require the Combined Authority within 2 months of receiving any report or recommendations or (if later) the notice, to:

- consider the report or recommendations;
- respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the Combined Authority proposes to take;
- publish the response, if the overview or scrutiny committee or sub-committee has published the report or recommendations, subject to Standing Order 13.3 below.

13.3.2 The Combined Authority must respond to a report or recommendations made by an overview and scrutiny committee or a sub-committee as a result of a referral made in accordance with Standing Order 10, within 2 months beginning with the date on which the Combined Authority received the notice, and subject to Standing Order 13.3 below.

13.3 Publishing a Document: Confidential and Exempt Information

13.3.1 Standing Order 13.3.2 applies to:

- the publication of any document comprising a report or recommendations of an overview and scrutiny committee or sub-committee, or a

¹⁶ Where a notice has been served on the Combined Authority in accordance with Standing Order 13.2, any response of the LEP Board provided under Standing Order 13.1.4 shall also be reported to the Combined Authority.

response of the Combined Authority to any such report or recommendations, and

- the provision of a copy of such a document to a member under Standing Order 10.5 above.

13.3.2 In publishing the document the overview and scrutiny committee, sub-committee or the Combined Authority must exclude any confidential information¹⁷; and may exclude any relevant exempt information¹⁸. When providing a copy of a document, the overview and scrutiny committee, sub-committee or the Combined Authority may exclude any confidential information or relevant exempt information.

13.3.3 Where information is excluded, the overview and scrutiny committee, sub-committee or the Combined Authority:

- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
- must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

14 Call-In of Decisions

14.1 Scope

The following decisions may be called-in for scrutiny:

- any **decision of the Combined Authority¹⁹ or of any decision-making committee of the Combined Authority²⁰**, and
- any **Key Decision taken by an officer**,

with the exception of any decision which the decision-maker has resolved is urgent²¹.

14.2 Call-In Process

¹⁷ This has the meaning given by section 100A (3) of the Local Government Act 1972.

¹⁸ This means exempt information of a description specified in a resolution of the overview and scrutiny committee or sub-committee or the Combined Authority which applied to the proceedings, or part of the proceedings at any meeting at which the report was or recommendations were considered.

¹⁹ Including in relation to the Combined Authority's role as the accountable body for the LEP.

²⁰ With the exception of the Governance and Audit Committee

²¹ A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Combined Authority's, any constituent council's or the public's interests. Nor will any decision relating to approving or amending governance arrangements be open to call-in.

- 14.2.1 **Five members of the overview and scrutiny committee** to include **at least one member from two different Constituent Councils** may call-in a decision eligible for call-in by notifying the Scrutiny Officer by 4pm on the **fifth working day** following publication under Standing Order 14.2.2 or 14.2.3.
- 14.2.2 The Head of Legal and Governance Services shall publish details²² of **the Combined Authority** and any **committee decisions** eligible for call-in within **2 clear working days** of a meeting.
- 14.2.3 Any **Key Decision taken by an officer** will be published as a written record of an officer decision within **2 clear working days** of the decision being made.

14.3 **Implementing Decisions which are Eligible for Call-In**

- 14.3.1 An urgent decision may be implemented immediately²³.
- 14.3.2 Any other decision of the Combined Authority or a committee, or Key Decision taken by an officer may be implemented after **midday** of the **sixth clear working day** after the publication of the decision, unless it is called-in.

14.4 **Action on Receipt of a Call-In Request**

14.4.1 On receipt of a call-in request, the Scrutiny Officer shall:

- notify the decision-maker²⁴ of the call-in,
- consult with the Chair of overview and scrutiny committee about whether to issue a direction under Standing Order 14.4.2 below, and
- call a meeting of the overview and scrutiny committee, to scrutinise the decision.

14.4.2 Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the overview and scrutiny committee may direct that the decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, for a period not exceeding 14 days from the date on which the direction is issued.

14.5 **Scrutinising a Decision**

²² To members of the overview and scrutiny committee.

²³ The Scrutiny Officer must report such decisions to the next available meeting of the relevant overview and scrutiny committee, together with the reasons for urgency.

²⁴ That is, each member of the Combined Authority, of any relevant committee or the relevant officer.

14.5.1 The overview and scrutiny committee must scrutinise the decision within **14 days** of the Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.

14.5.2 Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the Combined Authority or the committee²⁵. Any decision which is recommended for re-consideration may not be implemented while any direction under 14.4.2 is of effect, except in accordance with Standing Order 14.6.4 below.

14.5.3 The Scrutiny Officer will notify the decision-maker²⁶ of the outcome of the scrutiny by the overview and scrutiny committee, within **2 clear working days** of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.

14.6 Re-Considering the Decision

14.6.1 The Combined Authority or the committee must meet to reconsider any decision not later than **10 days** after the date on which the recommendations of an overview and scrutiny committee are received.

14.6.2 The Chair of the overview and scrutiny committee or their nominee may attend the meeting which is re-considering the decision, to present the report or recommendations.²⁷

14.6.3 The Combined Authority or the committee may confirm, amend or rescind the decision. A response should be published in accordance with Standing Order 13.3.

14.6.4 A decision which has been confirmed or amended by the Combined Authority or the committee may be implemented immediately.

15 Guidance of the Secretary of State

²⁵ The Scrutiny Officer shall in consultation with the Chair of the overview and scrutiny committee determine whether a report or recommendation relating to a decision of an officer or a committee is considered by the Committee (where the decision falls within its terms of reference) or the Combined Authority. A report or recommendation relating to a decision of the Combined Authority shall be considered by the Combined Authority.

²⁶ Notification of the outcome shall be provided to each individual member of the Combined Authority or of any relevant committee, or to the relevant officer.

²⁷ The Chair must notify the Scrutiny Officer that they intend to attend the meeting 3 clear working days before the meeting.

15.1 An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State²⁸.

16 Statutory Scrutiny Officer

16.1 Any references in these Standing Orders to the Scrutiny Officer are to the officer designated as such by the Combined Authority.

16.2 The Combined Authority shall not designate an officer of any constituent council as Scrutiny Officer for the Combined Authority.

16.3 The statutory functions of the Scrutiny Officer are:

- to promote the role of any overview and scrutiny committee or sub-committee,
- to provide support and guidance to any overview and scrutiny committee or sub-committee and its members, and
- to provide support and guidance to members of the Combined Authority in relation to the functions of any overview and scrutiny committee or sub-committee.

16.4 The Scrutiny Officer shall also facilitate appropriate scrutiny of LEP decision-making and achievements.

17 Additional Rights of Access to Documents

17.1 Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee are set out in the Access to Information Annex to the Combined Authority's Procedure Standing Orders.

18 Public Notice of Proposed Key Decisions

18.1 Provisions relating to the public notice of proposed Key Decisions are set out in the Access to Information Annex to the Combined Authority's Procedure Standing Orders.

19 Interpretation

19.1 The Chair of an overview and scrutiny committee meeting or sub-committee meeting shall make any final decision at that meeting about:

- how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or

²⁸ Under Local Democracy, Economic Development and Construction Act 2009 Schedule 5A paragraph 2(9)

- any question of procedure not provided for by the Scrutiny Standing Orders.

19.2 The Head of Legal and Governance Services shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting.

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Section I – Definitions & Principles

1. Introduction

- 1.1. In the Contracts Standing Orders these definitions shall apply:
 - 1.1.1. “Budget Holder” and “Budget Controller” have the meanings set out in the Financial Regulations of West Yorkshire Combined Authority.
 - 1.1.2. “Combined Authority” means West Yorkshire Combined Authority.
 - 1.1.3. “Chief Finance Officer” means the Director of **Corporate Services**.
 - 1.1.4. “Director” means Managing Director, Director or the Executive Head of Economic Services of the Combined Authority.
- 1.2. This part of Contracts Standing Orders exists for the following main reasons:
 - 1.2.1. To protect the Combined Authority, its Directors and other Officers involved in the award of contracts;
 - 1.2.2. To demonstrate that the Combined Authority is obtaining value for money in the award of contracts;
 - 1.2.3. To provide the means of securing competition in the award of contracts;
 - 1.2.4. To prevent corruption, or allegations of corruption, in the award of contracts; and
 - 1.2.5. To ensure compliance with legislation and regulations.
- 1.3. A contract is an agreement made between two or more parties that creates legally binding obligations between them. Contracts are covered by contract law. The contract sets out those obligations and the actions that can be taken if they are not met.
- 1.4. These Contracts Standing Orders cover the organisation’s rules and procedures around the creation and approval of such contracts. It excludes:
 - 1.4.1. Grant Agreements
 - 1.4.2. Secondment Agreements
 - 1.4.3. Funding Agreements

2. Compliance with Standing Orders and EU Legislation

- 2.1. Every contract made by or on behalf of the Combined Authority and all procedures relating thereto shall comply with these Contracts Standing Orders

and Financial Regulations and no exception from any of the provisions of these Standing Orders and the Financial Regulations shall be made otherwise than in accordance with Standing Order 4.2 of the Procedure Standing Orders (Suspending and Amending Standing Orders).

- 2.2. Any subsidiary company of the Combined Authority shall be required to adopt the provisions of these Contracts Standing Orders insofar as they are not inconsistent with, or in conflict with, any provisions of the Companies Act and regulations made thereunder or the Articles of Association of that Company.
- 2.3. No contract for goods, services or an interest in property shall be granted to any:
 - 2.3.1. current employee
 - 2.3.2. close relative of any current employee
 - 2.3.3. ex-employee of the Combined Authority within 2 years of leaving without the written approval of the Managing Director.
- 2.4. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager in accordance with the Officers' Code of Conduct. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives.
- 2.5. Officers who engage or supervise contracts must declare any interest or relationship in accordance with the procedures set out under the Officers' Code of Conduct and the Declaration of Interest process.
- 2.6. All officers must be prepared to justify to the Combined Authority their actions and those of their staff in relation to the invitation of tenders and the placing of work and should take all necessary precautions to safeguard the Combined Authority, its staff and themselves against allegations that any person has been unduly favoured without proper cause.
- 2.7. It shall be a guiding principle, when any employee is making a determination under this part of Standing Orders, that in making such determination they have regard to the need to demonstrate that the Combined Authority will obtain value for money and that reasonable steps are taken to ensure that no supplier or potential supplier is treated unfairly in the selection process and that a written record of each determination and the reasons for making it is kept on a file maintained by an officer for that purpose or on the purchase ordering system.

European Union Legislation

- 2.8. These Contracts Standing Orders shall be subject to any procedures that may apply pursuant to the Public Contracts Regulations 2015 and by reason of the United Kingdom's membership of the European Union ("EU") and if any conflict with Contracts Standing Orders arises, the former shall prevail.
- 2.9. A contract, or series of contracts, the aggregate amount or value of which exceed the financial thresholds set in EU Directives, shall be let only in accordance with the requirements of those Directives. The Head of Procurement shall notify all Budget Holders and Budget Controllers of any changes in the financial thresholds.
- NB Financial thresholds set by EU Directives are reviewed every two years and as from 1 Jan 2018 they are:*
- Public Works - £4,551,413
 - Services - £181,302
 - Supplies - £181,302
- 2.10. Contracts, tenders or quotes must never be artificially divided to bring them below the relevant threshold. Such actions will be seen as a breach of Contracts Standing Orders.
- 2.11. As part of the business planning process Budget Holders will with the Head of Procurement identify potential new contracts to be let in the following financial year to enable consideration to be given to the insertion of a Prior Information Notice in the Official Journal of the EU ("OJEU").

Frameworks

- 2.12. Frameworks should be considered before undertaking any OJEU tender process. Only where a suitable framework offering value for money cannot be identified should a full tender process be undertaken. Where a framework is used in accordance with the conditions, this negates the need to undertake further quotations.
- 2.13. Where a framework is utilised tenders must be sought and evaluated, if necessary via mini-competitions, in accordance with regulations and the Procurement Manual. Where a framework offers a direct award option this can be used in accordance with the framework terms where value for money can be demonstrated.

British Standards

- 2.14. Where an appropriate British, EU or International Standard specification or code of practice issued by any such Standards Institution is current at the date of the tender then, unless there is in the opinion of the Budget Controller concerned good and sufficient reason to the contrary, every written contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall be in accordance with that standard PROVIDED THAT in all cases due consideration will be given to a tender which purports to offer

equivalent functionality or performance even though it does not conform to the standard stipulated.

Data protection

- 2.15. Where a contract involves data processing by the contractor on behalf of the Combined Authority, then sufficient due diligence shall be undertaken to ensure that the Combined Authority only uses contractors who provide guarantees to implement appropriate technical and organisational measures in such a manner so as to meet the requirements of the General Data Protection Regulation and protect the rights of individuals.

Use of Procurement Cards

- 2.16. Procurement Cards can be used where there is no suitable supplier available on the purchase ordering system and the spend value is below £500, unless otherwise agreed in writing by the Head of Procurement.
- 2.17. Procurement Cards can also be used for emergency purchases outside the hours Monday to Friday 9am to 5pm on the approval of a Budget Holder or Budget Controller. Such usage must be reported to the Head of Procurement the next working day.
- 2.18. All spend on a Procurement Card should be undertaken in line with the Procurement Card usage policy and will be issued at the discretion of the Head of Procurement dependent on business need.

Section II – Good and Services (Excluding Local Bus Services, Education Transport Bus and Taxi Services)

3. Tendering - Financial Categories

3.1. This section applies to ALL contracts except:

3.1.1. Local Bus Services, Education Transport Bus and Taxi Services; and

3.1.2. Contracts for the acquisition or disposal of interests in land.

3.2. For the purpose of determining the requisite tendering procedure, the following financial categories shall apply to all contracts for the execution of works, the supply of goods or the supply of services (whether by or to the Authority) unless a Procurement Framework or Central Purchasing Body is being utilised:

Category A Up to and including **£5,000**

Category B Over **£5,000** to and including **£30,000**

Category C Over **£30,000** to and including **£100,000**

Category D Over **£100,000** up to and including **£1,000,000**

Category E **Over £1,000,000**

3.3. Categorisation is to be determined on the basis of a proper and reasonable estimated value of the contract and contracts must not be artificially divided to bring them into a lower value category. Disaggregation is a breach of EU Regulations.

4. Category A Procedures

4.1. No quotations or tenders are required for this category of contract, but the relevant Budget Holder must be satisfied that they are obtaining value for money and keep a written record of this.

5. Category B Procedures

5.1. An authorised representative of the Budget Holder, or the Budget Holder themselves, must invite at least three written quotations for all contracts within this category. Quotations must be submitted via the electronic tender management system unless price lists are held in the purchase ordering system.

6. Category C Procedures

- 6.1. On behalf of the Budget Holder, the Head of Procurement must invite at least three tenders for all contracts within this category using the electronic tender management system.

7. Category D Procedures

7.1. On behalf of the Budget Holder, the Head of Procurement must advertise via Contracts Finder ([the official government portal](#)) and OJEU if applicable, tenders for all contracts within this category using the electronic tender management system. Engagement with the market, supervised by the Head of Procurement, must be undertaken before the tender is issued.

7.2. Publication of Category D tenders by the Head of Procurement shall be carried out strictly in accordance with applicable OJEU requirements or terms of the Framework and will ensure any Contract Award Notices are submitted in accordance with the relevant EU Directive.

8. Category E Procedures

8.1. All tenders must be issued via the electronic tender management system by the Head of Procurement on behalf of the Budget Holder. Engagement with the market, supervised by the Head of Procurement, must be undertaken before the tender is issued. A detailed procurement strategy document for each procurement must be produced and signed off by Budget Holders and the Head of Procurement. Opportunities will automatically be advertised via Contracts Finder and OJEU in this category.

8.2. Publication of Category E tenders by the Head of Procurement shall be carried out strictly in accordance with OJEU requirements or terms of the Framework and will ensure any Contract Award Notices are submitted in accordance with the relevant EU Directive.

8.3. Sufficient time must be allocated to ensure correct processes are followed for Category E procurements.

9. Issuing Orders & Contracts

9.1. Any orders can only be placed and confirmed by an official Purchase Order on [the purchase ordering system](#). Funds must never be committed verbally, or in writing, without a Purchase Order being issued.

9.2. In conjunction with the Head of Procurement and Head of Legal and Governance Services a contract should be created for Category D and Category E in all circumstances. Contracts for other Categories should only be considered if terms and conditions above the standard purchase order terms are required.

10. Waiving Contracts Standing Orders

10.1. Contracts Standing Orders should only be waived in exceptional circumstances and only when the condition of EU Regulation apply. These are:

- 10.1.1. Competition is absent for technical reasons.
- 10.1.2. The protection of exclusive rights applies, including intellectual property rights
- 10.1.3. Extreme urgency brought about by unforeseen events. Insufficient time and lack of planning are not deemed to be valid reasons.

10.2. The Head of Procurement must be consulted on all waiver requests.

10.3. A waiver may only be approved where value for money can be demonstrated.

10.4. Any waiver must be approved as follows before a Purchase Order is raised, subject to the Head of Procurement requiring any decision to be escalated to a higher level:

- Category B: Managing Director, Director or Executive Head of Economic Services
- Category C: Managing Director, Director or Executive Head of Economic Services
- Category D: Managing Director, Director or Executive Head of Economic Services
- Category E: Managing Director

11. Tender Criteria and Weighting

11.1. In all cases where tenders are invited, the relevant selection and evaluation criteria and weightings shall be agreed between the Budget Holder and the Head of Procurement, and in all cases be clear in the Invitation to Tender.

11.2. Social value criteria with a weighting of at least 10% must be included in all Category D and Category E tenders. For each Category E contract, the criteria for selection of the successful tenderers shall be only those permitted by the relevant EU Directive, but subject to that, shall be such criteria as may have been specified in the tender documents (e.g. price, quality, technical merit, social value, aesthetic and functional characteristics, technical assistance, after-sales service delivery date, delivery period and completion date).

11.3. Tender evaluation criteria shall be set so that the criteria may be scored on a numerical basis with the intention that the highest score taking all criteria into account will be awarded the tender. Contracts should be awarded on the basis of a Most Economically Advantageous Tender (MEAT) basis, taking account of price, quality and social value scoring criteria's.

12. Nominated Sub-Contractors and Suppliers

- 12.1. This Standing Order shall have effect where a sub-contractor or supplier is to be nominated to a main contractor.
- 12.2. The requirements of Contracts Standing Orders Section II shall apply to the procurement of sub-contractors and suppliers who are to be nominated to a main contractor by the Combined Authority.
- 12.3. The terms of any invitation to a sub-contractor or supplier to submit a tender or quotation shall require an undertaking by them that if they are selected they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against the sub-contractor's or supplier's obligations under the main contract in relation to the work or goods included in the sub-contract unless provision is made to the contrary under the conditions of contract.

13. Duties of Agents

- 13.1. It shall be a condition of the engagement by the Combined Authority of any person (not being an officer of the Combined Authority) to supervise a contract that, in relation to such contract, they shall comply with the requirements of these Standing Orders and Financial Regulations as if they were an officer of the Combined Authority, and also with all other requirements of the officer concerned.

14. Exceptions

- 14.1. This section of Contracts Standing Orders (section II) shall not apply to:
 - 14.1.1. The execution of works or the purchase of goods or materials necessary for urgent maintenance repairs to land, buildings, vehicles or plant to prevent danger to authorised users or the general public or to prevent rapid and progressive deterioration, or to maintain essential or statutory services.
 - 14.1.2. Where spend is dictated by the terms of a preceding contract or agreement.
- 14.2. Expenditure incurred shall be recorded and reported in accordance with the requirements for contracts of the relevant category within the Procurement Manual with Purchase Orders being raised as required.

15. Tendering Procedure

- 15.1. All tendering must be carried out via a secure electronic tender management system operated and managed by the Head of Procurement.
- 15.2. All invitations to tender must contain precise details as to:-
 - 15.2.1. the information required from the tenderers;

- 15.2.2. the evaluation criteria and weightings;
 - 15.2.3. a closing date and time;
 - 15.2.4. a statement that a tender that does not contain all the information required **may** not be considered valid;
 - 15.2.5. a statement that a tender which is submitted late **will** not be considered; and
 - 15.2.6. a statement that there is no obligation to accept the lowest price or any tender.
- 15.3. Any tender which is submitted late or submitted outside the electronic tender management system will only be accepted in exceptional circumstances with the approval in writing of the Head of Procurement and the Head of Legal and Governance Services.

16. Acceptance of Tenders and Quotations

16.1. The Head of Procurement must be consulted on any request to approve a contract award Category C or above.

16.2. Any acceptance must be approved as follows, subject to the Head of Procurement requiring any decision to be escalated to a higher level:

- Category A: Budget Holder or Budget Controller
- Category B: Budget Holder or Budget Controller
- Category C: Budget Controller
- Category D: Managing Director, Director or Executive Head of Economic Services
- Category E: Managing Director

16.3. Tenders shall be awarded to the party that achieves the highest score.

16.4. Where the amount of a tender or a quotation exceeds the expected Category the approvals for the higher Category shall apply.

16.5. The acceptance or rejection of a tender by or on behalf of the Combined Authority shall be notified in writing to the organisation submitting the tender by the Head of Procurement, PROVIDED there shall be no necessity to write to an unsuccessful bidder where the invitation to tender has indicated that the elapse of a specified period of time shall mean that the bid has been unsuccessful.

17. Approval of Works Orders under Neutral Vendor Arrangements

17.1. The Head of Procurement to be consulted on all requests to approve a contract award.

17.2. Approvals of works orders under neutral vendor arrangements must be made by the following subject to the Head of Procurement requiring any decision to be escalated to a higher level:

- Category A: Budget Holder or Budget Controller
- Category B: Budget Holder or Budget Controller
- Category C: Budget Holder or Budget Controller
- Category D: Budget Controller
- Category E: Managing Director, Director or EHES

18. Equality of Tenders and Quotations

18.1. In any Category A or B contract where there are two or more equal quotations all bidders shall be sent written or electronic invitations in identical terms to submit a revised quotation which will be considered in accordance with these Contracts Standing Orders and Financial Regulations. Should a further tie occur the award of the contract will be determined by the drawing of lots.

18.2. In any case where two or more tenders for Category C, D or E contracts achieve an equal score on a full and fair evaluation of the criteria then if the Head of Procurement in conjunction with the Budget Holder considers it appropriate the contract may be awarded to the tender with the lowest price. The relative weight of quality over price in the tender shall form part of the considerations. If the prices are equal or if it would not be appropriate to award the tender based on lowest price then those bidders shall be sent a written or electronic invitation in identical terms to submit a revised quotation or tender which will be considered in accordance with these Contracts Standing Orders.

19. Records and Notifications

19.1. The requirements for keeping records of the details of all tenders, bids and awards under all categories of contract and the notification of any such information to officers shall be in accordance with the policy approved by the Combined Authority, the Chief Finance Officer, Head of Procurement and the Head of Legal and Governance Services from time to time.

19.2. This policy shall form part of the Procurement Manual and shall be implemented by the Head of Procurement in conjunction with the Chief Finance Officer and Budget Holders as appropriate.

20. Compliance

20.1. Compliance to these Contracts Standing Orders is a mandatory requirement. Any non-compliance identified will be reported to the Managing Director and to the Head of Internal Audit. Non-compliance may be treated as a disciplinary matter.

Section III - Local Bus Services, Education Transport Bus and Taxi Services

21. Contracts for Local Bus Services, Education Transport Bus and Taxi Services

- 21.1. It shall be the responsibility of the **Head of Mobility Services** to identify all local public and education transport requirements in accordance with the policies formulated by the Combined Authority pursuant to its statutory powers and duties.
- 21.2. All procurement of services in accordance with the Combined Authority's said policies shall be in accordance with the procedures set out in the Combined Authority's local and education transport services policy from time to time in force. Copies of these policies of the Combined Authority shall be maintained by the Director, Transport Services and Head of **Mobility Services**.
- 21.3. All procurement of subsidised services and invitations to tender shall be pursuant to sections 88-91 of the Transport Act 1985 and all associated Regulations. Minimum subsidy local bus contracts are deemed Concession Contracts and therefore subject to Concession Contracts Regulations 2016.
- 21.4. Invitations to tender shall be issued by the Head of **Mobility Services** and sent to any persons which have indicated in writing or electronically that they wish to receive such invitations to tender.
- 21.5. Invitations to tender shall contain the following documents, information and requirements in every case:-
 - 21.5.1. the identity of the party requesting the invitation;
 - 21.5.2. the Combined Authority's Instructions to tenderers including a closing date and time;
 - 21.5.3. the Service Specification setting out the full details of the services being tendered for;
 - 21.5.4. the Combined Authority's General Conditions of Contract for the relevant service, together with any schedules of special requirements;
 - 21.5.5. the Combined Authority's Form of Tender and Form of Agreement;
 - 21.5.6. clear and unambiguous scoring criteria and weightings;

- 21.5.7. a statement that the Combined Authority is not obliged to accept the cheapest or any tender;
 - 21.5.8. a statement that, provided it is accompanied by a fully compliant bid, a tenderer **may** propose an alternative approach to meeting the transport requirement set out in the tender;
 - 21.5.9. a statement that a tender submitted late **will** not be considered;
 - 21.5.10. a statement to the effect that when deciding whether or not to accept a tender the Combined Authority has a statutory duty to consider the effect on competition in the local market, and a combination of economy efficiency and effectiveness.
- 21.6. Where the de-minimis provisions of the Transport Act 1985 and Regulations made under it apply, contracts for local services may only be awarded in accordance with those regulations and any criteria approved from time to time by the Combined Authority.
- 21.7. Notwithstanding the above, emergency contracts may be awarded without tender subject to the provisions of s91 Transport Act 1985.

22. Approval of Local Bus Services, Education Transport Bus and Taxi Services Tenders by the Authority

- 22.1. The Head of **Mobility Services** shall approve all issue of tenders, award or variations of contract however approval of the Director, Transport Services shall be required where the annual value of the contract exceeds Category C threshold:-
- 22.1.1. before tendering for any new bus services or for any services previously provided on a commercial basis;
 - 22.1.2. before re-tendering any batches of contracts where the annual value of the contract exceeds Category C threshold;
 - 22.1.3. before awarding any contract for any new services or for any services previously provided on a commercial basis;
 - 22.1.4. before awarding any contract where the annual value of the contract exceeds Category C threshold;
 - 22.1.5. before awarding any contract issued without tendering using the statutory de-minimis provisions;
 - 22.1.6. where the value of any contract, extension or variation exceeds the Category C threshold;

23. Tender Procedures for Local Bus Services, Education Transport Bus and Taxi Services

23.1. Tendering must be via the electronic tender management system or via e-mail at the discretion of the Head of Mobility Services.

24. Receipt of Tenders for Local Bus Services, Education Transport Bus and Taxi Services

24.1. Where the electronic tender management system was used receipt of tenders shall be in conjunction with the Head of Procurement.

24.2. Where tenders were invited via e-mail Standing Order 25 shall still apply to the acceptance of tenders for local and education transport services.

25. Tender Criteria and Weighting

25.1. In all cases where tenders are invited, the relevant evaluation criteria and weightings shall be clearly set out in the tender materials. A tender shall not be evaluated on criteria that are not set out in the tender materials.

25.2. Tender evaluation criteria shall be set so that, as far as possible, the criteria may be scored on a numerical basis with the intention that the party with the highest score taking all criteria into account will be awarded the tender.

25.3. A contract above the Category B threshold should not be evaluated solely on the basis of price unless otherwise approved by Head of **Mobility Services** and the Purchasing Officer, and the Head of **Mobility Services** must set the evaluation criteria in conjunction with the Purchasing Officer.

25.4. The Head of **Mobility Services** shall determine the criteria under which tenders are evaluated in consultation with the relevant District Council

26. Acceptance of Tenders

26.1. Where the value of a contract exceeds £500,000 or the combined value of contracts for which tenders are awarded on a batch basis exceeds £500,000, approval to award contracts must be made by the Managing Director.

26.2. Contracts or batches of contracts shall be awarded or varied in accordance with paragraph 21 provided that the Head of **Mobility Services** supplies to the Managing Director a schedule of all such contract awards or variations each calendar month.

26.3. Where a third party is funding the contract, the Head of **Mobility Services** must obtain and maintain a record of approval by the third party to the award of the contract

- 26.4. Where the annual contract price does not exceed the Category B threshold the Head of **Mobility Services** may delegate the authority to award or vary contracts under paragraph 21 to an appropriate Budget Holder.
- 26.5. Acceptances of all tenders shall be in writing incorporating by reference the Combined Authority's Form of Agreement, General Contract, Terms and Conditions, services specification, and any schedules, provided within the tender materials, and signed by the Head of **Mobility Services**.

27. Equality of Tenders for Local Bus Services, Education Transport Bus and Taxi Services

- 27.1. Standing Order 17 shall apply where two or more tenders achieve an equal score or equal price quotation.

28. Records and Notifications

- 28.1. The Head of **Mobility Services** shall be responsible for:
- 28.1.1. maintaining a full record of all tenders bids quotations and awards in respect of any contract for local and education transport services which shall be in accordance with the Combined Authority's approved tendered services policy from time to time;
 - 28.1.2. ensuring that a summary of all tender awards, re-tenders, extensions and contract variations be reported to the Director, Transport Services periodically.
 - 28.1.3. ensuring that the extent of commitment to de-minimis contracts is monitored regularly and in any event so as to ensure that no such contract may be awarded in excess of the levels permitted under Regulations.

Section IV – Issuing Contracts

29. Preparation and Signature of Contracts - Non Local and Education Services

- 29.1. A Contract can be entered into via the generation of a Purchase Order on standard terms and conditions or via a “formal contract in writing” via the legal section.
- 29.2. Contracts covered by Section II should be prepared as follows:
 - 29.2.1. Category A: No formal contract required.
 - 29.2.2. Category B: No formal contract required. A formal contract in writing can be considered if terms and conditions above the standard purchase order terms are required.
 - 29.2.3. Category C: No formal contract required. A formal contract in writing can be considered if terms and conditions above the standard purchase order terms are required.
 - 29.2.4. Category D: A formal contract in writing should be prepared in all cases unless otherwise agreed in writing by the Head of Legal and Governance Services.
 - 29.2.5. Category E: A formal contract in writing should be prepared in all cases unless otherwise agreed in writing by the Head of Legal and Governance Services.
- 29.3. Formal contracts in writing must be signed by the Head of Legal and Governance Services or their nominee, being a Solicitor, unless that person determines that the contract shall be executed under the Common Seal of the Combined Authority.
- 29.4. All formal contracts in writing should contain the relevant transparency clauses to allow for the Combined Authority to meet its transparency obligations. If redactions are required to the contract these should be made by the supplier and agreed by the Combined Authority.

30. Preparation and Signature of Contracts – Local and Education Services

- 30.1. Contracts for local services and education transport must be in writing incorporating by reference the Combined Authority’s Agreement, General Contract, Terms and Conditions, services specification, and any schedules, provided within the tender materials as appropriate and signed by Head of Mobility Services.

- 30.2. Where the total value of a contract over its full term exceeds £500,000 or the combined value of contracts for which tenders are awarded on a batch basis exceeds £500,000, approval to award contracts must be made by the Managing Director.
- 30.3. Where for a period in excess of eight years, they must be executed under the Common Seal of the Combined Authority unless the Head of Legal and Governance Services determines otherwise.

31. Contents of Contracts

- 31.1. Every contract in writing shall specify:
 - 31.1.1. the work, materials, matter or things to be done or furnished;
 - 31.1.2. the price to be paid, with a statement of discounts or other deductions;
 - 31.1.3. the time or times within which the contract is to be performed;
 - 31.1.4. such of the matters referred to in Standing Orders 30.3 to 30.4 as are required by those Standing Orders to be included.
- 31.2. Unless the Head of Legal and Governance Services and the Chief Finance Officer having regard to all the circumstances, consider it to be unnecessary:
 - 31.2.1. contracts for the execution of work shall provide for liquidated damages to be paid by the contractor in case of delays; and
 - 31.2.2. the Combined Authority shall require, and take sufficient security for, the due performance of any contract in excess of the upper limit for contracts within Category C in amount or value, except for local transport services contracts.
- 31.3. In every written contract for the supply of goods or materials a clause shall be inserted to secure that, should the contractor fail to deliver the goods or materials, or any portion thereof, within the time or times specified in the contract, the Combined Authority, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or the extent of such default and to purchase other goods or materials, as the case may be, of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined, the goods or materials remaining to be delivered. The clause shall further secure that the amount by which the cost of so purchasing other goods or materials exceeds the amount which have been payable to the contractor in respect of the goods or materials, as the case may be, replaced by such purchase, if they had been delivered in accordance with the contract, shall be recoverable from the contractor. This Contracts Standing Order shall be drawn to the attention of all persons tendering or submitting a quotation for a contract with the Combined Authority.

- 31.4. Unless the Head of Legal and Governance Services determines otherwise, every contract for works entered into in writing by the Combined Authority shall include the right of the Combined Authority to have access to the site of works and documents of the contractor. This right shall entitle the Combined Authority to nominate such officer as they shall deem appropriate to undertake any inspection at the site or of any documents including the right to nominate persons not in the employment of the Combined Authority.
- 31.5. Every written contract that involves the processing of personal data by a contractor on behalf of the Combined Authority shall set out the subject matter and duration of the processing, the nature and purpose of the processing, the type or personal data and categories of data subjects and the obligations and rights of the Combined Authority. In particular the contract shall contain clauses that meet the requirements of Article 28(3) of the General Data Protection Regulation.

32. Use of E-Mail in Contracts and Awards

- 32.1. Where these Contracts Standing Orders require that a contract shall be in writing, this will not normally be satisfied by the use of e-mails.
- 32.2. Except where express provision is otherwise made in these Contracts Standing Orders, e-mail should only be used exceptionally in a contractual situation (including those circumstances where a contract is to be varied or extended) and then only with the prior approval of the Head of Legal and Governance Services or Chief Finance Officer.

33. Variations to Contracts

- 33.1. During the term of a contract it may be necessary to vary the terms. This could include amending the requirements, costs and/or dates. Variations to existing contracts may be made provided they are made in compliance with the Public Contracts Regulations 2015 Article 72.
- 33.2. Contracts can be varied as follows:

Variation Type	Value Limits	Approval Required
Variation is provided for in the original contract.	None	Budget Holder or Budget Controller
Novation to a new provider who takes on the obligations of the original contractor.	None	Budget Holder or Budget Controller
Increase in the original contract value up to and including 10% where there is no	None	Budget Holder or Budget Controller

change to the overall nature of the contract.		
Increase in the original contract value over 10% and up to and including 50% where there is no change to the overall nature of the contract, and which is	Where the resulting contract value is up to and including £100,000.	Budget Holder or Budget Controller
<ul style="list-style-type: none"> • due to circumstances which as a diligent contracting authority the Combined Authority could not have foreseen, or • for technical reasons where significant inconvenience or cost would otherwise be incurred. 	Over £100,000 and up to and including £1M	Budget Controller
	Over £1M	Managing Director, Director or Executive Head of Economic Services in writing.

- 33.3. Contract variations should be treated as cumulative with values baselined from the original value.
- 33.4. Any variation should not be construed as limiting the authority of any person authorised under a civil engineering or building contract to issue a variation order to the contractor concerned.
- 33.5. The Head of Procurement and Head of Legal and Governance Services should be consulted on all contract variations with a greater than 10% increase in contract value, with the exception of 33.6. The Head of Procurement or the Head of Legal and Governance Services can escalate the decision to approve a contract variation to a higher level if deemed necessary. A copy of the contract variation form for Category D and E contracts, shall be supplied to the Head of Legal and Governance Services who shall annex it to the contract to which it relates. A copy of all variations should also be logged within the Purchase Ordering System against the relevant purchase order.
- 33.6. Contract variations for Special Educational Needs transportation contracts must be confirmed in writing by the Head of Mobility Services with a copy being stored locally by the Special Educational Needs team.

34. Cancellation of Contracts in Cases of Corruption

- 34.1. There shall be inserted in every written contract a clause empowering the Combined Authority to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any contract with the Combined Authority, or showing or forbearing to show any favour or disfavour to any person in relation to the contract or any other contract with the Combined Authority, or if the like acts shall have been done by any person employed by them or acting on their behalf (whether with or without the knowledge of the contractor) or if, in relation to any contract with the Combined Authority, the contractor or any person employed by them or acting on their behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972.

36. Assignment and Underletting of Contracts

- 36.1. In every contract the contractor shall be prohibited from assigning or underletting or sub-contracting the contract, or any part of it, except with the consent of the Budget Holder and upon such conditions as they think fit.
- 36.2. In the case of tender for services which provides for the possibility of subcontracting some or all of the services, appraisal of the tender must include appropriate appraisal of both the main and any sub contractor's proposals to ensure that the sub-contractor is capable of delivering the services and complying with the contract and all relevant legislation. The principal contractor shall be expressly responsible for all work done by the sub-contractor and for it being carried out under the same conditions as the main contract, so far as reasonably possible.

Section V – Land

37. Acquisition and Disposal of Interests in Land

- 37.1 Where the Combined Authority is acquiring or disposing of an interest in land, the procedures to be followed in each case shall be the responsibility of the Head of Legal and Governance Services in accordance with any current policy of the Combined Authority.
- 37.2 Before acquiring or disposing of an interest in land, the Head of Legal and Governance Services must obtain approval for the acquisition or disposal from:
- the Transport Committee, in respect of any acquisition or disposal within the Committee's terms of reference, or
 - any relevant officer to whom authority has been delegated for such an acquisition or disposal, or
 - the Combined Authority.

Section VI – Legal

38. Legal Proceedings

- 38.1 Where any document is a necessary step in legal proceedings it shall be signed by the Head of Legal and Governance Services or by any other Solicitor employed by the Combined Authority, unless otherwise required or authorised by law, or where the Combined Authority give authority, to some other person for the purpose of such proceedings.
- 38.2 Where there is a likelihood of the Combined Authority being involved in any legal proceedings or where the Police investigate any matter involving the Combined Authority or any of its personnel, the Head of Legal and Governance Services shall immediately be informed by the officer concerned or their line manager.

39. Sealing of Documents

- 39.1 A resolution of the Combined Authority, a committee of the Combined Authority or a decision of an officer (where the committee or officer has the power) authorising the taking of any action shall be sufficient authority for sealing of any document necessary to give effect to such resolution. In other cases the Common Seal of the Combined Authority shall be affixed to any document only when:
- 39.1.1 sealing has been authorised by a resolution of the Combined Authority or of a Committee or officer to which the Combined Authority has delegated its powers in this behalf, or
 - 39.1.2 the Head of Legal and Governance Services has delegated authority to enter into the contract or agreement.
- 39.2 The application of the Combined Authority's Seal shall be authenticated by the signature of the Head of Legal and Governance Services or the Managing Director.
- 39.3 The sealing of a document shall be entered in a register kept for that purpose in the custody of the Head of Legal and Governance Services. The Common Seal of the Combined Authority shall be kept in a safe place in the custody of the Head of Legal and Governance Services or some other person authorised by the Head of Legal and Governance Services.
- 39.4 The Head of Legal and Governance Services shall be authorised to sign all other documents and in their absence any other Solicitor employed by the Combined Authority shall be authorised to sign any such documents other than cheques and other negotiable instruments.

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West Yorkshire Combined Authority Financial Regulations

1. Introduction

- 1.1. Financial regulations provide the framework for managing the West Yorkshire Combined Authority's financial affairs and apply at all times to all Members and officers of the West Yorkshire Combined Authority (the Combined Authority).
- 1.2. The **Director of Corporate Services** is designated under Section 73 Local Government Act 1985 as the officer who is responsible for the proper administration of the financial affairs of the Combined Authority (the Chief Finance Officer).
- 1.3. The Chief Finance Officer shall make suitable arrangements to ensure that these financial regulations are made known to all officers of the Combined Authority.

2. Financial Management

- 2.1. The Chief Finance Officer is responsible for:
 - 2.1.1. the proper administration of the Combined Authority's financial affairs
 - 2.1.2. determining the accounting procedures and records
 - 2.1.3. the maintenance of all necessary financial records and procedures and ensuring their retention in accordance with statute
 - 2.1.4. selecting accounting policies and ensuring that they are consistently applied
 - 2.1.5. ensuring, not later than the date specified in government regulations, the preparation and submission to the Combined Authority of the annual statement of accounts for the year ending on the preceding 31 March; such statements of accounts being in a form prescribed by the Chief Finance Officer in compliance with the Accounts and Audit Regulations currently applicable.

- 2.2. The Chief Finance Officer will be responsible for, in consultation with the Directors, nominating and maintaining the Budget Holders and Controllers for each of the cost centres. The Chief Finance Officer may also nominate Senior Budget Holders to assist the Budget Controller in carrying out the day to day management of budgetary control; the ultimate budgetary responsibility remains with the Budget Controllers.
- 2.3. Budget Holders / Senior Budget Holders and Controllers are responsible for:
 - 2.3.1. providing any information required to enable the annual accounts to be completed
 - 2.3.2. complying with all accounting guidance issued by the Chief Finance Officer or Head of Finance.

3. Financial Planning

- 3.1. The Chief Finance Officer shall prepare a medium term financial strategy comprising a forecast of revenue expenditure and income for discussion with District Councils in relation to future levies and funding and report such discussions to the Combined Authority. Such a strategy must reflect the priorities and plans of the Combined Authority; it is the responsibility of Budget Controllers to advise the Chief Finance Officer of changes to their resource requirements over the period under review.
- 3.2. The Chief Finance Officer shall ensure that a revenue budget is prepared on an annual basis for consideration at a meeting of the Combined Authority **before 10th February prior** to the start of the financial year, **allowing for call in if required**. At that meeting determination shall be made of the level of the levy and other contributions for the following year. **The levy must be agreed by the 15th February each year.**
- 3.3. The Chief Finance Officer is responsible for advising on the format of the revenue budget and for ensuring that the mechanism for financial control and management of the budget is in place.
- 3.4. The Combined Authority shall approve the revenue budget. The Chief Finance Officer is responsible for providing appropriate financial information to Budget Controllers and Budget Holders to enable them to effectively monitor their budgets.
- 3.5. A Budget Controller is ultimately responsible for the monitoring and control of the budget for their cost centres. The Budget Holder is responsible for the day to day management of their budget and must immediately bring to the Budget Controller's attention any actual or expected overspend or underspend against approved budgets. The Budget Holder must also ensure that all monies are spent in the best interests of the Combined Authority and ensure maximum efficiency.

- 3.6. A Budget Controller may propose assignees to have the authority to approve purchase requisitions or invoices up to predetermined levels. This must be agreed in writing with the Head of Finance. Budgetary responsibility remains with the Budget Holder and Controller.
- 3.7. A Budget Controller, Holder or assignee must be an officer of the Combined Authority.
- 3.8. No expenditure shall be authorised or incurred which is not provided for in the approved budget. If a Budget Controller wishes to spend money which is not included in their approved revenue budgets and where it is not possible to vire money from an existing budget, in line with the approved budget management delegations, then they must notify the Head of Finance who will advise on how to proceed.
- 3.9. The Chief Finance Officer shall monitor the Combined Authority's expenditure and controls in relation to its budget and report any significant variations to the Governance and Audit Committee and together with any recommendation of that committee to a subsequent meeting of the Combined Authority.

4. Capital Expenditure

- 4.1. Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the Combined Authority, such as land, buildings and vehicles. They frequently create financial commitments for the future in the form of financing costs and revenue running costs.
- 4.2. The Chief Finance Officer, in consultation with the Managing Director and other Directors, shall present to the Combined Authority an indicative capital programme for the current and future years with the annual budget report.
- 4.3. No capital expenditure shall be incurred without first being approved by the Combined Authority in accordance with the requirements of the Assurance Framework. All proposed expenditure on schemes to be the subject of a report to the Combined Authority, its Transport Committee or the West Yorkshire and York Investment Committee as the case may be, setting out the nature and justification for the scheme plus the anticipated capital costs and revenue consequences.
- 4.4. Expenditure on a capital scheme which is in excess of the approval **approved tolerances** granted by the Combined Authority or a relevant committee of the Combined Authority is not permitted without a further report to the Combined Authority or the relevant Committee. All capital expenditure incurred during the financial year shall be reported to the Combined Authority by the Chief Finance Officer in an annual report to coincide with the annual accounts.
- 4.5. All funding arrangements shall be undertaken by the Chief Finance Officer in accordance with any decisions or delegations made by the

Combined Authority. The Chief Finance Officer shall include a full statement of the funding arrangements actually applied in the annual final accounts approved by the Governance and Audit Committee.

5. Risk Management and Control of Resources

Risk Management

- 5.1. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. It evaluates the measures already in place to manage identified risks and recommends the action required to control these risks effectively.
- 5.2. **The Director of Corporate Services** is responsible for ensuring an appropriate risk management policy is in place and for reviewing the effectiveness of risk management.

Internal Control

- 5.3. Internal control refers to the systems of control devised by management to help ensure the Combined Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Combined Authority's assets and interests are safeguarded.
- 5.4. The Chief Finance Officer is responsible for advising on effective systems of internal control that will provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Audit

- 5.5. The Combined Authority is required by legislation to provide an internal audit function.
- 5.6. The internal audit function is an independent and objective appraisal function established by the Combined Authority. It examines, evaluates and reports on the adequacy of internal controls, compliance with Contracts Standing Orders and Financial Regulations, security of assets and adequacy of the financial systems. It also evaluates the effectiveness of internal controls in operation and assesses their adequacy in relation to the prevention or detection of fraud.
- 5.7. The Internal Audit department is headed by the **Head of Internal Audit** who reports to the **Director of Corporate Services**.
- 5.8. The Internal Audit department shall have the authority to:
 - 5.8.1. access all premises, assets, records, documents, correspondence and control systems

- 5.8.2. receive any information and explanations considered necessary from any Director or officer
 - 5.8.3. require any officer to account for cash or other assets under their control
 - 5.8.4. directly access the Head of Paid Service (Managing Director) and the Governance and Audit Committee if necessary
 - 5.8.5. issue immediate recommendations to a Director prior to formal consideration of their report if they deem the matter as requiring urgent action.
- 5.9. The Governance and Audit Committee shall approve a strategic audit plan, which takes account of the characteristics and relative risks of the activities involved. The **Head of Internal Audit** shall ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

External Audit

- 5.10. External audit shall be carried out by an auditor appointed in accordance with the legislative requirements who will report annually, or more often if deemed necessary, to the Governance and Audit Committee.
- 5.11. All reports written by external audit must be considered by the Governance and Audit Committee.

Preventing Fraud and Corruption

- 5.12. The Combined Authority will not tolerate fraud and corruption in the administration of its responsibilities. The expectation of propriety and accountability is that members of the Combined Authority and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The Chief Finance Officer will ensure an effective anti-fraud and anti-corruption policy is maintained.
- 5.13. All members of the Combined Authority and officers shall follow the appropriate codes of conduct adopted by the Combined Authority in relation to declarations of interests, gifts and hospitality as well as following agreed staffing policies.
- 5.14. The Head of Legal and Governance Services is responsible for issuing guidance to officers regarding what to do when offered goods and/or services by actual or potential suppliers to the Combined Authority.
- 5.15. The Head of Legal and Governance Services maintains a register of interests in which officers must record details of notifiable financial or other interests and any hospitality or gifts offered to them and their

responses to the offer. This register is formally reviewed by the Head of Legal and Governance Services on a regular basis.

- 5.16. Detailed procedures in relation to the supply of all works, goods and services are set out in Contracts Standing Orders.

Security of Assets

- 5.17. It is important that all assets including land and property, cash, vehicles, plant, furniture and equipment are safeguarded and used efficiently in service delivery.
- 5.18. It is the responsibility of the Chief Finance Officer to maintain an asset register for all fixed assets with a value in excess of £4,000. All items of furniture, fittings, plant and equipment shall be included on an inventory.
- 5.19. It is the responsibility of each Budget Controller to:
- 5.19.1. make proper arrangements for the secure control and safe custody of all assets in respect of their area of responsibility
 - 5.19.2. ensure that the property procedures are adhered to by all officers
 - 5.19.3. inform the Chief Finance Officer of any instances where they believe the security to be inadequate
 - 5.19.4. ensure that designated officers are personally responsible for the safekeeping of keys
 - 5.19.5. ensure that designated Managers review the security of the premises under their control on a regular basis.
- 5.20. The functional Budget Controller is responsible for arranging a procedure for the safe custody and control of stocks and stores. These arrangements must be approved by the Chief Finance Officer.
- 5.21. The Chief Finance Officer may write-off/write down asset and stock valued at less than £1,000. Assets and stock valued at more than £1,000 shall be written-off/written down by the Combined Authority following a recommendation of the Chief Finance Officer.
- 5.22. Any instance of loss or theft of Combined Authority property must be notified to the Chief Finance Officer.
- 5.23. If the loss or theft involved data that could be deemed sensitive or confidential then this must be managed in line with the Combined Authority's Data and Systems Security Incident Management Policy and Procedure.

Disposal of Assets

- 5.24. The Head of Procurement is responsible for arranging the disposal of any assets deemed to be obsolete, non-repairable or unnecessary.
- 5.25. The Head of Procurement is authorised to dispose of surplus or obsolete stores or equipment. Where they believe the sales value to be higher than £1,000 for each transaction then they are also responsible for ensuring that these sales are made by competitive tender or public auction.
- 5.26. All disposals to officers, related parties or members require the prior approval of the relevant Director/Managing Director.
- 5.27. Any acquisition or disposal of land must be carried out in accordance with the Combined Authority's Contracts Standing Orders.

Treasury Management

- 5.28. It is the responsibility of the Chief Finance Officer to minimise the requirement for borrowing and investment and to:
 - 5.28.1. arrange all borrowing and investments in the name of the Combined Authority
 - 5.28.2. prepare a Treasury Management policy for adoption by the Combined Authority at its budget meeting
 - 5.28.3. report to the Combined Authority on any such borrowings and investments (other than the regular overnight investments) on at least a half yearly basis
 - 5.28.4. operate bank accounts as considered necessary and issue instructions on how these are to be used and managed
 - 5.28.5. provide imprest accounts and determine the petty cash limits of each one.

6. Financial Systems and Procedures

- 6.1. The Chief Finance Officer is responsible for:
 - 6.1.1. the operation of the Combined Authority's accounting system, the form of accounts and the supporting financial records
 - 6.1.2. issuing guidance and advice and procedures to officers
 - 6.1.3. approving any changes to existing financial systems
 - 6.1.4. approving the introduction of any new financial systems

- 6.1.5. ensuring the operation of appropriate controls covering input to the financial system, the processing of the information and any output
- 6.1.6. ensuring that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls
- 6.1.7. ensuring that the business recovery plan makes adequate preparations for ensuring that financial systems can be recovered in the event of an interruption
- 6.1.8. ensuring that finance systems are documented and staff are trained in how to operate them
- 6.1.9. issuing appropriate instructions on the systems for collecting and recording income, and ordering and payment of goods and services.

Payments to officers

- 6.2. The Chief Finance Officer is responsible for:
 - 6.2.1. arranging and controlling the secure payment of wages and any other emoluments to officers in their capacity as employees, in accordance with procedures prescribed by the Chief Finance Officer, on the due date
 - 6.2.2. recording and making arrangements for the accurate and timely payment of tax, national insurance, pension deductions and any other deductions
 - 6.2.3. making arrangements for the payment of travel and subsistence claims
 - 6.2.4. ensuring the appropriate systems, records and documentation are maintained on behalf of the administering pension body.

Taxation

- 6.2.5. The Chief Finance Officer is responsible for advising officers on all taxation issues that affect the Combined Authority. The Chief Finance Officer is responsible for maintaining tax records, making all tax payments and submitting tax returns by their due date as appropriate.

Purchasing and payment to suppliers

- 6.3. The Chief Financial Officer is responsible for:
- 6.3.1. ensuring that the Combined Authority's Contracts Standing Orders remain technically correct, up to date and fit for purpose and ensuring that they are adhered to,
 - 6.3.2. ensuring that training and guidance is available for officers and providing access to advice and guidance,
 - 6.3.3. ensuring compliance with directives issued by the H.M. Revenue and Customs and the Construction Industry Tax Deduction Scheme,
 - 6.3.4. ensuring the accurate payment of supplier invoices to agreed terms and, where applicable, to matched / cleared purchase orders, and
 - 6.3.5. ensuring that detailed procedures in relation to the supply of all works, goods and services are set out in the Combined Authority's **Contracts** Standing Orders.

Income management

- 6.4. The Chief Financial Officer is responsible for:
- 6.4.1. determining the standard payment methods that may be used to collect income and maintaining internal controls with regards to segregation of duties,
 - 6.4.2. managing the Combined Authority's debt recovery procedures and processes, **including authority for writing off bad debts. The Head of Finance is authorised to write off bad debts up to £1,000** and
 - 6.4.3. determining the practice for cash receipting, cash storage and banking.

External Funding and Grants

- 6.5. The Chief Financial Officer is responsible for:
- 6.5.1. ensuring there are proper processes and procedures in place for the completion, assessment, authorisation and submission of applications for external funding and any subsequent claims,
 - 6.5.2.** authorising the acceptance of any grant offer on behalf of the Combined Authority, and identifying the appropriate Budget Holder and Budget Controller for expenditure of the funding

subject to all the terms and conditions imposed by the grant awarding body.¹

- 6.5.3. ensuring all statutory financial returns related to external funding are completed and submitted in line with relevant guidelines, and
- 6.5.4. ensuring the income due from grant claims is received and that records are kept for the reconciliation of grants due and received. Such records must have robust audit trails and meet External Audit requirements.

¹ The Head of Finance is authorised to accept any grant offer on behalf of the Combined Authority of up to £1 million, provided that the acceptance is on terms and conditions in accordance with the bid.

Best practice from the Committee for Standards in Public Life

	Best practice	Recommendation for the Combined Authority
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	Existing provision prohibits bullying. Amend Code (Appendix 8) at paragraph 7(b) to prohibit harassment, and insert a footnote with definitions and examples taken from the Committee’s report.
2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	Insert new footnotes at paragraph 4 of the Code (Appendix 8) <ul style="list-style-type: none"> • clarifying that the requirement to co-operate with any scrutiny extends to a formal standards investigation, and • relating to trivial or malicious allegations by members.
3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	The current practice is to review the Code of Conduct annually, before the annual meeting. The Head of Legal and Governance Services will review the process for the next municipal year.
4	An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.	No action is necessary. The Combined Authority’s Code is readily accessible on the Combined Authority’s web-site. A hard copy is available on request at the Combined Authority’s offices.
5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	No action necessary. Members are required to update the Gifts and Hospitality Register within 28 days of any offer. The Register is published on the Combined Authority’s web-site.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Clarify the procedure for considering complaints (Appendix 9) at paragraph 9 to incorporate reference to the public interest test.
7	Local authorities should have access to at least two Independent Persons.	No action necessary; the Combined Authority has appointed two Independent Persons.
8	An Independent Person should be consulted about undertaking a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	Clarify the procedure for considering complaints (Appendix 9) to reflect best practice recommendation: <ul style="list-style-type: none"> • paragraph 7 – new footnote, and • paragraph 9(k) – new footnote.
9	Where an authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice	Clarify the procedure for considering complaints (Appendix 9) to reflect best

	Best practice	Recommendation for the Combined Authority
	should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	practice recommendation – new paragraph 38
10	An authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	Head of Legal and Governance Services to review existing guidance
11 and 12	Not relevant – parish councils only	N/A
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Clarify the procedure for considering complaints (Appendix 9) to reflect best practice recommendation: new footnote 2 to paragraph 2.
14	Councils should report on separate bodies they have set up on which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place	<p>The Combined Authority's role as accountable body for the LEP is fully documented in the Leeds City Region Assurance Framework, and reviewed as part of the annual governance statement.</p> <p>The LEP's Code of Conduct reflects the Nolan principles, and the LEP's governance procedures provide for the publication of agenda, reports and minutes.</p>
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	<p>Training on standards issues is provided for members annually, as part of the member's induction arrangements, which are open to all members.</p> <p>The Head of Legal and Governance Services will review how best to address this best practice recommendation.</p>



West Yorkshire Combined Authority Members' Code of Conduct

This Code applies to **members**¹ and **voting co-opted members**² (including any voting private sector representatives) of the Combined Authority, in all aspects of your public life³.

The Combined Authority expects you to follow this Code when:-

- conducting the work of the Combined Authority,
- representing the Combined Authority on any external organisation, and
- otherwise acting in your official capacity.

The Code does not apply to you in your purely private and personal life.

Part One – Principles of Conduct

You must have regard to, and act in accordance with, the following principles:

1. **Selflessness**

You should serve only in the public interest and should never improperly confer an advantage or disadvantage on any person, organisation or group or any other third party.

2. **Honesty and Integrity**

You should not place yourself in situations where your honesty and integrity may be questioned. You should not behave improperly and should avoid the appearance of such behaviour.

3. **Objectivity**

¹ And substitute members of the Combined Authority, appointed under Schedule 1 paragraph 1(4) and (7).

² A voting co-opted member of the Combined Authority is a person who is not a member of the Combined Authority, but who is:

- a member of any committee or sub-committee of the Combined Authority, or
- a member of, and represents the authority on, any joint committee or joint sub-committee of the Combined Authority and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

The Code also applies to any substitute of a voting co-opted member.

³ Any reference to a member in the Code or its appendices should be taken to include any member of the Combined Authority, their substitute member or voting co-opted member of the Combined Authority and any substitute of a voting co-opted member.

You must make decisions (including making appointments and approving the awarding of contracts):

- based on the information before you,
- having regard to any professional advice provided,
- in accordance with your view of the public interest, and
- on merit.

4. **Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office⁴.

You should not undertake any action which would bring the Combined Authority, your position, or the position of members generally, into disrepute⁵.

5. **Openness**

You must be as open as possible about your actions and those of the Combined Authority, and should be prepared to give reasons for those actions.

6. **Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example. You should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the Combined Authority's statutory officers and its other officers.⁶ You should comply with any protocol adopted by the Combined Authority from time to time on Member/Officer Relations.

Part Two – General Obligations

7. You must treat others with respect. You must not:-

- a) do anything which may cause the Combined Authority to breach any duty relating to equality,

⁴ Including any formal standards investigation.

⁵ For example, you should not make trivial or malicious, vexatious, politically motivated or tit-for-tat allegations.

⁶ As a member, you may express yourself robustly in representing your, or any constituents' views, although where a member engages in a sustained or systematic challenge of an officer which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this Code. However an unintentional remark, made in isolation, is unlikely to amount to a failure to comply with the Code.

- b) bully or harass any person⁷,
- c) intimidate or attempt to intimidate any person who is or is likely to be:
 - a complainant,
 - a witness, or
 - otherwise involved

in any investigation or proceedings in relation to an allegation that a member has failed to comply with this Code, nor

- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Combined Authority.

8. You must not:-

- a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it,
 - (ii) you are required by law to do so,
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or

⁷ Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. "Harassment is defined in the Equality Act 2010 as "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". A member should not be considered to be bullying or harassing simply by making persistent enquiries or requests for information, nor by saying something that the individual concerned simply dislikes or with which they strongly disagree. Examples of bullying include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

- (iv) the disclosure is reasonable and in the public interest **and** made in good faith and in compliance with the reasonable requirements of the Combined Authority.
- nor
- b) prevent another person from gaining access to information to which that person is entitled by law.
9. You must have regard to the Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986.
10. You must have regard to any relevant advice provided by any officer of the Combined Authority, including:
- the Chief Finance Officer, and
 - the Monitoring Officer.
11. Members must give reasons for all decisions in accordance with any statutory requirements and any additional requirements of the Combined Authority.

Part Three – Registering Interests

12. The Monitoring Officer maintains a register of interests of members **in accordance with statutory requirements**. The register is:-
- available for inspection at the Combined Authority’s offices, and
 - published on the Combined Authority’s web-site.
13. You must notify the Monitoring Officer of pecuniary and other interests as set out below. The Monitoring Officer will enter them into the register of interests.

Disclosable Pecuniary Interests

14. A pecuniary interest is any interest of a description set out in the second column of **Annex 1** to this Code⁸.
15. A pecuniary interest is a **disclosable pecuniary interest** if it is a pecuniary interest and either:-
- a) it is an interest of yours, or
 - b) it is an interest of any other relevant person, these being:-
 - (i) your spouse or civil partner,
 - (ii) a person with whom you live as husband and wife, or
 - (iii) a person with whom you live as if you were civil partners,

and you are aware that the other person has the interest.

⁸ Annex 1 sets out the descriptions of pecuniary interests specified in regulations made by the Secretary of State (SI 2012/1464).

16. You must notify the Monitoring Officer of:-
- a) any disclosable pecuniary interests you have within 28 days of your appointment to the Combined Authority⁹ and
 - b) any changes to your disclosable pecuniary interests within 28 days of:-
 - the change occurring, or
 - you becoming aware of the change.

Gifts and Hospitality¹⁰

17. You must notify the Monitoring Officer within 28 days of any offer, acceptance or receipt of a **gift or hospitality**
- with an estimated value of **over £50**, and
 - offered or given to you in your role as a member.

Applications for any loan or grant

18. You should comply with the Combined Authority's Conflicts of Interest Protocol, including any requirement to notify the Monitoring Officer about, and avoid personal involvement with, any application to the LEP or the Combined Authority for any loan or grant in which you may have a conflict of interest.

Sensitive Interests

19. If you have an interest (whether or not a disclosable pecuniary interest) which is entered in the register and which is such that you and the Monitoring Officer consider that disclosing the details of the interest could lead to you, or a person connected with you, to being subject to violence or intimidation, details of the interest must not be included in:-
- any published version of the register, nor
 - any copy of the register that is made available for public inspection.¹¹

Part 4 – Disclosing Interests at Meetings

20. If you are present at a meeting¹² of the Combined Authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting:
- a) Unless you have a relevant dispensation¹³ you may not

⁹ If you are re-appointed to the Combined Authority, you are required to notify the Monitoring Officer of any new disclosable pecuniary interests within 28 days of being re-appointed.

¹⁰ See further **Annex 2**

¹¹ The register may state that you have an interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

¹² Including any committee, sub-committee, joint committee or joint sub-committee of the Combined Authority.

¹³ See paragraph 24 of the Code.

- participate, or participate further, in any discussion of the matter at the meeting, or
 - participate in any vote, or further vote, taken on the matter at the meeting.
- b) If the interest is not entered in the Combined Authority's register, you must disclose the interest to the meeting (unless the interest is a sensitive interest¹⁴). If the interest is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

Disclosing Significant Interests

21. If you are present at a meeting¹⁵ of the Combined Authority, and you are aware that you have any significant interest (other than a disclosable pecuniary interest) in a matter to be considered, or being considered, at the meeting, you:-

- may disclose the interest to the meeting, and
- must consider whether to continue participating in the matter¹⁶.

Complaints alleging a failure to comply with the Code

22. All complaints alleging a failure to comply with this Code will be considered under a procedure agreed by the Combined Authority.

Criminal Offences In Relation To Disclosable Pecuniary Interests

23. Failing to comply with requirements for registration and disclosure of Disclosable Pecuniary Interests may be a **criminal offence** under S34 Localism Act 2011. **Annex 3** of this Code summarises offences and sanctions under that section.

Dispensations

24. The Combined Authority¹⁷ may lift the restrictions under Paragraph 20(a) of this Code by granting a dispensation in accordance with **Annex 4**.

¹⁴ You are not required to disclose a sensitive interest, but must disclose that you have a disclosable pecuniary interest in the matter.

¹⁵ Including any committee, sub-committee, joint committee or joint sub-committee of the Combined Authority.

¹⁶ For example, **when considering applications for funding you should disclose any a close connection to:**

- any person (whether a family member or friend), or
- any outside body

who is a potential direct recipient or beneficiary of Combined Authority or Leeds City Region (LCR) funding.

¹⁷ or any committee or officer to whom this function may be delegated by the Combined Authority.

Subject	Description of Pecuniary Interests
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Combined Authority) made or provided within the relevant period¹⁸ in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union.¹⁹</p>
Contracts	<p>Any contract which is made between you or a relevant person²⁰ (or a body in which you or a relevant person has a beneficial interest²¹) and the Combined Authority:-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land ²² which is within the area of the Combined Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Combined Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge):-</p> <p>(a) the landlord is the Combined Authority, and</p>

¹⁸ The relevant period means the period of 12 months ending with the day on which you notify the Monitoring Officer under paragraph 16a) and paragraph 20b) of the Code.

¹⁹ Within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

²⁰ As defined in paragraph 15b) of the Code.

²¹ "body in which the relevant person has a beneficial interest" means:

- a firm in which you or a relevant person is a partner or
- a body corporate of which you or a relevant person is a director, or in the securities of which you or a relevant person has a beneficial interest. "Director" includes a member of the committee of management of an industrial and provident society; "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

²² Land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

(b) the tenant is a body in which you or the relevant person²³ have a beneficial interest²⁴.

Securities

Any beneficial interest in securities²⁵ of a body where:-

- (a) that body (to your knowledge) has a place of business or land in the area of the Combined Authority, and
- (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

²³ See footnote 20 above.

²⁴ See footnote 21 above.

²⁵ See footnote 21 above.

1. Registering gifts and hospitality

- a. The Combined Authority's Monitoring Officer maintains registers of interests of members, including declarations of gifts and hospitality. The gifts and hospitality register is:
 - available for inspection at the Combined Authority's offices; and
 - published on the Combined Authority's web-site
- b. You must register any gifts and hospitality as required by paragraph 17 of this Code.
- c. Registering offers of gifts and hospitality, whether declined or accepted, demonstrates the Combined Authority's commitment to openness and transparency and help to protect the Combined Authority's reputation. Where practicable, you may, therefore, ask the Monitoring Officer to record any gifts or hospitality below the £50 threshold which are offered to you.²⁶

2. General principles

- a. You should never actively seek or solicit any gift or hospitality.
- b. You should discourage third parties from offering any gift or hospitality to you.
- c. You should only accept a gift or hospitality from any third party in accordance with these principles, and **where acceptance is of some benefit to the Combined Authority.**
- d. You must **never accept** a gift or offer of hospitality which is any of the following:
 - an inducement or reward for anything that you do as a member – this is likely to constitute a criminal offence,
 - from any donor seeking (or which may seek²⁷) a decision from (or business with) the LEP or the Combined Authority,
 - in any circumstances which may give rise to a perceived or actual conflict of interest²⁸ or undue influence,
 - for any third party including any relative or friend of yours, except where the Head of Legal and Governance Services has confirmed in advance

²⁶ For the purpose of determining whether any gift or hospitality has a value of over £50, if the exact value is unknown, you should always err on the side of caution.

²⁷ For these purposes, you should not accept any gift or hospitality where it is reasonably foreseeable that a donor may seek a decision from or business with the LEP or the Combined Authority within the next 6 months.

²⁸ A conflict of interest is a set of circumstances which creates a risk that an individual's ability to apply judgement or act in a role is or could be impaired or unduly influenced by a secondary interest of that individual or of another person.

that that acceptance is unlikely to be perceived as giving rise to a conflict of interest,

- lavish or over-generous, nor
- where offers from the same donor are over-frequent.

e. Any **expenses** offered to you by any third party should be treated as a gift, in accordance with the requirements of the Code and this Annex.

f. You should **never** accept any gifts of cash (or items of specific monetary value such as vouchers).

3. Advice and Guidance

a. If in doubt about whether to accept any gift or hospitality, you should ask the Monitoring Officer for advice. If in doubt, err on the side of caution and decline the gift or hospitality.

b. You should have regard to any advice or guidance issued by the Monitoring Officer in respect of gifts and hospitality.

Summary of Criminal Offences and Sanctions²⁹

Offences

1. A person commits an offence if, without reasonable excuse, the person:-
 - (a) fails to:-
 - register any disclosable pecuniary interest³⁰, or
 - disclose a disclosable pecuniary interest not entered on the register³¹, or
 - (b) participates in any discussion or vote, where they have a disclosable pecuniary interest.³²
2. A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register³³, the person provides information that is false or misleading and the person:-
 - (a) knows that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.

Sanctions

3. A person who is guilty of such offence may be fined up to £5000.
4. A court may also disqualify the person for up to five years for being or becoming (by election or otherwise) a member or co-opted member of the Combined Authority or any other relevant authority.

²⁹ S34 Localism Act 2011.

³⁰ Under S30(1) or S31(3) or (7) Localism Act 2011.

³¹ Under S31(2) Localism Act 2011.

³² In contravention of S31(4) Localism Act 2011.

³³ Under S30(1) or 31(2), (3) or (7) Localism Act 2011.

Dispensations

Requests

1. The Combined Authority³⁴ will consider any requests for a dispensation.
2. Any request for a dispensation must be made in writing to the Monitoring Officer.
3. A request will not be granted unless it is made **not less than 10 clear days** before the date of the meeting to which the request relates, except where the Monitoring Officer considers that there are exceptional circumstances.

Period

4. A dispensation must specify the period for which a dispensation has effect, which must not exceed four years.

Criteria

5. The Combined Authority may grant you a dispensation only if having regard to all relevant circumstances the Combined Authority considers that:
 - without the dispensation, the number of members prohibited from participating in any particular business would be so great a proportion of the Combined Authority³⁵ as to **impede the transaction of the business**,
 - without the dispensation, the **representation of different political groups** on the Combined Authority would be so upset as to alter the likely outcome of any vote on the matter,
 - the dispensation is in the **interests of persons living in the Combined Authority's area**, or
 - it is **otherwise appropriate** to grant a dispensation.
6. In determining whether to grant dispensation requests, the Combined Authority may consider:
 - whether the nature of the member's interest is such that to allow the member to participate would not damage public confidence in the conduct of the Combined Authority's business,
 - whether the interest is common to the member and a significant proportion of the general public,
 - whether the participation of the member in the business that the interest relates to is justified by a member's particular role or expertise, and

³⁴ Or any committee or officer to whom this function may be delegated by the Combined Authority.

³⁵ Or body transacting the business.

- whether the interest is trivial or remote.

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West Yorkshire Combined Authority

Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct

Introduction

1. The Members' Code of Conduct applies to members and voting co-opted members¹ when they are acting in that capacity.

Submitting a Complaint

2. A complainant alleging a failure to comply with the Code should submit their complaint in writing to the **Monitoring Officer** for initial assessment².
3. The complaint must set out:
 - a. **who** was involved,
 - b. the alleged **misconduct**,
 - c. **when** and **where** it occurred, and
 - d. how the complainant wants the complaint to be **resolved**.
4. A complainant should complete a **complaint form**, but this is not required if the complainant provides the details required in writing.
5. If a complainant does not complete a form and does not provide the required details in writing, the Monitoring Officer will ask them to re-submit the complaint by completing a form.

Stage 1 - Initial Assessment by the Monitoring Officer

¹ and any substitute. Any reference in this procedure to a "member" should be construed as being a reference to any member to whom the Code applies.

² Where any potential conflict of interest arises from the involvement of the Monitoring Officer, the Combined Authority's Managing Director may ask a Monitoring Officer from another authority to deal with the complaint, including undertaking any investigation.

6. The Monitoring Officer will notify a member about any complaint against them³.
7. The Monitoring Officer will decide whether the complaint should be dealt with under Stage 2 of this procedure⁴.
8. Where a complaint may relate to a member in their capacity as a member of a constituent or non-constituent council, the Monitoring Officer will consult with the Monitoring Officer of the relevant council.

Complaints which will not be dealt with under Stage 2

9. No complaint will be pursued unless it is in the opinion of the Monitoring Officer, in the public interest to do so. Except in exceptional circumstances, a complaint will not be dealt with under Stage 2 of this procedure if it is a complaint which:
 - a. is submitted **anonymously**,⁵
 - b. does **not identify the member**,
 - c. relates to a member's **personal or private life**,
 - d. alleges that a **criminal offence** has been committed,
 - e. is about **failing to respond** to a request from a constituent or other individual,
 - f. relates to alleged actions by **officers** of the Combined Authority, or a **service related issue**,
 - g. relates to a **decision** of the Combined Authority, a committee of the Combined Authority or an officer of the Combined Authority,
 - h. relates to a person who is **no longer a member** of the Combined Authority,
 - i. refers principally to an alleged incident **before the person became a member** of the Combined Authority,

³ This is for information only, where the Monitoring Officer decides that the complaint should not be dealt with further under this procedure.

⁴ The Monitoring Officer should consult an Independent Person before deciding whether a complaint should be pursued by way of a formal investigation.

⁵ Complaints which contain a request for the complainant's identity to be withheld may be dealt with under this procedure, although the complainant's identity will only be withheld if, in the opinion of the Monitoring Officer, there are exceptional circumstances. If the Monitoring Officer does not consider that the complainant's identity should be withheld, the complainant will be given the opportunity to withdraw the complaint. Anonymous complaints which reveal potential fraud or corruption will be referred to the Head of Internal Audit for consideration under the Combined Authority's Whistle Blowing Policy.

- j. refers principally to an alleged incident which happened so long **in the past** that there would be little benefit in taking action,
 - k. contains **trivial allegations**, or which appear to be simply **malicious, vexatious, politically motivated** or **tit-for-tat**⁶, or
 - l. concerns alleged behaviour which has **already** been **investigated** or subject to some form of action.
10. If a complaint alleges that a criminal offence has been committed,⁷ the Monitoring Officer may direct any such complaint to the West Yorkshire Police. Before making this decision, the Monitoring Officer may consult with:
- the Chair of the Combined Authority,
 - the Chair of the Governance and Audit Committee,
 - the Head of Paid Service,
 - the Chief Finance Officer, or
 - an Independent Person⁸.
11. The Monitoring Officer will refer any complaint about an **officer or service related issue** to the Head of Paid Service.
12. The Monitoring Officer will explain in writing to the complainant why the complaint will not be dealt with under Stage 2 of this procedure.
13. There is no appeal against any decision taken by the Monitoring Officer at this stage.

Stage 2 - Informal Resolution

14. If the Monitoring Officer decides that the complaint should be dealt with under Stage 2 of this procedure, the Monitoring Officer will refer the complaint to the member and any relevant Group Leader⁹, with a request that they seek to resolve the complaint. The Monitoring Officer will provide the member with:
- a reasonable timescale for this (usually **20 working days**), and
 - the contact details for an Independent Person.
15. The Monitoring Officer will also write to the complainant to explain that the member has been asked to seek to resolve the complaint. The Monitoring Officer will provide the complainant with a copy of this procedure.

⁶ The Monitoring Officer should give an Independent Person the option to review and comment on allegations which the Monitoring Officer is minded to dismiss as falling within this provision.

⁷ Such as fraud, or an offence relating to failing to register or disclose a disclosable pecuniary interest under S34 Localism Act 2011.

⁸ Appointed under S28 Localism Act 2011.

⁹ If the complaint is about a Group Leader, the Monitoring Officer may refer the matter to the relevant Group Whip within the relevant council.

16. Informal resolution may include:
- a. an **explanation** by the member of the circumstances surrounding the complaint,
 - b. an **apology** from the member,
 - c. an agreement from the member to attend relevant **training** or to take part in a **mentoring** process,
 - d. an offer of **mediation or conciliation** between the member and the complainant, or
 - e. **any other action** capable of resolving the complaint.
17. The member may seek guidance from:
- a Group Leader or Group Whip, and/or
 - the Monitoring Officer.
18. The member may also ask an **Independent Person** for their view of the complaint and about an appropriate form of resolution. To avoid a conflict of interests arising, an Independent Person should not provide views to both a member and the Governance and Audit Committee on the same complaint.
19. The member may also ask the complainant what form of informal resolution they would find acceptable, particularly if the resolution they have requested in their complaint is not possible.
20. At the end of the 20 working day period, the Monitoring Officer in consultation with the Chair of the Governance and Audit Committee, will decide whether the complaint is resolved.
21. Where the complaint is **resolved**, the Monitoring Officer will confirm to the complainant and the member in writing that there will be **no further action** taken under this procedure.
22. Where the complaint is **not resolved**, the Monitoring Officer will refer the complaint to the **Governance and Audit Committee**. The Monitoring Officer will ask the complainant and the member to submit **written representations** about the complaint and any response to it.
23. There is no appeal against any decision of the Monitoring Officer under this stage.

Stage 3 – Governance and Audit Committee¹⁰

¹⁰ Or any sub-committee appointed by the Governance and Audit Committee which has authority to determine complaints under this procedure.

24. The Monitoring Officer will prepare a report for the Governance and Audit Committee, which will include:
 - a. a **copy of the complaint** and any **response** from the member,
 - b. **minutes** of any relevant meetings,
 - c. details of **measures taken** to address the complaint,
 - d. any further **written representations** from the complainant or the member, and
 - e. any **view** submitted in writing to the Committee by an Independent Person¹¹.
25. Where possible the Governance and Audit Committee will consider the report within **20 working days** of it being finalised by the Monitoring Officer.
26. The Monitoring Officer will invite the Group Leader or Group Whip (if relevant) to attend the meeting of the Governance and Audit Committee.¹²
27. Before reaching a decision on the complaint, the Committee must seek, and take account of, the view of **an Independent Person** in relation to the complaint¹³. The Monitoring Officer will invite that Independent Person to attend the meeting of the Governance and Audit Committee¹⁴. If the Independent Person cannot attend the meeting they must submit their view to the Governance and Audit Committee in writing.
28. The Monitoring Officer will attend the meeting to present their report.
29. The Governance and Audit Committee will consider the report of the Monitoring Officer and may also ask questions of anyone present at the meeting.
30. The Governance and Audit Committee must decide whether the member has failed to comply with the Code.

¹¹ See further below.

¹² The Chair may invite them to speak at the meeting, but any Group Leader or Group Whip who attends in response to such an invitation cannot participate or vote as a member of the committee.

¹³ As required by S28 (7)(a) Localism Act 2011. The Monitoring Officer will ask the Independent Person to confirm that they are still independent and to notify the Monitoring Officer of any circumstances which might be perceived as presenting a potential conflict of interest on the part of the Independent Person. If the Independent Person is not still independent, or in the event of any conflict of interest arising, the Monitoring Officer will refer the matter to another Independent Person.

¹⁴ The Chair will ask the Independent Person to give their view at the meeting, but an Independent Person cannot participate or vote as a member of the committee.

31. If the Governance and Audit Committee is unable to reach a decision on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks any further information required. However, when doing so, the Committee should consider whether such information will be readily available to the Monitoring Officer. Any request for information must be provided to both the complainant and the member.
32. If the Governance and Audit Committee decides¹⁵ that the member did **not** fail to comply with the Code, the complaints process will conclude.
33. If the Governance and Audit Committee decides¹⁶ that the member **has failed** to comply with the Code, the Committee must go on to consider:
 - a. Whether to take action against the member; and
 - b. What **action** it should recommend to the Combined Authority.

Recommendations to the Combined Authority

34. Where the Governance and Audit Committee decides that the member has failed to comply with the Code, the Governance and Audit Committee may recommend:
 - a. a **formal letter to the member** from the Chair of the Governance and Audit Committee which will be copied to the Group Leader and/or the Group Whip,
 - b. **removal** by the Combined Authority of the member **from any committee or sub-committee** (if they are a member of it), either permanently or for a specified period of time,
 - c. a **formal letter** from the Chair of the Governance and Audit Committee **to the Leader of the appointing Council** copied to the relevant Monitoring Officer and Group Whip, or
 - d. **formal censure** by the Combined Authority.
35. Whether or not there has been a failure to comply with the Code, the Governance and Audit Committee may in any event make **general recommendations** to the Combined Authority with a view to promoting and maintaining high standards of conduct within the Combined Authority. Such recommendations may include changes to Combined Authority procedures and practices or training for members in general.
36. Within **5 working days** of the meeting the Chair of the Governance and Audit Committee will write to the complainant and the member explaining the decision of the Committee and setting out any recommendations made to the Combined Authority.

¹⁵ On the balance of probabilities, that is, it is more likely than not.

¹⁶ See footnote above.

37. The Monitoring Officer will report all recommendations of the Governance and Audit Committee to the next available meeting of the Combined Authority.
38. The Monitoring Officer will publish a decision notice as soon as practicable on the Combined Authority's website, to include:
- a brief statement of facts,
 - the provisions of the Code engaged by the allegations,
 - the view of the Independent Person,
 - the reasoning of the Governance and Audit Committee, and
 - any sanction recommended or applied.
39. There is no right of appeal against a decision of the Governance and Audit Committee.

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Leeds City Region Enterprise Partnership

West Yorkshire Combined Authority

Conflicts of Interest Policy

1. Introduction

The Leeds City Region Enterprise Partnership (the LEP) and the West Yorkshire Combined Authority (the Combined Authority) are committed to ensuring that the Members and officers act in line with the **Nolan Principles** of public life, which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

This Conflicts of Interest Policy applies to:

- any member of the LEP Board,
- any member of the Combined Authority,
- any voting member of a Combined Authority committee or panel, including any advisory panel which reports to the LEP,
- any officer of the Combined Authority, and
- any officer of a local authority who advise the Combined Authority or LEP.

The policy provides an overview of how conflicts of interest are managed, by reference to the procedures which the LEP and the Combined Authority have in place to maintain high ethical standards and protect their reputation against any allegation of conflicting interests. These include requirements to register and declare interests.

The policy must be followed throughout all decision-making processes; the LEP and the Combined Authority are committed to ensuring that this policy applies to decisions taken at formal meetings or by individuals on behalf of the LEP or the Combined Authority under delegated authority. It is communicated to everyone involved in decision-making by the LEP and Combined Authority, to ensure their commitment to it.

To ensure transparency, the LEP and the Combined Authority record and publish decisions in accordance with agreed procedures.

2. Definition

A conflict of interest is a set of circumstances which creates a risk that an individual's ability to apply judgement or act in a role is, or could be, impaired or unduly influenced by a secondary interest of that individual, or of another person.

For example, a conflict of interest would arise where a member of the LEP Board has an interest, for instance, as a shareholder in a company that is a potential beneficiary of grant funding, conflicting with the interests of the LEP.

Conflicts of interest may inhibit open discussions and may result in irrelevant considerations being taken into account or decisions being taken that are not in the best interests of the LEP nor of the Combined Authority.

This policy covers **commercial, personal, actual or potential conflicts of interests**; for the purposes of this policy, the *perception* of competing interests, impaired judgement or undue influence can also amount to a conflict of interest.

3. General

All members and officers must **take personal responsibility** for declaring their interests and avoiding perceptions of bias.

Where any conflict of interest arises outside of those which they are specifically required to register or declare, they should **err on the side of caution** and declare these interests in line with the Nolan Principles.

This policy applies whether they are decision-makers, consultees or involved in any other way in relation to any decision to be taken by the LEP or the Combined Authority.

4. Members of the LEP Board

Members of the LEP Board are required to comply with the **LEP Board Members' Code of Conduct**. The Code requires members to comply with the Nolan Principles and sets out the procedures for registering and declaring pecuniary and non-pecuniary interests, and managing conflicts which arise at a formal meeting of the LEP Board. It also extends to any conflict of interest arising in respect of an urgent decision taken by the Chair on behalf of the LEP.

The LEP Board's **Procedure for Considering Complaints** alleging a failure to comply with the LEP Board Members' Code of Conduct sets out the process that the LEP will follow if a member of the LEP Board is alleged to have failed to comply with the Code.

Registers of interests completed by members of the LEP Board are published on the Combined Authority's web-site, accessible from the LEP's web-site.

The Code also includes specific requirements and restrictions in relation to disclosing an interest:

- when **considering applications for funding**
- when **applying for a loan or grant**
- when **applying to provide contracted work or services.**

It also addresses **canvassing for appointments** to the Combined Authority.

The Code of Conduct sets out requirements for declaring pecuniary and other interests at formal meetings of the LEP Board. The **Conflicts of Interest Protocol: applications for loans or grants** manages conflicts of interest which may arise when a decision is taken by an officer, in respect of a loan or grant from the LEP or the Combined Authority.

5. Members of the Combined Authority and voting members of any Combined Authority committee or panel

These members are required to comply with the **Combined Authority's Members' Code of Conduct**. The Code sets out the procedures for registering and declaring pecuniary and other interests, and managing conflicts which arise at any formal meeting of the Combined Authority or a committee or panel appointed by the Combined Authority, including advisory panels which report to the LEP.

The Code of Conduct sets out requirements for declaring pecuniary and other interests at formal meetings, where members are decision-makers. The **Conflicts of Interest Protocol: applications for loans or grants** manages any conflict of interest which may arise when a decision is taken by an officer, in respect of a loan or grant from the LEP or the Combined Authority.

The Combined Authority's **Procedure for Considering Complaints** alleging a failure to comply with the Members' Code of Conduct sets out the process to be followed if a member is alleged to have failed to comply with the Code.

Registers of interests are published on the Combined Authority's web-site.

The Combined Authority's Procedure Standing Orders also specify additional requirements and restrictions in relation to:

- **canvassing for appointments** to the Combined Authority, and
- **disclosing any relationship** between the member and an officer, or a candidate for employment.

6. Officers

Officers of the Combined Authority must comply with the **Combined Authority's Officer Code of Conduct** and **Gifts and Hospitality Policy** when they are working for the Combined Authority or advising the LEP.

The **LEP Constitution** also requires:

- senior officers of the Combined Authority and officers involved in advising the LEP to complete a **LEP Officer's register** of interests,
- any officer from another local authority advising the LEP to comply with their authority's officer Code of Conduct, and
- any officer advising the LEP Board to be mindful of potential conflicts of interest, and exclude themselves for advising on any matter where their personal or professional interests are such that their integrity or objectivity may be questioned.

The **Combined Authority's Procedure Standing Orders** require officers of the Combined Authority to disclose any **relationship with a member**. They also reflect statutory provisions relating to:

- prohibiting officers from being operators, directors, partners or employees of public passenger transport services, and
- recording **pecuniary interests in contracts**.

The **Combined Authority's Contracts Standing Orders** addresses potential conflicts of interests arising in respect of **contracts** with the Combined Authority for goods, services or an interest in property.

7. Loans or grants to businesses

At the request of members, to promote greater transparency, the **Conflicts of Interest Protocol: loans or grants to businesses** attached as appendix 1 to this policy, sets out a process which the LEP and the Combined Authority follows to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair and transparent way outside of formal meetings, by an officer. It provides a safeguard (for the LEP, the Combined Authority and for applicants) to minimise the risk of reputational damage from any perception of undue influence.

The process requires additional scrutiny of any application where a potential conflict of interest arises.

Leeds City Region Enterprise Partnership

West Yorkshire Combined Authority

Conflicts of Interest Protocol: Loans or grants to businesses

1. Purpose

The Codes of Conduct adopted by the LEP and the Combined Authority address how members are required to register and declare pecuniary and other interests at formal meetings where members take decisions.

This **Conflicts of Interest Protocol: loans or grants to businesses** sets out the process which the LEP and the Combined Authority follow to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair and transparent way, including where they are considered by officers. It provides an additional safeguard (for the LEP, the Combined Authority and for applicants) to minimise the risk of reputational damage from any perception of undue influence.

The process requires additional scrutiny of any application where a potential conflict of interest arises.

2. Scope

This protocol should be followed where an application for a loan or grant is made by any business (including a company, social enterprise or a sole trader) to the LEP or to the Combined Authority¹.

The protocol applies to:

- any member of the LEP Board,
- any member of the Combined Authority, and
- any voting member of a committee or panel of the Combined Authority, (including an advisory panel which reports to the LEP).

It applies to both local authority and private sector representatives.

3. General

This protocol supplements the Conflicts of Interest Policy. It does not replace or alter any requirement of the Codes of Conduct for the LEP and the Combined Authority,

¹ Including any grant or application under the following funding streams or programmes: Access Innovation, Apprenticeship Grants for Employers, Business Growth Programme, Cycling and Walking Fund, Digital Inward Investment Fund, Growing Places Fund, Resource Efficiency Fund, Strategic Business Growth and Strategic Inward Investment Fund.

nor any other procedure of the LEP or the Combined Authority which addresses conflicts of interest.

Where any conflict of interest arises outside of those specifically required to be registered or declared under any Code of Conduct, a procedure referred to in the Conflict of Interest Policy or this protocol, a member should declare their interests **erring on the side of caution**, in line with the Nolan Principles.

4. Setting policies and strategies relating to loans and grants

Members must follow the relevant Codes of Conduct which set out requirements for registering and declaring interests at meetings. These Codes restrict members' involvement in decision making at formal meetings of the LEP Board, the Combined Authority and committees and panels where a conflict of interest arises.

However, to secure the input of suitable expertise and a range of representative views into the decision-making process, appropriate involvement in matters in which Members may have an interest² is facilitated by exceptions and dispensations granted under the Codes.

Members are not generally precluded from participating in or voting on developing or setting any overarching policy or strategy, including setting criteria against which any application for a loan or grant will be assessed. However, **this is subject to exceptions** such as where a direct financial interest arises.

At any meeting where an item relates to a **change of criteria** for any loan or grant programme in respect of which a member (or a business in which they have registered an interest) has applied for a loan or grant during the previous 24 months (successfully or otherwise), the member should declare the application. Any such declaration should be noted in the minutes of the meeting, but (unless otherwise precluded by the Code) the member may nevertheless participate and vote in the decision.

A member may, however, choose not to participate or vote in the item if they are aware that any proposed change in criteria may affect an application which they (or the business in which they have registered an interest) intend to make for the loan or grant.

Members should check with the Monitoring Officer if they are unsure whether they may participate or vote in relation to any particular item.

² For example, where they are appointed because of their expertise in a particular sector.

5. Applying for a grant or loan

Each application form for a loan or grant to businesses will ask the applicant to declare whether the applicant, any Director(s) or employee(s) of the business, or their spouse or civil partner³, is:

- a) a member of the LEP Board,
- b) a member of the Combined Authority,
- c) a voting member of any committee or panel appointed of the Combined Authority (including any advisory panel which reports to the LEP), or
- d) an employee of the Combined Authority.

All applicants must declare any potential conflicts of interest on their application form. Failure to do so will affect their application – see section 7 below.

To facilitate this, members who (to comply with a Code of Conduct) have registered an interest in any business⁴, must:

- **notify that business of their involvement** with the LEP or the Combined Authority,
- **ask the business to declare their involvement** as a conflict of interest when applying for any relevant loan or grant, and
- **make arrangements for the business to notify them** on any occasion when the business applies for a relevant loan or grant.

Members must also:

- a) **notify the Monitoring Officer⁵** on each occasion where:
 - they apply for a loan or grant, or
 - a business which is registered as an interest on their register of interest applies for a loan or grant⁶,
 - any other interest arises which may be perceived as giving rise to a conflict of interest (for example, where an application is made by a close friend, or family member, or they are related to an officer of the Combined Authority).
- b) so far as reasonably practicable **avoid any personal involvement⁷** with any application to the LEP or the Combined Authority for any loan or grant, or

³ Any reference in this protocol to a spouse or partner should be taken as including any person with whom the member lives as a spouse or civil partner

⁴ Including any business interest of their spouse or civil partner which they are required to register.

⁵ The Executive Support Officer (Private Sector Representatives) may receive notifications from private sector representatives, and the Governance Services Manager from local authority representatives on behalf of the Monitoring Officer.

⁶ This includes any interest of their spouse or civil partner which they are required to register.

⁷ This includes advising on, drafting or signing the application

c) where it is not reasonably practicable to avoid personal involvement with an application:⁸

- **declare on any application form their involvement** if they are not a signatory,
- **not discuss the application verbally** with any officer of the Combined Authority, and
- **communicate only in writing** about the application after it has been submitted.

6. Advising on loan and grant applications

To avoid improper use of “inside information” about the assessment process for applications, where a member’s role includes or has included **advising on individual grant and loan applications from businesses**, no application from them, their spouse or civil partner, or from a business which they have (or should have) registered as an interest under the relevant Code of Conduct shall be considered until **6 months** has elapsed since they carried out that role.

7. Considering loan and grant applications

Every application is considered on its own merits, and no applications are granted unless the eligibility criteria for the loan or grant are met.

No member may participate or vote on any decision-making relating to any application in respect of which they have a conflict of interest.

Members must not seek in any way to improperly influence the outcome of any application which has (or may be) made in which they have an interest.

Where an interest has been declared by an applicant on the application form, and/or a member (or where an interest is otherwise brought to the attention of a relevant Director⁹), the application will not be progressed unless:

a) the Monitoring Officer has confirmed that:

- the member has **registered the business as an interest** on their register in accordance with the requirements of the relevant Code of Conduct, and
- a full and complete **declaration of interest** by the member has been received in relation to the application in accordance paragraph 5 of this protocol.

and

⁸ For example, where they are a sole trader and apply on their own behalf

⁹ Each relevant Director will carry out a **sample audit** of applications at quarterly intervals, to review whether declarations are being made in line with this protocol.

b) the relevant Director has confirmed that:

- a **declaration of interest was made by the applicant** on the application form in accordance with paragraph 5,
- **the member did not discuss the application verbally** with any officer of the Combined Authority after its submission, nor otherwise **seek to improperly influence** the application.

Subject to a) and b) above, where an interest arises, the application should be referred for determination by:

- the Combined Authority's Managing Director, or
- a meeting of the Combined Authority or a relevant committee¹⁰.

An application may only be granted further to a recommendation from a **relevant Director** who has assessed the application, and confirmed that it has been considered on its own merits and meets relevant eligibility criteria.

The decision-maker should take into account any other relevant information which relates to the conflict of interest.

The **record of any decision** about an application where a conflict of interest has arisen must record the conflict of interest declared by the member, and that this protocol has been followed¹¹.

8. Reporting

The Monitoring Officer will **annually report** to the LEP Board and Combined Authority's Governance and Audit Committee on the number and outcome of applications considered in accordance with this protocol **during the financial year** and on any breaches of the protocol.

¹⁰ For example, where the Managing Director considers that they should not exercise their delegated authority in respect of the application.

¹¹ This extends to any published record of the loan or grant.



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Corporate Governance Code and Framework**

Director: Angela Taylor, Director of Resources

Author(s): Angela Taylor

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 approve a revised Corporate Governance Code and Framework.
- 1.2 To consider and approve the Annual Governance Statement for inclusion in the annual statutory accounts.

2. Information

- 2.1 West Yorkshire Combined Authority has previously approved each year a Code of Corporate Governance. This follows the guidance set out by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) with regard to the governance principles that all public authorities should define and against which they should then hold themselves to account.
- 2.2 This guidance was significantly rewritten during 2016 and the revised CIPFA/SOLACE 'Delivering Good Governance in Local Government: Framework 2016' is applicable for the 2016/17 year end onwards. This resulted in a significant redrafting of the Corporate Governance Code and Framework that was approved in June 2017 and subsequently updated in June 2018.

- 2.3 **Appendix 1** sets out a Corporate Governance Code and Framework, using the seven principles recommended by the Framework, with some small revisions compared to the current version. The revisions reflect changes and enhancements undertaken in the year, for example.
- 2.4 As part of the process of assessing, as required by legislation, the effectiveness of the internal control system, an annual governance statement (AGS) is a mandatory element of the annual financial statements. It is in effect a review of how well the Corporate Governance Code and Framework has been applied in the year under review and will also set out any planned improvements and enhancements. The draft AGS as included in the draft accounts issued for public inspection is attached as **Appendix 2**. Minor changes and clarifications to the AGS will be made as the external audit progresses and a final version will form part of the annual accounts to be considered by the Governance and Audit Committee on 23 July 2019.
- 2.5 Members are asked to approve the Corporate Governance Code and Framework and endorse the AGS, noting any further developments planned.

3. Inclusive Growth Implications

- 3.1 There are no inclusive growth implications directly arising from this report.

4. Financial Implications

- 4.1 There are no financial implications directly arising from this report.

5. Legal Implications

- 5.1 There are no legal implications directly arising from this report.

6. Staffing Implications

- 6.1 There are no staffing implications directly arising from this report.

7. External Consultees

- 7.1 No external consultations have been undertaken.

8. Recommendations

- 8.1 That the revised Corporate Governance Code and Framework be approved.
- 8.2 That the Annual Governance Statement be endorsed.

9. Background Documents

There are no background documents referenced in this report.

10. Appendices

Appendix 1 – Corporate Governance Code and Framework
Appendix 2 – Annual Governance Statement

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Corporate Governance Code and Framework

Introduction

The definition of corporate governance is that it is about ‘how bodies ensure they do the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and culture and values, by which bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.’

West Yorkshire Combined Authority has approved and adopted a code of corporate governance which is consistent with the principles of the best practice guidance issued jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE). CIPFA/SOLACE updated this guidance in 2016 with their new framework to assist organisations in ensuring that resources are directed in accordance with agreed policy and according to priorities, that there is sound and inclusive decision making and that there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities. The previous six core principles are replaced by the following seven principles:

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of the law;
- B. Ensuring openness and comprehensive stakeholder engagement;
- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits;
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes;
- E. Developing the entity’s capacity, including the capability of its leadership and the individuals within it;
- F. Managing risks and performance through robust internal control and strong public financial management;
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

The Combined Authority is committed to meeting these principles and this statement sets out how the supporting principles beneath each statement will be achieved, monitored and reviewed. It is the responsibility of the Governance and Audit Committee to keep corporate governance matters under review. As part of this process it undertakes regular reviews throughout the year with a formal review at the year end of the processes and systems in place during the year. This includes the results of the work carried

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out by the internal audit section. The Committee reviews and approves the Annual Governance Statement which forms part of the statutory annual accounts which are subject to external audit.

Principle	Sub principles	Our actions and behaviours to achieve this:
<p>A. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law</p> <p>Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law</p>	<p>We will: Behave with integrity</p>	<ul style="list-style-type: none"> • A Code of Conduct for Members to ensure that high standards of conduct are maintained. The Code has been extended to include private sector Panel members. • Established a procedure outlining arrangements for breaches of the Member Code of Conduct. • An Employee Code of Conduct that sets down standards of behaviour and conduct the Combined Authority expects of its employees. Reference is made to the Code on the Induction Checklist. • Clear decision making processes to ensure that all those responsible for taking decisions have the necessary information on which to do so. • An employee policy for acceptance of gifts and hospitality. • Registers of Members' interests and records of gifts and hospitality are published on the Combined Authority's website. Registers of interest for LEP Board members are also published. • Members' declaration of interests are a standing item on all agendas. Minutes show declarations of interest were sought and appropriate declarations made. • A complaints policy that is published on the Combined Authority's website and is supported by an on-line form. A complaints policy has been developed for decisions of the LEP and published on the website. • A whistle blowing policy is on the website.
	<p>We will: Demonstrate strong commitment to ethical values</p>	<ul style="list-style-type: none"> • Policies and procedures that make up the constitution which sets out delegations of the Combined Authority, committees and senior officers, and the decision making process to be applied. It also emphasises that the Combined Authority will act within the law. Similar processes are in place for the activities of the LEP Board. • Terms of Reference that exists for all committees.

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		<ul style="list-style-type: none"> • Organisational values redefined during 2016/17 continue to be developed and embedded to ensure they influence the required behaviours for employees for the new organisation.
	We will: Respect the rule of the law	<ul style="list-style-type: none"> • The Head of Legal and Governance Services is designated as the council's Monitoring Officer and attends all Combined Authority and LEP Board meetings • An Anti-Fraud, Bribery & Corruption Policy Strategy which is supported by a Fraud Response Plan, Anti-Bribery Policy and Whistleblowing Policy. There is a Whistleblowing procedure for employees and customers to report irregularity and fraud. • Maintenance of records of legal advice provided by officers

Principle	Sub principles	Our actions and behaviours to achieve this:
<p>B. Ensuring openness and comprehensive stakeholder engagement.</p> <p>Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders. NB: institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and</p>	We will: Be open	<ul style="list-style-type: none"> • Adoption of a Publication Scheme that describes the kinds of information available and provides guidance about how to access personal information and submit a Freedom of Information request. Details are on the Combined Authority's website • Adoption of a standard reporting format in relation to all committee and advisory panel reports. • Agendas, reports and minutes of all meetings are published on the Combined Authority's website. Meetings are open to the public unless in the case of exempt items and the Combined Authority's meetings are live streamed. • Dates for submitting, publishing and distributing reports in accordance with statutory requirements are set and adhered to.
	We will: Engage comprehensively with institutional stakeholders	<ul style="list-style-type: none"> • Ongoing partnership arrangements with District authorities are in place and under continuing development. During 2017/18 a programme of regular briefings with members of partner authorities commenced, supported by a regular partner e-newsletter and this has continued throughout 2018/19. • A Memorandum of Understanding is in place with the West Yorkshire universities, setting out areas of common interest.

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<p>suppliers as well as other public or third sector organisations) or organisations to which they are accountable</p>		<ul style="list-style-type: none"> • The Combined Authority fosters close links with the local District Councils, facilitated by the appointment of senior politicians from these Districts to the Combined Authority. The Chair of the Leeds City Region Enterprise Partnership (LEP) sits on the Combined Authority to assist in ensuring close working with local businesses.
	<p>We will: Engage with individual citizens and service users effectively</p>	<ul style="list-style-type: none"> • The Combined Authority seeks views from individuals, organisations and businesses on a number of areas including strategies, policies and detailed projects, using a variety of means including face to face and online. Information on and links to current consultations are published on the website using the Yourvoice portal. • The consultation team is part of the communications team to ensure its activity is linked with ongoing communications and ensure each consultation exercise can best meet its planned objectives. Consultation across the Combined Authority is increasingly managed using a calendar of planned activities. • The Combined Authority has arrangements to engage with all sections of the community including hard to reach groups and businesses. District Consultation Sub-Committees and the youth forum consider transport matters and there is extensive engagement with business through the LEP Panels and other mechanisms. • The annual tracker survey seeks views on satisfaction with public transport and highways matters. • The consultation arrangements cover much of the public facing operational roles.

Principle	Sub principles	Our actions and behaviours to achieve this:
<p>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.</p> <p>The long-term nature and impact of many of local government's responsibilities mean that it should</p>	<p>We will: Define outcomes</p>	<ul style="list-style-type: none"> • The Strategic Economic Plan (SEP), adopted by both the Combined Authority and the LEP, sets out the vision for the city region to be a globally recognised economy and sets out ambitious plans to drive growth. • Core strategic plans that further develop the SEP as well as a corporate business plan that sets out detailed plans and measurable outcomes.

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<p>define and plan outcomes and that these should be sustainable. Decisions should further the organisation’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p>		<ul style="list-style-type: none"> • Programmes and projects are assessed against the assurance framework with outcomes set and confirmed when they are approved to progress. • Leadership team and Combined Authority and LEP Boards receive performance monitoring reports at regular intervals based on the corporate plan which sets out clear KPIs that are outcome focussed.
	<p>We will: Provide sustainable economic, social and environmental benefits</p>	<ul style="list-style-type: none"> • The SEP clearly identifies 4 strategic priorities that together will enable the Combined Authority to deliver good growth – it’s operational and investment decisions are guided by the SEP. • The Combined Authority applies social value principles in its evaluation of large service contracts and contracts for implementing any projects funded through the Growth Deal to ensure suppliers maximise opportunities to improve the social, economic and environment condition of our local area. • The Combined Authority has established a working group on Inclusive Growth and has embedded responsibility for progressing this work within the policy and strategy team. Inclusive growth is at the heart of the Local Industrial Strategy which is being developed with partners and stakeholders for completion later this year.

Principle	Sub principles	Our actions and behaviours to achieve this:
<p>D. Determining the interventions necessary to optimise the achievement of the intended outcomes</p> <p>Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local</p>	<p>We will: Determine interventions</p>	<ul style="list-style-type: none"> • The strategic priorities of the SEP shape the decision making of the Combined Authority and ensure interventions are prioritised to deliver the aims and objectives of the Combined Authority. The statutory Local Transport Plan – the Transport Strategy - sets out specific transport interventions and the planned outcomes. • Detailed business plans for each operational area are drawn from the corporate plan which is driven by the SEP. • The format of decision making reports to ensure that all relevant information is considered such as analysis of options and resource implications. Options are clearly defined and analysed to ensure decisions are based on the best possible information.

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<p>government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised</p>		<ul style="list-style-type: none"> • Project appraisal processes seek to ensure maximum value for money from investments. The assurance framework is applied to these projects and ensure that they are effectively assessed (in terms of analysis of options, resource implications and strategic outcomes) and evaluated before approval is sought to proceed and that outcomes are achieved.
	<p>We will: Optimise achievement of intended outcomes</p>	<ul style="list-style-type: none"> • The annual budget is prepared for scrutiny and approval by Members and published in line with agreed priorities and the medium term financial strategy. Budget plans are shared in advance with partner local authorities. • The assurance framework provides the means to assess projects in terms of outcomes to enable a prioritisation of interventions. • We will continue to seek regular re-accreditation of the Customer Service Excellence award to confirm we meet customer service needs.
	<p>We will: Plan interventions</p>	<ul style="list-style-type: none"> • The corporate plan sets out the planned interventions for the coming year. Longer term plans are included in detailed strategies such as the Transport Strategy and the SEP. • Leadership team and Combined Authority and LEP Boards receive performance monitoring reports at regular intervals based on agreed actions and targets for the year.

Principle	Sub principles	Our actions and behaviours to achieve this:
<p>E. Developing the entity’s capacity, including the capability of its leadership and the individuals within it</p> <p>Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve intended outcomes</p>	<p>We will: Develop the entity’s capacity</p>	<ul style="list-style-type: none"> • The Combined Authority has now implemented much of its detailed change programme - One Organisation - that seeks to ensure the Combined Authority is clear on its objectives and deliverables. Part of this work is ensuring that the directorate structures and skill sets of employees within them are able to deliver the Combined Authority requirements and a process of organisational redesign and process redesign is now partially complete. • A training and development plan sets out how employees will be developed. • A People Development Strategy including an action plan is under development.

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<p>within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.</p>	<p>We will: Develop the capability of the entity's leadership and other individuals</p>	<ul style="list-style-type: none"> • A Protocol on Member/Officer Relations assists both Members and officers achieve good working relationships in the conduct of Combined Authority business. • A Scheme of Delegation is in place and is reviewed annually in light of legal and organisational changes. • Officers are appointed using competency based role profiles. Managers are required to set clear objectives for each employee and to then measure their performance against these competencies and objectives. Appropriate training and support is provided to assist in meeting these. • There is a mandatory induction programmes for all employees and training for new members joining the Combined Authority. • An apprenticeship scheme is in place offering training, skills and experience in a range of areas. • Health and Safety policies designed to protect and enhance the welfare of staff are actively promoted and monitored.
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Principle	Sub principles	Our actions and behaviours to achieve this:
<p>F. Managing risks and performance through robust internal control and strong public financial management</p> <p>Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates</p>	<p>We will: Manage risk</p>	<ul style="list-style-type: none"> • A risk manual sets out risk management arrangements that are embedded across all service areas and help inform decision making. This includes the risk appetite statement and risk management policy. • Arrangements for risk are kept under review by a Regulatory and Compliance Board (with representation from all Directorates) and the Member Governance and Audit Committee, with regular reporting to the Combined Authority and LEP Boards. • Risk registers developed for all projects, with the assurance framework ensuring these are properly maintained. Directorate risk registers have also been developed that are linked to team level registers and which enable risks to be escalated to the corporate register as necessary.

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<p>effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority</p>		<ul style="list-style-type: none"> • Business continuity arrangements are in place and have recently been refreshed and updated. Incident response arrangements have also been updated and tested. • An officer Health and Safety Committee ensures compliance with HSAWA and ensures a system is in place for the management of health and safety risks. • An internal audit team undertakes an annual programme of risk based audits and reports back on these to the Governance and Audit Committee.
	<p>We will: Have strong public financial management</p>	<ul style="list-style-type: none"> • The Director, Corporate Services is designated section 73 Officer and ensures compliance with matters of financial regulation and control. • Financial procedures are documented in the Financial Regulations and detailed procedures exist as required at an operational level within the central Finance team. A full Financial Procedures manual will be developed during the year to detail further the financial processes that officers need to follow. • Annual accounts are produced promptly and presented for external audit in accordance with statutory timescales. • The financial position is reported quarterly to Governance and Audit Committee and monthly to Combined Authority / Leadership Team. • The Combined Authority participates in the bi-annual National Fraud Initiative whereby final records are shared / matched / potential frauds investigated across public authorities.
	<p>We will: Manage performance</p>	<ul style="list-style-type: none"> • Key indicators have been identified which support the corporate plan which sets out the actions required in year to deliver the SEP. These corporate KPIs will be set at the start of each year and performance managed against them. • The Scrutiny Standing Orders provide for the Overview and Scrutiny Committee to call in any Combined Authority decision. Throughout the year the Overview and Scrutiny Committee has a programme that it defines and that enables it to consider policy and objectives before, during and after decisions are made. A Scrutiny Officer has been appointed to provide full support to this Committee.

		<ul style="list-style-type: none"> • Agendas, minutes of Overview and Scrutiny meetings and any associated reports with recommendations to the Combined Authority are published on the Combined Authority's website. • Contracts Standing Orders and Financial Regulations set out the Authority's arrangements and ensure that processes continue to operate consistently. These are updated annually.
	We will: Have robust internal controls	<ul style="list-style-type: none"> • An annual report is produced by Internal Audit which provides an opinion on the Combined Authority's control environment, and a self-assessment of its arrangements against the public sector internal audit standards and CIPFA's guide to the role of the Head of Internal Audit. • Financial Regulations ensures responsibility and controls over expenditure are clearly assigned. • The Annual Governance Statement (AGS) is produced for inclusion in the annual accounts that are subject to review and approval by the Governance and Audit Committee. • The Governance and Audit Committee oversees the management of governance issues, internal controls, risk management and financial reporting with the latter reported to every full Combined Authority meeting • The Governance and Audit Committee Terms of Reference are reviewed annually and revised to reflect professional bodies' expectations and best practice.
	We will: Manage data	<ul style="list-style-type: none"> • Procedures for the effective, fair and lawful processing of data are set out in the Data Protection Policy and supporting information governance framework. The Combined Authority will be compliant with the requirements of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (Data Protection Legislation). • The Combined Authority's ICT policies control access to the network and data held on it, with information regarding the use of passwords and sharing of data set out. These policies have recently been reviewed and updated. • Effective information sharing is undertaken in accordance with the Data Protection Legislation and the Combined Authority's Data Protection Policy.

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		<ul style="list-style-type: none"> • Data Subjects are informed why their personal information is being collected and how it will be processed (including when shared with other bodies) through the appropriate form of privacy notices. These processes have been updated in the light of the new requirements contained within the Data Protection Legislation. • Information Sharing Agreements are in place to document the sharing of information with other organisations. • Data verification and validation processes are integrated within systems and processes.
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Principle	Sub principles	Our actions and behaviours to achieve this:
<p>G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability</p> <p>Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.</p>	<p>We will: Implement good practice in transparency</p>	<ul style="list-style-type: none"> • Agendas, reports and minutes for Combined Authority and LEP Boards, Panels and formal committees are published on the Combined Authority website in accordance with statutory deadlines. • Adoption of the Transparency Code and a Publication Scheme providing information on the website regarding Combined Authority business, expenditure and governance. The process for making Freedom of Information requests is clearly set out on the website. • The Combined Authority moved to the live streaming of Combined Authority meetings in 2017. The LEP Board holds its meetings in public with papers published online five days beforehand.
	<p>We will: Implement good practices in reporting</p>	<ul style="list-style-type: none"> • Annual Financial Statements are compiled, published to timetable and included on the Combined Authority’s website. This includes the Annual Governance Statement (AGS) • The external auditor’s report on the accounts is published on the website. • An annual business plan is published which also includes a review of achievements in the previous year.
	<p>We will: Provide assurance and effective accountability</p>	<ul style="list-style-type: none"> • The AGS sets out the Combined Authority’s governance framework and the results of the annual review of the effectiveness of the Combined Authority’s internal controls and governance arrangements. • An effective internal audit service is resourced and maintained. The team has direct access to members if required and provides assurance

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		<p>on governance arrangements via an annual report containing an opinion on the Combined Authority's internal control arrangements.</p> <ul style="list-style-type: none">• External Audit provides an annual opinion on the Combined Authority's financial statements and arrangements for securing value for money.• The assurance framework governing investment decisions is reviewed annually and compliance with official guidelines reported to government.
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West Yorkshire Combined Authority Annual Governance Statement 2018/19

1. Scope of Responsibility

West Yorkshire Combined Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Combined Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Combined Authority is also responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions including arrangements for the management of risk. The Combined Authority annually approves a Code of Corporate governance consistent with the principles of CIPFA Solace framework "Delivering good governance in Local Government". This framework was updated in 2016 and a revised Corporate Governance Code and Framework approved in 2017 that reflected the new format and content.

In accordance with the Accounts and Audit Regulations 2015 this Annual Governance Statement (AGS) considers compliance with the Corporate Governance Code and Framework, and sets out how the Combined Authority 'ensures that the financial management is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions and which includes arrangements for the management of risk.'

2. The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the Combined Authority is directed and controlled and its activities through which it accounts to and engages with the community. It enables the Combined Authority to monitor the achievement of strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services for its customers.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Combined Authority's policies, aims and objectives, to evaluate the likelihood of those risks being realised and their impact should they be realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at the Combined Authority throughout the year ended 31 March 2019 and up to the date of approval of the financial statements.

3. The governance framework

There are a number of key elements of the systems and processes that comprise the Combined Authority's governance arrangements. These are set out in the revised Corporate Governance Code and Framework which has been approved by the Combined Authority and which is available on its website. The Combined Authority took on accountable body status for funding awarded to the Leeds City Region Enterprise Partnership (LEP) from 1 April 2015 and governance arrangements reflect this responsibility and continue to develop to further enhance this. During 2017/18 a review of these arrangements resulted in formalising the LEP advisory panels that provide policy direction and guidance to the LEP Board and these arrangements remained in place for 2018/19, with ultimately financial approvals provided by the Combined Authority.

- a) Corporate policies and objectives are set and communicated by the Combined Authority. The Combined Authority has clearly defined its ambitions to work with its partners across the region to effect economic growth in the Leeds City Region; these ambitions are set out in the Strategic Economic Plan (SEP). The SEP presents investment priorities across the four pillars of growing business, developing a skilled workforce, clean energy and environmental resilience and delivering the infrastructure for growth. The SEP has been endorsed by both the LEP and Combined Authority Boards and is kept under review to ensure it continues to align with the region's needs and recognises relationships with new and emerging strategies such as the Local Industrial Strategy.
- b) The LEP panels (with their public and private sector representation) are integrated into the Combined Authority's decision making process as advisory committees, thus providing a consistent, accountable and transparent framework across both the LEP and the Combined Authority, so far as possible. The status of the advisory committees brings the panels under the statutory provisions relating to local authority meetings and the Combined Authority's Members' Code of Conduct.
- c) A review of LEP governance and transparency was carried out during 2017/18 which considered local arrangements and recommendations from the DCLG Review of Local Enterprise Partnership Governance and Transparency (reported by Mary Ney in October 2017). This review led to the adoption of a LEP constitution and associated procedures. All documents were reviewed by the LEP, further to the publication by Government of the revised National Local Growth Assurance Framework guidance. All governance documents comply with the guidance published by Government. The outcome of the most recent Annual Conversation carried out by the Cities and Local Growth Unit confirmed that the LEP's governance is considered to be good. This reflected the combined structures implemented during 2017 and the continuous improvement approach to assurance and governance as demonstrated by the review of LEP transparency.
- d) The statutory Local Transport Plan (LTP) was comprehensively revised, and, following public consultation in 2016, the West Yorkshire Transport Strategy was adopted by the Combined Authority on 3 August 2017 and sets out a step change in the quality and performance of the transport system within West Yorkshire and its connections with the rest of the country. It sits within the policy framework of the Combined Authority, with the development of a Leeds City Region Industrial Strategy

at its heart, targeted at placing the City Region on the front-foot with an ambitious policy platform that improves competitiveness and drives inclusive growth outcomes.

- e) A suite of supporting plans and strategies set out further detail on a range of priority areas, including housing and regeneration, digital infrastructure, green infrastructure, skills and trade and investment. The work underway on the Local Industrial Strategy will bring these together to enable a clearer focus on driving economic growth.
- f) The Leeds City Region Assurance Framework is in line with national best practice and is peer reviewed and updated on an annual basis building on existing good practice and reflecting any changes in both government guidance and improvements to the Combined Authority's procedures. The Assurance Framework was comprehensively reviewed during 2018/19, to comply with the revised National Local Growth Assurance Framework Guidance. Changes were considered and endorsed by a working group of the Overview and Scrutiny Committee and further considered by the Governance and Audit Committee, the LEP Board and the Combined Authority. It supports decision making on projects and guides investment decisions across the full portfolio of capital interventions. It sets out the appropriate safeguards and processes to be put in place to ensure the proper use of public funds and that value for money is secured and outcomes are clearly agreed when investing in schemes. This includes the prioritisation process for identifying the schemes that are included for funding with a three stage approval process now in place to enable the prioritisation of schemes. As a minimum all projects will formally need to pass decision points 2 and 5 as set out below, with the requirement to meet the intervening activities deemed on a project by project basis. The Investment Committee will consider the majority of projects at these points with the Combined Authority approving all schemes at decision point 2, with subsequent decisions delegated thereafter to the Investment Committee and/or Managing Director (as appropriate).



- g) The Combined Authority's scrutiny arrangements consist of a politically balanced Overview and Scrutiny Committee of 18 members co-opted from the five West Yorkshire Councils and York. In November 2018, a new Chair was appointed following the previous Chair's resignation as a councillor. This year the committee has scrutinised the budget, business grants performance, job creation, apprenticeships, strategic transport priorities and the Assurance Framework. In addition, the committee has maintained an overview of developments in devolution, the LEP Review, business planning, accessibility and rail performance issues through two working groups ('LEP Review' and 'Transport'). The committee's annual report which is a summary of work undertaken and recommendations made in the 2018/19 municipal year, was considered by the LEP Board at its annual meeting on 6 June 2019, and by the Combined Authority at its annual meeting on 27 June 2019.

In addition the Combined Authority continues to assist and advise local Council scrutiny enquiries where the topics affect its sphere of activity. The District Consultation Sub-Committees in each partner council give a level of local

involvement and allow an opportunity to obtain feedback on changes to transport policy and services.

- h) The Combined Authority's Governance and Audit Committee is responsible for overseeing the effective operation of the systems of governance, risk management, internal control (including internal audit) and treasury management. It has responsibility for the approval of the annual accounts. In accordance with changes in legislation an independent member was appointed to the Committee by the Combined Authority at its meeting on 28 June 2018, who chaired the committee during the last municipal year. An officer Regulatory and Compliance Board chaired by the Director, Corporate Services, provides an operational level management and review of internal control, risk, health and safety, information security and governance arrangements in place.
- i) Staff roles are defined and documented through role profiles. These set out clear competencies and accountabilities for each role and are key to making successful recruitment decisions. Appointments have been made to all the posts required by statute, including Head of Paid Service (which forms part of the Managing Director's role), s73 Officer (Director, Corporate Services), and the Monitoring Officer (Head of Legal and Governance Services).
- j) Staff behaviours are guided by Combined Authority's values and its Code of Conduct and a similar Code exists for elected Members; both employees and Members are required to maintain a register of interests. A code of conduct for LEP Board members has been approved and all Board members completed registers of interest which are available for inspection on the Combined Authority website. The values and behaviours expected of all employees defined in 2016/17 have been further developed and embedded.
- k) The Combined Authority conforms to the requirements of the CIPFA *Statement on the Role of the Chief Financial Officer in Local Government (2015)*. The Chief Financial Officer is the Director, Corporate Services who is a key member of the leadership team and is responsible for the proper administration of the Combined Authority's financial arrangements through a suitably qualified and resourced finance function.
- l) An internal team provide the internal audit service to the Combined Authority. Public Sector Internal Audit Standards (PSIAS) require the purpose, authority and responsibility of the internal audit activity to be defined in an internal audit charter, consistent with the definition of Internal Auditing, the Code of Ethics and the Standards. The Internal Audit Charter establishes internal audit's position within the organisation, including the mandatory nature of the Chief Audit Executive's role; functional reporting relationship with the management team; authorises access to records, personnel and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities.
- m) Compliance with established procedures, laws and regulations is ensured by a system that requires all decisions to set out all legal and financial implications. Schemes of officer delegation ensure that decisions are made at the appropriate level within the Combined Authority. Procedures and policies are in place to ensure compliance with the Freedom of Information Act, Data Protection Act and Health and Safety requirements. A whistleblowing policy and guidance notes are available on the

website. Regular reviews and exception reporting are conducted through the officer Regulatory and Compliance Board and through the Member Governance and Audit Committee, including arrangements for risk management.

- n) Risk management is embedded in the activities of the Combined Authority. A Corporate Risk Management Strategy, including a risk policy and risk appetite statement, has been endorsed by the Governance and Audit Committee and sets out the way in which risks are identified, recorded and monitored. A review of the risk management arrangements commenced during 2017/18 with oversight provided by the Governance and Audit Committee and findings of that review are covered in Section 4 – Review of Effectiveness. The risk appetite and a revised corporate/strategic risk register has been is regularly reviewed by the Governance and Audit Committee and the Combined Authority members.
- o) Communication on transport operational matters has taken place with stakeholders through the District Consultation Sub-Committees and Operator Groups. Consultation events have taken place during the year on the Strategic Economic Plan, the Single Transport Plan, major schemes and the bus area network reviews which have successfully sought to contain costs but retain accessibility for bus users. In addition we are building in youth engagement as we develop our bus and transport strategy.
- p) A system of formal procedures, Contracts Standing Orders and Financial Regulations protect the organisation. These are reviewed and approved annually. In February 2017 the Combined Authority approved a revised procurement strategy that seeks to ensure increased transparency in decision making and a focus on encouraging inclusive growth. Procedural manuals and notes underpin these and ensure the reporting of financial transactions is properly managed. Officer schemes of delegation are also considered on an annual basis.
- q) External reviews carried out by auditors and other agencies to achieve Customer Service Excellence and other accreditations with any recommendations identified creating a work plan for future improvements.
- r) With regard to the transport ticketing systems the Combined Authority has in place arrangements whereby an enhanced assurance statement is sought from Northern stating that their systems have operated adequately with no material errors or weaknesses. Sales through the Payzone network are reconciled to the back office system ensuring that the proceeds from such card sales are fully reimbursed to the Combined Authority.

4. Review of Effectiveness

The Combined Authority has responsibility for conducting, at least annually, a review of the effectiveness of the system of internal control. This review is informed by the work of the Internal Audit section and that of management within the Combined Authority who have responsibility for the development and maintenance of the internal control environment, and also by comments made by external auditors.

The Combined Authority has in place a system based on a framework of contract standing orders, financial regulations and administrative controls including codes of conduct and administrative policies and procedures. All key administrative controls and financial

instructions are reviewed on a regular basis by the Combined Authority's management with internal audit undertaking reviews based on risk. Contract standing orders and financial regulations are updated as required and re-approved annually by the Combined Authority at its Annual Meeting. In terms of financial accounting the Combined Authority utilises a core financial system which is tested and evaluated annually by internal and external audit. During the last year the Chief Financial Officer has provided to the Governance and Audit Committee a regular confirmation that key controls have been operating in the period. Regular reports are also provided to the Regulatory and Compliance Board (previously considered by the Audit and Risk Management Group) that key controls have been operating in the period.

One of the key responsibilities within the Combined Authority is to determine, agree and monitor the annual budget. This responsibility involves setting an appropriate budget to fulfil the resource requirements of the Combined Authority in undertaking its transport, economic development and regeneration activities. This budget is an integrated one for the full breadth of the activities of the Combined Authority, including the bringing together of transport and economic policy funding. The organisational redesign and restructuring work largely completed during 2017/18, ensures that the most effective arrangements are in place to enable delivery of the Combined Authority's objectives and the budget has been redefined to follow these new arrangements.

The budget setting process requires a comprehensive budget report to be presented to the full Combined Authority which gives a detailed forecast outturn for the current financial year and the proposed budget for the forthcoming financial year. The budget process is overseen and scrutinised by Members through the Member Budget Working Group, Overview and Scrutiny Committee, Governance and Audit Committee and the Combined Authority and is shared with the LEP Board.

Regular review of revenue and capital budgets is undertaken by senior management with regular updates to the Combined Authority presented through the year.

Within the Combined Authority budgetary responsibility is devolved to Budget Holders and Controllers who are responsible for monitoring and controlling their assigned budget. Regular budget performance reports are prepared by Finance for those charged with governance to ensure ongoing budgetary control is achieved.

The Treasury Management function for the Combined Authority is undertaken in conjunction with Leeds City Council. Their internal audit section provide an annual certification confirming the work they have undertaken during the year and their conclusions reached.

An internal team provides the internal audit resource for the Combined Authority. The work of Internal Audit is informed by an assessment of risk and a strategic audit plan is devised based on these assessments. This plan and the audit reviews are submitted to the Combined Authority's Governance and Audit Committee for consideration and approval. Regular update reports are provided to the Governance and Audit Committee by the Internal Audit Manager, including progress made on the implementation of audit recommendations. Within the Combined Authority the Pentana system is used to monitor progress in implementing audit recommendations and is regularly reviewed by the directorate management teams and the officer Regulatory and Compliance Board.

From the work undertaken during the financial year 2018/19 and taking into account other sources of assurance, Internal Audit have reached the opinion that, overall, the Combined

Authority's framework of control and governance is operating adequately. Risk management arrangements have improved during 2018/19, though further development continues and therefore only partial assurance can be provided until that work is completed.

The Combined Authority continues to review, develop and refine its Assurance Framework to ensure that there is greater accountability and improved governance with regard to the management and delivery of projects. As part of the Delivery Directorate, a Portfolio Management Office manages a three stage pipeline approval process, designed to support the Leeds City Region Assurance Framework. All partner authorities delivering schemes funded by the Combined Authority follow this framework and close working with partner authorities is key to successful delivery of the wide ranging portfolio.

Regular reports are provided to the Investment Committee and the Combined Authority on progress with Local Growth Deal schemes, including the projects within the West Yorkshire plus Transport Fund.

The Combined Authority has in place risk management arrangements that are continually reviewed and improved. Reviews of risk take place at directorate management team level, supported by guidance on the identification, assessment and reporting of risk. The risk appetite statement is regularly reviewed and changes approved. An officer Regulatory and Compliance Board meets on a periodic basis to ensure consistency in the assessment and management of risk and to provide an overview of the process. The Combined Authority's strategic risk register has been updated during the year and is considered regularly by the Governance and Audit Committee and reported to the Combined Authority meeting as part of the regular corporate performance management report.

Building on the work that was done in late 2017 to review and update the Combined Authority's risk management framework, work has continued in 2018/19 to further develop and embed risk management arrangements across the organisation. This has included work to consolidate all risk registers throughout the organisation and to ensure that risk is considered consistently in line with the principles set out in the Corporate Risk Management Strategy. In 2018/19 significant work has been undertaken to further embed a risk awareness culture, which has been supported by the introduction of additional risk guidance documents to disseminate information about the approach to identifying, treating and assessing risks. In addition a series of practical risk workshops have also been held with a variety of groups across the organisation and standard agenda items on risk have been embedded into management meetings through the refresh of internal governance arrangements that took place in autumn 2018.

Internal Audit's Quality Assurance and Improvement Program ensures that activity is assessed against the requirements of professional standards, the definition of Internal Audit and the Code of Ethics as specified by the Institute of Internal Auditors.

An independent external quality review which assessed the Internal Audit function in relation to compliance with Public Sector Internal Auditing Standards (PSIAS) was completed during the year. The conclusion was that the Internal Audit activity generally conforms to the definition of internal auditing, the Code of Ethics and the PSIAS. An action plan was determined to address recommendations for further development of the function.

The Combined Authority has reviewed its systems of internal control, including the internal audit function and concluded that it complies with the requirements of PSIAS and the Local Government Application Note.

5. Programme of Improvement

During 2018/19 the Combined Authority continued to progress its 'One Organisation' Transformation Programme aimed at ensuring the Combined Authority has the right structures, processes and people to enable the successful delivery of its objectives and priorities. Significant progress has been made with regard to recruiting to new structures and subsequent alignment of budgets, corporate plans and the embedding of the new set of values and behaviours. This has been accompanied by an increased focus on transparency in decision making across both the Combined Authority and the LEP Board.

Significant work has been undertaken to ensure compliance with the requirements of the General Data Protection Regulation which came into force on 25 May 2018. Work is continuing to ensure information security arrangements remain up to date and are regularly monitored and reported.

Work is underway to review the internal governance arrangements to ensure they align to best effect with the revised committee and advisory panel arrangements and that delegations are exercised to best effect to enable transparent, accountable and effective decision making.

A dedicated Scrutiny Officer post is in place to support the Overview and Scrutiny Committee. Further improvements with regard to the transparency of project delivery are planned for the summer as part of upgrades to the website.

6. Significant Governance Issues

This section considers any significant issues that have arisen during the year. This is by exception only.

No such significant issues have arisen in the year.

We are satisfied that an effective system of internal control has been in place throughout the financial year and is ongoing.

Throughout 2018/19 the Combined Authority has demonstrated an ongoing commitment to best practice and good corporate governance consistent with the principles of the CIPFA/SOLACE Framework in Local Government and this is clearly demonstrated by the adoption of an updated Corporate Governance Code and Framework which captures and summarises these updated principles. We are also satisfied with the improvements that are continuing under the guidance of the Governance and Audit Committee.

Councillor Hinchcliffe

B Still

Chair

Managing Director

July 2019



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Members' Allowances Scheme**

Director: Angela Taylor, Director of Corporate Services

Author(s): Caroline Allen

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 consider and approve the West Yorkshire Combined Authority's (the Combined Authority's) Members' Allowances Scheme.

2. Information

- 2.1 The Head of Legal and Governance Services has reviewed the Combined Authority's Members' Allowances Scheme. As part of this review, allowances schemes adopted by the Combined Authority's constituent councils have been reviewed, but no changes have been made to those schemes which impact on the Combined Authority's Scheme.
- 2.2 No substantive amendments are proposed to the Members' Allowances Scheme adopted at the last annual meeting of the Combined Authority, although minor amendments are proposed for updating or clarification and it is also proposed that taxi use is subject to agreement in advance by the Monitoring Officer, where reasonably practicable. The amendment is highlighted in the Scheme, attached as Appendix 1.

3. Inclusive Growth Implications

3.1 None.

4. Financial Implications

4.1 The total amount payable in any municipal year in respect of allowances and expenses varies according to the number of members, and also claims made.

5. Legal Implications

5.1 The West Yorkshire Combined Authority Order 2014 which established the Combined Authority provides that no allowances (except in relation to travelling and subsistence) can be paid to the ten members of the Combined Authority.

6. Staffing Implications

6.1 None.

7. External Consultees

7.1 The statutory duty to consider recommendations of an Independent Remuneration Panel does not apply to the Combined Authority (although the Combined Authority's practice is to seek Panel recommendations in respect of any substantive change).

8. Recommendations

8.1 That the Combined Authority adopts the Members' Allowances Scheme attached as Appendix 1 to this report, for the municipal year 2019-2020.

9. Background Documents

9.1 None.

10. Appendices

Appendix 1 – West Yorkshire Combined Authority Members' Allowances Scheme



West Yorkshire Combined Authority Members' Allowances Scheme Municipal Year 2019/20

The West Yorkshire Combined Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations"), hereby makes the following scheme:

1 This scheme may be cited as the West Yorkshire Combined Authority Members' Allowances Scheme, and shall have effect for the municipal year 2019/20. It shall continue in force, as amended from time to time, until revoked or amended.

2 In this scheme:

"Member of the Combined Authority" means a member of the Combined Authority appointed in accordance with Schedule 1, paragraph 1 of the Combined Authority Order 2014.

"Co-opted Member" means a person who is not a member of the Combined Authority but who is co-opted to any committee or sub-committee of the Combined Authority¹.

"Member" means a Member of the Combined Authority or a Co-opted Member as defined above.

"annual meeting" means the Combined Authority's annual meeting held each year.

3 Any Member of the Combined Authority (as distinct from a Co-opted Member) is entitled only to travel and subsistence expenses and no other allowances under this Scheme.

¹ For the purposes of claiming travel and subsistence expenses and dependants carers' allowances only, any reference to a Co-opted Member shall be taken to include any public representative appointed by the Combined Authority in respect of attendance at any meeting of a relevant District Consultation Sub-Committee.

4 The basic and special responsibility allowances shall be paid to the Co-opted Members of those committees set out in Schedule 1.

5 1-Special Responsibility Allowance (SRA) only rule

A Co-opted Member can only receive one SRA from the Combined Authority.

6 Travel and Subsistence Expenses – Approved Duties

A Member of the Combined Authority or Co-opted Member may reclaim any costs they incur provided the costs are incurred whilst engaged on Approved Duties set out in Schedule 2 and within the limits specified in Schedule 3.

7 Dependants Carers' Allowance

The Combined Authority pays a dependants carers' allowance subject to the following terms and conditions:-

Childcare element

- maximum rate payable = £7.65 per hour
- care must be provided by a registered child minder

Other Dependants element

- maximum rate payable = the hourly cost of a Home Help carer payable by Leeds City Council

For both types of care, there is a monthly cap of £100, regardless of type or number of dependants. Receipts are required. The approved duties for which the dependants carers' allowance may be claimed are set out in Schedule 2.

8 Implementation and backdating of recommendations

The allowances are implemented from the date of the annual meeting and paragraph 11 applies.

9 Renunciation of entitlement to allowances or expenses

Any Member of the Combined Authority or Co-opted Member may by notice in writing given to the Head of Legal and Governance Services elect to forego all or any part of their entitlement to an allowance or other expenses under this scheme.

10 Part year Entitlements

- (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Co-opted Member to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that member becomes, or ceases to be, a Co-opted Member, or

accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (2) If an amendment to this scheme changes the amount to which a Co-opted Member is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
 - (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

- (3) Where the term of office of a Co-opted Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Co-opted Member does not subsist throughout the whole, or any period mentioned in sub-paragraph (2)(a), the entitlement of any such member to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which their term of office as a member subsists bears to the number of days in that period.
- (5) Where a Co-opted Member has during part of, but not throughout, a year such special responsibilities as entitle them to a special responsibility allowance, that member's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which they had such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Co-opted Member has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as to entitle them to a special responsibility allowance, that member's entitlement shall be to payment of such part of the allowance referable to each such period

(ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

11 Claims and Payments

- (1) A claim for travelling and subsistence allowances under this scheme shall be made in writing **within three months** of the date of the duty in respect of which the entitlement to the allowance arises.
- (2) A claim for all allowances under this scheme or any allowance under any other provisions shall include, or be accompanied by, a **statement signed by the claimant** that they have incurred the actual expenditure shown on the claim, and have not made and will not make any other claim either to this or any other organisation in respect of the matter to which their claim relates, subject to:
 - in the case of **travelling expenses**, the amount being in line with the Combined Authority's policy to reimburse the lower of standard class bus or rail fares or the appropriate car allowance rates, and
 - in the case of **subsistence expenses**, the amount not exceeding the maximum authorised by the Combined Authority in Schedule 3 of the scheme.
- (3) Subject to any external timing constraints, payments shall be made:-
 - (a) in respect of **basic and special responsibility allowances**, subject to sub paragraph (2), in installments of one-twelfth of the amount specified in this scheme on the last Thursday of each month;
 - (b) in respect of **travelling and subsistence expenses**, on the last Thursday in each month for all fully completed claims received by the end of the previous week; and
 - (c) in respect of a large expense claim, suitable arrangements will be made where specially requested by the Member concerned.
- (4) Where a payment of one-twelfth of the amount specified in this scheme in respect of basic allowance or a special responsibility allowance would result in the Co-opted Member receiving more than the amount to which, by virtue of paragraph 8, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

12 Duplication of allowances and expenses claims

No Member may receive an allowance or expenses from more than one authority in respect of the same duties².

² The Combined Authority will withhold a SRA allowance under this provision where an authority has confirmed that a Co-opted Member is carrying out duties for the Combined Authority in a capacity for which they are receiving an allowance from that authority.

SCHEDULE 1

	BASIC (per annum)	SRA (per annum)	Total per Co-opted Member
Transport Committee			
Chair	£4,500	£24,800	£29,300
Deputy Chair (majority group)	£4,500	£9,920	£14,420
Chair of each District Consultation Sub-Committee	£4,500	£1,575	£6,075
Leader of main opposition group	£4,500	£7,440	£11,940
Members	£4,500	-	£4,500
Overview & Scrutiny Committee			
Chair	£1,350	£7,848	£9,198
Members	£1,350	-	£1,350

SCHEDULE 2

APPROVED DUTIES

The following are specified as an approved duty for purpose of the payment of travelling and subsistence expenses and dependants carers' allowances:

- (i) A meeting of the Combined Authority, any committee or sub-committee of the Combined Authority or of any other body to which the Combined Authority makes appointments or nominations, or of any committee or sub-committee of such body.
- (ii) Any other meeting the holding of which is authorised by the Combined Authority, provided that it is a meeting to which members of at least two political groups have been invited.
- (iii) Meetings of a non-commercial, non-political and non-party political nature, (including with Ministers, Members of Parliament, European Members of Parliament, representatives of Government Departments and representatives of major companies who have an involvement in any matter relevant to functions of the Combined Authority) attended by
 - a) a Member of the Combined Authority, or
 - b) any Co-opted Member who is the Chair or Vice Chair³ of a relevant committee (including an advisory panel), or
 - c) any Co-opted Member who is a nominee of (a) or (b) abovein their capacity as a representative of the Combined Authority, for the purpose of discussing matters which relate to the functions of the Combined Authority or of a constituent or non-constituent council of the Combined Authority, or any other council in which the Combined Authority has an interest in the particular function involved.
- (iv) Conferences, seminars and study courses, only where the Head of Legal and Governance Services is satisfied that they represent value for money and are being held for the purpose of discussing non-political matters which relate to the functions of the Combined Authority or any functions of the local authorities in which the Combined Authority has an interest⁴.
- (v) At representative functions, official functions, responding to invitations to meet and/or address voluntary and other organisations, site visits and meetings with officers subject to the prior agreement of the Head of Legal and Governance Services.

³ Or the leader of the opposition on Transport Committee

⁴ By law, this provision does **not** extend to payment to any Member in respect of attendance at conferences convened by any body "the objects of which are wholly or partly political" (Section 175 Local Government Act 1972).

SCHEDULE 3

TRAVELLING AND SUBSISTENCE EXPENSES

Travelling Expenses

Normally Members are expected to travel by bus or standard class rail. Claims for car expenses will therefore only be paid where there is no suitable alternative public transport available or there are special circumstances.

Standard class travel should be booked in advance for all rail travel on behalf of all Members, unless in the view of the Monitoring Officer there are special circumstances that require first class travel, for example to enable confidential conferences to be held on the train or to avoid disadvantaging members when travelling with other organisations.

MCard/Metrocards

In view of legal and auditors advice, only Co-opted Members of the Transport Committee would properly be entitled to a MCard/Metrocard. Other Members would be permitted to apply but would be required to contribute a proper proportion to the cost to the Combined Authority of the card, in relation to the element of personal usage that could be made of it.

Where a Member holds a MCard/Metrocard, they should use this where reasonably practicable rather than other forms of transport.

When a Co-opted Member ceases to be a member of the Transport Committee they must give back their MCard/Metrocard.

Car Mileage Rates - the HMRC mileage rates from time to time in force

Approved mileage rates		
	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger Rates

Where a Member carries a passenger they can claim the HMRC approved passenger mileage rate of 5p per passenger mile, in addition to the applicable mileage rates for motor cars.

Motor Cycle Mileage Rates

24p per mile (indexed to HM Revenue and Customs approved rates).

Bicycle Mileage Rate

20p per mile (indexed to HM Revenue and Customs approved rates).

General Travel Expenses

To reduce costs to the Combined Authority, a Member should not travel independently where it would be possible to travel with another Member or officer.

A Member may claim specific reimbursement for expenditure incurred on tolls, ferries or parking fees as these are deemed to be additional to the basic car allowance rates.

In rare circumstances, it is not possible to utilise public transport and a taxi has to be used. In such circumstances a Member must obtain receipts before reimbursement will be available. In exceptional circumstances, where it is not reasonable to use public transport, a taxi may be used, **subject to agreement in advance by the Monitoring Officer, where reasonably practicable.**

Subsistence Expenses

In each instance only the actual cost incurred may be claimed with the following being the maximum rates claimable:⁵

Day Subsistence Rates

Breakfast allowance	£8.28
Lunch allowance	£11.28
Tea allowance	£4.54
Evening meal allowance	£14.09

Note: The current total daily maximum subsistence claimable (£38.19) should not be disaggregated and applied to specific meals but a 24 hour maximum claimable to be spent upon subsistence as required.

⁵ These figures are reviewed annually in line with the rates applicable to, and published by, the Passenger Transport Forum for Non-Manual Employees of Passenger Transport Executives.

Overnight Subsistence

All overnight accommodation should be booked through the Combined Authority which will seek out the most reasonably priced accommodation available, to be paid for directly by the Combined Authority thus avoiding any claims for reimbursement.

Overseas Travel

Members are entitled to claim reasonable expenses in relation to their journey and stay, reimbursable upon production of receipts.

It is expected that the necessary travel and accommodation arrangements would be booked through the Combined Authority.

Meals Provided Free Of Charge

Members are required to deduct an appropriate amount from the subsistence expenses in respect of any meals provided free of charge by an authority or body during the period to which the claim relates. Expenses cannot be claimed where a free meal has been provided.

Meals Taken On Trains

Where main meals are taken on trains during the period for which there is an entitlement to subsistence expenses, the reasonable cost of meals (including VAT) shall be reimbursable in full. This will then replace the specific meal allowances set out above.

Note: In the case of travel abroad there are sometimes difficulties in obtaining receipts. However, for the reasons given above, reimbursement will only be available where receipts are provided.



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Officer arrangements**

Director: Angela Taylor, Director of Corporate Services

Author(s): Caroline Allen

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 consider and approve amendments to the Combined Authority’s Officer Delegation Scheme.

2. Information

- 2.1 In addition to minor amendments for updating and clarification purposes, the following substantive amendments are proposed to the Combined Authority’s Officer Scheme of Delegation, and highlighted in the attached **Appendix 1**:

Section	Proposed amendments
General delegations:	<ul style="list-style-type: none"> • Minor amendments for clarification and updating • Insert reference to Conflicts of Interest Policy and Protocol • Insert requirement for officer decision-making to comply with the Leeds City Region Assurance Framework • Clarify definition of a Key Decision, by reference to the Access to Information Annex

	<ul style="list-style-type: none"> Amend delegations relating to officer appointments, to facilitate swift filling of vacancies arising on the approved structure
Managing Director (MD)	Update the delegation to the MD by removing the reference to the Transport Committee, further to the amendments to the Terms of Reference for that Committee.
Head of Legal and Governance Services	Extend the existing delegation to provide for the Head of Legal and Governance Services to confirm any appointment (made in accordance with a nomination by the relevant partner council) to fill any vacancy for a co-opted local authority representative arising during the municipal year on any committee of the Combined Authority, provided that the appointment has no impact on the political balance for the committee ¹ . This will expedite the filling of any vacancies. (Currently, appointments are confirmed by the Combined Authority and so often subject to delay).
Table A	<ul style="list-style-type: none"> Minor amendments for clarification Insert a reference to joint voluntary partnership agreements, for consistency with other arrangements under the Transport Act 2000.

2.2 As set out in the introduction to the Officer Delegation Scheme, all officers are required to comply with the Combined Authority’s Code of Conduct for officers, and a Gifts and Hospitality Policy. Both are currently under review, and the Combined Authority will be asked to consider any proposed amendments in the near future, further to consultation with the Trade Unions. For noting, the Authority’s employee grievance procedure is also being reviewed in consultation with the Trade Unions with a view to clarifying roles and responsibilities where the grievance extends to members of the Senior Leadership team.

3 Inclusive Growth Implications

3.1 None.

4. Financial Implications

4.1 None.

5. Legal Implications

5.1 The Combined Authority must publish its Officer Delegation Scheme.

¹ The Head of Legal and Governance Services will report any appointment confirmed under this delegated authority to the Combined Authority as soon as reasonably practicable.

6. Staffing Implications

6.1 The Officer Delegation Scheme provides that any officer may sub-delegate their functions to another officer of suitable experience and seniority.

7. External Consultees

7.1 None.

8. Recommendations

8.1 That the Combined Authority approves the Officer Delegation Scheme attached as Appendix 1 to this report.

9. Background Documents

9.1 None.

10. Appendices

Appendix 1 – Officer Delegation Scheme

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West Yorkshire Combined Authority Officer Delegation Scheme

Introduction

General roles and responsibilities of officers

The Combined Authority approves strategies and policies which determine the framework in which operational decisions are made. These include the Strategic Economic Plan and the West Yorkshire Transport Strategy 2040¹.

Strategic overarching decisions are reserved to the Combined Authority for decision (such as approving the budget and the capital programme).

Officers implement decisions made by the Combined Authority (or any decision-making committee of the Combined Authority). Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.

In doing so, decision-making by officers' is subject to other control measures. These include:-

- Standing Orders and Financial Regulations,
- an Officers' Code of Conduct, a gifts and hospitality policy and the Conflicts of Interest Policy and Protocol,
- organisational values,
- an anti-fraud, bribery and corruption policy, and
- internal audit and risk management arrangements.

Delegations by the Combined Authority and committees

The Combined Authority may lawfully delegate functions to a committee or any officer.

Table A in this scheme sets out:

¹ This is the Combined Authority's statutory Local Transport Plan

- functions which the Combined Authority cannot lawfully delegate, and
- functions which are not delegated under this Scheme or otherwise, except as specified.

This Officer Delegation Scheme sets out functions delegated to officers by the Combined Authority. The Combined Authority may also delegate decisions outside of this Scheme to a Combined Authority officer in relation to any specific matter.

The Combined Authority's Financial Regulations, Contracts Standing Orders and other standing orders also contain delegations to specific officers or post-holders.

Where the Combined Authority have appointed a committee to discharge functions, that committee may also delegate any of those functions or a decision in relation to a specific matter within the committee's terms of reference, to an officer².

The Combined Authority (or a committee) may continue to exercise any function which it has delegated to an officer.

Sub-delegations

Unless required by law or expressly indicated in the Scheme, an officer is not required to discharge their delegated authority personally, (although they will remain responsible for any decision taken on their behalf). Such an officer may arrange for another officer of suitable experience and seniority to exercise the delegated authority on their behalf.

Referral of matters to the Combined Authority or relevant committee

An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Combined Authority or a relevant committee.³

When exercising their delegated authority, an officer must:

- ensure that the decision conforms with and furthers strategies and policies approved **or endorsed** by the Combined Authority,
- follow approved practices and procedures of the Combined Authority **including the Leeds City Region Assurance Framework**, relevant Government Guidance and industry/professional best practice.

Key Decisions⁴

Provisions in the Access to Information Annex to the Procedural Standing Orders

² A committee's power to delegate may, however, be limited by the Combined Authority or in some circumstances by the law.

³ For determination or consultation.

⁴ **Any reference to a Key Decision in this Scheme is to be taken as a Key Decision as defined by the Access to Information Annex to the Combined Authority's Procedure Standing Orders**

apply where an officer exercises their delegated authority to take a Key Decision.

Call-in of officers' decisions

Any **Key Decision** taken by an officer under delegated authority is open to call-in, in accordance with Scrutiny Standing Orders.

Recording officer decisions

An officer is required to complete a **written record** of their decision in accordance with the Access to Information Annex to the Procedure Standing Orders.

Officer Delegation Scheme: delegations

Any reference to a **Director** within this Officer Delegation Scheme is to be construed as a reference to any officer to whom functions are delegated by the Combined Authority under the General Delegations section of the Scheme, except where the context requires otherwise.

Any reference to a function delegated under this Officer Delegation Scheme should be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the specified function.

The Managing Director may direct a Director not to exercise their authority **delegated under this Scheme** in respect of a particular matter and **to** refer the matter to a relevant committee, to the Combined Authority, or (where the delegated authority is of a general delegation), to the Managing Director for determination.

General Delegations to:

- The Managing Director
- The Director of Delivery
- The Director of Corporate Services
- The Director of Transport Services
- The Director of Policy, Strategy and Communications
- The Executive Head of Economic Services

Each Director is authorised to carry into effect without reference to the Combined Authority or to any of its committees, **matters of day-to-day management and administration** in relation to functions within their remit. This includes the following:

Expenditure

1. To incur expenditure within the revenue budget in accordance with the Financial Regulations and Contracts Standing Orders.

2. To incur expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.

Human Resources

3. To appoint officers within the approved staffing structure in accordance with the Combined Authority's Recruitment and Selection Procedure, provided that the Managing Director⁵ has confirmed that a vacant post is released for recruitment.
4. To appoint officers on a temporary basis to provide cover for absences.⁶
5. With the exception of
 - granting voluntary redundancy requests,
 - releasing preserved pension benefits on ill health grounds, and
 - payments to any officer for loss or damage to property arising out of their employment with the Combined Authorityto determine any employment issue arising in respect of an individual officer in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements, subject to consultation with the Director of Corporate Services where the decision has any direct financial impact on the Combined Authority.

Proper Officer functions

6. Each Director⁷ is appointed the Proper Officer for any function within their remit.

Miscellaneous

7. To implement and ensure compliance with requirements relating to:
 - health and safety
 - data protection⁸, freedom of information and transparency,
 - surveillance activities,
 - human rights,
 - risk management and
 - equality and diversity.

⁵ Or the Head of Human Resources on behalf of the Managing Director

⁶ For example, caused by long term sickness, maternity leave or any vacancy on the approved staffing structure

⁷ The Head of Legal and Governance Services is to be taken as a Director, for the purposes of this function.

⁸ In the exercise of this function, Directors must have regard to any information and advice provided by the Combined Authority's Data Protection Officer.

Managing Director

1. The Managing Director is designated the **Head of Paid Service** of the Combined Authority, and as such exercises any statutory function of the Head of Paid Service including to prepare a report for the Combined Authority where he considers it appropriate in respect of any proposals about⁹:
 - i. the manner in which the discharge by the Combined Authority of their different functions is coordinated;
 - ii. the number and grades of staff required by the Combined Authority for the discharge of their functions;
 - iii. the organisation of the Combined Authority's staff; and
 - iv. the appointment and proper management of the Combined Authority's staff.

2. With the exception of any matter which the Chair of the Combined Authority has directed should be referred to the Combined Authority for determination, the Managing Director is authorised to exercise any function of the Combined Authority which is not:
 - expressly reserved to the Combined Authority¹⁰,
 - a function of any other officer in their capacity as a statutory officer¹¹, nor
 - submitting an application for European Regional Development Fund investment to support delivery of the Leeds City Region Sustainable Urban Development strategy¹²

provided always that:

- a) exercising this authority to approve any economic development loan is subject to the conditions set out below,¹³ and

⁹ S4(2) Local Government and Housing Act 1989.

¹⁰ These functions are set out in Table A to the Officer Delegation Scheme.

¹¹ For the purposes of this scheme, this includes any function carried out by an officer in the capacity of Senior Information Risk Officer.

¹² This function is delegated to the Director of Policy Strategy and Communication only, to facilitate arrangements for the maintaining of ethical walls between the Combined Authority as Intermediate Body and potential applicant.

¹³ The Managing Director may approve any economic development loan only

- i. after its approval in principle by the Combined Authority, (or where approval cannot be sought from the Combined Authority in a timely way, after consultation with each member of the Combined Authority and in the absence of any objection or issue raised by a member of the Combined Authority), and
- ii. taking into account any recommendations of the Business Investment Panel in relation to due diligence and final terms.

- b) any decision in respect of an application for a loan or grant from a business where a potential conflict of interest arises from the involvement with that business of any person on the Leeds City Region Enterprise Partnership or the Combined Authority or any relevant committee, is taken in accordance with the Conflicts of Interest Protocol.¹⁴

¹⁴ The **Conflicts of Interest Protocol: loans or grants to businesses** sets out the process which the LEP and the Combined Authority follow to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair and transparent way.

Director of Corporate Services

1. The Director of Corporate Services is the **Chief Finance Officer**¹⁵ of the Combined Authority, and as such exercises any statutory function of the Chief Finance Officer, including making arrangements for the proper administration of the Combined Authority's financial affairs¹⁶.
 2. The Director of Corporate Services is authorised to exercise the following functions:
 - a) To act as Senior Information Risk Officer.¹⁷
 - b) With the exception of any matter:
 - expressly reserved to the Combined Authority¹⁸
 - expressly within the terms of reference of a Combined Authority committee, or
 - which the Managing Director has directed the Director of Corporate Services to refer to the Combined Authority or the Governance and Audit Committee for determination,
- to carry out any function in relation to:
- i. human resources¹⁹,
 - ii. information and communications technology,
 - iii. knowledge and information management,
 - iv. procurement and purchasing,

¹⁵ Appointed under S73 Local Government Act 1985.

¹⁶ For the purposes of this Scheme, this is taken to include authority to approve Financial Regulations and Contracts Standing Orders.

¹⁷ This includes:

- coordinating the development and maintenance of information risk management policies, procedures and standards for the Combined Authority,
- ensuring the Combined Authority has appropriate assessment processes for information risk,
- reviewing and agreeing actions in respect of identified information risks, to ensure that the Combined Authority's approach to information risk is effective in terms of resource, commitment and execution and that this is communicated to all staff,
- providing a focal point for the resolution and/or discussion of information risk issues and
- ensuring that the Combined Authority's Governance and Audit committee is adequately briefed on information risk issues.

¹⁸ These functions are set out in Table A to the Officer Delegation Scheme.

¹⁹ Including granting voluntary redundancy requests, and releasing preserved pension benefits on ill health grounds and payments up to £250 to officers for loss or damage to property arising out of their employment with the Combined Authority, but excepting those statutory functions which fall to the Head of Paid Service, and those functions delegated to any Director under the General Delegations above.

- v. audit arrangements,
 - vi. strategic risk management and business continuity,
 - vii. health and safety policy and strategy development, monitoring and reporting, and
 - viii. equality and diversity strategy development and monitoring
3. To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:
- the value of the settlement not exceeding £100,000, and
 - professional advice being obtained, where appropriate, that the settlement represents good value for money, and
 - consultation with the Chair of the Combined Authority in relation to any settlement over £50,000.

Head of Legal and Governance Services

1. The Head of Legal and Governance Services is designated the **Monitoring Officer**²⁰ for the Combined Authority, and as such exercises any statutory function of the Monitoring Officer.
2. With the exception of any matter:-
 - expressly reserved to the Combined Authority²¹ or
 - which the Managing Director has directed the Head of Legal and Governance Services to refer to the Combined Authority or the Governance and Audit Committee for determination,

to carry out the following functions:

a) Legal proceedings and settlements

- To take any legal action to implement a decision of the Combined Authority.
- To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the Combined Authority or to protect the interests of the Combined Authority, and to take all necessary steps in relation to such proceedings or disputes.
- To enforce byelaws.
- To make payments or provide other benefits in cases of maladministration.
- To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:
 - the value of the settlement not exceeding £75,000, and
 - professional advice being obtained, where appropriate, that the settlement represents good value for money, and

²⁰ Designated under S5 Local Government and Housing Act 1989. For the purposes of this Scheme this includes the following functions:

- To establish, maintain and publish the register of Combined Authority Members' interests.
- Following consultation with the Chair of the Governance and Audit Committee, to consider and determine written requests for dispensations.
- To administer the appointment and remuneration of Independent Persons.
- To maintain and keep the officers' notifications of interests.

²¹ These functions are set out in Table A to the Officer Delegation Scheme.

- consultation with the Chair of the Combined Authority about any settlement over £50,000.

b) Documentation

- To certify documents on behalf of the Combined Authority.
- To sign or execute any legal instruments on behalf of the Combined Authority.
- To authenticate the seal of the Combined Authority and keep custody of it.
- To sign certificates for contracts in accordance with Local Government (Contracts) Act 1997.

c) Insurance and indemnities

- To secure all necessary and sufficient insurances and indemnities (including officers' and public and employer's liability).

d) Authorising officers

- To authorise officers possessing such qualifications as may be required by law or in accordance with the Combined Authority's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Combined Authority (however described) and to issue any necessary certificates of authority.

e) Governance

- To discharge secretarial and other functions in relation to meetings of the Combined Authority and its committees.
- To make any changes²² to any governance document²³ of the Combined Authority which are required:
 - as a result of legislative change or decisions of the Combined Authority,
 - to enable them to be kept up to date, or
 - for the purposes of clarification only.
- To make any changes²⁴ to the Leeds City Region Assurance Framework which are required:
 - as a result of legislative change or decisions of the Combined

²² Any such changes shall be recorded and published.

²³ except for the Contracts Standing Orders and Financial Regulations which fall to the Director of Corporate Services to amend.

²⁴ Any such changes shall be recorded and published.

- Authority,
 - to enable it to be kept up to date, or
 - for the purposes of clarification only.
- To confirm any appointment (in accordance with a nomination by the relevant partner council) to fill any vacancy for a co-opted local authority representative arising during the municipal year on any committee of the Combined Authority, provided that the appointment has no impact on the political balance for the committee²⁵.

f) Members' Allowances

- To administer the Members' Allowances Scheme of the Combined Authority.

g) Interests in Land

- To obtain particulars of persons interested in land²⁶.

²⁵ The Head of Legal and Governance Services will report any appointment confirmed under this delegated authority to the Combined Authority as soon as reasonably practicable.

²⁶ S16 Local Government (Miscellaneous Provisions) Act 1976.

The Director of Policy, Strategy and Communications

To submit applications (on behalf of the Combined Authority exclusively or in partnership with other external stakeholders) for European Regional Development Fund investment to support delivery of the Leeds City Region Sustainable Urban Development strategy²⁷.

²⁷ The Combined Authority has been designated as an Intermediate Body (IB) for the Leeds City Region Sustainable Urban Development Strategy with roles including inputting into project calls and assessment of applications. The purpose of this delegation is to facilitate arrangements for the maintaining of ethical walls between the Combined Authority as IB and potential applicant.

Table A: Functions reserved to the West Yorkshire Combined Authority²⁸

Functions	Relevant legislation
To prepare, review, alter or replace the West Yorkshire Transport Strategy 2040. ²⁹	S108 Transport Act 2000
<p>To approve, amend, withdraw and revoke the major economic and transport investment policies and strategies for the Combined Authority³⁰ from time to time including:</p> <ul style="list-style-type: none"> • the Strategic Economic Plan, • Leeds City Region Innovation Strategy, • Leeds City Region Employment & Skills Plan, • West Yorkshire Low Emission Strategy, • Leeds City Region Green & Blue Infrastructure Strategy, • Leeds City Region Housing and Regeneration Strategy, • West Yorkshire Bus Strategy, • in respect of the Local Growth Fund, • in respect of the West Yorkshire Plus Transport Fund; and • any European funding strategies. 	
<p>To appoint the Local Enterprise Partnership Member and substitute member to the Combined Authority.</p> <p>To grant any voting rights to the Local Enterprise Partnership and non-constituent Council member.</p>	<p>West Yorkshire Combined Authority Order 2014 (the 2014 Order)</p> <p>S85(5) Local Transport Act 1985 and Schedule 1 paragraph 4(5) of the 2014 Order</p>
To appoint a Chair and Vice Chair for the Combined Authority.	The 2014 Order 2014

²⁸ These comprise:

- functions which the Combined Authority cannot lawfully delegate, and
- functions which are reserved to the Combined Authority for the purposes of this Scheme, subject to any exceptions set out in this Scheme, or any delegations which the Combined Authority may specifically make outside this Scheme.

²⁹ This is the Combined Authority's Local Transport Plan.

³⁰ Or the Leeds City Region Local Enterprise Partnership (the LEP) which the Combined Authority are asked to endorse.

To make arrangements for the discharge of functions by a committee or officer ³¹ and to appoint committees.	S101 and S102 Local Government Act 1972
To appoint one or more overview and scrutiny committees , and give any voting rights to any member of any such committee appointed by the non-constituent Council.	The 2014 Order
To appoint an Independent member to an Audit Committee.	SI 2017/68
To approve, amend, withdraw or revoke any plan or strategy for the control of the Combined Authority's borrowing, investments or capital expenditure .	Part 1 Local Government Act 2003
To approve the Combined Authority's budget .	
To set a levy .	Local Government Finance Act 1988; Transport Levying Bodies Regulations 1992 and S101(6) Local Government Act 1972
To approve, amend, withdraw or revoke Standing orders . ³²⁵	The 2014 Order, Schedule 1
To consent to orders relating to the governance and functions of the Combined Authority .	S103 – 113D Local Democracy, Economic Development and Construction Act 2009
To consent to regulations relating to a sub-national transport body .	Part 5A Local Transport Act 2008
To consent to regulations to levy in relation to expenses reasonably attributable to the exercise of functions other than transport functions.	S74(11) Local Finance Act 1988
To consent to regulations to borrow .	S23 Local Government Act 2003(6)
To accept an invitation, decide or request to become an opted-in authority in relation to local audit arrangements.	Regulations 9,10 and 11 Local Audit (Appointing Person) Regulations 2015/192
To make, amend revoke or re-enact byelaws .	S83 West Yorkshire Act 1980

³¹ Unless specifically precluded from doing so, a committee may delegate its functions to an officer and an officer with delegated authority may sub-delegate their authority to another officer.

³² Except in so far as this function is specifically delegated to the Director of Corporate Services and the Head of Legal and Governance Services under the Officer Delegation Scheme.

To promote or oppose any Bill in Parliament.	S239 Local Government Act 1972 and s10 Transport Act 1968
To make, amend, revoke or replace a Members' Allowances Scheme .	The 2014 Order
To authorise a person to exercise a function pursuant to an Order, or to revoke any such authorisation.	S70 Deregulation and Contracting Out Act 1974
To appoint Proper Officers .	S270(3) Local Government Act 1972 (see further Officer Delegation Scheme)
To designate a Head of Paid Service , and to consider any report of the Head of Paid Service under S4 Local Government and Housing Act 1989.	S4 Local Government and Housing Act 1989
To designate a Monitoring Officer , and to consider any report of the Monitoring Officer under S5 (2) Local Government and Housing Act 1989.	S5 Local Government and Housing Act 1989
To appoint a Chief Finance Officer , and to consider any report of the Chief Finance Officer under S114 Local Government Finance Act 1988.	S73 Local Government Act 1985/S114 Local Government Finance Act 1988
To appoint, discipline and dismiss any Director ³³ .	S112 Local Government Act 1972
To appoint members of the Combined Authority to outside bodies.	
To adopt, revise or replace a Members' Code of Conduct .	S28 Localism Act 2011
To appoint at least one independent person .	S28(7) Localism Act 2011
To make arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct .	S28(6) Localism Act 2011
To adopt, revise or replace the LCR assurance framework ³⁴ .	
The publication of an annual report on the exercise and performance of transport functions .	S16 Transport Act 1968
Functions relating to road user charging schemes .	Part III Transport Act

³³ The Head of Legal and Governance Services in their capacity as Monitoring Officer is a Director for this purpose.

³⁴ Except in so far as specifically delegated to the Head of Legal and Governance Services under this Scheme

To jointly ³⁵ approve, vary, revoke or postpone ³⁶ an advanced quality partnership scheme .	Part II Transport Act 2000
To jointly ³⁷ make, vary or revoke an enhanced partnership plan and jointly ³⁸ make, postpone or revoke an enhanced partnership scheme .	Part II Transport Act 2000
To jointly ³⁹ approve, vary or revoke an advanced ticketing scheme .	Part II Transport Act 2000
To jointly ⁴⁰ make, vary or terminate a voluntary partnership agreement	Part II Transport Act 2000
To discharge any other function which, by virtue of any enactment, may be discharged only by the Combined Authority, including the approval any other plan or strategy which must by law be adopted or approved by resolution of the Combined Authority.	

³⁵ that is, with at least one other local transport authority

³⁶ Including postponing any provision of particular facilities, taking of specific measures or provision of particular standards of service.

³⁷ That is, with at least one other local transport authority

³⁸ That is, with at least one other local transport authority

³⁹ That is, with at least one other local transport authority

⁴⁰ That is, with at least one other local transport authority



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Scrutiny Annual Report 2018/19 and statutory guidance**

Director: Angela Taylor, Director of Corporate Services

Author(s): Khaled Berroum

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 present the Combined Authority with the scrutiny annual report which provides a summary and highlights of the work undertaken by the Overview and Scrutiny Committee during the 2018/19 municipal year.
- 1.2 To update the Combined Authority on new statutory scrutiny guidance issued by the government in May 2019.

2. Information

Scrutiny Annual Report 2018/19

- 2.1 Earlier this year the Overview and Scrutiny Committee agreed to produce an annual report summarising the work it undertook this year.
- 2.2 The Scrutiny Annual Report 2018/19 is appended as **Appendix 1** and will be published on the Combined Authority website.

Statutory scrutiny guidance and review of scrutiny arrangements

- 2.3 At its last meeting the Combined Authority expressed support for the intention to review the scrutiny arrangements to ensure they are in line with best practice nationally and to ensure compliance with expected new statutory scrutiny guidance.
- 2.4 That guidance has now been published by government as '[Overview and scrutiny: statutory guidance for councils and combined authorities](#)'¹ on 7 May 2019. The guidance was the government's response to the recommendations made by the House of Commons' Communities and Local Government Committee in a 2017 report entitled '[Effectiveness of local authority overview and scrutiny committees](#)'.
- 2.5 The guidance covers the following principal areas, which largely correspond with the areas the Overview and Scrutiny Committee identified as focuses for reviewing scrutiny earlier this year:
- Culture and mind-set
 - Resourcing for scrutiny
 - Selecting committee members
 - Power to access information
 - Work planning and engaging with the public
 - Evidence sessions
- 2.6 The new guidance explicitly applies to combined authorities for the first time and was issued under relevant legislation. Combined authorities are obligated to have regard to guidance in the way that they work and the decisions they make and any combined authority subject to the guidance must have a clear justifiable reason for departing from it. Scrutiny Standing Order 14 also obligates the Overview and Scrutiny Committee and the Combined Authority to have regard to any guidance issued by the Secretary of State.
- 2.7 The Centre for Public Scrutiny (CfPS) also intends to publish a longer and revised version of their 'Good Scrutiny Guide'² to take into account the new guidance and reflect changes in best practice since the last set of good practice guides were released – particularly for combined authorities.
- 2.8 The CfPS has also pledged to liaise closely with combined authorities through the existing Combined Authorities Governance Network (CAGN) and Local Government Association (LGA) to understand what changes combined authorities might make as a result of the new guidance.
- 2.9 A series of workshops with scrutiny members will now be arranged to discuss the contents of the guidance and the CfPS's planned refreshed 'good scrutiny guide' and make recommendations to the Overview and Scrutiny Committee, Combined Authority, the LEP and partner authorities as appropriate.

¹ <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

² <https://www.cfps.org.uk/scrutiny-statutory-guidance-published-today/>

- 2.10 The Overview and Scrutiny Committee has already progressed some reforms to scrutiny arrangements this year as outlined in the annual report (**Appendix 1**) and intends to build upon them in the coming year and the Combined Authority will be kept updated as the review progresses.

3. Inclusive Growth Implications

- 3.1 There are no inclusive growth implications directly arising from this report.

4. Financial Implications

- 4.1 There are no financial implications directly arising from this report.

5. Legal Implications

- 5.1 There are no legal implications directly arising from this report.

6. Staffing Implications

- 6.1 There are no staffing implications directly arising from this report.

7. External Consultees

- 7.1 No external consultations have been undertaken.

8. Recommendations

- 8.1 That the Combined Authority notes the appended annual report summarising the work undertaken by the Overview and Scrutiny Committee in 2018/19 and provide any comments.
- 8.2 That the Combined Authority notes the new statutory scrutiny guidance issued by the government and the next steps.

9. Background Documents

[‘Overview and scrutiny: statutory guidance for councils and combined authorities’](#) (7 May 2019, MHCLG)

[‘Effectiveness of local authority overview and scrutiny committees’ – first report of the Communities and Local Government Committee in the Session 2017-19](#) (15 December 2017).

[Government Response to the Committee’s First Report of 2017-19](#) (6 March 2018).

10. Appendix

Appendix 1 – Scrutiny Annual Report 2018/19

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Annual Report 2018/19

Overview and Scrutiny Committee

June 2019

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Introduction

This annual report provides a general summary of overview and scrutiny work undertaken during the 2018/19 municipal year and any conclusions and recommendations made.

What is 'Overview and Scrutiny'?

Overview and Scrutiny (shortened to scrutiny) acts as a check and balance to decision makers at the West Yorkshire Combined Authority, Leeds City Region Enterprise Partnership (the LEP) and their partners. It holds them to account for:

- the policies they adopt
- the money they spend
- the services they provide

Scrutiny **investigates, influences, reports and recommends** ways to strengthen policies, improve services, ensure best value for money and secure long-lasting positive outcomes for local people.

Although scrutiny does not have the power to make or block any decision of the Combined Authority (or the LEP), it does have the power to:

- 'call-in' decisions and make a case for them to be formally reconsidered or changed
- oblige the Combined Authority to respond to its recommendations publicly within two months
- require any member (or senior officer) of the Combined Authority to appear before it

All scrutiny work is led by an independent, politically-balanced group of elected councillors known as the Overview and Scrutiny Committee.

Membership 2018/19

Chair: Councillor Liz Smaje (Nov 2018 – present).

She took over from Councillor Robert Light (June 2015 – Nov 2018) in November 2018 when he stood down as a councillor to pursue new opportunities.

Members 2018/19

Bradford	Cllr Sarfraz Nazir Cllr Mike Pollard Cllr Rosie Watson
Calderdale	Cllr Stephen Baines Cllr James Baker Cllr Dot Foster
Kirklees	Cllr Paul Kane Cllr Robert Light (until Nov 2018) Cllr Marielle O’Neill Cllr Liz Smaje (From Nov 2018)
Leeds	Cllr Peter Harrand Cllr David Jenkins Cllr Denise Ragan
Wakefield	Cllr Glenn Burton Cllr Graham Isherwood Cllr Betty Rhodes
York	Cllr Jenny Brooks (Until March 2019) Cllr Ian Cuthbertson Cllr Helen Douglas (From March 2019) Cllr Tina Funnell

Chair's foreword

I would like to thank all members of the committee and all those who kindly gave evidence during the year.

As can be seen from the work programme and conclusions in this report, the issues considered by scrutiny this year covered a number of key areas including inclusive growth, grants to businesses and the corporate plan.

It is vital for good governance at the Combined Authority and the LEP that scrutiny is accepted as a "critical friend" and able to provide constructive feedback.

Going forward, we need to strengthen pre-decision scrutiny and continue to strive for best practice in line with newly published government guidance, so that scrutiny can continue to adapt to any future changes in the Combined Authority and the LEP.

I would also like to say a big thank you to my predecessor as chair, Robert Light. He chaired the committee during a time of major change for the Combined Authority and the LEP.

I echo the sentiments of scrutiny members who thanked him for his fair stewardship and willingness to engage all members in discussions and work planning.

As Chair, he oversaw the Committee's work on two major inquiries into the region's handling of the 2015 Boxing Day floods and the LEP's high profile loan to Oxford GB2 to build a hotel near Leeds Arena.



A handwritten signature in blue ink that reads "Elizabeth Smaje". The signature is written in a cursive, flowing style.

Councillor Elizabeth Smaje
Chair
Overview and Scrutiny Committee
2018/19

Work Programme 2018/19

Scrutiny determines its work programme at the beginning of each new municipal year in June when members choose which issues from previous years to revisit and those coming up in the year ahead they will need to look at more closely.

The Combined Authority and the LEP support scrutiny's work programming by outlining the key pieces of work and significant decisions planned or expected throughout the year.

Every year the Combined Authority and LEP agree a **Corporate Plan**¹ which outlines their ambitions and targets. In 2017 and 2018, the Combined Authority and the LEP committed themselves to three long term ambitions:

1. Enabling inclusive growth
2. Delivering 21st Century transport
3. Boosting productivity

A fourth objective to of supporting clean growth was added to the 2019/20 Corporate Plan.

As a result, this year scrutiny's work programme focused on a general theme of inclusivity. It looked into how long term inclusive outcomes and opportunities are being achieved by the Combined Authority and the LEP's economic and transport services, policies and projects, and where improvements could be made.

The work programme of the main committee and its working groups are outlined below and highlights from some of the key issues considered are explained in more detail in the following section.

¹ <https://www.westyorks-ca.gov.uk/media/3362/corporate-plan-18-19.pdf>

Summary of 2018/19 Work Programme

13 July 2018	<ol style="list-style-type: none"> 1. Policy Framework and Local Inclusive Industrial Strategy 2. Devolution
14 September 2018	<ol style="list-style-type: none"> 1. Ministerial review of LEPs 2. Business grants 3. Business planning and budget 2019/20 4. "West Yorkshire... and beyond – Calderdale Council's contribution to the Combined Authority"
16 November 2018	<ol style="list-style-type: none"> 1. Flood Review 2. Combined Authority's engagement with the public 3. Devolution
18 January 2019	<ol style="list-style-type: none"> 1. Assurance Framework 2. Apprenticeships 3. Inclusive growth 4. LEP merger 5. Draft budget 2019/20
22 March 2019	<ol style="list-style-type: none"> 1. Strategic transport priorities 2. Business grants criteria and inclusive growth
24 May 2019	<ol style="list-style-type: none"> 1. Corporate Plan 2019/20 and performance 2018/19 2. Annual Scrutiny Report 2018/19 3. Statutory scrutiny guidance

Working groups

To support its work this year, the Overview and Scrutiny Committee set up two working groups to focus on some LEP (economic) and transport issues separately.

	LEP Review working group	Transport working group
Members	Cllr Stephen Baines* Cllr Paul Kane Cllr Mike Pollard Cllr Rosie Watson	Cllr Ian Cuthbertson* Cllr Dot Foster Cllr Peter Harrand Cllr Denise Ragan
Topics	<ol style="list-style-type: none"> 1. LEP review / merger 2. Assurance Framework 3. Pre-decision scrutiny arrangements 4. Local Industrial Strategy 	<ol style="list-style-type: none"> 1. Transport related barriers to employment 2. Accessibility 3. Integrated ticketing 4. Rail performance

**Lead member*

2018/19 Highlights

This section outlines some highlights and contributions made by scrutiny in 2018/19.

Flood Review recommendations

Following the 2015 Boxing Day floods which severely affected West Yorkshire, scrutiny undertook a review of the flood events and how they were handled by the relevant authorities. Scrutiny concluded with ten recommendations which were accepted and included amongst the 19 recommendations in the 'Leeds City Region Flood Review'.

This year, scrutiny revisited those recommendations two years on and worked with Yorkshire Water and the Environment Agency to measure progress. The committee found that whereas progress had been made, there was still room for improvement.

Further conclusions included:

- There had been improvement in cooperation between the local authorities, the Environment Agency and the water sector compared to three years previously. The response to smaller flood events since 2016 had showed promise.
- The level of public and political spotlight which has been maintained since Boxing Day 2015 has been very encouraging. Previous flood events yielded only short term attention.
- Despite improvement in community engagement, education and public outreach through volunteer networks, use of flood wardens, and full time engagement staff, it was reported that many constituents remained unaware of them.
- There is evidence of a bigger focus on flooding in planning and policy making and those councils affected by the floods have created permanent flood partnerships, some of which are led by elected members.
- The Environment Agency, and other partners, should seek to provide comments more often, when possible, in planning applications to support flood resilience – even if a brief or standard response.
- Responsibility for funding flood resilience and mitigation efforts should be shared by developers if their developments affect existing flood risk levels. The cost is often passed onto the public and councils which are currently under financial stress.

Scrutiny will continue to monitor the progress in implementing the Leeds City Region Flood Review's recommendations.

Enabling inclusive growth

Business grants

The LEP oversees many business grants programmes which aim to achieve particular outcomes such as incentivising job creation, innovation and environmental sustainability. Scrutiny reviewed the performance and progress of inclusive growth outcomes arising from these programmes.

In 2018, the LEP Board decided to trial new application criteria designed to secure more inclusive growth outcomes for one of its business grants schemes– Business Growth Programme (BGP) – over a six month period.

The trial criteria included requirements to create Real Living Wage jobs and asked applicants to choose from commitments including undergoing energy audits, offering green travel options, paying suppliers as soon as possible, working with schools and supporting workers with disability and health issues.

Scrutiny recommended that this approach be extended to all current and future business grants programmes at all grant award levels.

In March 2019, following the conclusion of the first six months of the new inclusive growth application criteria, scrutiny reviewed the data and made further recommendations on how the criteria could be strengthened, including:

- Providing additional support to applicants who want to meet the stronger, more inclusive criteria such as employing people with disabilities
- Reducing the timescales within which businesses must commit to paying their suppliers to support smaller businesses

As some of the business grants programmes are due to end soon, scrutiny asked that outcome reports be produced for each grants programme upon their completion to allow scrutiny to better assess value for money and whether there have been, or likely to be, positive, long-lasting outcomes for local communities.

Apprenticeships

Scrutiny assessed the approach to supporting apprenticeships internally and externally between September 2018 and March 2019.

The Combined Authority does not fund, deliver or monitor apprenticeship training directly, but does encourage apprenticeship starts by supporting businesses through the bureaucracy involved in taking on apprentices (through its Employment Hub) and incentivising small and medium sized businesses (SMEs) to take on apprentices for the first time through the Apprenticeship Grants for Employers (AGE) programme.

Scrutiny's view is that responsibility for the success of apprenticeships should not be left solely with the training providers, OFSTED and employers, and that the Combined Authority should consider:

- What it can do to help support apprenticeships more broadly, through its existing services and when developing future service areas/programmes
- If it is in a position to at least monitor the quality of what training providers are delivering and engage with apprentices directly to influence and enable higher completion rates

It is also essential that the Combined Authority leads by example by recruiting and strongly supporting apprenticeships internally, as it cannot credibly promote externally what is not being achieved internally. Scrutiny welcomed the development of an internal staff development strategy and framework where apprenticeships feature as a key element.

Delivering 21st Century transport

Connecting people, places and policy

Scrutiny's Transport Working Group invited the Joseph Rowntree Foundation (JRF) to discuss their recent report², which used Seacroft (Leeds) and Dewsbury Moor (Kirklees) as case studies.

The report found that transport issues are a *“significant barrier to employment for many residents living in low-income neighbourhoods”* and *“are intimately related to the nature and location of employment”*.

Too many people in the region are not sufficiently connected to economic and educational opportunities. It was understood by all partners in the region that current connectivity links could be improved and that there was a lot of work to do.

Although the Combined Authority is not a planning authority and does not build and manage housing stock, scrutiny suggested that it could play a strategic role to enable sufficient alignment between housing, transport and skills strategies and policies amongst partner authorities in the region.

The Transport Working Group also concluded the following:

- There were some missed opportunities in local plans and planning where a site is allocated as employment but transport links are not properly considered. An example being land near the M62 motorway was designated as an employment site for distribution centres which employed low-paid staff on shifts. This was convenient for logistical distribution and delivery, but not for staff using public transport.
- Too many housing developments don't seem to take into account transport considerations or future trends. There could be better evidencing during the planning and appraisal stage of how developments will affect existing transport links or what kind of new transport links will be needed in the future, or based on demography.
- Developers could be required to invest in transport infrastructure or to subsidise bus services made necessary by their developments. In some cases, local authorities did not make enough use of existing statutory powers (such as Section 106 agreements) as a matter of deliberate policy or as a result of pressure from developers.
- In any case, there can be limited scope to compel fulfilment of Section 106 agreements in some cases. When planning permission is granted only with promises around transport investment, viability is often raised by developers as a problem and can then be used to avoid fulfilling agreements after permission is given.

The recently established West Yorkshire Bus Alliance, supported by the Combined Authority, has a priority to consider different models to redesign bus operations to better

² <https://www.jrf.org.uk/report/tackling-transport-related-barriers-employment-low-income-neighbourhoods>

deliver services to, and connect, all communities within the context of existing legislation on bus deregulation.

Digital inclusion and exclusion

Initial data shows that digital methods for paying for travel and accessing live travel information are becoming popular – but there are inequalities.

For example, the uptake of contactless payment on buses is around 40% in the higher income North Leeds areas, but only 5% in lower income South Leeds areas.

Digital innovations might improve reliability, service, patronage and efficiency but care must be taken not to leave people behind.

Many people still do not have or cannot afford bank accounts, suitable phones or reliable internet connections to take advantage of them. A 'digital by default' approach could disconnect many communities.

Scrutiny welcomed the Combined Authority's position, for instance, that a fully cashless system should not be put in place until a solution for current cash users is found and that issue is resolved.

Accessibility and mobility

Following a referral from a member of the public who informed scrutiny members of a local rail operator's policy of not allowing mobility scooters of a certain size on its trains, the Transport Scrutiny Working Group invited train operators and the Chair of the Transport Committee to look into the approach to accessibility and mobility.

Scrutiny found that there has been a lot of progress in transport accessibility, such as disability training becoming mandatory and more frequent for bus and train drivers. There are also special bookable services for people with disabilities run directly by the Combined Authority, such as AccessBus, which are well received.

However, scrutiny concluded that disabled people still face serious issues using public transport and they also suffer higher consequences with regards to the same issues that others do not.

The Combined Authority should take a lead in advocating on this issue through the existing Transport Operators Forum and Bus Alliance as part of its commitment to inclusivity.

Next steps in 2019/20

Next year, scrutiny will approach work programming in a workshop setting to allow for a more focused, strategic approach and a fuller look at the Combined Authority and the LEP's plans for the year ahead.

Improving scrutiny

This year the committee decided that, since the Combined Authority has changed noticeably since it was established four years ago and a dedicated scrutiny officer had now been appointed, the time was right to revisit and conduct a review of scrutiny arrangements – with a particular focus on:

- Resources and capacity
- Governance and working group arrangements
- Strategic work planning
- Public involvement in scrutiny
- Methods of scrutiny (eg 'scrutiny in the community', site visits)
- Involvement of external experts and stakeholders

The review would take into account and apply the new statutory scrutiny guidance³ issued by the government in May 2019.

Involvement of the public in scrutiny

In particular, the committee identified increasing the involvement of the public in the scrutiny process as a priority. Scrutiny committed to exploring the development of a communications and engagement plan to better:

- Increase scrutiny's profile, coverage and presence on existing websites and social media
- Engage and consult with the public to include their views and needs in work programming
- Identify and arrange site visits in the community when appropriate e.g. to flood affected areas when considering floods as an issue
- Arrange 'scrutiny in a day' sessions and conferences on important issues

Strengthening pre-decision scrutiny of projects

Another priority is the improvement of pre-decision scrutiny.

Following several workshops, the LEP Scrutiny Working Group recommended a new section in the Assurance Framework, which governs the process by which projects are

³ <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

chosen and progressed, to ensure scrutiny is kept informed of projects in development before decisions are made.

“To support pre-decision scrutiny, officers will maintain a forward plan of projects in development and anticipate timescales and decision-point milestones and make this forward plan available to scrutiny members to review periodically on request.

Following the technical appraisal of business cases by case officers and subsequent consideration by the Programme Appraisal Team (PAT), officers will ensure that the relevant documents, information and analysis relating to each project can be made available to scrutiny members on request.

Schemes might be selected for further scrutiny based on a sectoral mix around cost, risk, complexity, aimed benefits or strategic value – as determined by the Committee's priorities and work programme. Scrutiny members could then look closer at a particular project or selection of projects.

Officers will support scrutiny members to have the opportunity to review projects, raise any concerns and ensure comments are reported and brought to the attention of decision making committees and officers prior to the approval and progression of projects through decision points.”

Extract from pp 24-25, Assurance Framework (March 2019)⁴

⁴<https://westyorkshire.moderngov.co.uk/ecSDDisplayClassic.aspx?NAME=Assurance%20Framework%202019&ID=363&RPID=762536&sch=doc&cat=13600&path=13600>

Find out more and get involved

Find out more about scrutiny at the Combined Authority and view agendas, reports and minutes, please visit the website here: <https://westyorks-ca.gov.uk/>

Scrutiny committee meetings take place in public and anyone is welcome to attend.

Get in touch

Scrutiny is keen to hear from members of the public on issues of concern in the West Yorkshire and York area that relate to the functions and responsibilities of the Combined Authority and Leeds City Region Enterprise Partnership (LEP).

You can contact scrutiny:

By email: scrutiny@westyorks-ca.gov.uk

In writing: Scrutiny Officer
Legal & Governance Services
West Yorkshire Combined Authority
Wellington House
40-50 Wellington Street
Leeds
LS1 2DE

Find out more

westyorks-ca.gov.uk

[@WestYorkshireCA](https://twitter.com/WestYorkshireCA)

enquiries@westyorks-ca.gov.uk

+44 (0)113 251 7272

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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Calendar of Meetings 2019-20**

Director: Angela Taylor, Director of Corporate Services

Author(s): Caroline Allen

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

To approve the calendar of meetings proposed for the West Yorkshire Combined Authority for 2019-2020.

2. Information

2.1 The proposed calendar of meetings is attached as **Appendix 1** to this report.

2.2 The calendar provides dates for the following meetings:

- West Yorkshire Combined Authority
- Transport Committee
- Overview and Scrutiny Committee
- Governance and Audit Committee
- West Yorkshire and York Investment Committee
- Business Innovation and Growth Panel
- Business Investment Panel
- Employment and Skills Panel
- Green Economy Panel
- Inclusive Growth and Public Policy Panel
- Place Panel

- 2.3 For information, the calendar of meetings also provides the dates of Leeds City Region Enterprise Partnership (LEP) Board meetings agreed by the LEP Board at its annual meeting on 6 June 2019.
- 2.4 In selecting dates, care is taken to avoid key meetings and events such as West Yorkshire & York full Council, Cabinet and Executive Board meetings, local elections, and Party conferences. Consultation has been undertaken with Leaders, Chief Executives, the Combined Authority's LEP Member, and committee, panel and sub-committee chairs. However, clashes may unavoidably arise in respect of meeting dates which have yet to be fixed by external organisations.
- 2.5 In view of the impending refurbishment of Wellington House, additional venues for meetings are currently being sought.

3. Inclusive Growth Implications

- 3.1 None.

4. Financial Implications

- 4.1 None.

5. Legal Implications

- 5.1 None.

6. Staffing Implications

- 6.1 None.

7. External Consultees

- 7.1 None.

8. Recommendations

- 8.1 That the Combined Authority:

8.1.1 Notes the dates of meetings for the LEP Board as agreed by the LEP Board at its annual meeting, and

8.1.2 Approves the calendar of meetings of the Combined Authority, its committees and sub-committees for 2019-20 as detailed in **Appendix 1**.

9. Background Documents

None.

10. Appendices

Appendix 1 – Calendar of Meetings 2019-2020

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Draft Calendar of Meetings 2019/20

2019

June 2019	27	Combined Authority Annual Meeting	11.00 am
July 2019	5	Transport Committee	11.00 am
	9	Green Economy Panel	4.00 pm
	11	Investment Committee	2.00 pm
	12	Overview and Scrutiny Committee	11.00 am
	12	Business Investment Panel	2.00 pm
	18	LEP Board	2.00 pm
	23	Governance and Audit Committee	11.00 am
	30	Place Panel	2.00 pm
August 2019	1	Combined Authority	11.00 am
	2	Business Investment Panel	2.00 pm
September 2019	3	Investment Committee	11.00 am
	5	Business Investment Panel	2.00 pm
	6	Transport Committee	11.00 am
	10	Business innovation and Growth Panel	2.00 pm
	12	Employment and Skills Panel	2.00 pm
	13	Overview and Scrutiny Committee	11.00 am
	25	LEP Board (followed by Awayday)	12.00 pm 2.30 pm
October 2019	1	Investment Committee	11.00 am
	9	Business Investment Panel	2.00 pm
	10	Combined Authority	11.00 am
	22	Green Economy Panel	4.00 pm
	31	Governance and Audit Committee	11.00 am
November 2019	7	Investment Committee	11.00 am
	7	Business Investment Panel	2.00 pm
	8	Transport Committee	11.00 am
	15	Overview and Scrutiny Committee	11.00 am
	15	Inclusive Growth & Public Policy Panel	2.00 pm
	21	LEP Board	2.00 pm
	26	Business Innovation and Growth Panel	2.00 pm
	27	Employment and Skills Panel	2.00 pm
December 2019	3	Business Investment Panel	11.00 am
	4	Investment Committee	11.00 am
	12	Combined Authority	11.00 am

2020

January 2020	8	Business Investment Panel	2.00 pm
	9	Investment Committee	11.00 am
	10	Transport Committee	11.00 am
	17	Overview and Scrutiny Committee	11.00 am
	23	Governance and Audit Committee	11.00 am
	23	LEP Board	2.00 pm
	28	Green Economy Panel	4.00 pm
30	Place Panel	2.00 pm	
February 2020	5	Investment Committee	11.00 am
	5	Business Investment Panel	2.00 pm
	6	Combined Authority	11.00 am
	25	Employment and Skills Panel	2.00 pm
	27	Business Innovation and Growth Panel	2.00 pm
March 2020	5	Investment Committee	11.00 am
	11	Business Investment Panel	2.00 pm
	12	LEP Board	2.00 pm
	13	Transport Committee	11.00 am
	19	Governance and Audit	11.00 am
	20	Overview and Scrutiny Committee	11.00 am
April 2020	1	LEP Board	2.00 pm
	2	Investment Committee	11.00 am
	2	Business Investment Panel	2.00 pm
	7	Green Economy Panel	4.00 pm
	16	Combined Authority	11.00 am
	30	Business Investment Panel	2.00 pm
May 2020	13	Investment Committee	11.00 am
	15	Transport Committee	11.00 am
	19	Employment and Skills Panel	2.00 pm
	21	Business Innovation and Growth Panel	2.00 pm
	22	Overview and Scrutiny Committee	11.00 am
	22	Inclusive Growth & Public Policy Panel	2.00 pm
June 2020	9	Investment Committee	11.00 am
	10	LEP Board Annual Meeting	2.00 pm
	11	Business Investment Panel	2.00 pm
	25	Combined Authority Annual Meeting	11.00 am



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: Rail Reviews

Director: Dave Pearson, Director, Transport Services

Author(s): Richard Crabtree, Mick Sasse

Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input 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:	N/A

1. Purpose of this report

- 1.1 To provide the West Yorkshire Combined Authority with an update on the rail reviews. An update is provided on the work Richard George has been undertaking in the wake of the May 2018 timetable chaos, together with an update on the Blake Jones Review and responses to the Williams Review of Rail.

2. Information

Richard George commission

- 2.1 Richard George is an independent adviser appointed by Government to re-establish a stable railway operation across the North following the breakdown in the system after the May 2018 timetable was introduced. An update on his work was reported to the Combined Authority meeting on 25 April 2019 (see also 'Background Documents'). Richard attended the TfN Rail North Committee on 14 May 2019 to provide a final summary of the work he has undertaken since summer 2018, and his overall findings. The Committee acknowledged the positive and welcome contribution of Richard's role and his analysis of the issues.

- 2.2 Richard George was invited to attend this meeting of the Combined Authority, but is unavailable due to holidays. A meeting has been arranged with him and available members of the Combined Authority week commencing 24 June 2019 to provide a personal update and to offer the opportunity for discussion.
- 2.3 Richard's appointment has now concluded. A number of his short-term recommendations have been implemented. This includes taking a more disciplined approach to train dispatch and better joint working between train operators' teams and the Network Rail team at Manchester Piccadilly. Others are now programmed, such a minor works to reposition on-platform equipment to speed up train dispatch. It is widely accepted that these actions are fostering a better way of working between different players responsible for the reliable delivery of rail services in the North.
- 2.4 Many of the wider and long-terms issues raised by Richard George have framed the findings of the Blake Jones Review and framed responses to the Williams Rail Review, and have underpinned (for example) the objectives of Network Rail's recent reorganisation.
- 2.5 It is understood that a final report of Richard's work will be published shortly, subject to DfT sign-off. This will set out the full details of the findings and responses to the issues raised, and provide a basis for monitoring progress.

The Rail North Partnership "Blake Jones" Review

- 2.6 The introduction of the May 2018 rail timetable changes in the North led to severe disruption for passengers and businesses. Cllr Blake on behalf of TfN and, the Minister for Rail at the Department for Transport (DfT) undertook a joint TfN/DfT Review into the issues, "The Rail North Partnership Review". A small review team was established consisting of officials from TfN, DfT and West Yorkshire Combined Authority and views were obtained from Local Transport Authorities in the North, LEPs, Transport Focus, train operators, TfN, DfT and the Rail North Partnership.
- 2.7 The Review is expected to be published in June and is anticipated to identify four key areas of change:
- A focus on passengers
 - Improved accountability
 - Better communications and greater transparency
 - Improved trust and responsiveness
- 2.8 The review will make recommendations which will inform an implementation plan of actions which will be taken forward under the current existing partnership and franchise provisions to ensure clear political oversight of key decisions made about the North's railways. The Review will also make specific recommendations to the review into the structure of the rail industry led by Keith Williams.

2.9 The findings of the Blake Jones Review have also influenced the TfN and West Yorkshire Combined Authority responses to the Williams Rail Review to ensure that the future structure of the rail industry responds to the need for a coherent and locally accountable approach to the operation of our railways.

Williams Rail Review

2.10 The Combined Authority's first submission to the review was submitted in January 2019, and agreed by the Combined Authority meeting on 14 February 2019. This highlighted that the current organisational and commercial railway frameworks are not working for our region.

2.11 The Combined Authority submitted its second response to the Williams Rail Review call for evidence at the end of April 2019. A copy of this submission is attached at Appendix 1, which has also informed the Combined Authority's contribution to the Transport for the North submission.

2.12 With reference to what is required from a future model for the railway, the Combined Authority's second response set out the need for:

- clarity of objectives for the railway: social, economic, and environmental and permeating the railway from top to bottom;
- network outputs driven by these objectives (without conflicting incentives);
- value for money in day-to-day operation and in delivery of new infrastructure;
- a coordinated and integrated rail system with a 'controlling mind' with clear lines for influence and accountability;
- a railway operationally independent of government (but accountable to it nationally and regionally), with a focus on investing in skills and research; and
- devolution to ensure that objectives reflect local priorities and conditions, with accountability to those most affected by the railway.

2.13 Transport for the North's submission is largely consistent in terms of an analysis of the issues with the current structure of the railway. It calls for a strengthened role for TfN in the management of the railway, with a 'concession' model for service operation with the potential for smaller-units of direct local control or a greater local role in service specification. TfN would manage the interfaces between these local operations / specifications and inter-regional services. The TfN proposition also suggests greater influence over the rail network, in line with the objectives of the Strategic Transport Plan and Investment Programme.

2.14 However, the TfN proposition is due to be discussed at the TfN Board meeting on 20 June 2019, and will be subject to further review in light of the Blake Jones recommendations and outcomes of the Williams Review.

2.15 The Williams Rail Review's findings and recommendations are due to be published in a government white paper in autumn 2019. Reform is then expected to begin in 2020.

3. Inclusive Growth Implications

3.1 There are no inclusive growth implications directly arising from this report. An important objective of the Combined Authority's contribution to the rail reviews has been to ensure that rail performs a role as part of the transport mix that maximises its contribution to our inclusive growth ambitions.

4. Financial Implications

4.1 There are no financial implications directly arising from this report.

5. Legal Implications

5.1 There are no legal implications directly arising from this report.

6. Staffing Implications

6.1 There are no staffing implications directly arising from this report.

7. External Consultees

7.1 No external consultations have been undertaken.

8. Recommendations

8.1 That the Combined Authority notes the discussion with Richard George following the conclusion of his appointment.

8.2 That the Combined Authority notes the update on the Blake Jones Review.

8.3 That the Combined Authority endorses the final submission to the Williams Rail Review.

9. Background Documents

9.1 Summary of Richard George findings and recommendations. Contained in **Item 5** – West Yorkshire Combined Authority, 25 April 2019. Available via: <http://westyorkshire.moderngov.co.uk>

9.2 Report of Richard George commission and findings. **Item 11** – West Yorkshire Transport Committee, 15 March 2019. Available via: <http://westyorkshire.moderngov.co.uk>

- 9.3 Richard George Update report. **Appendix 1** to Item 9 – Transport for the North Board meeting, 7 February 2019. Available via:
www.transportforthenorth.com/meetings
- 9.4 West Yorkshire Combined Authority’s first response to the Williams Rail Review call for evidence. **Appendix 1** to Item 5 – West Yorkshire Combined Authority, 14 February 2019. Available via:
<http://westyorkshire.moderngov.co.uk>

10. **Appendices**

Appendix 1 – Williams Rail Review: Second Call for Evidence – Objectives and Assessment Criteria - Submission of the West Yorkshire Combined Authority

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Williams Rail Review: Second Call for Evidence – Objectives and Assessment Criteria - Submission of the West Yorkshire Combined Authority**Executive Summary**

The railway needs to have clear ultimate objectives in terms of *why* it exists, expressed in terms of social, economic and environmental policy; the specific outcomes for it to achieve through its operations should flow from those. Success in these terms will be associated with passenger and freight customer satisfaction, but it is essential also to consider non-users and low-users if modal shift and sustainable, socially-inclusive mobility are to be achieved.

The network can and must achieve far better value for money in both its day-to-day operations and the delivery of enhancements; its affordability should be considered against such value for money and its success in delivering against its ultimate objectives and the network outcomes set. Simply requiring passengers and/or freight customers to bear an ever-higher proportion of a costs base that remains at current levels is, against those objectives, no answer. Decisions on railway investment must reflect the underlying differences between the regions served, and historic disparities between investment levels around the country – while bearing a strong presumption in favour of “investing to save”.

The railway needs to become a coordinated and integrated system with a “controlling mind” and shared objectives as set out in the proposed Summary Problem Statement. Investment must be directed towards these objectives.

Devolution is critical to enabling those objectives to be set (and strategies developed) by reference to real-world conditions including land-use policies and local priorities, and is the only way to ensure accountability to those most affected by the planning, decision-making and day-to-day management of the railway. Nor is such devolution in conflict with industry models that promote integration and efficiency. There is strong evidence from international and historic practice that devolution of decision-making, backed up by genuine accountability, is a feature of railways that are successful in meeting their ultimate social, economic and environmental objectives. Evidence also suggests that a railway based on integration and cooperation has potential to be associated with efficiency, with clear, shared objectives, and with better outcomes for the rail user.

The assessment criteria for any new railway industry structure should reflect the priorities of accountability and value for money, alongside delivery of a service quality which retains existing users and enables rail to expand its modal shares and attract new users to the network – and need to flow from the problem statement.

As rail is always a part of a journey (be it of a passenger or of a freight commodity) from an origin to a destination, metrics for performance and cost-effectiveness should be designed around these perspectives, with, for example, punctuality measured around real-world passenger journeys from true origin to true destination.

Success criteria must reflect the ability of the industry to play its role alongside partners in all tiers of government, industry and communities by being reactive to their needs and easy to work with, whilst having its own focused, technically able, and innovative management, and investing in skills for the long-term benefit of the railway and economy.

The principal points from our earlier submission still stand – the full document is appended:

- *The chaos unleashed on passengers and the economy since May 2018 confirms that the current UK organisational and commercial railway frameworks are not working for our region.*
- *The railway should be much more focussed on delivering the service that passengers and freight customers want and need.*
- *Form should follow function - the railway should not exist in a bubble, and requires urgent reform so that it provides the mobility that our society needs, equally well across the country.*
- *The North of England needs a railway structure that supports the ‘Northern Powerhouse’ programme of regeneration, rebalancing and productivity growth through investment, which should primarily be about providing a service to customers and society, with profit being a second order priority.*
- *The railway network is a system. We need a railway framework with aligned objectives, structures and organisational/commercial models.*
- *Rail franchising is not working for our region.*
- *The railway needs to be totally accountable to democratically elected government at national and sub-national levels for rail outcomes.*
- *The railway needs to be open for business.*

Introduction

This submission is made in response to the Call For Evidence made in March 2019, under the heading “Objectives and assessment criteria”. It is further to our first submission, dated 18 January 2019, made in response to the previous Call For Evidence: the two are intended to complement one another so should be read in conjunction.

That previous response (specifically *Section 2. Introduction*) set out the role and overriding focus of the West Yorkshire Combined Authority (“the Combined Authority”).

We would add also that the Combined Authority has been working, and continues to work, closely with our colleagues in Transport for the North and the Urban Transport Group, and their submissions are expected to mirror many of the points we make in this document.

The remainder of this document is set out in the order of the questions set out in the March 2019 Call For Evidence:

1. Key themes and evidence
2. High-level objectives
3. Summary problem statement (Issues constraining the success of the railway)
4. Assessment criteria

1. Key themes and evidence

The evidence papers summarise the key themes and evidence on which the Rail Review will draw in the subsequent phases of our work. Are there other themes or areas of evidence that we should consider? If so, what are they?

Our previous evidence submission set out a number of areas which we consider relevant to the key themes of the Review. To reinforce and expand on these, we have some further observations, which arise from our review of the evidence papers. Some further points are incorporated within the later stages of this response where they are relevant to the high-level objectives, the summary problem statement, or the assessment criteria. Generally, the Combined Authority considers the three evidence papers (plus the supporting *The Rail Sector in Numbers* document) to offer a sound and valuable basis for the further work of the Review.

(a) Current Railway Models report

It is worth noting that, strictly speaking, the Review is not correct in referring to its prime focus as rail in the UK. This is material because, in the context of international comparisons, the railway in Northern Ireland could be potentially instructive. Whilst hampered by historic low levels of investment, recent years have seen large increases in passenger ridership (there is no freight) on the back of incremental improvements such as full fleet renewal and modest infrastructure improvements. **This is in a system based on vertical integration within the railway, a high degree of “horizontal” integration with co-owned buses, and full public ownership – as well as, by definition, full functional devolution.**

We would also offer some clarifications to what is said with regard to Switzerland.

- SBB¹, the federal railway, is not the whole story, and it is useful to consider this further, particularly from a devolution point of view. There are numerous other operators, ranging from those like BLS operating interregional axes of international importance, through canton-wide networks (such as Rhaetian Railways [RhB]) via city-oriented networks (e.g. Baseland Transport) down to individual local lines running a few miles, owned and operated by the communities they serve. Whilst taking the legal form of private companies, these are almost entirely publicly owned, but such ownership can take many forms, showing that this may be one way of securing devolution (notably, often legal ownership of the “Privatbahnen”² is shared between more than one body, e.g. cantons and communities).
- While nationally owned and managed, SBB’s own regional operations also allow for a high degree of determination of services (including branding and service /

¹ In full, SBB/CFF/FFS to reflect the three linguistic zones in which it operates.

² This slightly confusing name arises from the railways being legally “Aktiengesellschaften”, i.e. companies limited by shares – but the shares are almost always either entirely or overwhelmingly owned by one or more public entities. Those companies then have operating “concessions” – but not in the sense understood in Britain, as they tend to last for decades and give the operator full powers within the national timetable and fares systems.

rolling-stock specification) by regionally devolved bodies such as cantons. One example is TILO, an independent body formed of a collaboration between SBB and Trenitalia with a view to enhancing cross-border services in the Ticino / Lombardy region. Rolling-stock is supplied and maintained by the two parent state railways, maintaining economies of scale, but services and branding are regionally determined. There is full integration with other public transport modes, and TILO played a lead role in the specification of a new cross-border line.

- Contrary to a suggestion in the paper, Switzerland has seen major timetable recasts – the important point (we refer to this later in this submission) is that these have been meticulously planned and integrated, with timetable leading infrastructure and rolling-stock. The obvious example was the progressive introduction through the 1980s of the *Integraler Taktfahrplan*³, and its development into the Bahn 2000 programme⁴.
- As noted below, subsidy in Switzerland per passenger-km is generally at similar levels to those in Britain, despite the world-class outcomes achieved by the former. This arguably reflects the economies of sustained capital investment as well as efficient delivery. It should be borne in mind that despite high usage and modal shares, not all trains in Switzerland are busy – some are actually fairly empty and therefore costly to run, but it has been accepted they need to operate in order to realise the full value of an integrated, comprehensive network: in other words, the poorly-loaded trains have an option value much greater than their direct financial performance implies.

It is not strictly correct to suggest that there have not been line closures or service cutbacks in Japan: some rural areas have seen these, with links being drawn to demographic changes, particularly rural depopulation.

In general we suggest that the paper to a certain extent might be said to miss the point in terms of a “tension” (arguably, a conflict) between timetable integration and competition: Switzerland achieves its service structure by essentially not allowing open-access competition in the passenger sector; the Netherlands equally do not have it at present, with private-sector operation instead being via concessions within the integrated timetable structure – e.g. to operate a given set of branch-lines from a nodal station. The problem can be seen in EU examples such as Austria and the Czech Republic, in both of which countries (especially the latter) a sustained programme to build up a nationally integrated ITF could be argued to be threatened by private operators exercising open-access rights that EU law has given them to compete against incumbent operators: this can lead to sub-optimal timetabling, to sub-optimal network capacity utilisation, and to a dilution of cross-subsidy by reducing total profit on mainlines and abstracting some out of the railway to the private owner. In Britain, which at present has strict rules on revenue abstraction, it is however right to acknowledge that open-access operators such as Grand Central have brought real value by providing services that the main franchisees have not –

³ Integrated clockface timetable with an emphasis on regular intervals and guaranteed connections.

⁴ See e.g. https://en.wikipedia.org/wiki/Rail_2000

though it could be argued that the success of such independent operators demonstrates the lack of innovation from the main franchised train operators.

While this paper is useful, it could be argued that it would also have been helpful to compare historic practices in Britain and possibly elsewhere: a comparison over time as opposed to spatially. By some metrics, British Rail was highly successful; by others it can be argued to have underperformed – learning from this (“then and now”) could well be instructive in a number of specifics.

(b) The Rail Sector in Numbers

We would suggest there are some additional points to be borne in mind with regard to the information in this paper:

- Building on the point made above, it would be helpful if, where possible, time series could extend back before the mid-1990s, i.e. privatisation.
- The comparison of costs somewhat surprisingly excludes the **cost of the private car – on most flows overwhelmingly the dominant competitor mode**, and one whose perceived operating cost has tended to decrease as rail fares have risen
- The point regarding the socio-economic makeup of rail users (that they tend to be more prosperous individuals) is sound as far as it goes – but for true validity needs to be seen against the fact that this applies to travel as a whole (i.e. all modes), as well as to most individual modes (especially car and, overwhelmingly, air), though not to bus and probably not to active modes. The essential point is that the rich are more mobile. This underlines the point we have emphasised, **that rail needs to perform better as a tool for social inclusion, linking deprived communities in an accessible and affordable manner to opportunities**; a classic example of how this can be done is the role of rail in rescuing the Cardiff Valleys from full collapse in the wake of the decline of the coal industry.
- The freight statistics emphasise tonne-km as a measure; *tonnes lifted* would be less flattering to rail – during the 1990s, “growth” in rail freight was largely due to carrying imported power-station coal long distances, replacing local sources used up until the 1980s. Tonnes lifted would underline that rail freight has in many respects stagnated since privatisation (in its last years BR shed much marginal or directly loss-making freight traffic in preparation for privatisation).
- Congestion: it would be more instructive to use train-km/day per km of *track*, not of *route* – because in much of GB the railway was pared back in the 1970s and 1980s to a far greater extent than on comparator networks. While for example the Swiss network is shown to be roughly 50% more heavily occupied than the Network Rail system, SBB has a significantly more generous amount of track at its disposal on each route and at each station.
- Talking about growth in passenger demand is of limited value without an absolute number, such as rail travel km per person per year or modal shares, both of which measures show Britain to be performing in “mid-table” in European terms,

with rail use and modal shares greater in several comparator countries, often markedly so (such as in Switzerland, the Netherlands and Austria).⁵

(c) The Role of the Railway in Great Britain

We have made in the following section (“High-level objectives”) some observations which we suggest are pertinent to defining the role the railway should be playing within society as a whole.

(d) The User Experience of the Railway in Great Britain

Much of this paper is a useful factual survey to underpin the Review’s work, containing many valuable insights. However (and noting that some of the observations made above are material to this paper too):

- Regional trends: We suggest there is **insufficient emphasis placed on the radical changes in rail use in the non-London city regions** – a step-change in its role which has not been accompanied by concomitant investment in trains nor infrastructure. It could be argued to constitute the greatest single challenge for rail network infrastructure and service planning at present.
- **Disabled people**: It seems surprising that this section does not directly highlight the extent of the problem in terms of an accessible rail system, including trains but in particular stations – although it is explored in more detail in the *Stations and Accessibility* section. It is also worth highlighting that a system that is complex for all passengers to navigate and understand may be even more challenging for those with many types of disability.
- Less frequent users of rail: As discussed further below, we would wish to see **more emphasis placed on understanding those who currently do not use the system at all** (alongside those who use it seldom). This is especially important where it comes to freight, given the large number of industry sectors which either do not use rail freight at all or in which it is marginal.
- Passenger satisfaction / Rolling stock: It is suspected that NRPS and similar tend to reflect passengers’ expectation levels, particularly on “quality” matters such as comfort of rolling-stock: in much of the North, for example, if a train is on time and has seats, it may well be considered satisfactory – the fact that it is 30 years old, dirty, in poor repair and uncomfortable would however limit its appeal if the alternative is a new BMW even on congested roads⁶. Franchise specification and monitoring mechanisms tend to lead to a box-ticking compliance culture, where, for example, new trains are not built to reflect benefits deemed intangible or not material to a “metric”, such as comfortable seating and windows that align – they are procured rather simply to provide a given number of seats. **The passenger experience needs to be objectively attractive rather than rail being a “distress purchase”**. The five priority areas quoted from the Transport Focus work underline this point: they should be considered the basics that can be taken

⁵ See <https://reporting.sbb.ch/verkehr>

⁶ This “circularity” can be seen by comparing overall passenger satisfaction scores of 74% quoted in the paper for British railway in autumn 2017, against 75% for Swiss rail passenger services. It is likely that this overwhelmingly reflects differing levels of expectation. (Source: <https://reporting.sbb.ch/qualitaet?rows=11,14,17,18,23,24,25,26&years=0,1,4,5,6,7&scroll=816>)

for granted, rather than things to aspire to. The commentary with regard to Arriva Rail North fleet renewal is potentially somewhat misleading as, while the Pacer trains are indeed to be withdrawn, the bulk of the fleet will continue to be old (arguably obsolete) vehicles such as Sprinters and the average fleet age at the scheduled end of the franchise will decrease only from 27 to 25 years – in this context it is not clear of the relevance of the statement that the new fleet was larger than was required for the franchise.

- Performance: As discussed in more detail below, **we favour developing a measure analogous to that used by Swiss railways, which both measures real-world passenger journeys and incentives passenger-friendly practices.**
- Stations and accessibility: The ways in which passengers gain access to the network (and egress from it) are highly important too. While other modes are clearly outside the scope of the review, **the current structure of the rail industry makes intermodal integration (and therefore sustainable access to / egress from stations) exceedingly challenging.**

2. High-level objectives

Has the Review identified the right high-level objectives as set out in Chapter 2?

This chapter states:

Great Britain needs a safe and secure railway that is delivering the right outcomes for:

- **Passengers:** *Higher passenger satisfaction and greater public confidence through improved value for money*
- **Taxpayers:** *Improving long term affordability and value for the taxpayer*
- **Wider society:** *Growing social, environmental and economic contributions to the country (including through promoting freight traffic)*

The Combined Authority is generally in agreement with these “objectives”, but would make some further observations, which build on key points from our previous evidence submission, as identified in bold type:

(a) *Ultimate objectives.* It could be argued that these objectives are more in the nature of *outcomes* for the railway. As stated in our earlier submission, **Form should follow function** – and true “high-level objectives”, we suggest, are those which define that function, i.e. that seek to answer the question “*Why are we running the railway?*”⁷. Answers to that question as to the true *role* of the railway would be likely to include matters such as:

- to improve standards of living via an efficient and productive economy;
- to promote social inclusion;
- to aid the transition to a sustainable post-carbon economy;
- to improve and protect quality of life.

⁷ These topics, and in particular the value of rail in sustaining and developing a true “Northern Powerhouse” economy, were explored in more detail in our previous evidence submission.

We suggest that the outcomes listed in Chapter 2 correctly sit beneath such top-level objectives – and whether those outcomes are the right ones can be considered by asking whether they speak to those objectives. We consider that, subject to the following further comments, they broadly do.

- (b) **Passenger satisfaction. The railway should be much more focussed on delivering the service that passengers and freight customers want and need.** Higher passenger satisfaction is certainly an essential measure of the success of the railway within itself, and an indicator of its likely success in meeting the top-level objectives for its role in society: a railway failing to achieve passenger satisfaction is unlikely to attract new passengers, and therefore via modal shift and expanding sustainable mobility to meet those objectives. However, the same applies in much the same way *pari passu* to freight customers too, and we therefore recommend that they should be mentioned.
- (c) **Non-users. Form should follow function – the railway should not exist in a bubble, and requires urgent reform so that it provides the mobility that our society needs, equally well across the country.** For the railway to be truly effective against the top-level objectives we suggest above, there needs to be more emphasis on those who do *not* at present use it: while the railway achieves impressive modal shares on some passenger (and even some types of freight) flows, overall its role within the transport mix as a whole is limited – with impacts both on the consequences of less sustainable, less inherently efficient, modes being used, and on the opportunities open to those whose options in life could be enhanced by attractive and accessible public transport. On the passenger side, those who do not at present use the railway include (though are not of course limited to):

- those who choose not to use rail because it is unattractive, but could do so (this could be addressed by the types of interventions that might drive satisfaction amongst existing passengers);
- those who struggle to afford the railway specifically and/or public transport in general (a priority from a social inclusion point of view, to the extent that such exclusion may well drive wider exclusion from opportunities in work and education, as well as a poor quality of life);
- those whose needs are not addressed by existing service patterns (such as those who work non-traditional hours);
- those whose needs are not served by the current network geography (this might be addressed by better intermodal integration, and in some cases by new stations or routes)

Needless to say, these categories are also relevant to those who (like much of the population) *do* sometimes use the railway but potentially could do so more. Understanding better the motivations and needs of such non-users and low-users would yield invaluable evidence on the future outputs the railway should achieve.

(d) *Value for money*. **The North of England needs a railway structure that supports the ‘Northern Powerhouse’ programme of regeneration, rebalancing and productivity growth through investment, which should primarily be about providing a service to customers and society, with profit being a second-order priority.** Value for money appears twice in the outcomes listed. A more cost-effective railway must be a priority in terms of the overall costs of operating an attractive public service and of delivering enhancements (i.e. both operating and capital costs) – this is the case for reasons of public confidence in the industry, and in order to justify the investment that is needed to enable the railway – especially in the North of England – to unlock its true potential and play a full role in the transition to a sustainable and socially inclusive post-carbon economy for the benefit of society as a whole. However, value for money and affordability must be considered in the right way: it is about achieving better outcomes for the same money as now, and/or achieving the same outcomes for less money.

“Affordability” must not be a matter of simply spending less from one source by transferring the cost elsewhere: for example, continuing the annual “fares escalator”, as a means of reducing the proportion of industry income borne by central Government at the cost of the fare-payer, does not address the cost-inefficiency in the industry, and goes directly against the objectives of railway in terms of social inclusion and of moving towards sustainable mobility by means of modal shift. Value for money must apply to the passenger (and freight customer) too, with affordable fares and tariffs that do not act as a barrier to use. Similarly, “affordability” through “buying less” is no solution: a striking example has been the failure of the Great Western (and to an extent North-West) electrification schemes: excessive cost escalations were not met with a timely and thorough review of working, technical and project-management practices but through scope reductions that have led to the mass procurement of inefficient bi-modal trains and contributed to the rolling-stock crisis in the North. In other words, as discussed further below, the wrong “trade-offs” are being assumed and applied, to the detriment of the railway’s effectiveness in its own terms and against its top-level objectives. “Investment to save” must be at the heart of the new approach to rail. It is also worth emphasising that a railway that achieves better value for money, and is (as advocated in our previous evidence submission) “open for business”, will also be far more likely to be capable of attracting new sources of external funding, be it from private or public sources.

Similarly, improved efficiency in operation and in delivering infrastructure enhancements can and must be fostered by the railway becoming more open to innovative thinking, including challenging standards where appropriate; such openness can be seen in other safety-critical industries (such as aviation) – and can have the further benefit of making it easier for new suppliers (including SMEs) to enter the railway supply chain.

While improved value for money, as properly defined, must therefore be a prime outcome of industry reform, we suggest that the first outcome is wrong

to elide value for money with public confidence (and passenger satisfaction), so would suggest that the two be separated in order that each can be afforded its proper weight.

(e) *Regional differences.* A feature of the British economy at present is its imbalanced nature, with major products of deprivation and economic under-performance at local and regional level – and more generally between the North and the London & South-East area⁸. This characteristic can be observed “writ large” in the railway: the railway in the Leeds City Region (and the North more widely) has for the most part received little significant investment since British Rail days, and wherever this applies the result is that it underperforms against most major criteria (journey times, frequencies, rolling stock quality, punctuality and reliability, capacity and modal share) and cannot realise its potential in terms of strategic objectives. This is both a symptom and a cause of the economic imbalance: the decades-long assumption that rail was of limited relevance in the North contributed to the investment famine, and the poor connectivity to which this contributes has held the region’s economy back.⁹ This has been exacerbated by passenger demand forecasting and investment appraisal methodologies that do not reflect the situation in the North and disfavour investment outside London and the South-East, especially in the regional connectivity on which our economies depend. It follows from this that **different parts of the country will have differing needs which will have to be addressed in rail strategy if the economy is to be rebalanced.**

It follows from the above that we would suggest that there is a case for the following being a potentially better wording for the outcomes (objectives), corresponding to those in Chapter 2:

Great Britain needs a safe and efficient railway that is delivering the right outcomes for:

- **Passengers and freight customers:** *through consistently achieving high levels of satisfaction and being responsive to the needs of those who use and fund it;*
- **Funders:** *through improving long-term affordability and value for money for the taxpayer, fare-payer and freight customer as well as external funders;*
- **Wider society:** *Growing social, environmental and economic contributions to the country, including through:*
 - *modal shift from less efficient and sustainable modes of passenger and freight transport*
 - *supporting the growth of the industries of the future*
 - *creating new and enhanced access to opportunity*
 - *being accessible to all regardless of socio-economic status or disability*

⁸ See for example the work of IPPR North, <https://www.ippr.org/economics-prize/about-the-prize/> - “The UK economy is the most regionally imbalanced in Europe”

⁹ See e.g. <https://transportforthenorth.com/onenorth/> and <https://transportforthenorth.com/northern-powerhouse-independent-economic-review-outlines-opportunity-transform-north-850000-jobs-2050/>

- *being accountable at local, regional and national level.*

Trade-offs

The Review papers refer at a number of points to “trade-offs” that the railway will always need to make between outcomes and/or between outcomes and cost. This is clearly correct. However, they need to be the *right* trade-offs, based on:

- The railway achieving operating and capital costs at levels that bear comparison with international and historic peers (otherwise costs trade-offs are spurious and sub-optimal choices will be made – such as the Great Western example above);
- Full understanding of the differing needs of different parts of the country (and so of the railway), including but not limited to a recognition of the different baseline situation from which the railway in the North is starting in comparison with that in London and the South-East, as a result of the historic disparities in investment levels – this implies meaningful devolution of rail governance and decision-making made by those with the fullest understand of local and regional priorities;
- A better balancing of short- against long-term costs, with a stronger emphasis on “investment to save” (see panel) which drives the long-term effectiveness and cost-efficiency of the railway – classic examples are the benefits of rail electrification and of signalling/train control upgrades;
- Appraisal and forecasting methodologies that are fit for purpose – so that the real benefits of rival interventions are better understood.

As stated in our previous evidence submission:

The railway network is a system. We need a railway framework with aligned objectives, structures and organisational/commercial models. ... Rail franchising is not working for our region.

A very real trade-off to be considered in this context is that between national coordination (the value of a “single controlling mind”) for the railway and the imperative of effective and meaningful devolution. Lessons from other countries suggest that **a nationally coordinated system is not inimical to devolved accountability**, be that in a national publicly-owned rail network (such as SBB) or via regional or local operations (also applied in Switzerland) – it could be said that **what is important is how the “single controlling mind” is directed and to whom it is accountable**. There may however also be efficiency trade-offs between a single entity (such as a “national railway”) and a system made up of smaller entities – i.e. economies of scale. We hope that the Review will explore these critical areas further.

Any structural solution that retains multiple different bodies constituting the railway is liable to create not only complication and diseconomies of small scale, but also risks creating interface costs, which contribute to the costs and inefficiencies of the current system. Where these bodies are in the private sector, “profit leakage” can exacerbate the costs consequences.

Under the current system – and to a greater or lesser extent any that retains for-profit private sector involvement – there is an unavoidable trade-off between serving the interests of owners and those of passengers, customers and those whose

interests the railway serves; there is arguably the scope for this to be a conflict. Some would argue that this needs to be balanced against the perceived incentives that a profit motive is believed to create in terms of overall organisational performance – though the evidence that this incentive is significant is not clear when comparing railway operations of varying models. Our previous evidence submission showed examples from Northern and Trans-Pennine service planning of where an approach driven by TOCs' profit (revenue and operating cost) motives led to choices different from those that a strategically minded body might have made.

Without taking these vital factors into account, trade-offs will not be based on the fullest and most balanced evidence, and so will not be sound.

Case study – Investing to save: Swiss Federal Railways

Since the 1980s, a policy of coordinated long-term capital investment, allied to integration across public transport and a high degree of devolution of regional transport, has helped produce one of the world's most effective railway systems. As a result of such policies, Swiss railways (across all operators) achieve a modal share of 16.5%, within a total modal share for public transport as a whole of 20.3%¹⁰, values around double those pertaining in Britain. The average distance travelled by rail annually per head of Swiss population is well over double the UK's value¹¹, and recent growth in total rail demand has paralleled a stagnation in car use and falls in young people learning to drive. These results are achieved on a network which receives similar levels of subsidy support to the British system¹².

This may be compared with instances such as the Great Western Mainline upgrade, which if anything has added cost by tying passenger services for a generation to the use of costly and inefficient bi-modal trains.

3. Summary problem statement

Has the Review identified the key issues constraining the success of the railway in Chapter 3? What relative priority would you place on them?

This chapter states:

- *The rail sector too often loses sight of its passenger and freight customers;*
- *Over recent years it has come to lack a single strategic direction;*
- *It has become fragmented and accountabilities are not always clear;*
- *The sector needs to be more productive and tackle its long term costs; and*
- *The sector is struggling to innovate and adapt.*

These statements are, in our view, correct, and align fairly well with the “headline” points of our previous evidence submission. The first two points are closely linked to the question, discussed above, of the need for clear overriding objectives for the

¹⁰ 2017 figures in passenger-kilometres; from <https://reporting.sbb.ch/verkehr>

¹¹ 1,040pax-km/head/year in GB as against 2,451 in CH – *ibid*.

¹² The comparison is of SBB (which does not comprise the full network) against the British system (TOCs plus Network Rail direct grants); in some years SBB has received less than the British railway but in other years this is reversed.

railway within our society, driving an explicit set of outcomes – and then specific outputs for the network to achieve (at the level of, for example, punctuality targets or crowding standards).

Integration: At present **the passenger railway operates not so much as a system as in the form of a collection of services that run between various points:** it does not consider the real-world journeys that passengers need to make, even from their origin station to their destination station, let alone from door to door. Partly for this reason, rail's modal shares are extremely patchy, with high values being achieved for radial flows into city centres where there has been investment in service quality (an example in West Yorkshire is the Airedale and Wharfedale routes, which achieve modal shares of 75-85% for Leeds commuting flows) but negligible shares of more complex journeys. Research has repeatedly shown high values for “interchange penalty” compared with systems built around easy and reliable interchange¹³ - this reflects the lack of a strategic view towards the design of timetables with regard to travellers' real-world journeys.

But it is not only individual routes and operators that appear to exist in isolation from one another – **there is a consistent failure to bring together rolling-stock, infrastructure and long-term timetable planning into a coherent strategy.** The Northern Hub and May 2018 timetable are a prime example (see Case Study box, with a comparison against an example of good practice). The reasons of this are discussed elsewhere, but it is relevant to underline in particular the wide variety of vested and conflicting interests within the industry that together militate against best practice being adopted.

Case study – Coherent planning: Northern Hub vs. Prague – Plzeň

The former Northern Way developed the concept of the Manchester Hub (latterly Northern Hub) as a package of interventions designed to alleviate deep-seated network capacity and reliability issues around Manchester which had wider impacts across the North, while also creating new regional connectivity. While it was not accompanied by a full timetable concept and it was not possible to specify firmly the types of train that would be used on each service, a train-service specification was developed to guide the design of infrastructure. However, in the event, the full scheme was not delivered; alternative service specifications were “reverse-engineered” to fit the infrastructure central Government was willing to provide – in particular, capacity enhancements in Manchester Piccadilly and along the Castlefield Corridor were removed. These changes undermined the value of the Ordsall Chord, and, accompanied by an overoptimistic re-writing of the relevant timetable planning rules in an attempt to fit too many trains along the corridor, contributed to the service collapse in May 2018.

Another instructive facet of the Northern Hub was the upgrading of the Calder Valley line between Manchester and Bradford: conceived against a target journey time of 50 minutes

¹³ See PDFH, also *Large Changes In Generalised Journey Times Study* (ITS Leeds & Mott MacDonald, 2012; counter-examples where interchange is taken for granted as a principle of comprehensive connectivity would be the Netherlands, Czech Republic and Switzerland.

plus capacity increases, the work was completed in stages between 2016 and 2018. However, because the franchising systems made it impossible to specify the type of rolling-stock to be used on the route, the linespeed improvements were designed for a lower specification of train than was ultimately selected by Arriva Rail North, so the speed profile constructed is sub-optimal: a new class 195 would have been able to run at speeds the assumed class 158 could not have reached. In addition, despite the completion of all works in autumn 2018, it is likely to be December 2019 before the timetables are corrected to match linespeeds. At present, some journey times remain slower than they were in 1981.

A counter-example is the mainline connecting Prague with the Czech Republic's fourth-largest city, Plzeň, a distance of around 100km. Historically this took around 90-100 minutes. In planning for speed improvements, it was recognised that the principles of clockface timetables would mean that a wide variety of connections would be unlocked at either end if the journey time could be brought down to below one hour (around 57-58 minutes is normal where this system is used, enabling hourly connections at each end). This wider approach to timetable planning has regard to the full journey a passenger is making, and in this instance led to a major programme of upgrades on the line, with cut-offs and speed enhancements delivered allied to the performance of existing and planned locomotives. Speed improvements have been delivered as and when the infrastructure was ready, with the journey time now down to 63 minutes – when the scheme is complete, the drop below one hour will allow Plzeň's main station to function as a full connectional node. This approach has been driven by a strategic long-term overview of the timetable, infrastructure and rolling-stock as a whole, with clear system output (hourly trains with a journey time of less than one hour from Prague) identified at the outset – and stuck to¹⁴.

The problem is however larger still than this: **the railway in Britain can be seen as operating in “splendid isolation” from other means of transport**, with (outside London) integration with buses in particular being exceedingly difficult to plan. This is inimical to creating a public transport network that is attractive for a wider variety of journey types and purposes – an outcome that is essential if the Combined Authority's social, economic and environmental objectives are to be met. It follows from this that joining up public transport policy as a whole – and rail policy in particular – with regional and local plans for economic, spatial and social change is very challenging.

A linked issue is that the rail in **the North has for decades been “behind the curve” in terms of providing for capacity**, playing “catch-up” with growth that the industry perennially fails to forecast, with poor demand and benefits modelling allying with unsuitable appraisal methodologies to leave the North's railway dependent on repeated underspecified “sticking-plaster” interventions, rather than being ahead of the game as a strategic approach to capacity and connectivity planning would

¹⁴ The principle of designing journey times to meet a timetable concept (“as fast as necessary”) rather than designing a timetable to what given infrastructure will allow (“as fast as possible”) is inherent to integrated clockface timetabling, i.e. the *Taktfahrplan* concept. Similar examples can be seen in a process of “real-time” development in the Czech Republic (Prague – České Budějovice with a target of under two hours) and complete in Switzerland (upgrade of Zürich – Bern to achieve a 56' journey).

enable. Given the ample evidence of historic and predicted economic growth in Leeds city centre¹⁵, for example, a well-functional railway would have been aware that greatly increased train (and network) capacity into the city would be needed, and would have provided for it in good time. Similarly, at present there is major housing growth around Pontefract, but the Combined Authority has so far struggled to make the case for the improved rail connectivity and capacity that should accompany this.

The railway must be accountable to those that use, fund and benefit from it; as discussed above and in our previous evidence, a crucial part of this must be *meaningful* devolution of rail in the North to bodies with *genuine power* to make decisions, guide planning and enforce agreements: see Case Study below. This demonstrates that **true devolution must encompass genuine power (to specify, to manage, to enforce), as well as accountability of the devolved body and governance structures that ensure members' priorities are put into practice.**

Case study – Partial devolution in the North?

The Trans-Pennine and Northern franchises have been subject to a partial devolution that does not meet the North's needs in terms of decision-making or accountability. Transport for the North (TfN, formerly Rail North), and through it transport authorities such as ourselves, had some role in informing the specification of the franchises. However, the franchise agreements were ultimately signed solely by the Secretary of State. In consequence, despite the existence of the Rail North Partnership, under which franchise management responsibilities are considered shared ultimate decision-making power remains firmly with DfT. In consequence, it has appeared difficult for TfN to ensure that franchise commitments are enforced and so that the interests of rail travellers in the North are protected, despite TfN having reached clear positions via its own democratic governance processes.

An example has been that TfN were unable to ensure that sufficient capacity was in place on the TPE franchise in May 2018, specifically on the severely crowded North Trans-Pennine route, with new-build stock having been delayed and a franchise commitment to utilise additional older vehicles on a temporary basis not having been enforced. TfN member authorities including the West Yorkshire Combined Authority made their view clear, that additional train capacity was essential if the May 2018 timetable concept was to be introduced successfully, and sought dialogue with the operator both directly and via TfN as to options to achieve this. However, such meaningful dialogue did not take place, and ultimately the timetable changes went ahead with no additional trains in service. As a result, crowding conditions became worse. The situation became worse when, after train performance collapsed from May 2018 and it became accepted that the relevant timetables were unworkable, TPE developed plans to improve performance that would have been wholly unacceptable in terms of cutting connectivity – but did consider alternatives that would have required additional resources and/or curtailing revenue-generative routes that were not critical to capacity provision. In December 2018, the situation became still worse

¹⁵ See e.g. Deloitte's *Leeds Crane Survey 2019*: <https://www2.deloitte.com/uk/en/pages/real-estate/articles/leeds-crane-survey.html>

with further peak trains-being de-strengthened (6 carriages to 3) as a result of initiatives to increase trains' turnarounds. At the time of writing this submission, it is understood that the position will become even worse in May 2019, with, as a result of a further timetable change and continuing delays to the new fleet, the last peak TPE trains serving Leeds that are still six carriages being halved in length. This is believed to represent a 38% *reduction* in train capacity in the morning high-peak hour on fast trains from Huddersfield to Leeds, one of the most crowded routes in the country. At every such timetable, the Combined Authority (and our counterparts in other regions such as Greater Manchester) have not only protested but proposed concrete alternative plans, but these have been either dismissed summarily or ignored. We consider that the reduction in capacity was entirely avoidable but a symptom of an inability of TfN to manage the franchise effectively in the face of a de facto veto in DfT.

If franchising – or the provision of passenger rail services by any private-sector arm's length body – is to continue, the devolved body must have the power and discretion to ensure that the enforcement of franchise agreements is carried out whenever this is in the interests of the passenger, rather than decisions being taken in London that have direct impacts on the ability of people in the North to reach their work and education. If this does not happen, it could be argued that the franchise agreement becomes a valueless document.

It follows that what is required is meaningful devolution, to bodies that:

- are representative of the regions they serve
 - are democratically accountable
 - have the powers needed to ensure the rail system delivers, including the ability to enforce agreements with operators and to make strategic planning decisions
 - are funded sufficiently to make their own investments and funding decisions
 - have a seat at the table of national strategic rail planning,
- and to whom the train operator is genuinely accountable and answerable

Tackling cost has been discussed above; in addition to this, the railway at present does not inspire confidence that it is consistently able to develop and deliver the most appropriate solutions to identified needs, tending to lack flexibility and pragmatism – and so stifle potentially sound innovation.

In summary, therefore, we would suggest the following additions to the summary problem statement:

- *The rail sector too often loses sight of its passenger and freight customers;*
- *~~Over recent years it has come to~~ lacks a single clear strategic direction and long-term vision to guide planning decisions;*
- *It has become fragmented and accountabilities are not always clear;*
- *The railway is not integrated within itself, nor with public transport as a whole, making it difficult to align its priorities with economic and spatial planning*
- *The sector needs to be more productive and tackle its long term costs; and*
- *The sector is struggling to innovate, ~~and~~ adapt and respond flexibly and pragmatically to user and stakeholder needs*

4. Assessment criteria

Do the broad assessment criteria in Chapter 4 capture the right issues against which the Review should test its proposals? What priority should we attach to each and how should we balance trade-offs? Are there other issues we should consider?

Again, the Combined Authority is in broad agreement with what is proposed here, but we have some additional observations. Clearly there is significant overlap between several of the outcomes listed (such as that performance improvements and value-for-money fares will drive public trust in the industry), but we do not see this as a difficulty with the expressing the outcomes in this way, nor do we see any obvious advantage to grouping the outcomes in a different way to that suggested.

The first group of outcomes is under the heading “*Passengers*” – we need also to have equivalent entries for freight customers (and future customers) – the entry under “The Fundamentals” section is good as far as it goes, but the needs of the ultimate customer (as opposed to just those who current operate freight trains) need to be more explicitly reflected.

Performance: The measures chosen need to have the passenger and customer at their heart, and not drive a “compliance culture” (or indeed a blame culture) and perverse behaviour (such as incentivising early departure and failures to hold connections), as can happen with the current measures, especially PPM. Again the Swiss experience is instructive: while a simple (albeit demand-weighted) arrival punctuality measure gives a 90.2% score for 2017 using a 3-minute threshold, the preferred measure is one that reflects passengers’ actual experience in terms of their end-to-end journey – passenger-weighted connectional punctuality. Because this more advanced measure considers a passenger’s arrival at their true destination, small delays that do not in fact affect that journey (because for example a connecting service is still made) are ironed out and need not be counted, reflecting and incentivising a passenger-friendly approach to timetable planning and operational decisions. As a result, the revised score under this measure is significantly higher: 97.2% for the same year¹⁶. Comparison of these numbers illustrates that the legendary Swiss reputation for punctuality is not so much about trains arriving at every station on time, but about passengers’ real-world journey experiences being reliable as a whole. We would advocate a similar approach for the British passenger rail network as an important tool in driving and measuring improvements in performance that can be directly felt by travellers. It is also worth noting that SBB also use a demanding 3-minute delay threshold for freight transport, achieving 74.9% in 2017¹⁷.

Value for money: As discussed above, this needs to cover the matters listed, but also to address the need for the railway not to exclude socially due to fares levels

¹⁶ Source: <https://reporting.sbb.ch/qualitaet?rows=8,9,11,14,17,18,23&years=0,1,4,5,6,7&scroll=490>, with 2017 figures used for “Kundenpünktlichkeit” (simple punctuality) and “Kundengewichtete Anschlusspünktlichkeit” (the more advanced measure reflecting true journeys). Details of how this approach works are in the Appendix.

¹⁷ Ibid.

that are unaffordable for potential users: **the level of fares should not be a significant barrier to use of the railway**, including by the unemployed / low paid, by families, by students and the retired. **Fares must also be at levels that are attractive compared to alternative modes** – and can be readily accessed by the non-expert user for journeys of all types, regionally, nationally, internationally and across modes – in order to achieve modal shift from car and aeroplane. In other words, it is about *affordability and price-competitiveness*. Single-TOC pricing regimes, arbitrarily different fares rules between TOCs, and unhelpful innovations such as TOC-specific smart-cards and Advance Purchase On The Day tickets have confounded complication and confusion while doing little for overall competitiveness. It might be argued that a move away from net-cost (revenue-risk) franchises would be beneficial by allowing the creation of one nationwide and/or regional fares regime.

Case study – Attractive fares?

The Cross-Country network has over an extended period moved away from catering to one of its core traditional markets, families from the North taking a holiday in the South-West. Taking the example of a family of four wishing to travel from Leeds to Torquay for a week, booking around a month in advance, the cheapest fares available total over £400, with flexible tickets (in standard class) closer to £500. While a Family & Friends railcard can reduce this to £200-300, this is wholly uncompetitive with a likely car fuel cost of under £100.¹⁸ Similarly, a one-day business trip from Leeds to Birmingham, booking two days in advance, can be expected to cost around £130 (some restricted advance-purchase tickets are available from around £64); savvy travellers can however save over two-thirds of the cost of a flexible ticket by splitting their ticketing at multiple locations, a practice that discriminates against occasional users of the railway and contributes to the low trust in the railway that has been reported amongst the public.¹⁹

The position is worse still for international travel: attempting to book from Leeds to Frankfurt via Eurostar simply generates an error message. While specialist websites such as loco2.com will simplify slightly the task of collating the mixed tickets required, the fares that result are neither competitive nor easy to access – the railway is poor value for money and will struggle to compete with aviation, particularly with air fares at their current low levels. In contrast, some European railways cooperate with their counterparts across borders to produce attractively priced promotional tickets, such as Czech Railways offering Prague – Frankfurt – Brussels for under £17 single.

It is equally essential that the railway is able to provide competitively priced – and more comprehensive and coordinated than now – freight services, if the environmental and economic superiority of rail is to be fully exploited as against road and air competition that pays only a small proportion of its true costs.

¹⁸ Fares checked 17 April 2019 at

<https://www.buytickets.crosscountrytrains.co.uk/buytickets/combinedmatrix.aspx?Command=TimeTable>, and car fuel costs at <https://journeyprice.co.uk/>. For the vast majority of car users, costs other than fuel (fixed or variable) are not perceived as relevant to the modal choice for any given journey.

¹⁹ See e.g. <https://www.which.co.uk/news/2018/11/complaints-about-complaints-train-passengers-fed-up-with-how-theyre-treated/>

Public Trust: As noted above, confusing and illogical fares regimes play a role in harming public trust. Trust also however is engendered when rail operators communicate clearly, consistently, reliable and honestly with users of the system, such as at times of disruption – and when they handle such disruption in a predictable and rational manner that puts the passenger first. Analogous considerations apply to freight customers and industry (potential customers): they must have confidence rail can, literally and metaphorically, deliver.

Enabling the journeys people want to make – including across modes: This is discussed in some detail above in relation to the passenger sector, and is strongly agreed by the Combined Authority. With regard to freight, enabling the journeys shippers need their freight to make includes (though is certainly not limited to) **ensuring that the network makes proper provision for the attractive train paths freight needs**; there is at present real concern that the Trans-Pennine Route Upgrade, for example, may fail to do this.

Affordability (all three criteria): Once again, these are supported by the Combined Authority, though some of the specific terminology might be open to improvement: at the level of the system funder (as opposed to that of the prospective passenger or customer considering fares/freight tariffs), “affordability” and [financial] “sustainability” can have an element of subjectivity and only considers financial “inputs”, not what outputs the system achieves. Developed countries have long recognised that **the value of a railway – in terms of what it enables in terms of wellbeing, economic efficiency, quality of life and environmental sustainability – far exceeds its direct farebox or freight revenue**, and that a railway that attempted to run on a narrow commercial basis would be unable to provide these benefits. We would rather therefore instead use the language of “*cost-effectiveness*” in this context – with an emphasis on best practice.

The second sub-heading, “*commercial sustainability*” appears to be really about, to use the language of our previous submission, having **a railway that is “open for business”**, i.e. is adaptable to its surroundings and easy to do business with – rather than its current excessively risk-averse, bureaucratic and process-driven nature. We would also prefer to avoid the word “resilient”, as this implies a body that is unchanging – while being consistent, the railway needs to be able to adapt to changes in its environment, such as increases in passenger demand or changes in the logistics market.

We would suggest:

Cost-effectiveness

1. *Productivity and efficiency. The costs of operating, maintaining, renewing and enhancing the rail network must be brought down to levels comparable to international best practice, allowing the industry to address long-term cost pressures and ensure value for money for taxpayers and users*
2. *Commercial partnership. The future industry structure must be suitable for and adaptable to a changing environment, balancing risk and opportunity*

appropriately, fostering new ideas and creating incentives that align with the railway's objectives

3. *Seizes opportunities. The railway must ~~continue to~~ seize opportunities to drive quality improvements, increase usage, explore commercial opportunities, and find efficiencies such as by investing to save*

Turning to “*The fundamentals*”, the Combined Authority is strongly in agreement with the first sub-heading, which is particularly well phrased: while the railway must not contemplate compromising its world-leading safety record, which may never be taken for granted, there are instances where misapplied safety considerations have prevented the right decisions from being made – sometimes as a result of a lack of a real understanding of the issues involved, or resulting from a perceived or real lack of authority or discretion amongst staff with the requisite expertise, underpinned with a lack of incentive to think imaginatively and challenge assumptions or standards. An example is the question of what norms should be adopted for safe clearances for overhead electrification.²⁰

Environment: Again this wording is, in our view, strong and flexible, though there is an argument for underlining that, given rail's inherent energy-efficiency advantages and its unique ability to use renewably generated electricity as a direct traction source, **modal shift to rail (passenger and freight) is itself a significant contribution to sustainability** and to meeting the national and regional imperatives of carbon reduction and of acceptable air quality. We would also advocate adding to the entry the words “... *its environmental benefits, as part of the transition to a post-carbon economy*”.

Rail freight: We need to be clear that **rail freight should expand into sectors in which it is at present absent or underperforming**, if the railway is play its full role.

‘System changes’ category: Again, we consider these principles to be sound.

- *Focus on users:* This must be right, subject to comments above in relation to (current) non-users, and to the role of public funders and specifiers in achieving the outcomes they require from the network. How this is to be achieved if part or all of the railway remains primarily accountable, and owing a legal duty, to third-party shareholders would need careful consideration.
- *Accountability and leadership:* There is also a need to make sure that those making management decisions are the right people in terms of their technical background and skills – and then that those people are *empowered* to make technical decisions including applying their professional expertise to achieve the right outcomes. These managers must then be held accountable to representatives of the communities served by the railway. As discussed above, that accountability must wherever appropriate be to devolved bodies with genuine authority (as opposed to the mere delegation of specific tasks to a local or regional level).

²⁰ In this regard the Rail Industry Association's analysis of the costs of rail electrification is particularly helpful: https://www.riangb.org.uk/RIA/Newsroom/Stories/Electrification_Cost_Challenge_Report.aspx

- *Collaboration*: We need to emphasise explicitly that **there is a need for a transformation towards openness and honesty with funders, specifiers and local/regional government – as well as within the industry itself**. At present there is a culture of excessive “commercial confidentiality”, PR spin and narrow self-interest, such that for example the only way in which Combined Authority officers have been able to obtain information about our train operators’ fleet situation has sometimes been via rail enthusiasts’ internet fora. This lack of information sharing causes avoidable work and raises the risk of inaccurate information becoming public. Experience over the last two decades has shown that any benefits arising from competition between train operators are marginal as against the foregone benefits of collaboration and cooperation between those operating different services. That may or may not point to fewer or a single-operator model in future – as noted above, Switzerland has numerous operators but their system is characterised by cooperation and accountability.
- *Long-term thinking and innovation*: It would also be appropriate here to emphasise that there is a need for such thinking to be strategic in nature – that is, the railway having a clear direction articulated through a “controlling mind” with the authority to put it into effect. As alluded to above, an example of the benefits such long-term strategic thinking could reap would be the ability to have a national or regional rolling-stock strategy linked to infrastructure and service development, covering electrification, the acquisition of new trains, and the coordinated cascade of existing stock through the network to the most appropriate services, leading to efficiencies and a general uplift in the quality of the passenger experience.
- *Delivery capability, including of change*: We highlighted above the need for the right staff to be in the right positions and empowered to make the right decisions. Allied to this – indeed critical to its success – is that **the railway must be an attractive career prospect** with excellent training and a clear progression structure: it must recruit, retain and develop staff who are “steeped” in the railway, while remaining open to fresh ideas and talent from outside. In some respects the old BR Management Training Scheme was regarded as a “gold standard” of its type, but it should be recalled that many excellent staff have also “risen through the ranks” – a process that the balkanised structure of the present railway has tended to stifle. (These themes are clearly linked to the last sub-heading too.)

5. Conclusion

The Combined Authority considers this second Call For Evidence, the proposals within it, and the various recent supporting papers, to be overwhelmingly encouraging in terms of confirming that the right, often difficult, questions are being asked, and that there is a willingness to challenge existing thinking, which promises the prospect of imaginative solutions emerging from this Review. We hope in this context that our input is considered helpful and look forward to contributing further to the Review as it progresses through 2019.

We consider the evidence emerging, including from our own submissions, to underline that the Review should remain open to considering all structure, governance and ownership options that might assist in bringing about the deep changes that the industry needs, even if these changes will require careful management during transitional phases.

We consider that the case for further – and more meaningful – devolution is strongly evidenced, and that there does not appear to be any insuperable conflict between devolved accountability and the efficiency, economies of scale and system-wide coordination that the railway needs. Such real devolution will be a critical step to ensuring that the railway's priorities better reflect the communities served and the diversity of those who travel by train, and that it is answerable to them.

Williams Rail Review: Call for Evidence

Submission of the West Yorkshire Combined Authority

1. Executive Summary

- **The chaos unleashed on passengers and the economy since May 2018 confirms that the current UK organisational and commercial railway frameworks are not working for our region.** As a founding member of Rail North and Transport for the North, West Yorkshire Combined Authority and Leeds City Region Local Enterprise Partnership (the LEP) welcome the Williams Rail Review as the catalyst for the fundamental shift that is needed in the way the rail network works for passengers and for the country.
- **The railway should be much more focussed on delivering the service that passengers and freight customers want and need.** A reformed framework is urgently needed to ensure customers (passengers and freight) in all parts of the UK receive a level of service comparable to the best in the world. Structures should be re-configured in a way that places the delivery and planning of current and future rail services (and requisite infrastructure), with passengers and freight customers at the heart of everything. Devolution of the funding, decision-making levers and accountability for rail outcomes to locally elected Members is needed.
- **Form should follow function - the railway should not exist in a bubble, and requires urgent reform so that it provides the mobility that our society needs, equally well across the country.** The railway's structure should be derived from its purpose. To deliver a railway that can support our objectives for sustainable, inclusive, economic growth, our region needs greater devolution of decision making powers about rail outcomes to the sub-national and local levels where the requirements for and impact of those outcomes are best understood.
- **The North of England needs a railway structure that supports the 'Northern Powerhouse' programme of regeneration, rebalancing and productivity growth through investment, which should primarily be about providing a service to customers and society, with profit being a second order priority.** Following decades of under-investment, the north is engaged in a multi-generational programme of economic re-balancing. We need a railway focussed on this long term mission, which supports changing and growing labour markets, which recognises that the investment case in the north will be different to that elsewhere, and which is affordable to all in society. The current system is not delivering and has conflicting objectives and drivers.
- **The railway network is a system. We need a railway framework with aligned objectives, structures and organisational/commercial models.** We need a railway structure that treats the network as a system that can get the basics right, but which is also focussed on the delivery of growth in demand for, and improvement of, the passenger and freight railway.

- **Rail franchising is not working for our region.** Alternative approaches are needed that integrate track and train, and that deliver the services that our region and customers actually want, now and in the future.
- **The railway needs to be totally accountable to democratically elected government at national and sub-national levels for rail outcomes.** There needs to be a clear, golden-thread of transparent accountability between the strategic objectives for rail set and agreed between national, sub-national and local politicians, and the ultimate service delivered and decisions made day to day by the rail industry, to and on behalf of customers. Effective accountability will in turn allow detailed industry decisions to be taken within the industry.
- **The railway needs to be open for business.** As a third party investor in the railway with a planned rail investment portfolio currently worth £250m, we often find the railway hard to do business with.

2. Introduction

The West Yorkshire Combined Authority working in partnership with the LEP, operates to ensure that our region is recognised globally as a strong, successful economy where everyone can build great businesses, careers and lives. We bring together local councils and businesses to achieve this vision, so that everyone in our region can benefit from economic prosperity and a modern, accessible transport network. We have four main areas of focus:

- **A strong economy** – helping businesses to become more productive and create more, better quality jobs for local people;
- **Inclusive growth** – ensuring everyone in our region can benefit from this strong economy;
- **21st Century transport** – creating modern, efficient transport infrastructure that supports communities, the environment and our economy; and
- **Devolution** – securing funding and powers to help us do even more.

West Yorkshire Combined Authority is the Local Transport Authority for West Yorkshire, and subsumed the powers of the former Passenger Transport Executive in 2014. We are a founding member of Rail North and Transport for the North (hereafter TfN), England's first sub-national transport body. Through its Partnership Agreement with the Department for Transport, TfN has an important role in the planning of rail and road investment across the north, as well as the management of the First Transpennine Express and Northern rail franchises.

This response seeks to inform the deliberations of the Williams Review with evidence from the perspectives of West Yorkshire Combined Authority being:

- a Local Transport Authority and therefore significant stakeholder in the railway;
- a founding member of and partner in TfN, therefore having an indirect contractual relationship with the railway through the planning and management of infrastructure and service development and delivery; and

- an investor in the railway, with a current portfolio of rail enhancement schemes worth circa £250m in total.
3. The chaos unleashed on passengers and the economy since May 2018 confirms that the current UK organisational and commercial railway frameworks are not working for our region

West Yorkshire Combined Authority is the Local Transport Authority for West Yorkshire. One of our statutory functions is to develop and implement a Local Transport Plan for our area – our current plan is known as Transport Strategy 2040, which can be found at:

- <https://www.westyorks-ca.gov.uk/media/2664/transport-strategy-2040.pdf>

A successful and growing railway is a major part of our transport strategy, and has been a key tenet of successive plans for the last 20 years or so. We have been working with partners in Government, in the rail industry and across the north for a long time on developing a successful railway. We would define success as a railway that supports our wider objectives, with the corresponding rail outputs as follows:

- Reliable and punctual;
- Modern and of a high quality;
- Integrated with other transport modes - easily accessible from across the region;
- Fast and frequent;
- Of sufficient capacity for passengers and freight;
- Accessible to all;
- Value for money for fare-payers and taxpayers;
- Welcoming station gateways - supportive of our place-making and regeneration plans.

In our latest strategy, we are looking to grow the number of trips made by rail by 75%, come 2027. Whilst rail demand across West Yorkshire doubled between 2005/6 and 2014/15, this came about largely without any major investment in improved rail infrastructure or services (with the notable exception of a new rolling stock fleet for Transpennine Express). The previous Northern Rail franchise was even let on a no-growth basis. The evidence²¹ demonstrates that it has been exogenous rather than endogenous changes that have driven this i.e. the changing economic geography of the northern city regions, as well as a limiting of car parking supply in city centres due to former brownfield land regeneration.

It is therefore of the utmost concern to us that despite years of work, time and money, the current railway frameworks are failing to deliver for us. The May 2018 timetable fiasco (which itself was postponed from December 2017), and the ensuing and indeed emerging revelations about what can and can't be delivered in terms of committed franchise outputs for our region i.e. the success that we have sought to

²¹ Northern HLOS Growth Study; March 2010 – *Mott MacDonald for the Department for Transport*

deliver (more of which later), lead us to question the fundamental structure of the railway. We believe that it is nothing short of broken, and therefore doing nothing is not an option. We therefore warmly welcome the Williams Review as an opportunity to drive reform.

4. The railway should be much more focussed on delivering the service that customers want and need

As you will appreciate, Transport Focus has a plethora of evidence about what passengers really want from the railway, as do freight operators/industry bodies. For customers, a railway that delivers services that are reliable, punctual, value for money, integrated with other transport modes through modern and welcoming stations, easy to navigate, fast, frequent, of a high quality and with enough capacity, are imperative to enable people and goods to move from A to B.

The actual timetable forms the bulk of the end product that the passenger buys when they purchase a ticket. One would expect that as a result, the delivery of the timetable i.e. the services customers want, should be at the very heart of everything the rail industry is working towards, both in terms of day to day operational service and infrastructure delivery, and longer term planning and investment. In other countries, this emphasis on the end timetable to the customer being at the heart of long term planning and investment in the railway, is not unusual. For example, in 2018 the German Government announced its plan for a nationally integrated timetable to be delivered by 2030²². To realise this, a consistent programme of planning, investment and delivery is required beyond the usual Parliamentary term. If the May 2018 timetable chaos demonstrates anything about the UK railway frameworks, it is that **the actual timetable delivered to the customer is in fact the last thing to be thought about, rather than the first.**

In the UK, individual commercial drivers often misalign with passenger interests. Fundamentally, the railway is important to us as it helps us grow access to jobs and services for growing labour markets, provides connectivity, and ultimately drives productivity. This is highly relevant to West Yorkshire where high employment levels in Leeds mean that to increase productivity further, a successful railway is required that reliably connects labour markets with employment opportunities. This means the railway needs to serve passengers well. Rational (at the corporate level) commercial drivers and issues with the structure of the current railway means that passenger interests are not always paramount. For example, the peculiarity of ticket revenue allocation in the rail network means that operators can be incentivised to run trains where they are not most needed. There are examples of this around Yorkshire. There are three operators of trains between Newcastle and York, delivering six trains per hour. However, each is incentivised to sell tickets valid only for its own trains, limiting the benefit of the high frequency of service. Consequently there are hundreds of ticket combinations between Newcastle and York, driving passenger

²² <https://www.bmvi.de/SharedDocs/DE/Pressemitteilungen/2018/080-scheuer-deutschlandtakt.html>

confusion. Ensuring that the whole railway better serves customers, communities and businesses must be the starting point of any reform.

5. Form should follow function - the railway should not exist in a bubble, and requires urgent reform so that it provides the mobility that our society needs, equally well across the country.

It may seem a statement of the obvious, but it is important to recognise that as well as serving its customers, the railway is there to serve a wider purpose in our society, and is not an end in its own right. Its organisational frameworks and structure should fundamentally be developed based on the function the railway is to serve. It is part of the wider mix of transport infrastructure and services which together, provide vital mobility for people and goods to move around and to/from our country. The railway can have impacts in the following ways:

Economic:

The intrinsic link between economic growth and high quality transport, including rail, has in the last decade or so been increasingly better understood, with the Eddington Study²³ being one of a number of keystone pieces of research into the subject. The economic strength (in GDP per capita terms at least) of the London and South East economy, with its focus and growth in 'Knowledge Intensive Business Services' (KIBS) jobs, has been greatly facilitated by a relatively modern railway. The economic pull of London draws in workers and business people in large numbers from around the south east and indeed well beyond it. The railway does in large part enable this to happen on a daily basis – connecting people/labour markets to jobs with fast, frequent, well integrated (with other transport modes in London) rail services between the capital and its commuter heartlands and beyond.

Whilst there is evidence that working patterns are changing which could be affecting demand for rail, there is also evidence that the continued strong presence of KIBS jobs, and the tendency of these to cluster together and agglomerate, will continue to mean rail demand to/from city centres will remain strong.

Social:

The railway, as part of a wider transport network, can support and enhance social inclusion and inclusive growth. It can do this by connecting people to economic opportunity, by connecting communities to each other and to health, education and leisure services. The railway is also a significant employer and procurer of goods and services, which can benefit local economies and communities. The railway governance structures adopted since privatisation have facilitated some progress and success in this regard. There is evidence for example of Network Rail²⁴ and

²³

<https://webarchive.nationalarchives.gov.uk/20090115123503/http://www.dft.gov.uk/162259/187604/206711/executivesummary.pdf>

²⁴ <https://www.networkrail.co.uk/communities/social-performance/>

Train Operating Companies²⁵ adopting and implementing social sustainability policies, whether that be buying from local supply chains, engaging and investing in community rail programmes, and pro-actively creating training programmes to upskill people to work in the rail industry. This is all positive progress which should be noted, and further and overtly enhanced through the Review.

Environmental:

As part of an integrated transport network, the railway can help minimise the negative effects (e.g. highway congestion, noise, air and carbon pollution from highway transport, land-take and so on) of less sustainable modes of transport by encouraging people to use public, rather than private transport. This has always been important, but we would argue has been given new impetus since the Paris Climate Agreement and the ensuing need to further focus efforts on reducing greenhouse gas emissions. The Government's Clean Growth Strategy²⁶ highlights that by 2015, the transport sector accounted for 24% of total UK emissions. To achieve our emission reduction targets, a 30% reduction will be needed. The railway has hitherto been focussed on and has had some success in reducing its own emissions, waste and resource use. This is positive, however it is through transport mode shift from private car use to integrated public transport including the railway, that significant gains can be made.

For taxpayers, society and the wider economy, a well-functioning, modern railway is critical if we are as a country to deliver on our economic, social and environmental objectives. It is vital that new organisational frameworks for the railway in the UK facilitate the railway operating in a way which is much more outward looking, is cognisant of and which prioritises improvements to its wider societal impact. Whilst it is obvious from rail company communications material and events that this is acknowledged and understood, it is not always apparent from some of the actual behaviours of the companies. A railway that continues to place short term commercial interest over long term societal wellbeing is not one that the country can afford. The two examples below seek to outline the sort of behaviours we would like to see disappear from the railway under a revised organisational framework:

- **Arriva Rail North:** In December 2018, despite it not being a franchise commitment, Arriva introduced an additional York – Leeds service calling only at Church Fenton. This increases the number of trains between Leeds and York from six trains to seven trains per hour in each direction. The east of Leeds corridor has been highlighted by Richard George, TfN and the Department for Transport's advisor overseeing infrastructure and train operations, as a network congestion hotspot, therefore not a location one would think to increase pressure on the network yet further. This service cuts the ability for people to get easily between east Leeds and Bradford and

²⁵ <https://www.tpexpress.co.uk/about-us/our-plan/people>

²⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

arguably, uses rolling stock that could have been utilised to help support delivery of actual franchise commitments. This proposed change was therefore something we opposed, however it would be interesting to understand whether or not the way the “ORCATS” (Operational Research Computerised Allocation of Tickets to Services) system works has influenced this decision..

- **First Transpennine Express:** Improvement and consistent delivery of planned peak passenger capacity into Leeds is a major priority for West Yorkshire Combined Authority. Reliably delivering an effective service that allows people to get to work on a daily basis is a core basic role of the railway. However from December 2018, there are now 25% fewer seats between 08.00 and 09.00 on TPE’s fast services between Huddersfield and Leeds than in December 2017. This is because priority has been given to service extensions over capacity provision e.g. in December 2017 TPE’s Manchester Airport to York service was extended to Newcastle. We would argue that the commercial driver for this decision has trumped other outcomes.

6. The North of England needs a railway structure that recognises and works with the ‘Northern Powerhouse’ programme of regeneration, rebalancing and productivity growth through investment, which should primarily be about providing a service to customers and society, with profit being a second order priority

Any new railway organisational framework should recognise that ‘one size does not fit all’, and that society’s needs of the railway may be different depending on the region being served. The north of England has over the past decade and a half, commenced what could well end up being a multi-generational economic re-structuring exercise, if the vision of a ‘Northern Powerhouse’ economy is to be realised. There has been a plethora of research into the economic and spatial rebalancing agenda in the UK²⁷. The railway is intrinsically linked to this re-balancing agenda, as a reliable, growing and improving railway will help better connect labour with employment markets, businesses to opportunities, people to leisure and goods to market. The economic re-structuring that has taken place so far has brought with it a consistent rise in demand for rail, particularly for travel to and between our city centres, with passengers having to endure often unacceptably overcrowded conditions²⁸. This has been driven in large part by the growth in KIBS based jobs in city centres, which rail has been ideally placed to exploit and support.

There is a question however about whether the railway’s current structures, commercial arrangements and cost allocation processes, which were designed in good faith with the London and South East, or indeed inter-city markets in mind, are

²⁷ <https://academic.oup.com/joeg/article-abstract/13/6/889/924921?redirectedFrom=fulltext>

²⁸ DfT Rail Statistics 2017: <https://www.gov.uk/government/statistics/rail-passenger-numbers-and-crowding-on-weekdays-in-major-cities-in-england-and-wales-2017>

really right for the objective of regeneration in the north. There is evidence²⁹ that the current methodology for railway cost allocation is biased against regional rail, making it appear artificially more expensive to run than it actually is. This in turn makes it a lot harder to construct an investment case for rail in the north to support regeneration.

We consider that there is an overarching tension in the terms of reference for the Review which is worthy of consideration up front. This being the extent to which the continual policy to re-balance the source of the railway's funding from tax-payer to fare-payer, over successive governments, impacts upon the possible frameworks for the railway's organisation emerging from the Review. The McNulty Review³⁰ demonstrated that the UK railway cost about one third more to run than other European equivalents. What McNulty didn't consider however is what the "right balance" between taxpayer and fare-payer funding for the railway should be, and how the railway should therefore be structured to help achieve that. It is right that the UK railway should be as affordable as other equivalent railways and that the taxpayer and fare-payer need good value for money. If however the railway is viewed purely in financial terms and in isolation by Her Majesty's Government from the economic, environmental, social, housing, health and other impacts that it has, that leads to organisational frameworks and structures that could work against the achievement of wider Government policy. For example, if the railway is unaffordable for people on lower incomes, or for the unemployed seeking work, this will be damaging for policies to rebalance the economic divide in our country, particularly as jobs continue to shift to knowledge intensive ones located in cities and larger towns, which rail is ideally placed to exploit. UTG considered the economic value of the railway in the north of England as against the need to develop cost cutting measures for the railway in 2014³¹.

7. The railway network is a system. We need a railway framework with aligned objectives, structures and organisational/commercial models

Self-evidently, the railway *network* is just that, a network – a system with inter-connecting and binding interfaces between track and train, hubs and spokes, systems and services. What happens to one part of the system can have an impact on another. Hence why the recent and much publicised delays to the Bolton corridor electrification scheme has had a knock on impact on rail capacity delivery in West Yorkshire, as diesel rolling stock has been needed elsewhere on the network. Another good example of how the separation of track and train accompanied by a decision-making framework that is not fit for purpose, is the delivery of the Northern

²⁹ http://www.urbantransportgroup.org/system/files/general-docs/A%20heavy%20load%20to%20bear_July%202014_FINAL.pdf

³⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/4203/realising-the-potential-of-gb-rail-summary.pdf

³¹ http://www.urbantransportgroup.org/system/files/general-docs/The%20Economic%20Value%20of%20rail%20in%20the%20North%20of%20Englandv_FINAL_0.pdf

Hub. This programme, originally conceived by the Northern Way³², was always intended as a balanced ***programme of investment in infrastructure and services***. Delivered together in a ***systematic*** way, there was a significant economic prize to be had. And yet what has ended up being delivered in infrastructure terms at least, is only part of the solution, most notably but not limited to the Ordsall Chord. What hasn't yet been delivered are either additional capacity on the Castlefield Corridor or additional platforms at Manchester Piccadilly, both of which are needed alongside the Ordsall Chord to make the whole programme work as a system. It therefore comes as no surprise that in May 2018 when the new timetable introduced more services through central Manchester, reliability and performance essentially collapsed. The fact that the railway's current governance was not able to plan for and mitigate this speaks to the heart of the challenge of the Review.

The structure of the industry is no longer fit for purpose in a congested and growing railway. The structure of railway privatisation was conceived in the early 1990s, and even then the fundamental structure (vertically integrated, versus the current model) was the subject of significant debate. This was conceived following a period of network contraction, and no-one anticipated the huge growth in demand that has since materialised. A busy railway requires much greater co-ordination (allocation of scarce resources) and a more coherent approach to planning for growth. The scope for meaningful inter-operator competition in this context is limited, and the contractual and commercial drivers of individual companies is very difficult to align with the need for precision co-ordination of operations at stations, depots and other constrained facilities. Major long-term investment (such as growing / replacing depots) requires investment that will have pay-back periods in excess of franchise horizons. Often key facilities are multi-user, so it is unclear who should lead resolving these issues; "everyone's problem is no-one's problem". Our umbrella body Urban Transport Group has produced 'Rail Cities UK'³³ – a vision for the kind of railway that our cities need, and has also demonstrated the kind of benefits and value for money that a joined-up, whole system approach to route modernisation can bring in its report 'The Transformational Benefits of Investing in Regional Rail'³⁴.

8. Rail franchising is not working for our region

We would argue that the more effective parts of the railway are not franchises. There are exceptions, but some of the most consistently high passenger satisfaction scores through the National Rail Passenger Survey³⁵ are for non-franchised operators. London Overground, Merseyrail and most UK light rail operations are operated on a

³²

http://www.transportforgreatermanchestercommittee.gov.uk/download/2773/manchester_hub_part_on_epdf

³³ http://www.urbantransportgroup.org/system/files/general-docs/UTG%20%20Rail%20Cities%20UK_FINAL%20WEB.pdf

³⁴ <http://www.urbantransportgroup.org/system/files/general-docs/The%20Transformational%20Benefits%20of%20Investing%20in%20Regional%20Rail.pdf>

³⁵ <https://www.transportfocus.org.uk/research-publications/research/national-passenger-survey-introduction/>

concession basis. The private sector is still operator appointed through competition, but the focus is on the efficiency of the operation to deliver the client's requirements. Capital investment and revenue risk and reward is with the client, allowing a much more long-term approach to investment decision making, and (arguably) a much better focus of management time. Franchising on the railway was intended to be light-touch, to maximise creativity and innovation. The nature of the busy railway network (where resources need allocating efficiently at a network-scale) and the way franchises are now let, means that there is little scope for such innovation.

As well as planning for the long term future looking to the arrival of HS2 and Northern Powerhouse Rail in our region, West Yorkshire Combined Authority has in recent years focussed our efforts on working with other northern partners and the Department for Transport on the formation of Rail North, and the development of the specification for the relevant rail franchises for our region, namely Northern, Transpennine Express and Intercity East Coast. Collectively between northern partners and the Department for Transport, several million pounds of taxpayers' money has been spent on developing and letting these three franchises. On the face of it when the winning bidders were announced and franchise agreements signed, this appeared to be money well spent given the commitment of the winning companies to deliver significant improvements to rail services, including for West Yorkshire. Our region was to benefit from:

- More and faster services;
- More capacity;
- More destinations;
- New and improved rolling stock;
- Improvements to stations.

The above list is not exhaustive, however it demonstrates that following more than a decade of either no or limited investment, West Yorkshire and the wider north was to start seeing a change in its rail fortunes. It is therefore of the utmost concern to West Yorkshire Combined Authority, that some of the most important committed franchise outputs in the new Northern franchise in particular, but also the former Virgin Trains East Coast one are currently at risk, or are at the very least being delivered late – these include:

- More frequent services between Leeds, Bradford, the Calder Valley, Manchester Airport and the North West;
- New direct connectivity between Bradford, South Yorkshire and the East Midlands;
- Additional capacity into Leeds;
- More frequent services between Leeds and Harrogate; and
- More frequent services between Bradford/Harrogate and London.

Whilst the franchises in question have already delivered and will undoubtedly deliver some of the committed improvements (albeit in some cases behind schedule), the fact that the above-mentioned critical franchise output examples are currently at risk, suggests there is something fundamentally wrong with rail franchising.

9. The railway needs to be accountable to democratically elected government at national and sub-national levels for rail outcomes

The industry is too fragmented and there is an absence of accountability. This is an oft-observed issue, and entirely predictable (it happens even within large organisations between departments). Operators often seek to assign responsibility of problems to other operators, Network Rail to operators and vice versa. In reality these are 'railway issues'. The underlying commercial factors are insufficient to force a resolution. A structure that obscures accountability for poor decisions is unlikely to foster effective decision making – this is a clear message emerging from the reviews of the May 2018 timetable chaos. Major decisions are now often made by committee, where each individual party is incentivised to 'toe the party line', and / or adopt an optimistic attitude. Some such committees are chaired by DfT.

Devolution has been proven to be successful, where implemented properly³⁶. In the north of England there is currently a fairly limited amount of devolution, with the ultimate, key decisions being taken not by northern Leaders but by either the rail industry itself or senior officials in Whitehall. The Rail North Committee, comprising of City Region Mayors and Leaders, as well as Local Transport Authority Leaders across the north, has in recent months been presented several times now by the rail industry with what amounts to a 'fait accompli' in a number of its meetings. Whilst rail governance is the subject of another Review (Blake – Jones), it is vitally important that the Williams Review develops organisational frameworks that enable national **and** local, democratically elected politicians to make the key decisions associated with rail services and infrastructure that impact on them and their constituents. This does not mean politicians making detailed decisions on rail inputs, but on the outputs, outcomes and impact that they want the railway to deliver for the geography relevant to them.

Building on the need for devolution, it is also vitally important that there is absolute transparency for our society, for customers and for the rail industry, about who is accountable and for what as part of the rail industry structures. At present it is totally opaque to customers about who is ultimately responsible for resolving problems around poor service levels. Since the May 2018 timetable chaos, following unsatisfactory responses from the supposed customer facing parts of the rail industry, many customers in West Yorkshire have made contact with our local politicians and/or MPs to seek resolution to their complaints and poor service. And yet they currently do not hold the decision-making levers or responsibility.

10. The railway needs to be open for business

New rail infrastructure is unaffordable and often delayed. The rail industry has, in recent decades, been unable to reliably demonstrate an ability to deliver major projects efficiently (although there are some positive examples). This has been the

³⁶ <http://www.urbantransportgroup.org/system/files/general-docs/UTG%20%E2%80%93%20Rail%20Devolution%20Works.pdf>

case for many major projects since privatisation under both Railtrack and Network Rail, but has been particularly evident in recent years as the scale of network expansion has grown. By contrast, Network Rail appears to be very skilled and adept at quickly and effectively dealing with emergency works (reinstatement of Dawlish Sea Wall is a high profile example). Treasury is losing faith in the ability of the railway to effectively deliver major projects. Some suggest that Network Rail is not sufficiently incentivised to reduce cost. Some railway investment (most notably electrification) incurs significant capital cost on the infrastructure, but delivers equally significant operational cost savings for rail operators. However, the current structure breaks the logic of such investment.

Like many Combined Authorities, West Yorkshire Combined Authority is a significant investor in the railway, with a current pipeline of investment worth £250m. And yet in general we find some parts of the rail industry very hard to do business with. Whilst we have seen some signs of improvement in recent months in working with Network Rail, we find:

- They are very risk averse;
- Are prone to preferential engineering making schemes unaffordable; and
- Are very reluctant to change any of the commercial terms in their template agreements. This means risk apportionment is very heavily weighted away from Network Rail towards us. It also means we have no control over cost escalation, essentially giving Network Rail a blank cheque.

Also, we struggle with some Train Operating Companies to secure their proactive involvement in some of our passenger critical investments. Arriva Rail North for example are simply not geared up to deal with third party enhancement schemes, to the extent that attending scheme development meetings can often be problematic.

11. Conclusion

The West Yorkshire Combined Authority warmly welcomes the Williams Review and would be pleased to work with the team to help shape its recommendations. It is a huge opportunity to re-shape and reset the organisational framework for our railway, to ensure it plays the vital role we need it to going forwards, for customers and for our society.

Appendix 2 – Swiss approach to measuring operating performance

Kundenpünktlichkeit

SBB CFF FFS

Key Performance Indices (KPIs) on Swiss railways: Passenger-weighted Arriving and Connectional Punctuality



Train arrives at a station. Passengers divide into 3 groups:

- **Through travellers** (stay on train)
- **Interchangers** (alight+change here)
- **Alighters** (destination is here)



Alighters are passengers who have reached their actual final destination at this station and are leaving the (SBB) network at this station. They are counted for the Passenger-weighted Arriving Punctuality (PAP) figure. The PAP measures the percentage of **alighters** who reach their destination punctually.

Interchangers change at this station to another train. They are only counted in order to calibrate the Passenger-weighted Connectional Punctuality (PCR) figure. The PCR measures the percentage of passengers who make their connection.

Source: SBB 2017, translated by West Yorkshire Combined Authority

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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Capital Spending and Project Approvals**

Director: Melanie Corcoran, Director of Delivery

Author(s): Craig Taylor / Cath Pinn

1 Purpose of this report

- 1.1 To put forward proposals for the progression of, and funding for, a number of West Yorkshire Combined Authority supported projects, including West Yorkshire plus Transport Fund (Transport Fund) and Growth Deal, for consideration by the Combined Authority's assurance process.
- 1.2 The schemes being considered today were recommended by the West Yorkshire and York Investment Committee (the Investment Committee) on 8 May 2019, the remainder from 11 June 2019 Investment Committee.
- 1.3 In December 2018, the Combined Authority amended the terms of reference of the Investment Committee to provide for the Committee to make any decision to progress a scheme under the Leeds City Region Assurance Framework, in accordance with the scheme's bespoke approval pathway and approval route (subject to an exception relating to exceeding the cumulative total of the financial approval and tolerance levels agreed by the Combined Authority by more than 25%). This report includes information on the exercise of the Investment Committee's new delegated decision making role. Decisions made by Investment Committee which are for the Combined Authority's information, and those requiring an approval decision by the Combined Authority, will be made clear in this report through being highlighted in the summary table and the recommendations where applicable.
- 1.4 This report presents proposals for the progression of 4 schemes, which have been recommended for approval by the West Yorkshire and York Investment Committee and considered in line with the Leeds City Region Assurance Framework. These schemes have a total combined funding value of £95.982 million when fully approved, of which £77.582 million will be funded by the Combined Authority. A total expenditure recommendation to the value of £1.538 million is sought as part of this report for the development and delivery

of these schemes. Further details on the schemes summarised below can be found as part of this report.

<p><u>Scheme</u></p> <p>Mirfield to Dewsbury to Leeds (M2D2L)</p> <p>Kirklees</p> <p>(June Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The Mirfield to Dewsbury to Leeds (M2D2L) corridor forms a Key Route running through the heart of West Yorkshire and serving a direct catchment of around 600,000 residents as well as several existing and planned major employment, retail and housing sites.</p> <p>Initial work at this stage has identified a list of options which have forecasted values up to £37.250 million. These options will be shortlisted as part of the outline business case development in activity 3 to fit within the identified £13 million funding envelope (£12.5 million Combined Authority funding, £500,000 Leeds City Council Section 106 funding). This £13 million prioritised package will constitute the Phase 1 of M2D2L, with any subsequent phases currently unfunded and to be the subject of separate business cases if a funding source is identified.</p> <p>Options include improvements to the highway including major and side-road junction upgrades, pedestrian crossings and footways, bus lanes and high quality stops, cycle tracks, and highway space reallocations.</p> <p><u>Impact</u></p> <p>The value for money (VfM) of a selection of individual intervention options has been initially estimated during feasibility work and estimated benefit cost ratios (BCRs) for scheme options range from 2:1 and above.</p> <p>Whilst at this stage sufficient data is not available to provide an informed BCR statistic for the cumulative M2D2L scheme, it is estimated that the full scheme BCR will be a high value for money rating as per DfT's criteria.</p> <p>The proposed M2D2L scheme provides a series of transport interventions within the public highway to improve travel opportunities, reliability and the local environment, which in turn promote development viability, access to jobs, education and services, and a step-change in health.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 2 (case paper) and for work to commence on activity 3 (outline business case).</p> <p>Total value: £13 million (Phase 1)</p> <p>Total value of Combined Authority funding: £12.5 million</p> <p>Funding recommendation sought: £325,000</p>
<p><u>Scheme</u></p> <p>South East Bradford Link Road (SEBLR)</p> <p>Bradford</p> <p>(June Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The South East Bradford Link Road (SEBLR) will deliver an improved transport corridor via the construction of a new road to the east of Holme Wood and north of the A650 Westgate Hill Street. The corridor will support housing and regeneration targets by unlocking growth sites and improving access to Holme Wood. It will also help address congestion on existing routes and contribute to improved connectivity in south east</p>

	<p>Bradford and neighbouring areas. The scheme will encourage Public Transport usage in the corridor.</p> <p>The scheme aligns to the strategic priorities within the Leeds City Region Strategic Economic Plan (SEP) by improving connectivity and network reliability in south east Bradford and unlocking land for future development. This scheme delivers infrastructure for growth and helps support growing businesses.</p> <p>The scheme will be funded from the West Yorkshire plus Transport Fund. However, Bradford Council will pursue third party/developer contributions for the scheme through discussions with developers and land owners.</p> <p><u>Impact</u></p> <p>At this stage (decision point 2) the value for money / benefit to cost ratio is unknown. This will be assessed during option appraisal at outline business case.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 2 and work commences on activity 3 (outline business case).</p> <p>Total value of scheme is up to £64.2 million.</p> <p>Total value of Combined Authority funding – £46.3 million</p> <p>Funding recommendation sought: £1.213 million (for development costs to OBC)</p>
<p><u>Scheme</u></p> <p>Gain Lane Enterprise Zone</p> <p>Bradford</p> <p>(June Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The scheme is to be delivered as part of the Leeds City Region Enterprise Zone (EZ) Programme which has an overarching objective of “unlocking, enabling, and accelerating site development to deliver local economic growth”.</p> <p>The City Region EZ programme is a package of EZ sites to be delivered across two phases:</p> <ul style="list-style-type: none"> • Phase 1 – East Leeds Enterprise Zone currently underway (Leeds City Council). • Phase 2 - Nine sites across the M62 EZ corridor (Bradford, Calderdale, Wakefield, and Kirklees Council). <p>Gain Lane, Bradford is a vacant site located 3.5 miles south east of Bradford city centre. The Gain Lane scheme seeks Local Growth funding to be approved for a private sector developer to support site access and infrastructure works including earthworks, retaining walls attenuation and connections to existing, landscaping and new access road to unlock the site.</p> <p><u>Impact</u></p> <p>The benefit cost ratio (BCR) is 8.58:1, judged to be very high value for money.</p> <p>The scheme as part of the wider EZ programme will deliver wider social benefits include helping people in an area of deprivation find jobs and develop new skills.</p>

	<p><u>Decision sought</u></p> <p>Approval to proceed through decision point 3 and work commences on activity 5 full business case with finalised costs.</p> <p>Total value – Combined Authority funding plus substantial private sector investment</p> <p>Total value of Combined Authority funding – up to £9.877 million, subject to due diligence</p> <p>Funding recommendation sought - £0</p>
<p><u>Scheme</u></p> <p>Transport Hubs and Connecting Communities</p> <p>Leeds</p> <p>(May Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The Transport Hubs Improvements and Public Transport Access schemes are a part of the Transport Hubs and Connecting Communities work stream of the Leeds Public transport Investment Programme (LPTIP)</p> <p>The schemes will upgrade or create new facilities to improve the waiting environment and travel information offer, as well as enhancing connections within and between other public transport hubs and communities by improving walking and cycling links.</p> <p>The scheme is funded through the Leeds Public Transport Investment Programme (LPTIP), which seeks to address connectivity challenges the City Region faces, constraining economic growth.</p> <p><u>Impact</u></p> <p>The scheme currently demonstrates a benefit cost ratio of 2.33:1 judged as high value for money.</p> <p>The scheme’s wider social benefits include health benefits by encouraging active mode travel and improved air quality through anticipated reduction in traffic congestion, and a better quality of life with improved access to public transport and subsequently to communities / jobs within the City Region, and more attractive waiting environments.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 3 and work commences on activity 5 (full business case with finalised costs).</p> <p>Total value - £8.905 million</p> <p>Total value of Combined Authority funding - £8.905 million</p> <p>Funding recommendation sought - £0 (approval of £850,000 development costs secured at decision point 2)</p>

1.5 The Combined Authority’s assurance framework requires that formal approval is given to the following elements of a scheme as part of its development:

- The progression of a scheme through a decision point to the next activity.
- Indicative or full approval to the total value of the scheme funding requested.

- The Combined Authority’s entry into a funding agreement with the scheme’s promoter.
- The assurance pathway and approval route for future decision points.
- The scheme’s approval tolerances.

1.6 This report provides information required to enable the Combined Authority to approve each of the above elements.

1.7 Since the Combined Authority’s meeting on 25 April 2019, the following decision points and change requests have been assessed in line with the Combined Authority’s assurance process and approved through the agreed delegation to the Combined Authority’s Investment Committee.

<p><u>Scheme</u></p> <p>City Connect Phase 3 Leeds</p> <p>Leeds</p> <p>(June Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The City Connect phase 3 programme builds on the work completed through phases 1 and 2, to develop a high quality, strategic, cycle and walking network to encourage more people to switch to travel by active modes, and make cycling the natural choice, especially for short journeys.</p> <p>The phase 3 programme comprises of eight schemes, with three of these schemes included in phase 3 Leeds:</p> <ul style="list-style-type: none"> • The 3km Elland Road Cycle superhighway • The 1.5km (each way) Dewsbury Road scheme • The 0.5km (each way) Claypit Lane scheme <p><u>Decision</u></p> <p>Approval to proceed through decision point 3 and work commences on activity 4 (full business case).</p> <p>Total value - £6.504 million</p> <p>Total value of Combined Authority funding - £6.504 million</p> <p>Funding recommendation sought - £15,000</p>
<p><u>Scheme</u></p> <p>Halifax Living</p> <p>Calderdale</p> <p>(June Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The scheme will enable the development of up to 110 new homes at Cow Green, Halifax town centre and assess potential residential development sites in the Eastern Gateway area. It supports Priority 4 (Infrastructure for Growth) of the SEP and is funded by the Local Growth fund (LGF)</p> <p><u>Decision</u></p> <p>Approval to proceed through decision point 3 and work commences on activity 5 (full business case with finalised costs).</p> <p>Total value - £18.387 million</p> <p>Total value of Combined Authority funding - £830,000</p> <p>Funding recommendation sought - £0</p>

<p><u>Scheme</u></p> <p>West Yorkshire Combined Authority Head Office Accommodation Project</p> <p>Leeds</p> <p>(June Investment Committee)</p>	<p><u>Scheme description</u></p> <p>To refurbish and modernise Wellington House and address a number of identified building condition issues, to maximise the office accommodation provided and as a result enable the City Exchange lease to be terminated and staff to be relocated to Wellington House.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 4 (full business case) and for work to commence on activity 5 (full business case with finalised costs).</p> <p>Total value: £6.847 million</p> <p>Total value of Combined Authority funding: £6.847 million (approved budget for corporate projects)</p> <p>Funding recommendation sought: £0</p>
<p><u>Scheme</u></p> <p>Garforth Rail Station Car Park Extension</p> <p>Leeds</p> <p>(May Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The Garforth car park extension scheme is part of the rail park & ride programme - a programme of car park extensions on rail station land owned by Network Rail or district partners, to meet increased user parking demand and enhance connectivity to, from and within West Yorkshire.</p> <p>The scheme will be funded through the West Yorkshire plus Transport Fund.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 5 (full business case with finalised costs) and for work to commence on activity 6 (delivery).</p> <p>Total value - £1.129 million</p> <p>Total value of Combined Authority funding - £1.129 million</p> <p>Funding recommendation sought - £1.059 million (£700,000 previously approved)</p>

2 Approval of revised approval route - Delegation sought to the Investment Committee

- 2.1 In addition to decisions relating to the above schemes, a sub-delegation is sought from the Combined Authority to the Investment Committee in relation to Wakefield City Centre Package Phase 2 Ings Road scheme.

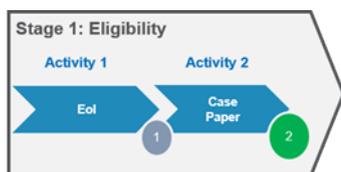
3 Information

- 3.1 The background information on the Combined Authority's assurance framework through which each of the schemes outlined in this report are being approved is provided in **Appendix 1**.
- 3.2 Location maps for each of the schemes presented in this report (where applicable) are provided in **Appendix 2**.

3.3 All the schemes set out in this section of the report have been considered by the Investment Committee either in May or June 2019.

Programmes and projects for consideration

Projects in stage 1: Eligibility



- 3.4 Projects at the eligibility stage are seeking entry into the portfolio and should demonstrate a strategic fit in terms of project outcomes, with further project definition including costs and detailed timescales to be developed as the project progresses through the assurance process. At this stage funding may be sought to enable this work to progress.

Project Title	Mirfield to Dewsbury to Leeds (M2D2L)
Stage	1 (Eligibility)
Decision Point	2 (Case paper)

Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes	<input 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:		

Background

- 3.5 This first phase will be funded from the West Yorkshire plus Transport Fund. This is a £1 billion fund covering West Yorkshire and York. The objectives of the West Yorkshire plus Transport Fund are to enable key employment and housing development areas and will help to create about 20,000 new jobs over the next 10 years. These strategic transport projects will be delivered to facilitate the growth priorities identified in the Leeds City Region Strategic Economic Plan.
- 3.6 The case for intervening was shown to be strong in respect of supporting planned strategic housing and employment sites, and in addressing pronounced inequality, deprivation and health issues in parts of the corridor. The delivery of better public transport services throughout is critical to overcoming these issues.

- 3.7 Significant sections of the A644, A638 and A653 are congested during the morning and afternoon peaks and often within the inter peak period, which also leads to poor bus service reliability and journey times along the corridor. Particular hotspots exist in Dewsbury Town Centre, Mirfield, Ravensthorpe and the approaches to Leeds and Tingley Roundabout (M62). Perpetual delays and unreliable journey times are inhibiting current labour movement and investment viability and will exacerbate if left untreated. Increasing network congestion will also constrain the planned growth and development set out in the Kirklees and Leeds Local Plans, and Leeds City Region Strategic Economic Plan, including Dewsbury Riverside, Chidswell, Capitol Park, White Rose and Leeds South Bank.
- 3.8 The M2D2L scheme is complimentary, and has close benefit synergies, with a number of related major transport projects and programmes including the Trans Pennine Rail Upgrade, Cooper Bridge (A62/A644), North Kirklees Orbital Route, A6110 Leeds Outer Ring Road, Dewsbury Town Centre Strategic Development Framework, Leeds Public Transport Improvements (LPTIP) and Dewsbury Road and Elland Road 'CityConnect' cycle highways. The scheme has been jointly developed by both Leeds City Council and Kirklees Council.
- 3.9 Initial work at this stage has identified a long list of interventions which have forecasted values up to £37.250 million. These will be shortlisted and developed into a set of options as part of the outline business case development in activity 3. The scheme has an indicative allocation of £12.5 million Combined Authority funding and £500,000 Leeds City Council Section 106 funding. This £13 million prioritised package will constitute the Phase 1 of M2D2L, with any subsequent phases currently unfunded and to be the subject of separate business cases if a funding source is identified.
- 3.10 The 2016 mandate gained an approval of £210,000 of funding to progress to outline business case stage. The initial funding has been fully utilised and developed an expression of interest, with the request for an additional £325,000 to complete the outline business case. Despite the higher than usual costs to expression of interest stage (for a scheme of this value), Kirklees Council have developed more depth and range of information for the expression of interest than would usually be provided/available at this point. The submission is part way between expression of interest/strategic outline business case and outline business case in the level of information provided. Kirklees Council, as sponsors, need to manage within approved spend to develop an outline business case.

Outputs, benefits and inclusive growth implications

- 3.11 The forecast outputs, benefits and inclusive growth implications are:
- To better manage congestion on the M2D2L corridor within the City Region- SEP period;
 - To enhance public transport operations and infrastructure along the M2D2L corridor;

- To facilitate and support the growth in employment, housing and economy along the M2D2L corridor within current SEP and Kirklees and Leeds Local Plan periods;
- To improve the quality of the local environment and public realm to help support regeneration in Dewsbury Town Centre in line with Dewsbury Development Framework; and
- To reduce adverse impacts of transport on the environment and public health.

3.12 The value for money (VfM) of a selection of individual intervention options has been initially estimated during feasibility work using either comparator schemes or a basic TUBA (Transport User Benefits Analysis) assessment. Estimated benefit cost ratios (BCRs) for scheme options range from 2:1 and above. Whilst at this stage sufficient data is not available to provide an informed BCR statistic for the cumulative M2D2L scheme, it can be estimated (based on tests and independent advice) that the full scheme BCR will be a 'high' value for money rating as per the department of transport's (DfT's) criteria.

Risks

The key risks along with the mitigation are outlined below:

- Risk: Bus operators do not run the stated high speed, limited stop bus service. Mitigation: Early stakeholder engagement will be undertaken with bus operators on the feasibility and commercial terms of the stated high speed, limited stop bus service. Note, if the risk occurred, the scheme would still result in benefits for existing bus services, as shown in the assessment work.
- Risk: That the shortlisting exercise fails to identify which elements of the existing £37.250 million list of options will be included in Phase 1 to deliver the £13 million scheme with a good BCR by the outline business case decision point. Mitigation: That the existing list of options to a current value of £37.250 million undergo a shortlisting exercise and evaluation early in the outline business case development to ensure Phase 1 demonstrates value for money and has a BCR that is over 2:1.

Costs

- The scheme has indicative funding of £13 million. This is comprised of
 - £12.5 million Combined Authority contribution
 - £500,000 to be funded from Leeds City Council from the Section 106 fund
- The precise scope of the £13 million scheme will be finalised at outline business case (decision point 3) as part of the shortlisting exercise
- The Combined Authority funding contribution will be £12.5 million and will be funded from the West Yorkshire plus Transport Fund. The Combined

Authority contribution is affordable within the West Yorkshire plus Transport Fund allocation for this scheme

- The Section 106 monies may be payable to Kirklees Council for the delivery of the Leeds element of the scheme depending how the project will be structured for delivery.
- An existing expenditure approval of £210,000 for development costs has now been fully utilised and developed an expression of interest. The promoter now seeks approval of a further £325,000 of development costs, £285,000 are development costs to outline business case (decision point 3) and £40,000 are accrued costs for additional expression of interest preparation costs. Development work has been to a greater level of development than required for an expression of interest which is why additional costs are required. This will take the total expenditure approval on the scheme to £535,000.
- This will take the total project approval to £535,000. This reflects 4% of total scheme costs.

Timescales

- Forecast decision point 3 approval (outline business case) - June 2020
- Forecast decision point 4 approval (full business case) - July 2020
- Forecast decision point 5 approval - (full business case with finalised costs) - October 2020
- Forecast start of construction – November 2020
- Forecast decision point 6 approval (end of construction) - 2022

Assurance pathway and approval route

Assurance pathway	Approval route
Decision point 2 (case paper)	Recommendation: Investment Committee Decision: Combined Authority
Decision point 3 (outline business case)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Investment Committee
Decision point 4 (full business case)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Combined Authority's Managing Director
Decision point 5 (full business case with finalised costs)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Combined Authority's Managing Director

Assurance Tolerances

Assurance tolerances
The Combined Authority contribution should remain no higher than 10% of the costs set out in this report
That the timescales should remain within 3 months of the timescales set out in this report.

Project responsibilities

Senior Responsible Officer	Simon Taylor, Kirklees Council
Project Manager	Robert Stanley, Kirklees Council
Combined Authority case officer	James Bennett

Appraisal summary

- 3.13 Regarding the strategic case, the M2D2L corridor forms a key route running through the heart of West Yorkshire and serving a direct catchment of around 600,000 residents as well as several existing and planned major employment, retail and housing sites. The scheme has a strategic fit with Priority 4 of the SEP, Infrastructure for Growth, Transport infrastructure and services. Regarding the Economic Case, there are quite big ranges in the BCR values, but all are over 2 (which are considered high value for money).
- 3.14 Overall, there is a good strategic, commercial, economic and management case for the M2D2L scheme. The financial case is more challenging with an aspirational list of interventions which total £37 million, but an identified funding envelope of £13 million. A prioritisation exercise will now take place during the development of the outline business case stage in order to identify a deliverable scheme which is affordable within the available funding. The £13 million prioritised package will constitute the Phase 1 of M2D2L, with any subsequent phases currently unfunded and to be determined / seek a new approval.

Recommendations

- 3.15 That the Combined Authority approves that:
- (i) The M2D2L project proceeds through decision point 2 and work commences on activity 3 (outline business case).
 - (ii) An indicative approval of the Combined Authority's contribution of £12.5 million (which will be funded through the West Yorkshire plus Transport Fund) is given with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs). The total project value will be £13 million, this will be funded from a Combined Authority contribution plus £500,000 from the Leeds City Council Section 106 fund)

- (iii) Costs of £325,000 are approved in order to progress the scheme to decision point 3 (outline business case) taking the total project approval to £535,000.
- (iv) The Combined Authority enters into an addendum to the existing funding agreement with Kirklees Council for additional expenditure of up to £325,000 from the West Yorkshire plus Transport Fund, taking the total funding agreement value to £535,000.
- (v) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report including at decision point 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in this report.

Project Title	South East Bradford Link Road (SEBLR)
Stage	1 (Eligibility)
Decision Point	2 (Case paper)

Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes	<input 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:		

Background

- 3.16 This scheme will be funded from the West Yorkshire plus Transport Fund. This is a £1 billion fund, covering West Yorkshire and York. The objectives of the West Yorkshire plus Transport Fund are to enable key employment and housing development areas and will help to create about 20,000 new jobs over the next 10 years. These strategic transport projects will be delivered to facilitate the growth priorities identified in the Leeds City Region Economic plan.
- 3.17 The South East Bradford Link Road (SEBLR) will deliver an improved transport corridor via the construction of a new road to the east of Holme Wood and north of the A650 Westgate Hill Street. The corridor will support housing and regeneration targets by unlocking growth sites and improving access to Holme Wood. It will also help address congestion on existing routes and contribute to improved connectivity in south east Bradford and neighbouring areas. The scheme will encourage public transport usage in the corridor.
- 3.18 As part of the initial prioritisation work for the West Yorkshire plus Transport Fund, a corridor was identified between the end of Drighlington by-pass and Dick Lane. Further feasibility work has now been completed to identify potential alignment options, including Leeds / Bradford cross boundary routes and shorter routes contained wholly within Bradford that would help address existing transport and connectivity constraints and support housing growth plans.
- The scheme is of strategic significance and supports the aspirations of Bradford Council's (CBMDC) Local Plan including the target of delivering

6,000 homes in South East Bradford. Transport improvements along this corridor have the potential to unlock over 2,500 homes;

- The scheme will provide a transport corridor to help reduce traffic flows and delay on key routes. The scheme will also increase the resilience of the road network by providing additional capacity and route options.
- The scheme will reduce local traffic impacts, including air quality impacts, in neighbouring residential areas e.g. Holme Wood
- The scheme will support regeneration and economic development in Bradford and Leeds through addressing existing capacity constraints and improving connectivity to areas of employment including Bradford city centre and Leeds Bradford Airport

Outputs, benefits and inclusive growth implications

3.19 The scheme aligns to the Strategic Economic Plan (SEP) strategic priorities by improving connectivity and network reliability in south east Bradford and unlocking land for future development. This scheme delivers infrastructure for growth and helps support growing businesses.

3.20 The following objectives, outputs and outcomes are a long list which will be evaluated as the scheme progresses through the assurance process. There will be more detail in the outline business case which will determine the best preferred option against these criteria.

3.21 SEBLR Objectives.

- Enable land to be unlocked to enable additional housing and employment sites to be delivered and to support wider economic development
- Provide enhanced reliability and predictability for journeys on the transport network;
- Provide improved journey times at key pinch points (including junction of A647 Leeds Road and Dick Lane, and junction of Tong Street and A651 Bradford Road);
- Provide additional route options and network resilience in south east Bradford; and
- Support improvements to quality of life factors in south east Bradford.

3.22 SEBLR Outputs (to be delivered by 2025)

3.23 A range of options are being developed which could provide:

- A new transport corridor to the east of Holme Wood and north of Westgate Hill providing additional route options for commuters and local journeys;
- Reductions in journey times across the range of options that include both strategic and shorter options contained within the district area, all of which support strategic housing.

- 2 new highway upgrades from the SEBLR to tie in with existing links in Holme Wood. This includes a potential new link to tie into Ned Lane and the upgrading of Raikes Lane;
- Complementary measures to discourage 'rat running' in Holme Wood;
- A new shared pedestrian / cycle route to run parallel to the SEBLR corridor, which can complement existing routes including the Leeds-Bradford Cycle Superhighway and which would connect with the SEBLR corridor at either Dick Lane or Bradford Road;
- Ecological mitigation and landscaping to enhance the quality of the environment, provide green infrastructure and provide a visual barrier alongside the alignment of the SEBLR.

3.24 SEBLR outcomes (to be delivered from 2025)

- Reductions in journey times and improved journey time reliability across all the long and short corridor options;
- Improved reliability on local and strategic routes to support housing growth and investment;
- Reductions in queue lengths at congested junctions in South East Bradford including junctions within the corridor associated with local and strategic trips;
- Improved network resilience with the corridor providing an alternative route when there are incidents on the strategic route network and major route network in south east Bradford;
- Improved journey time reliability for public transport services as a result of reduced congestion on existing links and potential use of the new transport corridor;
- Reductions in the number and severity of collisions on parallel routes;
- Improvements to air quality on congested links in the area; and
- Improvements to pedestrian access in the vicinity of Holme Wood.
- At this stage, the value for money / benefit to cost ratio is unknown. This will be assessed during option appraisal at outline business case.

Risks

3.25 As part of developing an outline business case, the risks associated with each potential option can be fully explored and potential mitigation understood. At this current decision point, the current key risks are;

- Planning approvals: The proposed alignment is on land currently designated as Green Belt. CBMDC is currently consulting on the methodology for a review of the Green Belt. The scheme and release of housing is dependent on revisions to the Green Belt boundary and designation as part of the Local Plan. If the scheme does not proceed the

funding agreement allows for grant funding to be clawed back and therefore repaid by CBMDC.

- Stakeholder acceptance: Delays in obtaining necessary stakeholder approvals to progress the scheme (e.g. Network Rail, Environment Agency, third party Approvals). This includes in relation to sections of the scheme that may cross into the administrative area of Leeds City Council. One of the options will consider an alignment of the road which is wholly within the CBMDC boundary which aims to mitigate any conflict in stakeholder positions.
- Public and political acceptability of proposals: potential impacts on Holme Wood area and Green Belt sensitivities. Effective customer engagement will be required to address the concerns of stakeholders and to manage the acceptability of the proposals.
- Environmental Approvals: Outcomes of any Environmental Impact Assessment including any unforeseen environmental approvals required to progress the scheme (e.g. flooding, air quality). These will be further explored as part of the outline business case and will help determine the preferred option.
- Land ownership: Delay and costs associated with land ownership which impact on construction. These will be further explored as part of the outline business case and will help determine the preferred option.

Costs

- 3.26 The total cost of the scheme, at this very early stage, ranges from £43.3 to £64.2 million. An indicative allocation of £46.3 million has been identified from the West Yorkshire plus Transport Fund. To date no match funding has been confirmed, however, CBMDC have stated they will pursue options for other sources of funding, including third party/developer contributions, for the scheme through discussions with developers and land owners relating to the urban extension enabled through the new link road, and other public sources.
- 3.27 An expenditure approval to be funded from the West Yorkshire plus Transport Fund of £1.213 million is now sought. This is in addition to the £91,000 previously approved, which will take the total expenditure approval to £1.304 million. The funding will be used to develop an outline business case at activity 3.
- 3.28 An addendum to the existing funding agreement will be required between the Combined Authority and the City of Bradford Metropolitan District Council for up to £1.304 million from the West Yorkshire Transport Fund.

Timescales

- Forecast decision point 3 approval (outline business case) – January 2021
- Forecast decision point 4 approval (full business case) – July 2022

- Decision point 5 (full business case with finalised costs) is anticipated in October 2022, with scheme construction from 2023-2025.
- Forecast decision point 6 approval (end of construction) – April 2025

3.29 Other significant milestones include consultation and publication of the green belt review and the Local Plan to be completed by winter 2021.

Assurance pathway and approval route

Assurance pathway	Approval route
Decision point 2 (case paper)	Recommendation: Investment Committee Decision: Combined Authority
Decision point 3 (outline business case)	Recommendation: Investment Committee Decision: Combined Authority
Decision point 4 (full business case)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Combined Authority's Managing Director
Decision point 5 (full business case with finalised costs)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Combined Authority's Managing Director

Assurance Tolerances

Assurance tolerances
That the Combined Authority contribution should remain up to 10% of the indicative budget identified within this report
That the project delivery timescale remains within three months of the timescales identified within this report
That the benefits to cost ratio of the project is at or above 2:1

Project responsibilities

Senior Responsible Officer	Julian Jackson, Bradford Council
Project Manager	Phil Wagstaff, Bradford Council
Combined Authority case officer	Sarah Ratcliffe

Appraisal summary

3.30 The strategic and commercial cases for the SEBLR appear to be robust. Transport improvements along this corridor have the potential to unlock over 2,500 homes, moreover the scheme has the capacity to support regeneration

and economic development in Bradford and potentially Leeds through addressing existing capacity constraints and improving connectivity to areas of employment. However, there are a number of significant risks to the scheme that could have an impact on option development and potentially delivery. Progression of this scheme is dependent upon the outcome of the greenbelt review means. If the scheme does not progress or is not forecast to deliver the housing and regeneration objectives, under the terms of the funding agreement the Combined Authority will be repaid, by CBMDC, any grant payments made.

Recommendations

3.31 That the Combined Authority approves that:

- (i) The South East Bradford Link Road scheme proceeds through decision point 2 and work commences on activity 3 (outline business case)
- (ii) An indicative approval to a maximum Combined Authority's contribution of £46.3 million (which will be funded through the West Yorkshire plus Transport Fund) is given with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
- (iii) Additional development costs of £1.213 million are approved in order to progress the scheme to decision point 3 (outline business case), taking the total project approval to £1.304 million.
- (iv) The Combined Authority enters in to an addendum to the existing funding agreement with Bradford Council for expenditure of up to £1.304 million from the West Yorkshire plus Transport Fund
- (v) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report, including at decision points 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outline in this report

Projects in Stage 2: Development



- 3.32 Projects at this development stage should demonstrate that they have tested the feasibility of a solution through their business case. This business case should then be developed in order to confirm and detail the preferred solution including finalising its cost.

Project Title	Gain Lane Enterprise Zone
Stage	2 (Development)
Decision Point	3 (Outline business case)

Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	Paragraph 3	

Background

- 3.33 This scheme is funded through the Local Growth Fund. The purpose of this funding is to attract the next generation of jobs and deliver a step change to the growth of the City Region. The Growth Deal enables implementation of the priorities set out in the Strategic Economic Plan including the development of housing and commercial sites, expansion of a skilled workforce, support to growing businesses, promotion of resource efficiency and investment in integrated transport (through the West Yorkshire plus Transport Fund).
- 3.34 The Gain Lane Enterprise Zone forms part of the Leeds City Region Enterprise Zone Programme (City Region EZ), which is a package of Enterprise Zones (EZ) to be delivered in two phases across 10 sites in West Yorkshire. The programme will help to deliver additional employment across the Spatial Priority Areas and will facilitate the “acceleration of development and delivery of high quality employment floor space in the advanced and innovative manufacturing and complementary sectors” in alignment with

partner councils' Local Plans. Once built out, each Enterprise Zone site will generate business rates income for the Leeds Enterprise Partnership.

- 3.35 The principal aim of the EZ Programme is to achieve accelerated delivery of sites and high quality employment floor space and where a private sector developer partner is willing and able to take the scheme forward (subject to thorough legal and financial due diligence and progression through the Combined Authority's assurance process) this should be maximised. The Combined Authority acts as the accountable body for the EZ Programme.
- 3.36 Due to its location being on the boundary between Leeds and Bradford, Gain Lane is seen as a key strategic location as it can serve the demands of business from both cities. Whilst it has been allocated for employment use since 1993, the costs of redevelopment have always been prohibitive. The Bradford district also currently has a severe shortage of readily available modern single storey accommodation, which the development of the Gain Lane site will deliver.
- 3.37 The Gain Lane scheme is now presented at outline business case (decision point 3) and seeks to progress to full business case with finalised costs (decision point 5).
- 3.38 The Gain Lane scheme seeks approval for Growth Deal funds to be paid to a developer to support site access and infrastructure works including earthworks, retaining walls attenuation and connections to existing, landscaping and new access road to unlock the site. Given the restrictive access and topography of the site, currently makes site development challenging. Once developed it is anticipated the site will accommodate 29,404sqm of commercial floor space, capable of accommodating 8 units to deliver 550 jobs, generate £11,000,000 Gross Value Added (GVA) annually, and a business rate income of £900,000 per annum.
- 3.39 As part of the ongoing discussions with the developer, to ensure adequate security arrangements to protect public sector investments, the structure of the funding agreement will capture robust and reflective overage clauses to ensure the public sector investment is considered alongside that of the private sector. In addition to overage clauses, the funding agreement will ensure there are mechanisms for clawback linked to performance of delivery against agreed milestones.
- 3.40 The Combined Authority has introduced comprehensive financial due diligence processes whereby private sector organisations who are potential recipients of grant funding will need to complete assessments and provide company and personnel information in order that their financial standing and organisational structure are clarified and any areas of concern raised and mitigated. It is also proposed that a monitoring surveyor will be appointed in due course, to oversee the scheme, should the scheme be successful in securing approval at FBC+. The developer for the Gain Lane, Bradford OBC has completed the required assessment and the information received will be considered and evaluated as part of the Full Business Case submission to ensure any areas for additional security are incorporated into the Funding Agreement.

- 3.41 To ensure value for money is being considered and achieved throughout construction, the Combined Authority will implement an open book approach for delivery.
- 3.42 This project is commercially sensitive and confidentiality has been requested by the developer. Information has been provided as part of this report which was considered to be commercially sensitive. This information is provided at **Appendix 3**.
- 3.43 Initial State Aid advice has been sought in relation to the grant application and has determined that at this stage the grant application is compliant with the regulations.

Outputs, benefits and inclusive growth implications

- 3.44 The scheme will support delivery of Priority 4 'Infrastructure for growth' of the Leeds City Region Strategic Economic Plan.
- 3.45 The forecast outputs, benefits and inclusive growth implications are:
- 29,404sqm of industrial floor space.
 - Deliver 8 commercial units
 - Create 550 jobs
 - Generate £11 million GVA annually
 - A business rate income of £900,000 per annum to the Leeds Enterprise Partnership once the site is fully occupied
- 3.46 The scheme will support the wider City Region EZ Programme objectives of:
- 750,000sqm of new industrial floor space
 - Creation of 15,000 jobs
 - 230 hectares of new employment land
 - Up to £5 billion GVA by 2025
 - The scheme's wider benefits include supporting residents within a deprived area of Bradford in finding new job opportunities and develop new skills.
 - The development will provide high quality employment facilities and allow for new and expanding businesses. It will provide a platform within Bradford to attract innovative and underrepresented sectors to the City Region.

Risks

- 3.47 The key risks to the project and the related mitigations are:
- Delay to the scheme due to delay in the relocation of power lines by Northern Power Grid (NPG). The developer has liaised directly with NPG

to agree the designs and delivery programme for the relocation works. A wayleave agreement has been entered into and NPG will start works on site in the summer 2019.

- Unknown ground condition issues lead to higher development costs. The desktop study undertaken shows no issues but this will be reviewed through a further intrusive survey.
- Difficulty in finding occupants causing a reduction in rent expectations and slowdown of overall unit development programme. The developer has good market intelligence on demand and will begin to market as soon as the site is viable.

3.48 Programme risk

- Need to ensure safeguarding of public funds when providing grants to private Enterprise Zone developers. This will be mitigated by the LEP Board endorsing the Combined Authority's Enterprise Zone approach; ensuring if profit higher than forecast grant funding can be repaid and a legal agreement with the developer including overage and clawback clauses.

Costs

3.49 The City Region EZ Programme was given decision point 2 (case paper) approval by the Combined Authority in December 2017 with an indicative Local Growth Fund allocation of £20 million, and £302,000 to fund project development costs of individual schemes to outline business case (decision point 3).

3.50 Following a 'Call for Projects' by the Combined Authority, the City Region EZ Programme was given approval in June 2018 for a further £24.939 million through over programming against the Local Growth Fund, with a further £1.541 million to fund project development costs of individual schemes to outline business case (decision point 3).

3.51 In addition, the programme has been allocated £75,000 of Ministry of Housing, Communities and Local Government Grant funding and £30,000 of other Combined Authority budget funding.

3.52 In summary, the City Region EZ Programme to date has secured indicative approval of £45.044 million from the Local Growth Fund, with £1.923 million towards project development costs.

3.53 The project costs can be summarised as:

- The Combined Authority will fund up to £9.877 million (26% intervention rate) from the Local Growth Fund, subject to further due diligence. A substantial private sector investment has been secured from the developer.

- £1.923 million has already been secured for City Region EZ programme development costs. The programme does not seek any further development cost funding at this stage.

Timescales

- Outline business case decision point 3 - June 2019
- Full business case with finalised costs - September 2019
- Complete access road - May 2020
- Complete infrastructure works - July 2020
- Construct two speculative units - March 2021
- Complete remaining units - March 2025

Assurance pathway and approval route

Assurance pathway	Approval route
Decision point 3 (outline business case)	Recommendation: Investment Committee Decision: Combined Authority
Decision point 5 (full business case with finalised costs)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Investment Committee

Assurance Tolerances

Assurance tolerances
<p>Combined Authority costs should remain no more than 10% of the costs set out in this report.</p> <p>That programme timescales should remain within 3 months of the timescales set out in this report.</p>

Project responsibilities

Senior Responsible Officer	Kate Thompson, Combined Authority
Project Manager	Private sector developer
Combined Authority case officer	Asif Abed

Appraisal summary

- 3.54 The strategic case for the Enterprise Zone (EZ) Gain Lain scheme has a clear fit with the Leeds City Region Strategic Economic Plan, specifically in delivery against Priority 4 'Infrastructure for Growth' - with the proposal to complete site access and infrastructure works supporting the overarching EZ Programme objective of "unlocking, enabling, and accelerating site development". This will

allow opportunity for the delivery of high quality employment floor space in the advanced and innovative manufacturing and complementary sectors, supporting local economic growth.

- 3.55 The economic case could be enhanced with a further sensitivity analysis undertaken, with inclusion of results to demonstrate the scheme still offers a good value for money assessment under a less ambitious scenario. The current benefit cost ratio of 8.58:1 is based on best case assumptions.
- 3.56 A policy approach to funding private sector schemes for the EZ Programme as a whole has been agreed at the Local Enterprise Partnership (LEP) Board meeting on 26th March 2019. In collaboration with colleagues in Policy, the EZ delivery team have secured LEP Board endorsement to a set of principles and parameters which allow for accelerated delivery of the EZ Programme.
- 3.57 These principles and parameters acknowledged a number of the EZ sites are constrained by a range of physical challenges and market failures. The impact on delivery and distortions to the operations when market failure is present, provide the rationale for the public sector to intervene.
- 3.58 The developer will be the delivery lead and will manage all aspects of contract and project management, with reserved planning matters approval to be overseen by Bradford and Leeds City Council. For day to day management, a dedicated wider EZ Programme team has been established within Combined Authority.
- 3.59 The scheme will continue reporting to the EZ Programme Board for strategic direction and decision making, chaired by the Senior Responsible Officer, with an EZ Project Board also established to provide an open forum for supportive discussions with the partner councils, chaired by the Combined Authority EZ programme manager.
- 3.60 Traditionally, the Combined Authority has in the main, engaged with the private sector on capital and construction based schemes, through funding on a 'Loans first' principal. This option has been considered on the Gain Lane, Leeds City Region EZ Programme, yet, the nature of the sites in terms of access, utility and topography challenges, the development appraisal viability and market demand present delivery challenges. These issues impact on the attractiveness and profit levels that the private sector developer would expect to secure which effectively removes the ability to generate sufficient profit and return that could meet loan repayment obligations.
- 3.61 Alternative options and delivery scenarios were considered for the Gain Lane site, yet, in reflection of the identified site challenges there remains a considerable risk to the City Region EZ Programme, that without the ability to grant fund project viability gaps as per the request under this outline business case, delivery will not be achieved. An external independent assessment of the development appraisal and cost plan of the Gain Lane scheme has concluded that the majority of the assumptions are reasonable and the level of grant request is justified, albeit further due diligence will be undertaken to determine the actual level of grant applicable.

- 3.62 To ensure appropriate and thorough financial due diligence principals are developed and undertaken along with the approach towards grants for the EZ programme, a paper identifying options to consider a new LEP Grant to provide grant / 'returnable investment' support to the private sector on projects with a demonstrable viability gap as a funding option for the Leeds City Region Enterprise Zone Programme (EZ) was presented to, and the approach was endorsed by, the LEP Board on 26th March 2019.

Recommendations

- 3.63 That the Combined Authority approves that:
- (i) The Enterprise Zone Gain Lane project proceeds through decision point 3 (outline business case) and work commences on activity 5 (full business case with finalised costs).
 - (ii) An indicative approval of up to £9.877 million for the Combined Authority contribution to the scheme (subject to finalised due diligence) is given from the Local Growth Fund with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
 - (iii) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report including at decision point 5 through a delegation to the Investment Committee following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in this report.

Project Title	Transport Hubs and Connecting Communities
Stage	2 (Development)
Decision Point	3 (Outline business case)

Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes	<input 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:		

Background

- 3.64 The Transport Hubs Improvements and Public Transport Access schemes are a part of the Transport Hubs and Connecting Communities work streams, which is part of the Bus Delivery Package included in the Leeds Public Transport Investment Programme (LPTIP).
- 3.65 The Leeds Public Transport Investment Programme (LPTIP) is a programme of investment seeking to address connectivity challenges the City Region faces, constraining economic growth.
- 3.66 The LPTIP funding programme comprises of 8 delivery packages with the Transport Hubs and Connecting Communities work streams profiled for delivery under the Bus Delivery package, which comprises of six work streams:
- Low Emission Bus Top Up
 - Transport Hubs
 - Real Time Information
 - Leeds Bus Station
 - Connecting Communities:
 - Public transport access improvements
 - Digital Hub
 - Demand Responsive Transport Trial
 - Network visualisation

- 3.67 A long list of schemes was devised following the Community Committee engagement as part of the Leeds Transport Conversation. A technical evaluation process refined this into the list of schemes proposed in the outline business case which will now be the subject of local consultation. This process was overseen by the Leeds City Council Executive Member for Regeneration, Transport and Planning and the Leeds Public Transport Investment Programme (LPTIP) Cross Party Members Group.
- 3.68 Following extensive consultation and a robust sifting process, the outline business case presented at decision point 3 (outline business case) brings forward a total of six schemes:
- Transport Hubs Improvement at: Bramley, Middleton, Compton Road Interchange
 - Public Transport Access at: Robin Hood, Lincoln Green, Pudsey
- 3.69 Key activities for delivery across the transport hub schemes include improving pedestrian access to the hubs and bus services through footway widening and kerb works, improving pedestrian connectivity and wayfinding between bus stops and local facilities, enhancing the waiting environment and facilities including real time information and totem signage, and reconfiguration of bus shelters.
- 3.70 Key activities for delivery across the public transport access schemes include conversion of footways to shared foot/cycle ways, kerb works (widening / dropping) to facilitate cycles, enhanced cycleway signage, upgrades to existing crossing facilities, reconfiguration of laybys, and road resurfacing works.
- 3.71 Through scheme delivery, it is anticipated to encourage mode shift from car to bus and rail due to better facilitated, accessible, connected, and attractive hubs, and encourage active mode travel through enhanced walking and cycling provision. The wider impact of these outputs will support reducing road traffic congestion.
- 3.72 The aforementioned outputs support the delivery of the scheme objectives of increasing public transport patronage, provision of more attractive and safer pedestrian and cycling facilities and improving air quality and environmental impacts in the district.
- 3.73 These objectives align to that of the wider LPTIP programme which includes investment in city centre gateway including the Headrow, Corn Exchange and Infirmary Street, increasing bus priority on the A61 north and the A61 south, A647, A660 and the A58; and development of two new park and rides at Stourton and Alwoodley.
- 3.74 The schemes primarily support Priority Area 4 'Infrastructure for Growth' of the Leeds City Region Strategic Economic Plan, with synergy and consequential benefits that will support Priority Area 1 'Growing Businesses' and Priority Area 3 'Clean Energy and Environmental Resilience'.

Outputs, benefits and inclusive growth implications

3.75 The following principles derived from the objectives were also agreed:

Transport Hubs

- **Passenger journeys** – Number of passengers boarding/ alighting/ interchanging in one location.
- **Interchange with other modes** – Existing or opportunity to improve interchange with other modes such as rail stations, cycle parking, walking and taxis.
- **Creating a sense of place** – Provide integration and improvement to the local area and enhance connectivity to local facilities and businesses.
- **Bus interchange facilities** – Standard of existing facility and opportunity to enhance provision to include aspects such as waiting facilities, wayfinding, pedestrian and personal safety.
- **Number of destinations served** – Location of bus interchange with multiple destinations services.
- **Facilitate modal shift** – Utilising park and ride where appropriate to encourage shift from the private car.

Public Transport Access Schemes

- **Bus network integration** - Effective integration of the bus services to both the commercial network and supported bus services. The service provides connectivity to locations which currently have limited services.
- **Promotes inclusive growth** - To supplement the existing bus network providing connectivity for those in deprived areas, locations of high unemployment, groups with mobility challenges and promotes travel for under 19 year olds.
- **Scheme sustainability** – Scheme does not require additional revenue funding to supplement initial capital funding.
- **Facilitate modal shift** - To connect communities with high commuter flows by private car to rail stations where they are currently unable to access the rail network by public transport.
- To improve air quality and environmental impacts in the district, with an anticipated reduction in levels of pollutant within 5 years of scheme completion.
- The combined benefit cost ratio (BCR) at this stage of scheme development is 2.33:1 which reflects a high value for money scheme. The BCR will be refined at full business case (decision point 4) following completion of detailed design.

- The scheme's wider social benefits include health benefits by encouraging active mode travel and improved air quality through anticipated reduction in traffic congestion following increase in public transport patronage. Additionally, a better quality of life with improved access to public transport and subsequently to communities and jobs within the City Region, as well as more attractive waiting environments and improvements to user information with enhanced real time information and totem signage.

Risks

3.76 The main headline risks across Transport Hubs and Connecting Communities schemes:

- The detailed design stage bringing to light several risks impacting scheme costs and deliverability such as greater earthwork costs and contaminated land than anticipated, errors in topographical surveys, and stage 2 and 3 safety audit identifying changes to scheme design. The Combined Authority has provided mitigation measures such as ensuring use of qualified specialist surveyors and maintaining close site working arrangements, that sufficient site investigations are carried out to ensure accurate classification and ensuring adequate safety assessments are carried out throughout the scheme design process.

Costs

3.77 The meeting of the Combined Authority on 29 June 2017 approved that the Leeds Public Transport Investment Programme (LPTIP) should proceed through decision point 2 with an indicative total Combined Authority funding approval of £183.266 million, and that £15.310 million be approved to fund project development costs. It also agreed that the schemes would now progress on an individual project or package basis to outline business case.

3.78 Within the aforementioned programme approval, the Bus Delivery package was allocated £27.2 million. Within this allocation, Transport Hubs was allotted £8 million towards scheme costs, and Connecting Communities £5 million, with approval of £800,000 and £50,000 respectively towards project development costs.

3.79 Six schemes have now come forward as a package at outline business case at a total cost of £8.905 million. These schemes cut across both the Transport Hubs and Connecting Communities work streams.

3.80 The Combined Authority has indicated £8 million of costs is to be funded from the Transport Hubs pot and £905,000 from the Connecting Communities pot and that further project development costs to progress to full business case with finalised costs (decision point 5) are not required at this stage beyond the previous approval.

Timescales

3.81 Key milestone dates:

- Statutory regulations (planning, land acquisition, traffic regulation order) - November 2019
- Full business case with finalised costs decision point 5 (package 1) - December 2019
- Full business case with finalised costs decision point 5 (package 2) - April 2020
- Start of construction - July 2020
- End of construction decision point 6 - July 2021

Assurance pathway and approval route

Assurance pathway	Approval route
Decision point 3 (outline business case)	Recommendation: Investment Committee Decision: Combined Authority
Decision point 4 (full business case)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Combined Authority's Managing Director
Decision point 5 (full business case with finalised costs)	Recommendation: Combined Authority's Programme Appraisal Team Decision: Combined Authority's Managing Director

Assurance Tolerances

Assurance tolerances
Combined Authority costs should remain within 10% of the costs set out in this report. That programme timescales should remain within 3 months of the timescales set out in this report

Project responsibilities

Senior Responsible Officer	Gary Bartlett, Leeds City Council Dave Pearson, Combined Authority
Project Manager	Helen Ellerton, Combined Authority
Combined Authority case officer	Asif Abed

Appraisal summary

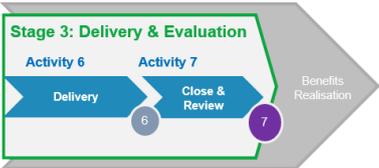
- 3.82 The business case demonstrates a good strategic fit, with close synergy to local and regional transport strategies to encourage mode shift from car to public transport, and to encourage active mode of travel.

- 3.83 The Combined Authority has highlighted the possible options to procurement, with supporting narrative provided as to the considerations being given to each, giving confidence the best route will be taken forward and be demonstrated at full business case with finalised costs (decision point 5).
- 3.84 The financial case adequately details the forecast costs of the individual schemes, with board approval minutes supporting the package approach of bringing forward Transport Hubs and Connecting Communities schemes from the £27.2 million Bus Delivery package of the Leeds Public Transport Investment Programme (LPTIP) in a single outline business case at decision point 3.
- 3.85 The economic case is well presented and currently reflects a combined benefit cost ratio (BCR) of 2.33:1, judged as high value for money. This will be refined at full business case with finalised costs.
- 3.86 The outline business case presented at decision point 3 on the whole provides sufficient level of detail expected at this stage to satisfy appraisal of the five cases, with recommendation to progress to full business case with finalised costs (decision point 5).

Recommendations

- 3.87 That the Combined Authority approves that:
- (i) The Transport Hubs Improvement and Public Transport Access scheme proceeds through decision point 3 and work commences on activity 5 (full business case with finalised costs).
 - (ii) An indicative approval to the total project value of £8.905 million is given from the Leeds Public Transport Investment Programme with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
 - (iii) Future approvals are made in accordance with the approval pathway and approval route outlined in this report including at decision points 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in this report.

Projects in Stage 3: Delivery and Evaluation



3.88 There are no schemes requiring consideration at this assurance stage.

Approval of revised approval route

- 3.89 In addition to decisions relating to the above schemes, a sub-delegation is sought from the Combined Authority to the Investment Committee in relation to Wakefield City Centre Package Phase 2 Ings Road scheme.

Recommendation

- 3.90 That the Combined Authority approves the revised approval route for the Wakefield City Centre Package Phase 2 Ings Road scheme, to enable the Investment Committee to make the decision on behalf of the Combined Authority.

Decisions made by the Investment Committee

- 3.91 The Investment Committee is authorised to progress a scheme under the Assurance Framework in accordance with any bespoke approval pathway and approval route, subject to an exception relating to exceeding the cumulative total of the financial approval and tolerance levels agreed by the Combined Authority by more than 25%. Decisions regarding the following schemes have been made by Investment Committee at the 8 May and 11 June meetings. The decisions were made by the Investment Committee following a recommendation from Combined Authority Programme Appraisal Team. All the schemes outlined below have remained within the financial approvals and tolerance levels agreed by the Combined Authority unless stated otherwise below.

City Connect Phase 3 Leeds

- 3.92 The City Connect phase 3 programme builds on the work completed through phases 1 and 2, to develop a high quality, strategic, cycle and walking network to encourage more people to switch to travel by active modes, and make cycling the natural choice, especially for short journeys.

- 3.93 The phase 3 programme comprises of eight schemes, with three of these schemes included in phase 3 Leeds:

- The 3km Elland Road Cycle superhighway
- The 1.5km (each way) Dewsbury Road scheme
- The 0.5km (each way) Claypit Lane scheme

- 3.94 The Investment Committee approved the scheme should proceed through decision point 3 and work commences on activity 4 (full business case). The meeting also gave indicative approval to a total scheme value of £6.504 million.

Halifax Living

- 3.95 The scheme will enable the development of up to 110 new homes at Cow Green, Halifax town centre and assess potential residential development sites

in the Eastern Gateway area. It supports Priority 4 (Infrastructure for Growth) of the SEP and is funded by the Local Growth fund (LGF)

- 3.96 The Investment Committee approved the scheme should proceed through decision point 3 and work commences on activity 5 (full business case with finalised costs). The meeting also gave indicative approval to a total scheme value of £18.387 million

West Yorkshire Combined Authority Head Office Accommodation Project

- 3.97 To refurbish and modernise Wellington House and address a number of identified building condition issues, to maximise the office accommodation provided and as a result enable the City Exchange lease to be terminated and staff to be relocated to Wellington House
- 3.98 The Investment Committee approved the scheme should proceed through decision point 4 (full business case) and for work to commence on activity 5 (full business case with finalised costs). The meeting also gave indicative approval to a total scheme value of £6.847 million

Garforth Rail Station Car Park Extension

- 3.99 The Garforth car park extension scheme is part of the rail park & ride programme - a programme of car park extensions on rail station land owned by Network Rail or district partners, to meet increased user parking demand and enhance connectivity to, from and within West Yorkshire. The scheme will be funded through the West Yorkshire plus Transport Fund.
- 3.100 The Investment Committee approved the scheme should proceed through decision point 5 (full business case with finalised costs) and for work to commence on activity 6 (delivery). The meeting also gave approval to a total scheme value of £1.129 million.

4 Inclusive growth implications

- 4.1 The inclusive growth implications are outlined in each scheme, see above.

5 Financial implications

- 5.1 The report seeks endorsement to expenditure from the available Combined Authority funding as set out in this report.

6 Legal implications

- 6.1 The payment of funding to any recipient will be subject to a funding agreement being in place between the Combined Authority and the organisation in question.
- 6.2 The information contained in **Appendix 3** is exempt under paragraph 3 of Part 1 to Schedule 12A of the Local Government Act 1972 as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that the

public interest in maintaining the content of the appendix as exempt outweighs the public interest in disclosing the information as publication could prejudice current and future decision making.

7 Staffing implications

- 7.1 A combination of Combined Authority and local partner council project, programme and portfolio management resources are or are in the process of being identified and costed for within the schemes in this report.

8 External consultees

- 8.1 Where applicable scheme promoters have been consulted on the content of this report.

9 Recommendations

Mirfield to Dewsbury to Leeds (M2D2L)

- 9.1 That the Combined Authority approves that:
- (i) The M2D2L project proceeds through decision point 2 and work commences on activity 3 (outline business case).
 - (ii) An indicative approval of the Combined Authority's contribution of £12.5 million (which will be funded through the West Yorkshire plus Transport Fund) is given with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs). The total project value will be £13 million, this will be funded from a Combined Authority contribution plus £500,000 from the Leeds City Council Section 106 fund)
 - (iii) Costs of £325,000 are approved in order to progress the scheme to decision point 3 (outline business case) taking the total project approval to £535,000.
 - (iv) The Combined Authority enters into an addendum to the existing funding agreement with Kirklees Council for additional expenditure of up to £325,000 from the West Yorkshire plus Transport Fund, taking the total funding agreement value to £535,000.
 - (v) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report including at decision point 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in this report.

South East Bradford Link Road (SEBLR)

9.2 That the Combined Authority approves that:

- (i) The South East Bradford Link Road scheme proceeds through decision point 2 and work commences on activity 3 (outline business case)
- (ii) An indicative approval to a maximum Combined Authority's contribution of £46.3 million (which will be funded through the West Yorkshire plus Transport Fund) is given with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
- (iii) Additional development costs of £1.213 million are approved in order to progress the scheme to decision point 3 (outline business case), taking the total project approval to £1.304 million.
- (iv) The Combined Authority enters in to an addendum to the existing funding agreement with Bradford Council for expenditure of up to £1.304 million from the West Yorkshire plus Transport Fund
- (v) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report, including at decision points 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outline in this report

Gain Lane Enterprise Zone

9.3 That the Combined Authority approves that:

- (i) The Enterprise Zone Gain Lane project proceeds through decision point 3 (outline business case) and work commences on activity 5 (full business case with finalised costs).
- (ii) An indicative approval of up to £9.877 million for the Combined Authority contribution to the scheme (subject to finalised due diligence) is given from the Local Growth Fund with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
- (iii) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report including at decision point 5 through a delegation to the Investment Committee following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in this report.

Transport Hubs and Connecting Communities

9.4 That the Combined Authority approves that:

- (i) The Transport Hubs Improvement and Public Transport Access scheme proceeds through decision point 3 and work commences on activity 5 (full business case with finalised costs).
- (ii) An indicative approval to the total project value of £8.905 million is given from the Leeds Public Transport Investment Programme with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (full business case with finalised costs).
- (iii) Future approvals are made in accordance with the approval pathway and approval route outlined in this report including at decision points 4 and 5 through a delegation to the Combined Authority's Managing Director following a recommendation by the Combined Authority's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in this report.

Approval of revised approval route

9.5 That the Combined Authority approves:

- (i) The revised approval route for the Wakefield City Centre Package Phase 2 Ings Road scheme, to enable the Investment Committee to make the decision on behalf of the Combined Authority.

10 Background documents

10.1 Business case summaries for the schemes recommended for approval by the Investment Committee are available here:

[May Investment Committee](#)

[June Investment Committee](#)

11 Appendices

Appendix 1 - Background to the Combined Authority's assurance framework

Appendix 2 - Location maps for the schemes presented in this report

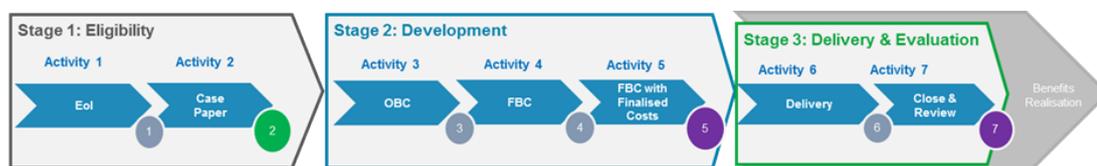
Appendix 3 - Gain Lane exempt appendix

Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Appendix 1: Background to the Combined Authority’s Assurance Framework Information

1.1 This report puts forward proposals for the progression of, and funding for, a number of schemes for approval by the Combined Authority, following consideration by the West Yorkshire and York’s Investment Committee. The Combined Authority will recall that a three stage approach has been introduced as part of an enhancement to current project management arrangements, with the requirement that all projects subject to minor exceptions as detailed in the assurance framework, will as a minimum, need to formally pass decision point 2 (case paper approval) and 5 (final cost approval) highlighted below, with the requirement to meet the intervening activities deemed on a project by project basis.



1.2 The Programme Appraisal Team (PAT) appraises all schemes at the decision points. The PAT consists of an independent panel of officers representing policy, legal, financial, assurance and delivery. The scheme promoters from our partner councils or partner delivery organisations attend the meeting to introduce the scheme and answer questions from the panel. The terms of reference for the PAT are contained within the Leeds City Region Assurance Framework.

Assurance pathway and approval route

1.3 The tables for each scheme in the main report outlines the proposed assurance process and corresponding approval route for the scheme. The assurance pathway sets out the decision points which the scheme must progress through and will reflect the scale and complexity of the scheme. The approval route indicates which committees or officers will make both a recommendation and approval of the scheme at each decision point. A

delegated decision can only be made by the Managing Director if this has received prior approval from the Combined Authority.

Assurance Tolerances

- 1.4 In order for the scheme to follow the assurance pathway and approval route that is proposed in this report, it should remain within the assurance tolerances outlined for each scheme. If these tolerances are exceeded the scheme needs to return to Investment Committee and/or the Combined Authority for further consideration.

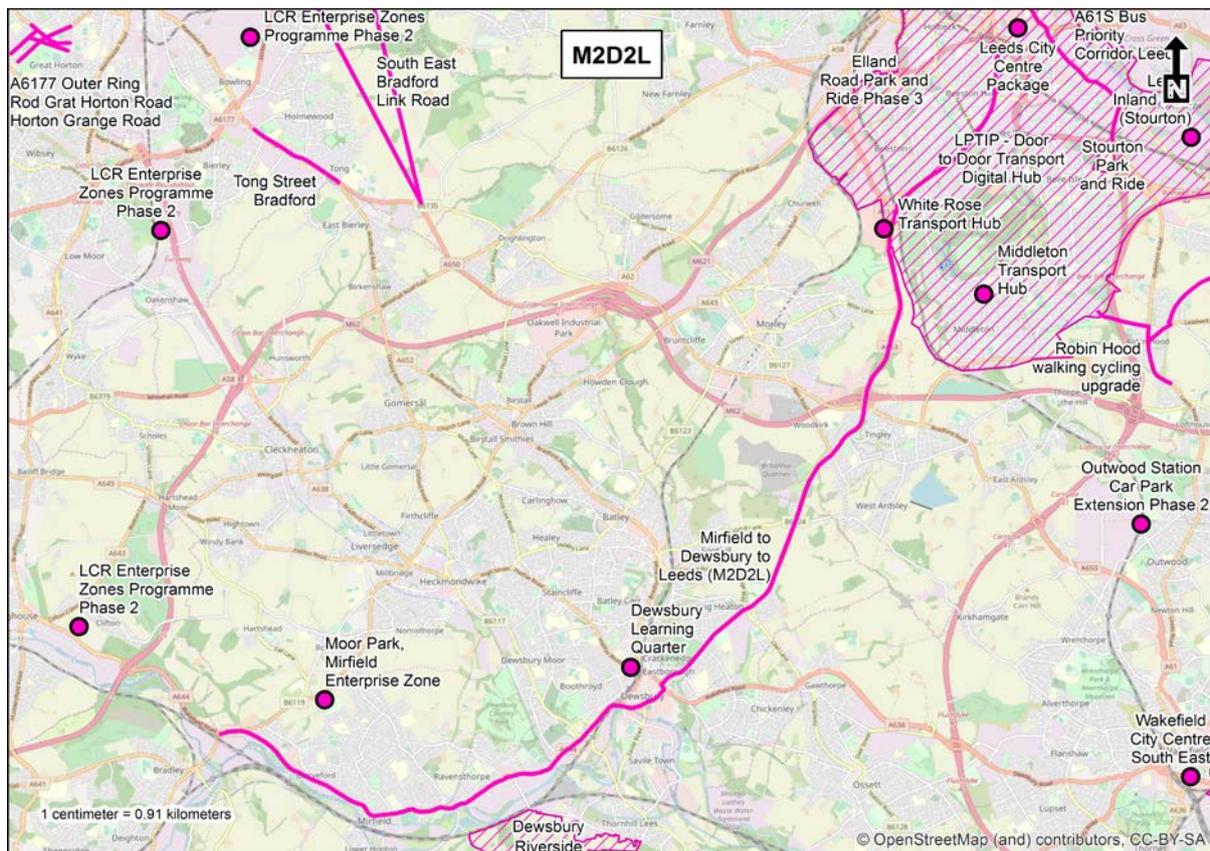
LOCATION MAPS

The following location maps show the schemes in relation to the other Combined Authority funded schemes in the surrounding area.

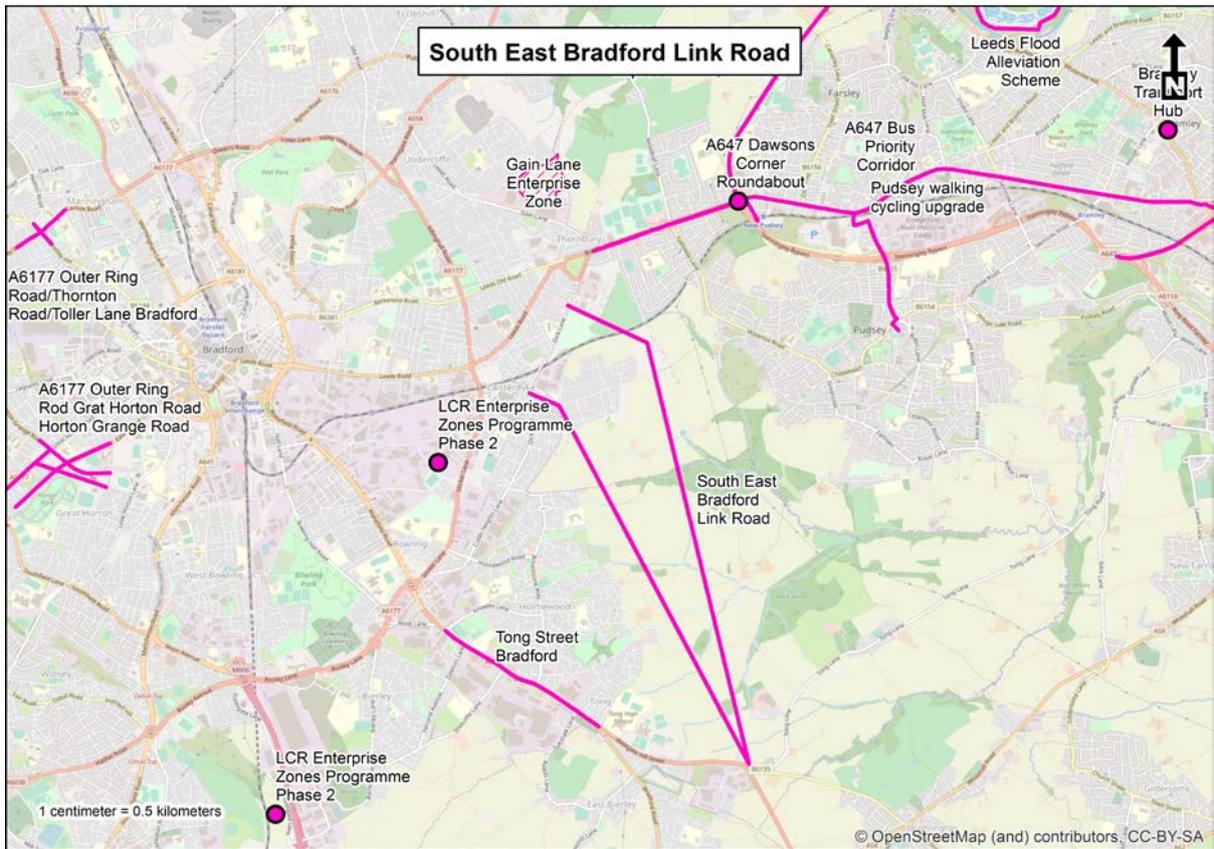
Please note, depending on the level of scheme development the location and scope of the schemes indicated below are indicative only.

For further information on Combined Authority schemes across the Leeds City Region please refer to: <https://www.westyorks-ca.gov.uk/economy/leeds-city-region-infrastructure-map/>

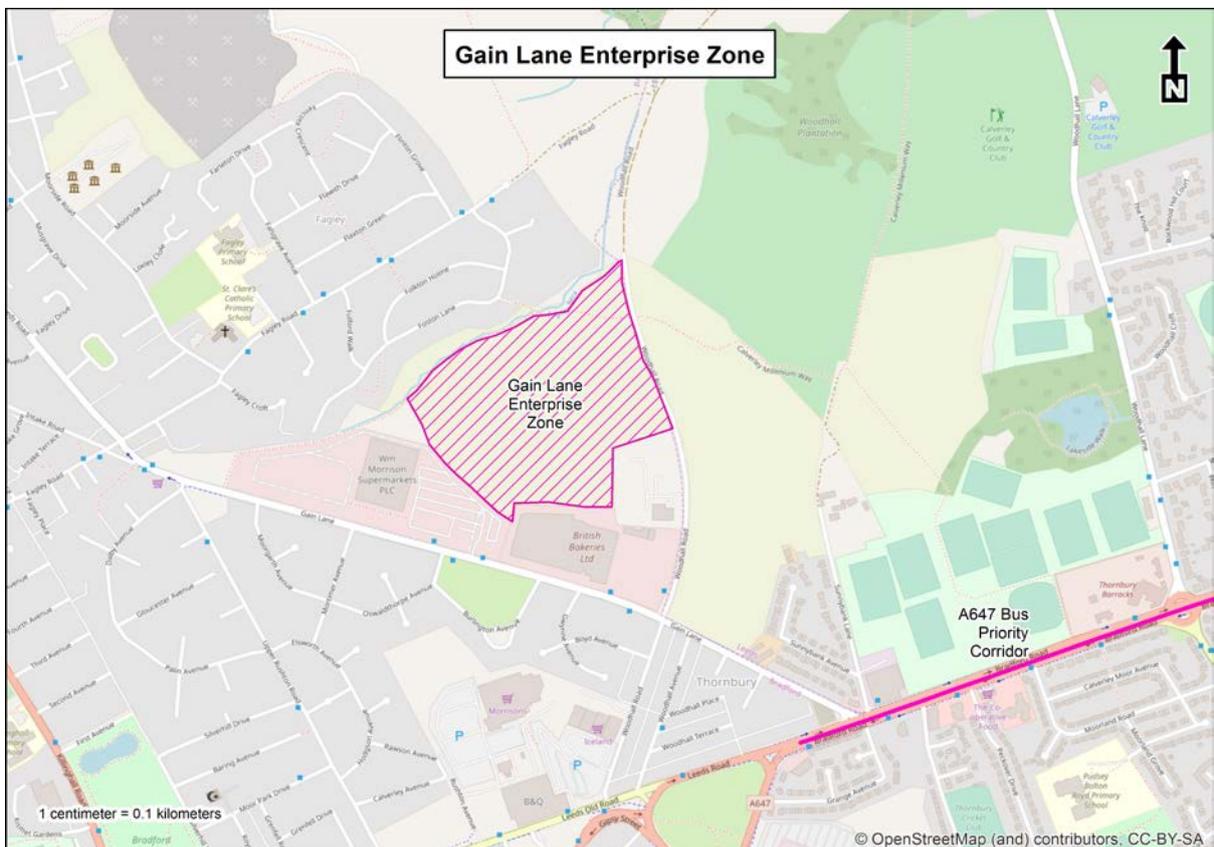
Mirfield to Dewsbury to Leeds (M2D2L)



South East Bradford Link Road (SEBLR)



Gain Lane Enterprise Zone



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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **CO₂ emission reduction commitments and activity**

Director: Alan Reiss, Director Policy, Strategy and Communications

Author(s): Noel Collings, Jacqui Warren

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

To provide an update on Leeds City Region CO₂ emission reduction commitment and activity.

2. Information

International and national targets

- 2.1 There are increasingly urgent calls at an international, national and local level to address the impacts of climate change and to set ambitious CO₂ emission reduction targets.
- 2.2 The catalyst for these urgent calls was the 2016 Paris Agreement which set out the need to keep global temperature rise well below 2°C and to pursue efforts to keep the rise to 1.5°C.
- 2.3 The Special Report of the Intergovernmental Panel on Climate Change (IPCC) further enhanced the need to act, setting out the impacts of global warming of 1.5°C and above.

- 2.4 In light of the Paris Agreement and IPCC Special Report, and the declaration of Climate Emergencies in Local Authorities across the country, the UK Government has recently tightened its CO₂ emission reduction target enshrined in the Climate Change Act, now requiring the UK to be net-zero¹ by 2050 (as opposed to an 80 percent reduction in CO₂ emissions by 2050).

Regional target

- 2.5 The Leeds City Region Strategic Economic Plan (SEP) from 2016 sets out the ambition to 'be a resilient, zero-carbon energy economy'.
- 2.6 The Leeds City Region Energy Strategy and Delivery Plan (ESDP) adopted by the Combined Authority and Local Enterprise Partnership in December 2018 provided further details on the ambition.
- 2.7 While the reductions above would allow the City Region to be aligned with the Paris Agreement it does not take into account the most recent analysis from the IPCC. The Combined Authority is reviewing a City Region target in light of this (see below for more information).

Local targets

- 2.8 At a local level, councils across the UK have been declaring climate emergency motions² and setting local CO₂ emission reduction targets that are more ambitious than the UK-wide target.
- 2.9 Seven of the 10 councils in the Leeds City Region (City Region) have declared climate emergencies.

Current activity

- 2.10 As part of the consultation process undertaken on the Leeds City Region Energy Strategy and Delivery Plan (ESDP) (adopted December 2018), the Leeds City Region LEP Board and Combined Authority approved further work to be undertaken to establish a science-based, Paris Agreement aligned regional carbon reduction target³.
- 2.11 The Combined Authority has therefore commissioned further work on setting a regional target and the year to achieve this by, the results of which are currently being finalised.

¹ Net-zero requires deep reductions in emissions, with any remaining sources offset by removals of CO₂ from the atmosphere (e.g. by afforestation). Net emissions, after accounting for removals, must be reduced by 100%, to zero

² Climate emergency motions vary from council to council, however they all commonly recognise the magnitude of the threat posed by climate change.

³ The target will need to account for the varying commitments of the councils within the City Region, while not acting as a barrier to those councils that want to be more ambitious.

- 2.12 In addition, West Yorkshire Leaders requested that greater awareness raising activities be undertaken and include: The awareness raising activity will include:
- **Sector-specific low-carbon workshops:** exploring the transformational emission reduction activity across the power, buildings, industry and transport sectors. The workshops are scheduled the end of June / beginning of July.
 - **Profile raising:** particularly associated with the results of the workshop in July alongside those measures on which partners can work together across the regional level to tackle climate change.
- 2.13 In addition to the awareness raising activity we are running a series of programmes and projects which address CO₂ emissions. These include:
- **Energy Accelerator:** providing project development support to low-carbon energy projects e.g. district heat networks.
 - **Corporate clean growth programme:** embedding clean growth principles including CO₂ emission reduction into everything we do as an organisation.
 - **Resource Efficiency Fund:** providing advice and support to SMEs in the City Region to reduce their energy, water and waste consumption.
 - **Zero Emission Bus Delivery Roadmap:** setting out how a sustainable bus network could be created in West Yorkshire by 2028.
 - **Leeds City Region Connectivity Strategy:** identifying key connectivity requirements that inform future investment programmes and those of our most disadvantages and excluded communities.
 - **Clean Bus Technology Fund:** retrofitting 300 buses to the latest Euro VI emission standard.
 - **Ultra-Low Emission Taxi Scheme:** installation of 88 dedicated electric taxi charging points.

Future activity

- 2.14 Due to previous levels of work and commitment to tackle climate within the SEP and ESDP, the Combined Authority / LEP have not declared a Climate Emergency, but are currently seeking to review and strengthen the CO₂ emission reduction target for the City Region (as per paragraphs 2.10 – 2.11).
- 2.15 The setting of a City Region target will need to be accompanied by an understanding of the potential ways in which it could be achieved. The abatement pathways work will build on the information contained in the ESDP and will indicate a realistic decarbonisation pathway and interventions that could achieve the region's target.
- 2.16 The outputs of the abatement pathways will be reported back to a future meeting of the Combined Authority.
- 2.17 One challenging area the Combined Authority plans to work with stakeholders on is the transport sector. Carbon emissions from this sector are predicted to

increase, therefore, the Green Economy Panel and Transport Committee are establishing a new Zero Emissions Transport Working Group.

2.18 In addition to continuing to deliver the ESDP, the following activities are also planned:

- **Regular communications activity:** promoting the City Region's work and ambitions to tackle climate change. A communications plan is currently being developed for this.
- **Stakeholder event:** planned for spring 2020 and celebrating the progress made over the last year.

3. Inclusive Growth Implications

3.1 There are no inclusive growth implications directly arising from this report.

4. Financial Implications

4.1 There are no financial implications directly arising from this report.

5. Legal Implications

5.1 There are no legal implications directly arising from this report.

6. Staffing Implications

6.1 There are no staffing implications directly arising from this report.

7. External Consultees

7.1 No external consultations have been undertaken.

8. Recommendations

8.1 That the Combined Authority note the contents of this report.

9. Background Documents

None.

10. Appendices

None.



Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Corporate planning and performance**

Director: Angela Taylor, Director, Corporate Services

Author(s): Louise Porter and Jon Sheard

Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input 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:	N/A

1. Purpose of this report

- 1.1 To provide the West Yorkshire Combined Authority with an update on corporate performance including progress against corporate plan priorities, risk management and budget position.

2. Information

Corporate Plan summary 2018/19

- 2.1 The 2018/19 Corporate Plan for the Combined Authority set out three key long term ambitions for the organisation of boosting productivity, enabling inclusive growth and delivering 21st Century transport, with a key focus on delivery and devolution to achieve these. These reflected the long term strategic ambitions set out for the region through the Leeds City Region Strategic Economic Plan and the West Yorkshire Transport Strategy.
- 2.2 In order to measure the specific contribution of the Combined Authority towards these long term strategic goals, a set of 15 headline performance indicators was also developed. These indicators were published in the

2018/19 Corporate Plan and updates on progress against these have been provided to each meeting of the Combined Authority in 2018/19.

- 2.3 The year-end position for the headline indicators is provided in the performance snapshot at **Appendix 1**. The key headlines relating to performance against these indicators in 2018/19 can be summarised as follows:
- The majority of indicators for 2018/19 have been met with nine assessed as 'green,' eight of which have exceeded the original target set.
 - Two indicators are assessed as 'amber' and have narrowly missed meeting the stated target due to circumstances changing during the year, which were not within the full control of the Combined Authority.
 - Four are assessed as 'red' and therefore not met in 2018/19, with these largely relating to unanticipated issues outside of the Combined Authority's control.
- 2.4 There have been some notable successes in 2018/19 which include:
- Supporting over 2,900 business to grow and become more productive through the Business Growth Service
 - Supporting the creation of over 1,900 jobs through our trade and investment activity
 - Reaching over 14,000 disadvantaged students with targeted support on employment on employability, enterprise and careers education
 - Improving over 1,500 homes through our Better Homes Yorkshire scheme – warming homes and helping residents to save money on their bills
 - Delivered 17 significant transport projects with a further 15 starting on site
 - Supporting our partners to deliver 7 major transport projects with a further 6 starting on site
 - Increased the proportion of travel information enquiries/interactions made online to 97.5%
- 2.5 In total four indicators have been assessed as red in 2018/19 and in all cases the reasons for not achieving the anticipated targets largely relate to external factors outside of the direct control of the Combined Authority. Further detail about those indicators which have been assessed as red in 2018/19 and the factors which have led to this, is provided below:
- The **delivery of refurbished floorspace** through skills capital projects has not been fully met in 2018/19, due to an unanticipated delay in the programme for one of the key projects.
 - **Supporting individuals to upskill in skills shortage areas** was not met as it relied on the delivery of two new ESIF (European Structural and Investment Funds) funded projects. Delays in contracting at the Department for Work and Pensions (DWP), the managing agent, have delayed the start of the [re]boot programme by seven months and the Employment Hub by nine months. Contracts have however now been signed and delivery will begin shortly and as such outputs have been rolled into 2019/20.

- **Supporting businesses to offer apprenticeships** has also not been met as this also relied on the ESIF Employment Hub funding which was delayed by 9 months. As above contracts have now been signed and delivery will begin shortly, so outputs have been rolled into 2019/20. The low level of demand for the AGE grant has also impacted performance and a revised criteria has now been implemented to address this in 2019/20
- The target of **increasing MCard smart ticket sales by 10%** has not been met over the course of the year. There have been however been some areas of significant growth in relation to young people's smart ticketing products which have exceed expectations. Sales of adult season ticket as smart tickets have however remained largely static. To reflect this imbalance the West Yorkshire Ticketing Company Ltd reviewed their overall strategy in this area part way through the year and set a revised target to increase overall smart ticket MCard sales by 3-5%. The learning from this (which has been reflected in the 2019/20 performance measures), is that a series of individual, more specific targets for different segments of the market is likely to provide more useful in-year performance information.

Corporate Plan 2019/20

- 2.6 Following consideration of the draft content for the 2019/20 Corporate Plan at the April meeting of the Combined Authority, the design process for the document has now been completed. A final copy of the 2019/20 Corporate Plan can be viewed at:
<https://www.westyorks-ca.gov.uk/resources/publications/draft-reports/>
- 2.7 The Corporate Plan sets out the vision and objectives for the organisation and the practical steps for how these will be progressed during the year. The plan is structured around the four overarching strategic objectives of boosting productivity, enabling inclusive growth, delivering 21st Century transport and supporting clean growth.
- 2.8 As previously reported to the Combined Authority, the Corporate Plan sets out the objectives and activities of the organisation as a whole. However this year it has also been designed such that information relating to the specific activities of the LEP can be pulled out separately in a 'LEP Annual Delivery Plan'. This is necessary in order to fulfil the requirements of the Strengthened Local Enterprise Partnerships report, which sets out a new requirement from 2019/20 for all LEPs to produce this separate plan. A copy of the standalone LEP Annual Delivery Plan can be viewed at:
<https://www.westyorks-ca.gov.uk/resources/publications/draft-reports/>

Corporate risk update

- 2.9 In line with the provisions of the Corporate Risk Management Strategy, regular review of the key strategic risks affecting the organisation continues to be undertaken and the corporate risk register updated accordingly.

- 2.10 Senior officers have recently undertaken a detailed review of the corporate risk register and as a result of this have suggested a number of changes. These changes are included in the updated version of the register provided at **Appendix 1**.
- 2.11 One new risk which is assessed as 'high' has been added to the register as follows:
- Risk that the Employment Hub programme does not deliver against expected targets, due to the reliance on third party delivery. This is being mitigated through contract management which involves payment being focused on delivery, and regular consultation with delivery partners.
- 2.12 In addition to the inclusion of new risks, a number of existing risks had their rating re-assessed in light of new developments or countermeasures introduced:
- A risk regarding significant change in organisational operations and objectives arising from changes in national policy (SP3) was raised from 'Unlikely' to 'Possible' due to current central Government leadership changes and the uncertainties regarding Brexit. This has resulted in the overall rating for this risk moving from 'High' to 'Very High'.
 - A risk relating to partnership working (PC1) has reduced from 'Possible' to 'Unlikely' due to progression made on the production and implementation of an organisational partnership strategy.
 - The risk relating to financial penalty due to GDPR non-compliance (R2) has reduced from 'Highly Significant' to 'Moderate' due to increased levels of training delivered and progression against the Information Governance project milestones.
 - A risk relating to the coordination of business support in response to Brexit remained as a 'High Risk' despite significant mitigating action, due to the continuing uncertainty around the format of the UKs departure, or non-departure, from the EU.

Revenue budget position

2018/19

- 2.13 A summary of the 2018/19 final outturn as compared to original budget is attached at **Appendix 2** (subject to final audit). A brief commentary is provided for the more significant variances.
- The final position is a £1.6m surplus that adds to the general reserves giving a balance of £6.8m. The year had started with a budgeted £1.4m deficit, though a forecast undertaken during year estimated a £1m deficit position with further updates indicating this position was likely to improve further towards the year end. The much improved year end position is mainly attributable to the subsidised savings ahead of target (£1,300k), reduced concessionary fares costs (£400k) and a combination of early redemption fees and further loan interest accrued on Growing Places loans. Additionally the higher than expected cash balances, reflecting

receipt in advance of a number of external funds, has generated £800k of interest over budget.

Statutory accounts

- 2.14 The draft accounts for 2018/19 have been prepared and published on the Combined Authority website. The audit commenced during June and the final audited accounts are to be reported to the Governance and Audit Committee on 23rd July 2019 and signed by the deadline of 31st July 2019.
- 2.15 For information a full set of the Combined Authority's draft accounts for 2018/19 can be found at the following link:

<https://www.westyorks-ca.gov.uk/media/2232/wyca-statement-of-accounts-2018-19-unaudited.pdf>

2019/20 and Medium Term Financial Strategy

- 2.16 As reported previously the 2019/20 budgets are being reviewed for changes since the February 2019 meeting and any updates will be coming through in future reports monitoring reports. Work is underway on the Medium Term Financial Strategy and a progress report will be brought to future meetings of the Combined Authority and to the members' Budget Working Group.

3. Inclusive Growth Implications

- 3.1 The 2019/20 Corporate Plan, sets out further details regarding the organisation's approach to enabling inclusive growth. It also provides details of progress in this area in the current financial year.

4. Financial Implications

- 4.1 The financial implications are covered in the body of the report and at the supporting appendices.

5. Legal Implications

- 5.1 There are no legal implications directly arising from this report.

6. Staffing Implications

- 6.1 There are no staffing implications directly arising from this report.

7. External Consultees

- 7.1 No external consultations have been undertaken.

8. Recommendations

- 8.1 That the Combined Authority notes and provides comment on the information on corporate performance.

9. Background Documents

9.1 None.

10. Appendices

Appendix 1 – Corporate Performance Snapshot Report
Appendix 2 – Budget monitoring 2018/19

APPENDIX 1: CORPORATE PERFORMANCE SNAPSHOT

Progress against 2018/19 Key Corporate Plan priorities:

Boosting Productivity				
Indicator	Target	Status	RAG	Notes
A Local Inclusive Industrial Strategy for the City Region	By 31/03/19	Ongoing		Now planned to be in wave 3 – to be delivered by December 2019. Timelines have been clarified with BEIS. Action plans in place for all workstreams and joint approach with YNYER LEP developed. Development of evidence base is on-track.
365 Delivery of new and refurbished skills floorspace through economic regeneration projects funded by our Growth Deal	24,898m ² new	9,700 sqm		4,500sqm opened Sept 2018 5,200sqm opened Q4 18/19 (all floors open & operational but not full Practical Completion) The remaining 15,198sqm currently on site and will complete and open and operational to students in Q2 19/20 as planned The amber rating reflects that the floorspace itself has now largely been delivered - but with practical completion due in July 2019.
	12,100 m ² refurbished	2,500 sqm		2,500sqm completed in Q4 18/19 The remaining 9,600sqm will complete in later years (6,000sqm in 19/20 – some works have been undertaken but the full refurbishment works will complete Qr 2 19/20 and 3,600sqm in 20/21 due to delays on the project).
Supporting businesses who want to grow through our business growth service	2,750 businesses	2,920		Target achieved
Supporting the creation of jobs in those businesses receiving intensive support from our growth service	500 jobs	1,161		Target achieved
Supporting the creation of a further new jobs in the region through the work of our inward investment service	1,500 jobs	1,933		Target achieved
Enabling a high % of those businesses who receive intensive support from the business support service to achieve growth	75%	81%		This is an annual target. Figure quoted is based on a relatively small sample of businesses supported in 2015/16 and 2016/17 where it is possible to show impact over time. The study will be updated in summer 2019 to include 2017/18 data.

Inclusive Growth

Indicator	Target	Status	RAG	Notes
Delivering an enhanced model of employability, enterprise and careers education to disadvantaged students	To reach 12,000 students	14,036		Target achieved Employer encounters delivered to students who receive pupil premium across Leeds City Region. The enhanced model of 12,000 meaningful encounters are records of two pupil encounters within the financial year.
Supporting individuals to upskill in skills shortage areas	1,250 individuals	198		We have significantly under-achieved against this target as it relied on the delivery of two new ESIF funded projects. Delays in contracting at DWP (the managing agent) have delayed the start of the [re]boot (by 7 months) and Employment Hub (by 9 months) contracts. Contracts have now been signed and delivery will begin shortly so outputs have been rolled into 2019/20.
Supporting businesses to offer apprenticeships	1,000 businesses	43		We have significantly under-achieved against this target as it relied on the delivery the new ESIF funded Employment Hub project. Delays in contracting at DWP (the managing agent) have delayed the start of the project by 9 months. Contracts have now been signed and delivery will begin shortly so outputs have been rolled into 2019/20. The low level of demand for the AGE grant has also impacted performance and a revised criteria has now been implemented.
Improving homes through the Better Homes programme	1,000 Homes	1,566		As at end of March 2019. Maximised additional funding opportunities that arose during the year to support improvement of more homes.

21st Century Transport

Indicator	Target	Status	RAG	Notes
Delivery of a programme of significant transport projects by end of March 2019	13 complete 11 on site	17 <i>complete</i> 15 <i>on site</i>		<p>Complete: 12 x Bus Hotspots Bradford Interchange short stay car-park Mirfield A Park & Ride CCTV at bus stations Real time installations at Morley and South Elmsall Hubs 367 LPTIP LED Real Time installations</p> <p>On site: 11 x Bus Hotspots with a further 3 anticipated to commence before the end of March 19 Castleford Rail Station Mytholmroyd & Hebden Bridge Rail P&R 123 LPTIP LED Real Time installations rolled over to 2019/20</p>
Support partners to deliver significant transport projects by March 2019 367	2 complete 9 on site	7 <i>complete</i> 8 <i>on site</i>		<p>Complete: YORR junction improvements Phase 1 A629 Phase 1a Wakefield City Centre Package Phase 1 – Kirkgate CityConnect – 4x Canal Towpath Schemes (Airedale Greenway; Rochdale Canal Phase 1; Huddersfield Narrow Canal Phase 1, Calderhebble)</p> <p>On site: East Leeds Orbital Route City Connect schemes: - Leeds City Centre - Bradford Canal Road - York Scarborough Bridge</p> <p>YORR junction improvements Phase 2 Hard Ings, Keighley Glasshoughton Southern Link Road UTMC element A – on-street works</p>

21st Century Transport

Indicator	Target	Status	RAG	Notes
Increase MCard (smart ticket) sales	10% increase	3.6 % <i>increase</i>		Up to the end of February 2019 - expected to increase following inclusion of March 2019 data Under review with West Yorkshire Ticketing Co. Ltd - WYTCL has set 3-5% target increase in their strategy
Increase the proportion of travel information interactions/enquiries made on line	98% of enquiries online	97.5%		Actions to increase online enquiries continuing

Corporate Risk

Current Risk Appetite:	Low Risk Appetite  High Risk Appetite				
	1	2	3	4	5
Compliance and Regulation					
Operational/Service Delivery					
Financial					
Reputational/Marketing/PR					
Strategic Transformational Change					
Development and Regeneration					
People and Culture					

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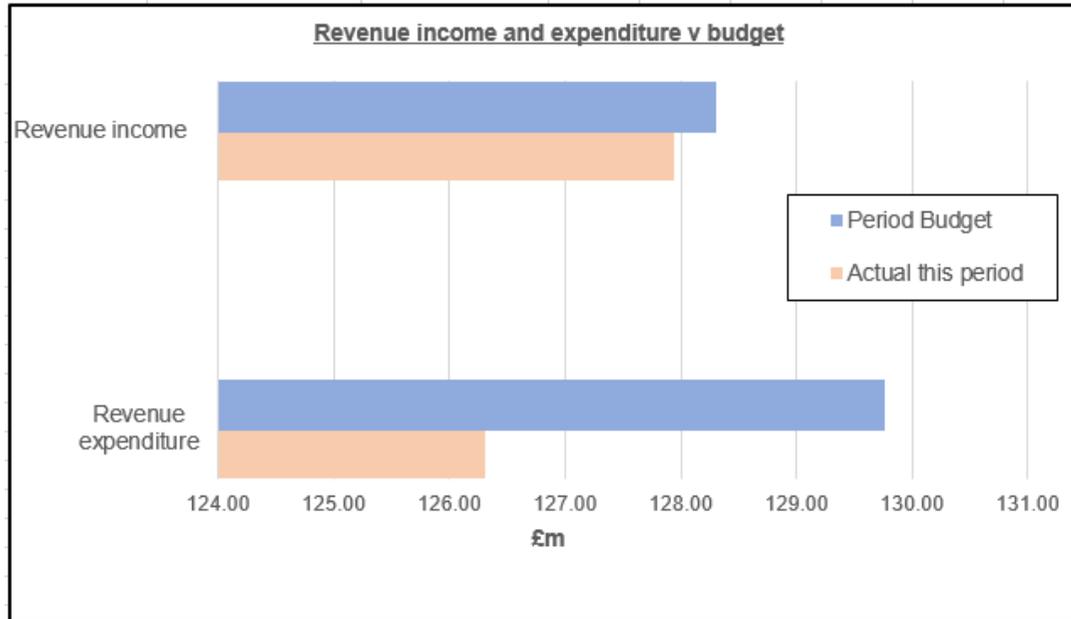
Current 'Very High' risks:

		Probability	Impact	Mitigation summary	Movement since last report
Very High x3	Failure to secure enhanced funding and devolved powers (F1)	Possible	Highly significant	Devolution discussions continuing	No Change
	Failure to deliver Growth Deal/other capital funding programmes within timescales/ costs (SD2)	Possible	Highly significant	Significant controls in place through PMO	No Change
	Major unanticipated change in national policy resulting in failure to meet organisation/organisational objectives (SP3)	Possible	Highly significant	Ongoing dialogue with Government. Monitoring of national policy trends	Increased

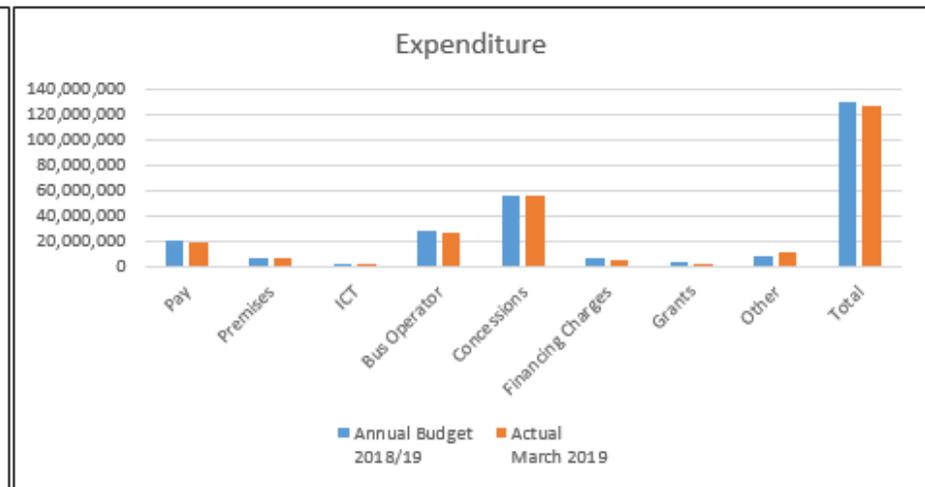
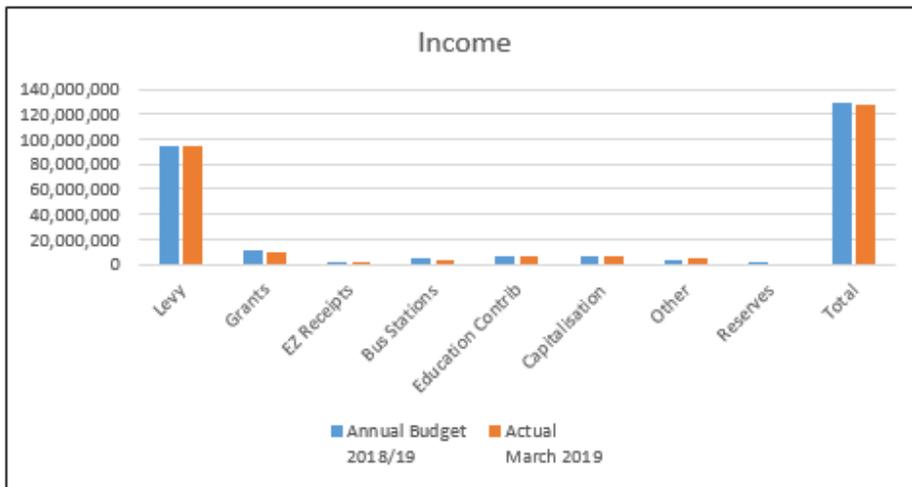
Current 'High' risks:

		Probability	Impact	Mitigation summary	Movement since last report
	Failure to have the supporting infrastructure and processes in place to deliver against corporate priorities (SD3)	Possible	Major disruption	Transformation programme & corporate technology programme in place and addressing this	No Change
	Failure to have in place the capacity, skills and resource needed to deliver increased workload (HR1)	Possible	Major disruption	Organisational structures largely embedded. Ongoing monitoring	No Change
	Failure to deliver CA objectives and outcomes to demonstrate that CA/LEP is making a difference (SD1)	Possible	Major disruption	Continuing to embed remaining elements of change programme	No Change
	Failure to secure sufficient and continued funding for key services (F2)	Possible	Moderate	Ongoing review of funding opportunities/bids. Budget monitoring	No Change
	Failure to deliver appropriate working arrangements with District partners (PC1)	Unlikely	Major disruption	Continuing to strengthen key partnerships	Probability reduced
	Risk of legal proceedings/financial penalty of not being compliant with GDPR (R2)	Possible	Moderate	Information asset register/data policies continually reviewed	Impact reduced
	Risk that national terrorism threat level is raised to 'imminent' resulting in unanticipated operational changes/costs (SP2)	Possible	Major Disruption	Continued review of national trends/ Incident management training ongoing	No Change
	Insufficient national & local investment in the inclusive industrial strategy to make the transformational change needed (SP1)	Possible	Moderate	Ongoing dialogue and proactive engagement with Government	No Change
	Risk of legal challenge as a result of not being compliant with HR, Financial, procurement and Governance Legislation (R1)	Possible	Moderate	Policies/procedures in place and subject to ongoing review	No Change
	Financial failure of a major contractor/supplier to the CA or a recipient of funding from the CA (F3)	Possible	Moderate	Contract management, regular financial checks and escalation processes	No Change
	Risk of Major incident at CA facility, accident /injury to vulnerable person(s) (SS1)	Unlikely	Highly significant	Policies/procedures/training in place and continually reviewed	No Change
	Failure to generate sufficient business rates income to support corporate revenue projections (PC2)	Possible	Major Disruption	Prudent income forecasting. Dedicated Enterprise Zone team in place	No Change
	Risk that Brexit response not sufficiently well coordinated across local partners leading to loss or duplication of service (SP4)	Possible	Moderate	Continuing dialogue with local partners & assessment of potential responses	No Change
	Significant transport disruption arises from major transport investment programmes (PC3)	Possible	Major Disruption	Creation of a travel demand management plan and close working with programme sponsors	No Change
	Business failure of transport providers (SD4)	Possible	Major Disruption	Open dialogues for early warnings	No Change
Risk that the Employment Hub programme is not delivered as required due to reliance on third party delivery	Possible	Major Disruption	Regular meetings with delivery partner. Evidence based payment system in place.	NEW	

Current revenue position: Final Outturn figures as at March 2019



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West Yorkshire Combined Authority - Summary

Title	Budget 2018/19 £	31 March 2019 Actual £	%	Commentary
Expenditure				
Salary & Pay Related Costs	19,664,698	18,965,393	96.4%	Staff vacancies / turnover higher than estimated
Indirect Employee Related Costs	556,450	793,938	142.7%	Higher than budget but in line with forecasts - due to recruitment and salary sacrifice costs
Premises Related Costs	6,184,194	6,597,879	106.7%	High cost due to correct accrual errors in 2017/18 - future budgets & actuals now aligned
Travel, Transport & Subsistence Related Costs	112,984	135,303	119.8%	
Member Related Costs	153,168	141,342	92.3%	
Office Supplies & Services	540,050	631,191	116.9%	Higher than budget but in line with forecasts - Printing costs in Transport Services
ICT & Telephony Costs	2,342,778	2,172,132	92.7%	
Professional & Consultancy Fees	2,296,718	3,139,414	136.7%	High cost mainly due to Transport Services ticketing bank charge increases
Corporate Subscriptions	39,398	21,321	54.1%	
Marketing & PR Costs	1,315,079	1,262,967	96.0%	
Insurance	279,400	340,574	121.9%	Higher premiums due to claims history plus increase in claims (ie policy excesses)
Operator Payments (Transport)	27,397,250	26,526,388	96.8%	## - These lines all related. Overall savings achieved ahead of target.
Concessions	56,270,200	55,867,645	99.3%	
Additional Pension Costs	2,245,800	2,129,163	94.8%	
Financing Charges	5,670,000	4,783,325	84.4%	Interest earned on cash balances more than estimated - reflects spend pattern on capital programme
Grants	3,893,861	645,353	16.6%	*** - Variances on these lines largely net off - due to Economic Service projects that were managed via capital programme.
Other Miscellaneous Costs	514,958	1,874,961	364.1%	*** - Variances on these lines largely net off - due to Economic Service projects that were managed via capital programme.
Contribution to External / Related Parties	277,606	280,556	101.1%	
Total Expenditure	129,754,592	126,308,844	97.3%	
Income				
Rail Admin Grant	(918,000)	(878,000)	95.6%	Grant reduction notified during year and in line with forecasts.
LEP General Funding Income	(1,234,000)	(1,266,014)	102.6%	
Growing Places Fund Interest	(200,000)	(1,105,884)	552.9%	Significantly higher amount due to prudent estimate, early redemption fee and interest accrued on two significant loans.
Enterprise Zone Receipts	(1,968,000)	(1,760,670)	89.5%	Lower than budget but in line with forecasts.
Transport Levy	(94,198,000)	(94,198,000)	100.0%	
Bus Service Operator Grant (BSOG)	(1,942,000)	(2,063,592)	106.3%	## - These lines all related. Overall savings achieved ahead of target.
Education Contribution to Transport	(6,768,000)	(7,074,948)	104.5%	## - These lines all related. Overall savings achieved ahead of target.
Bus Station Tenant Income	(1,472,464)	(1,375,816)	93.4%	Budget estimate for bus station tenant income not achieved due to vacant sites.
Bus Station / Services - Other Income	(2,866,121)	(2,672,827)	93.3%	Budget estimates not achieved for bus station departure fees and other income for bus station services
Admin Recharges	(2,247,672)	(2,800,618)	124.6%	Additional staff recovery charges - staff seconded to partners.
Capitalisation of Revenue Costs	(6,803,125)	(5,877,260)	86.4%	*** - Variances on these lines largely net off - due to Economic Service projects that were managed via capital programme.
Other Income	(7,684,973)	(6,866,681)	89.4%	*** - Variances on these lines largely net off - due to Economic Service projects that were managed via capital programme.
Total Income	(128,302,355)	(127,940,311)	99.7%	
Net Expenditure	1,452,237	(1,631,467)	-112.3%	

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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Proposal to recruit to the role of Director, Economic Services**

Director: Ben Still, Managing Director

Author(s): Joanne Grigg, Head of HR

Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input 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 seek approval, following a review and re-evaluation of the increased breadth of activities in Economic Services, to amend the current Executive Head role to a Director role in the Combined Authority.
- 1.2 To seek approval to recruit to this role and put in place the necessary arrangements to do so.

2 Information

Rationale

- 2.1 The Executive Head of Economic Services role was created in June 2016 as part of the reorganisation of the Combined Authority. At that time, the nature of the activities in Economic Services comprised:
 - Trade and Investment team
 - Skills team
 - Business Growth Hub and Business Growth Programme (capital grants to businesses)

2.2 The teams are largely funded by external sources, chiefly European funds and Growth Deal. The exception is the Trade and Investment team, that is revenue funded via the Enterprise Zone receipts that accrue to the LEP, and some recently secured funding for a Key Account Management Team from the Department for International Trade.

2.3 Since 2016 the range and complexity of work in these teams has increased, as a result of successes in securing significant amounts of external funding:

Trade and Investment – grown to include:

- a 'Key Account Management' team to work with existing foreign direct investment firms, funded by Department for International Trade;
- an overseas 'China and India' desk, funded via the Business Rate Pool;
- a much larger MIPIM and trade event programme, with increased levels of private sector sponsorship;
- a more complex partnership arrangement for the development of Trade activities, in particular coordination across the 'Northern Powerhouse'

Skills and Employment Team – grown to include;

- The Employment hub – previously contracted to a private sector provider and now won for delivery through the LEP. This complex programme is funding over 50 posts in West Yorkshire authorities to work with businesses on their apprenticeship programmes (funded by Department for Education);
- Management of the Skills Commission looking at the redesign of the national skills system to deliver better outcomes for the economy;
- Delivery of the Enterprise Advisor programme – refocused on schools in Index of Multiple Deprivation (IMD) areas to deliver on inclusive growth objectives (funded by Careers and Enterprise Commission).

Business Growth programme – grown to include;

- The Travel Plan Network (European funded with some revenue match);
- Ongoing support from the Department for Business, Energy and Industrial Strategy for the Leeds City Region Growth Service (also known nationally as the Business Growth Hub);

Over £10 million of EU-funded business support programmes, including the Resource Efficiency Fund, Access Innovation, Strategic Business Growth programme, Investment Readiness programme and a recent £1.7 million extension to the Business Growth Hub.

2.4 These programmes have added significantly to the complexity of the Directorate and its breadth of activity, which now numbers close to 90 people and funds a further 60 posts embedded in LCR local authorities.

2.5 To this it is also proposed to add a new service area (Commercial and Revolving Investments) as part of the revised treatment of investment and revolving funds in the Combined Authority/LEP. This has been considered by the LEP and CA in reports earlier this year. A central element of this is the

separation of duties between the team engaging with applicants and investments, the team appraising the risks and value for money of such investments and giving advice to a credit committee. It is intended that the first of these elements would be located in Economic Services, and for the Economic Service Director to be the point of accountability for the CA and the LEP. It would undertake the following tasks:

- Market engagement to identify investment opportunities for capital and revolving funds;
- Development of propositions and brokering the best deal given the project objectives;
- Lead on major commercial / investment transactions to be undertaken by the Combined Authority.

2.6 This team would be funded through the capital grant programmes.

Evaluation

2.7 As a result of the above factors increasing the breadth and accountabilities of the post, a review of the future requirements of the role was undertaken and a revised role profile produced. This has been evaluated against the Hay grade structure used by the Combined Authority/LEP. The evaluation places the job as an 'R' level in the Combined Authority structure – which is the same as the other Director posts in the organisation. The cost implication of this is one grade higher than the current post with a maximum additional cost of £20,111 per annum.

Other options considered:

2.8 It should be noted that the evaluation of this role in the light of new responsibilities was considered alongside other options:

- Splitting the Economic Services Directorate in two. This would increase senior staff costs by a greater amount than the core proposal, and still leave a strategic capacity gap;
- Moving activities into other Directorates – options for increasing the size of the other Directorates were considered with the additional teams moving into them, but again, this would increase the number of senior managers, and would act against the current organisational simplicity of the Combined Authority structure.
- Doing nothing was also considered, but this runs the risk of being unable to recruit into the post, and potential challenge when the role is compared to other Director roles in the Combined Authority.

2.9 Therefore the proposed model is recommended based on it being a lower cost than dividing the directorate and also providing much needed strategic capacity, increasing commercial accountability and adding capacity into economic services strategy policy and service development.

- 2.10 The main risk to the ongoing requirement for the substantive nature of the post are continued wider uncertainties around the Government's future approach to funding LEPs. However, the risk of this is low given the Government's '*Strengthening LEPs*' initiative, and as the post is largely programme funded, it would be closed if the programme funding also disappeared.
- 2.11 Local authority Chief Executives have been consulted. The LEP Board endorsed this proposal at its meeting on 6 June.

Route to recruitment

- 2.12 As this is a new post a recruitment process is required. A number of options have also been considered for the most suitable way of recruiting to the position and ensuring the best field of candidates is identified and considered. The route that would seem to meet the needs would be to:
- Procure a recruitment consultant to carry out the "search" aspects of the process to allow for the best possible field to be directed towards the vacancy to apply.
 - The position to be advertised through our own website and networks as well in the Municipal Journal, being the appropriate professional journal for potential candidates in the sector.
 - Carry out the shortlisting, assessment and selection process in house within the Combined Authority's current HR resource.
 - Establish an interview panel to make recommendations to include members together with representatives from the Combined Authority and partners.

3 Inclusive Growth Implications

- 3.1 The recruitment to this post and ensuring a suitably qualified and experienced post holder in place will be critical in the inclusive growth priorities being met across the organisation.

4 Financial Implications

- 4.1 The substantive role of Executive Head, Economic Services is already part of the Combined Authority 2019/20 budget. The new post is graded at R (£92-106k), resulting in a maximum additional cost at top of grade of £20,111 over the current post which is graded as a Q. This is majority funded from capital programme sources.

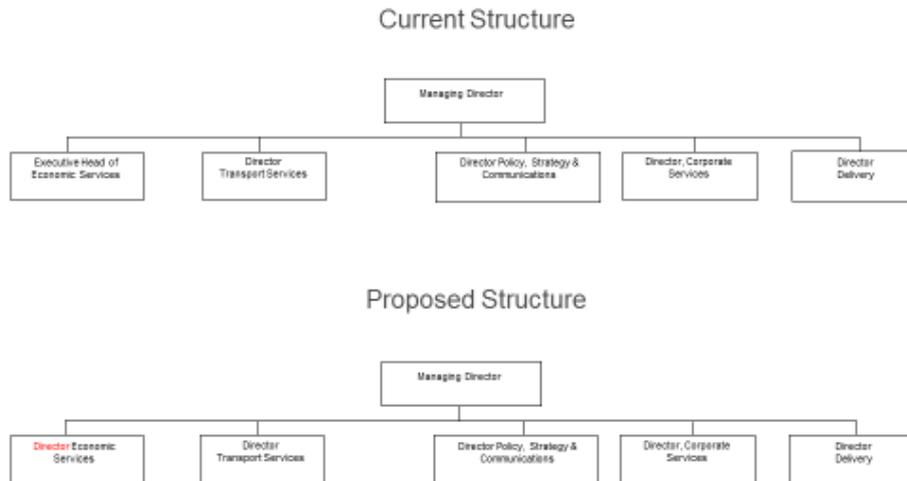
5 Legal Implications

- 5.1 There are no legal implications directly arising from this report.

6 Staffing Implications

- 6.1 There are currently interim arrangements in place to cover the position on a temporary basis. Depending on the outcome of the recruitment process,

consideration would need to be given to the ending of these arrangements and any knock on implications. The reporting line is shown below.



January 2019

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7 External Consultees

7.1 None undertaken.

8 Recommendations

8.1 That the Combined Authority approves that the current Executive Head of Economic Services post be revised to a Director of Economic Services and recruited to on that basis, such change to take effect from the date of appointment.

8.2 That the Combined Authority endorses the proposed approach to recruiting to this position.

8.3 That the Managing Director be delegated authority to undertake the recruitment, including convening an interview panel (with member representation) and, in consultation with the Chair of the Combined Authority and the Chair of the LEP, to make an appointment in accordance with the recommendation of the interview panel.

9 Background Documents

9.1 None.

10 Appendices

None.

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Report to: West Yorkshire Combined Authority

Date: 27 June 2019

Subject: **Minutes for Information**

Director: Angela Taylor, Director of Corporate Services

Author(s): Ruth Chaplin

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 provide Members with details of the minutes of committees and panels that have been published on the West Yorkshire Combined Authority's website since the last meeting.

2. Information

- 2.1 The following minutes have been published on the West Yorkshire Combined Authority's website and can be accessed [here](#):

- Overview & Scrutiny Committee held on 22 March 2019 (Draft)
- Green Economy Panel held on 9 April 2019 (Draft)
- Investment Committee held on 12 April 2019
- Investment Committee held on 8 May 2019
- Transport Committee held on 10 May 2019 (Draft)
- Business Innovation and Growth Panel held on 28 May 2019 (Draft)
- LEP Board Annual Meeting held on 6 June 2019 (Draft)
- Investment Committee held on 11 June 2019 (Draft)

3. Inclusive Growth Implications

3.1 There are no inclusive growth implications directly arising from this report.

4. Financial Implications

4.1 There are no financial implications directly arising from this report.

5. Legal Implications

5.1 There are no legal implications directly arising from this report.

6. Staffing Implications

6.1 There are no staffing implications directly arising from this report.

7. External Consultees

7.1 No external consultations have been undertaken.

8. Recommendations

8.1 That the minutes of the Combined Authority's committees and panels be noted.

9. Background Documents

There are no background documents referenced in this report.

10. Appendices

None.