

WEST YORKSHIRE COMBINED AUTHORITY

**MEETING TO BE HELD AT 11.00 AM ON THURSDAY, 22 APRIL 2021
DUE TO COVID-19, THIS MEETING WILL BE HELD REMOTELY AND
WILL BE LIVESTREAMED HERE:**

**<https://www.youtube.com/channel/UCazjNSGpqZZT41Vibn2ZK9A/live>
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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. If you have any queries regarding this, please contact Governance Services on 0113 251 7220.

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**
- 3. EXCLUSION OF THE PRESS AND PUBLIC**
- 4. MINUTES OF THE MEETING OF THE COMBINED AUTHORITY
HELD ON 9 MARCH 2021**
(Pages 1 - 10)
- 5. COVID-19**
(Lead Member: Cllr S Hinchcliffe, Director: Brian Archer)
(Pages 11 - 18)

For Decision
- 6. COMMUNITY RENEWAL FUND**
(Lead Member: Cllr S Hinchcliffe, Director: Alan Reiss)
(Pages 19 - 24)
- 7. CAPITAL SPENDING AND PROJECT APPROVALS**
(Lead Member: Cllr D Jeffery, Director: Melanie Corcoran)
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8. MCA GOVERNANCE ARRANGEMENTS

(Lead Member: Cllr S Hinchcliffe, Director: Angela Taylor)
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9. MCA COMMITTEE ARRANGEMENTS

(Lead Member: Cllr S Hinchcliffe, Director: Angela Taylor)
(Pages 219 - 238)

For Information

10. MINUTES FOR INFORMATION

(Pages 239 - 240)

Signed:

A handwritten signature in black ink, consisting of the letters 'BSM' in a stylized, cursive font, with a horizontal line underneath.

**Managing Director
West Yorkshire Combined Authority**



MINUTES OF THE MEETING OF THE WEST YORKSHIRE COMBINED AUTHORITY HELD REMOTELY ON TUESDAY, 9 MARCH 2021

Present:

Councillor Susan Hinchcliffe (Chair)	Bradford Council
Councillor Tim Swift MBE (Deputy Chair)	Calderdale Council
Councillor Andy D'Agorne (Substitute)	York Council
Councillor James Lewis	Leeds City Council
Councillor Stewart Golton	Leeds City Council
Councillor Denise Jeffery	Wakefield Council
Councillor Steven Leigh MBE	Calderdale Council
Roger Marsh OBE DL	Leeds City Region Local Enterprise Partnership
Councillor Shabir Pandor	Kirklees Council
Councillor Rebecca Poulsen	Bradford Council

In attendance:

Councillor Kim Groves	Chair, Transport Committee
Councillor Peter Harrand	Chair, Overview & Scrutiny Committee
Dr Declan Hall	Independent Remuneration Panel
Ben Still	West Yorkshire Combined Authority
Caroline Allen	West Yorkshire Combined Authority
Brian Archer	West Yorkshire Combined Authority
Melanie Corcoran	West Yorkshire Combined Authority
Dave Pearson	West Yorkshire Combined Authority
Alan Reiss	West Yorkshire Combined Authority
Angela Taylor	West Yorkshire Combined Authority
Ian Smyth	West Yorkshire Combined Authority
Sarah Bowes	West Yorkshire Combined Authority
Alexander Clarke	West Yorkshire Combined Authority
Khaled Berroum	West Yorkshire Combined Authority
Ruth Chaplin	West Yorkshire Combined Authority

92. Chair's Comments

On behalf of the Combined Authority, the Chair congratulated Councillor James Lewis on becoming Leader of Leeds City Council and welcomed him to the meeting.

93. Apologies for Absence

Apologies for absence were received from Councillor Keith Aspden.

94. Declarations of Disclosable Pecuniary Interests

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

95. Exclusion of the Press and Public

There were no items on the agenda that required the exclusion of the press and public.

96. Minutes of the Meeting of the Combined Authority held on 4 February 2021

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 4 February 2021 be approved.

97. Covid-19 and Economic Recovery

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on COVID-19 and Economic Recovery.

The report provided an update on the work being undertaken to support the region to respond to COVID-19 and the development of products and services in response to the economic impacts of the pandemic.

Members discussed and noted the implications of the recent Budget which had included additional business support measures and welcomed the announcement that the UK's first infrastructure bank will be based in Leeds.

The Authority discussed and endorsed the Economic Recovery Plan attached at Appendix 1 which had been refreshed in light of the further impacts the pandemic had had on the economy. The update included the addition of a fifth proposition on Culture and Creative Industries which had been developed in partnership with culture leads across local authorities and details were attached at Appendix 2. It was noted that a summary version of the Economic Recovery Plan will also be produced.

It was noted that because no direct Government funding had yet been allocated to the Combined Authority to deliver the Economic Recovery Plan, the Authority had previously approved gainshare funding to support immediate priority recovery programmes. Members considered an additional three proposals which were aimed at creating jobs and new businesses which were outlined in the report – Entrepreneurship, Net Zero Carbon Pipeline and Health Innovation. The Authority supported the programmes in principle and Members discussed the proposal for approval to be given to the Investment Committee for programmes to pass through Decision Point 2, totalling no more than the £7 million revenue that remains unallocated from the Combined Authority's 2020-21 gainshare allocation. It was reported that this would enable the programmes to be implemented

without delay in the context of the pandemic, and Members were advised that all of the proposals are consistent with the themes set out in the Covid Economic Recovery Plan, the draft West Yorkshire Investment Strategy priorities and will be subject to the Combined Authority's Assurance Framework as appropriate.

Resolved:

- (a) That the Combined Authority supports in principle the programmes outlined in the submitted report.
- (b) That the Combined Authority delegates to the Investment Committee the approval for programmes to pass through Decision Point 2, totalling no more than the £7 million revenue that remains unallocated from the Combined Authority's 2020-21 gainshare allocation.
- (c) That the Combined Authority endorses the redrafted West Yorkshire Economic Recovery Plan, as contained in Appendix 1 and the related Culture and Creative Industries proposition, as contained in Appendix 2.
- (d) That progress on the delivery of products and services in response to the economic impacts of the pandemic be noted.

98. The Single Investment Fund and the West Yorkshire Investment Strategy

The Combined Authority considered a report of the Director, Policy, Strategy and Communications and Director, Corporate Services on the Single Investment Fund and the West Yorkshire Investment Strategy.

It was noted that the Authority was required to create a Single Investment Fund (SIF) as part of the devolution deal for West Yorkshire. The report provided an update on progress made in the development of the SIF and the design of a new West Yorkshire Investment Strategy (WYIS) which outlines the funding priorities for the SIF. This will facilitate the creation of an ambitious set of projects and programmes, based on core objectives to achieve far reaching outcomes in carbon reduction, inclusive growth and the reduction of inequality, connectivity and infrastructure.

It was reported that the high level operating principles of the SIF had previously been agreed by the Authority on 27 July 2020 and these were attached at Appendix 1 and further detail on the draft investment priorities of the WYIS was attached at Appendix 2.

The Authority considered and endorsed the proposed approach to the SIF, the design of the West Yorkshire Investment Strategy and the proposed next steps which were detailed in the report. Further work would be undertaken to complete the Investment Strategy and this would be brought to a future meeting.

Resolved: That the approach to the Single Investment Fund (SIF), the design of the West Yorkshire Investment Strategy (WYIS) and the proposed next steps be endorsed.

99. West Yorkshire Business Accelerator Fund

The Combined Authority considered a report of the Director, Economic Services on the West Yorkshire Business Accelerator Fund (WYBAF).

The Authority considered the proposed business case for the creation of a West Yorkshire Business Accelerator Fund (WYBAF), a new business loan facility to help deliver revenue, business growth and job creation in light of the COVID-19 pandemic.

It was reported that the LEP Board had supported the project to create a successor to the Growing Places Fund (GPF) using the returned GPF loans of c.£17 million, as core funding for the new loans.

Members discussed the proposed business case and noted the intention for the fund to be self-sustaining with initial modelling based on a ten year fund. It was agreed that up to £100,000 from the GPF development funding be approved for the establishment of a Business Accelerator Fund. This would be for external legal and tax consultants and specialist consultants to specify the fund, develop the business case, prepare for the governance, recruit the necessary resources and procure. This will go through the Assurance Framework and be brought to the Combined Authority for final approval.

A specialist Financial Conduct Authority (FCA) regulated Fund Manager would need to be appointed for an initial three year period and appropriate decision making and delegations would need to be put in place by the Authority.

Resolved: That up to £100,000 from the Growing Places Fund development funding be approved to expedite the establishment of a Business Accelerator Fund, for external legal and tax consultants and specialist consultants to specify the fund, develop the business case, prepare for the governance, recruit the necessary resources and that the Fund will go through the Assurance Framework and Combined Authority for final approval.

100. Carbon Impact Assessment

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Carbon Impact Assessment.

The report provided an update on progress in the development of a carbon impact assessment methodology to allow the impact of proposals on carbon emissions to be considered in decision making.

The project is divided into five phases and these were outlined in the report. Members were advised that the project was now part way through the assessment of existing projects (those currently going through the

assurance process) and detailed recommendations for how carbon impact should be considered at different stages in the assurance process have been received from the consultants. The methodology for carbon impact assessment has been developed and is likely to be refined further as it is used to assess existing projects.

The importance of collaborative working with partners was highlighted and it was noted that discussions and briefings have been held with Leaders, portfolio holders and officers from partner councils.

Resolved: That the report be noted.

101. Inclusive Growth Framework

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Inclusive Growth Framework.

Members discussed the draft Inclusive Growth Framework, which was attached at Appendix 1 and noted the working draft data set attached at Appendix 2. The draft Framework had been developed through discussion and engagement with public, private and third sector stakeholders and had also informed the development of the West Yorkshire Economic and Transport Recovery Plans.

The importance of involving and working with the private sector was highlighted and it was reported that the LEP Board had endorsed the Inclusive Growth Framework for adoption as part of the wider Strategic Economic Framework. The LEP Board had also considered, in principle, 'early win' inclusive growth related interventions, noting that any future funding decisions would rest with the Combined Authority. A pipeline of potential interventions to drive inclusive growth in the region will be considered in a future report.

Resolved: That the Inclusive Growth Framework be adopted as part of the overall Strategic Economic Framework.

102. Employment & Skills Plan Refresh

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Employment and Skills Framework.

The report provided an overview on the work being done to refresh the Employment and Skills Plan and summarised the key components. The strategic context, evidence base and objectives were provided in Appendix 1. Members discussed and endorsed the proposal for the revised Employment and Skills priorities and indicative actions to be published as a Framework, as part of the Strategic Economic Framework. This would set out the strategic aims of the Leeds City Region whilst allowing flexibility to produce further detail within specific plans.

The framework will be published later this year, following the Mayoral election.

Resolved: That the publication of the Employment and Skills Framework as part of the Strategic Economic Framework be endorsed.

103. Innovation Framework

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Innovation Framework being developed as part of the Strategic Economic Framework.

A copy of the draft Leeds City Region Innovation Framework which builds on the work carried out for the Local Industrial Strategy was attached at Appendix 1. Public consultation on the Framework had taken place via the YourVoice platform and there had also been significant additional input from members of the West Yorkshire Innovation Network, Business Innovation & Growth Panel and the LEP Board.

Members discussed and endorsed the draft which will provide a new framework for activity and investment in innovation in the region in order to drive economic growth and societal benefit around a shared set of ambitions.

Resolved: That the Combined Authority endorses and approves the overarching vision and priorities of the innovation framework and its positioning as part of the Strategic Economic Framework.

104. MCA Preparations - governance arrangements

The Combined Authority considered a report of the Director, Corporate Services on MCA preparations.

The report provided an update on work in relation to the governance arrangements for the Combined Authority as a mayoral combined authority (MCA).

Members considered the proposal that the Combined Authority adopt a formal Constitution to provide a robust and integrated governance framework. Details were outlined in the report and an indicative outline of the Constitution was attached at Appendix 1. It was noted that key arrangements for the Mayor will need to be in place at the start of the Mayor's term of office on 10 May 2021 and therefore there will be a phased approach to adopting the new Constitution.

Members considered key draft constitutional documents for the MCA's decision-making arrangements which were attached at Appendices 2-5. It was noted that these may be subject to revision as other elements of the new Constitution are developed and it was agreed that authority be delegated to the Head of Legal and Governance Services to make any further technical amendments. Arrangements for PCC functions are currently being developed and these will be brought to the next meeting.

The Constitution will be considered as a whole at the Combined Authority's Annual Meeting in June 2021.

Resolved:

- (a) That the Combined Authority notes that arrangements are being put in place for decision-making relating to new Non-Mayoral Functions.
- (b) That the Combined Authority notes the timeline set out in paragraph 2 of the report for approving revised governance documents for the MCA.
- (c) That the Combined Authority approves the governance documents attached as Appendices 2-5 to the report to be of effect from 10 May 2021, and authority be delegated to the Head of Legal and Governance Services to make any further technical amendments to these documents, should these be required as the Constitution is developed.

105. Future Scrutiny Arrangements

The Combined Authority considered a report of the Director, Corporate Services on a proposal for new and improved scrutiny arrangements for the mayoral combined authority.

Members discussed the proposal to increase the number of overview and scrutiny committees from one to three to cover corporate, economic and transport scrutiny. Councillor Harrand, Chair of the Overview & Scrutiny Committee advised that the Overview & Scrutiny Committee had reviewed scrutiny arrangements and a working group had been established to provide input and had made recommendations regarding a new governance structure and scrutiny arrangements which differed from the proposals in the report.

The Authority discussed the Overview & Scrutiny Committee's original recommendation and advice outlined in Appendix 1 and considered a proposal to replace the existing scrutiny arrangements with three overview and scrutiny committees to cover corporate, economic and transport scrutiny. As an MCA, it was considered important to increase scrutiny and involve more members to broaden the engagement and each Committee would comprise of 16 members, increasing the number of scrutiny members from 18 to 48.

Due to the proposed change in the scrutiny structure, terms of reference and membership numbers, it was agreed that an Independent Remuneration Panel (IRP) be convened to reassess the level of allowances paid to Combined Authority scrutiny chairs and members. A report would be brought to the next meeting.

It was noted that additional staff resource will be required to support the enhanced scrutiny structure and it was agreed that initially an additional support officer be appointed although this would be considered further as

part of a review of the new structure to take place 6 months after the annual meeting.

The Authority thanked the Overview & Scrutiny Committee and the working group for their review of scrutiny arrangements.

Resolved:

- (a) That the work undertaken by the Overview and Scrutiny Committee in reviewing scrutiny arrangements and the Committee's original recommendation and advice, as outlined in Appendix 1, be noted.
- (b) That the Combined Authority approves the proposal to replace the existing scrutiny arrangements with three overview and scrutiny committees, each consisting of 16 members (3 from each West Yorkshire constituent authority and 1 from the non-constituent authority York), and asks officers to progress developing governance arrangements to enable such appointments to be made at the annual meeting on 24 June 2021 as outlined in paragraphs 2.6 – 2.11 of the report.
- (c) That the Combined Authority approves the convening of an Independent Remuneration Panel to reassess the allowances to be paid to scrutiny chairs and members as outlined in paragraph 2.9 of the report.
- (d) That the Combined Authority approves the additional investment into the scrutiny function including additional staff resource and other potential associated costs as outlined in section 5 of the report.

106. Governance Arrangements

The Combined Authority considered a report of the Director, Corporate Services on governance arrangements.

Leeds City Council – Appointments

It was noted that Leeds City Council had advised of the following changes in their appointments to the Combined Authority:

- Councillor James Lewis to replace Baroness Judith Blake as the Combined Authority member.
- Councillor Debra Coupar to replace Councillor James Lewis as the substitute Combined Authority member.
- Councillor Helen Hayden to replace Councillor Lisa Mulherin as the ex-officio member of the West Yorkshire & York Investment Committee.

Notification had also been received for a change in Leeds City Council's nomination to the Place Panel, and the Authority agreed the appointment of Councillor Helen Hayden to the Place Panel.

Employment & Skills Panel – Advisory Membership

It was reported that at its meeting held on 24 February 2021, the LEP Board had considered and recommended to the Authority, the appointment of a non-voting advisory representative from the TUC to the Employment & Skills Panel. The Authority approved this appointment.

Governance & Audit Committee

The Authority noted the resignation of Andy Clayton, the independent member and current Chair of the Governance & Audit Committee. It was agreed that the Head of Legal & Governance Services be authorised to commence recruitment arrangements for the vacant position. It was noted that there was one remaining meeting scheduled in the current municipal year and it would be necessary for a current member of the Governance & Audit Committee to act as interim chair for that meeting.

Resolved:

- (a) That the Combined Authority notes Leeds City Council's change in appointments to the Combined Authority and the West Yorkshire & York Investment Committee as detailed in paragraphs 2.1 and 2.2 of the report.
- (b) That the Combined Authority approves the appointment of Councillor Helen Hayden to the Place Panel.
- (c) That the Combined Authority approves the appointment of a non-voting advisory representative from the TUC to the Employment & Skills Panel.
- (d) That the Combined Authority notes the resignation of Andy Clayton, independent member of the Governance & Audit Committee and the arising vacancy for both a member and chair.
- (e) That the Combined Authority authorises the Head of Legal & Governance Services to progress recruitment and appointment arrangements to the current independent member vacancy on the Governance & Audit Committee.
- (f) That, in respect of any future in-year vacancies, the Combined Authority delegates arrangements for convening an interview panel and making subsequent recommendations to the Authority to the Head of Legal & Governance Services.
- (g) That a current member of the Governance & Audit Committee acts as interim chair for the remaining meeting of the current municipal year.

107. Independent Remuneration Panel – West Yorkshire Mayor's Allowance

The Combined Authority considered a report of the Director, Corporate Services on the report of the Independent Remuneration Panel in respect of the remuneration of West Yorkshire Combined Authority's Mayor.

Councillor Stewart Golton took no part in discussion of this item as he was the Liberal Democrat candidate for the role of West Yorkshire Mayor.

It was noted that the WYCA (Election of Mayor and Functions) Order 2021 specifies that a remuneration must be determined for the West Yorkshire Mayor and in setting this, the Combined Authority must consider a report by an independent remuneration panel (IRP).

The IRP review was undertaken in February 2021 by a Panel of three members, headed by Dr Declan Hall who was in attendance at the meeting to present the IRP's report which was attached at Appendix 1. The IRP recommended that the remuneration of the West Yorkshire elected Mayor be set at £105,000 and that it be indexed linked to the NJC index, namely the percentage annual cost of living salary increase as applied each year to staff. It was noted that the allowance paid by the Combined Authority should not exceed the amount specified in the recommendation of the IRP.

Dr Hall was thanked for chairing the review and attending the meeting.

Resolved:

- (a) That the report of the Independent Remuneration Panel be noted.
- (b) That the recommendations of the Independent Remuneration Panel's report in respect of remuneration for the West Yorkshire Mayor, including indexation, attached at Appendix 1, be approved.

108. Minutes for Information

The Combined Authority noted the minutes of the committees and panels 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 be noted.



Report to: West Yorkshire Combined Authority

Date: 22 April 2021

Subject: COVID-19

Director: Brian Archer, Director of Economic Services

Author: Alex Clarke, Policy Manager, Business Productivity and Resilience

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:	
Are there implications for equality and diversity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1. Purpose of this report

- 1.1 To provide the Combined Authority with an update on developments concerning the COVID-19 crisis, including on the development of products and services in response to the economic impacts of the pandemic.
- 1.2 To provide an updated on the West Yorkshire Economic Recovery Plan, including on implementation of elements of the plan.
- 1.3 To outline a number of issues with regard to the roadmap out of current lockdown restrictions, including supporting the safe operating of businesses and the role of public transport.

2. Information

- 2.1 Since the last Combined Authority meeting in March 2021, the local authority areas of West Yorkshire have moved into the second step of the UK Government's roadmap out of lockdown, with restrictions due to be in place until at least 21 June. Regulations published by the Government in March provide for the possibility that some areas of England could find themselves in different steps, depending on the circumstances regarding virus prevalence.

2.2 Against this uncertain backdrop, the West Yorkshire Combined Authority, and the five local authorities, continue to support residents and businesses in West Yorkshire, and the following sections outline some of the support available and the progress made, before turning to issues of economic recovery and some further issues for the roadmap out of lockdown.

Business Support and Engagement

2.3 Government support to individuals and businesses has been made available through each stage of the pandemic, and this section outlines the progress made on delivering that support since the last Combined Authority meeting. The support available brings together both nationally and locally funded projects, ensuring comprehensive support for businesses.

2.4 At a West Yorkshire level, delivery continues on a number of schemes, with the table below detailing the progress.

Project	Funding	No. of Businesses Supported	Delivery Partners
Local Authority Grants (Nov 20 onwards – end linked to ongoing restrictions)	£200m actual	70,000 payments	Local Authorities
Additional Restrictions Grant	£20m actual	6,000 payments	Local Authorities
COVID-19 Recovery Grants (ERDF & LGF)	£1m actual £2.8m committed	1114 actual	Umi Commercial
Digital Resilience Vouchers (up to £5,000)	£1.06m	400 actual Project complete	Leeds City Council
Peer Learning Project	£90,000	60 actual	University of Leeds Business School
Small Business Membership Scheme – allowing access to legal, HR, financial and wellbeing support	£300,000	1350 actual	W&NY Chamber, Mid-Yorkshire Chamber, FSB
Cyber Security Support Scheme	£100,000	160 actual	North East Business Resilience Centre

Business Resilience Webinars	£15,000	180 actual	Biskit
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2.5 Businesses across the City Region are also being impacted by the need to adjust to the new requirements brought about by the end of the transition period of the UK's exit from the European Union at the beginning of the year. The Combined Authority has put in place a wide range of support for businesses, all of which was in place to 31 March 2021, the progress of which is summarised in the table below. A number of the schemes will continue to deliver for the second quarter of 2021.

Project	Number of Businesses Supported	Timeline	Delivery Partner(s)
EU Transition support service (regional service across Yorkshire and Humber, commissioned by the CA/LEP)	278 (delivery began 11/01/21, extended to end of July 21)	31/07/21	Enterprise Growth Solutions (EGS), & other Y&H LEPs
Telemarketing outreach service (Leeds City Region, Y& NY)	324 referrals 1322 survey completions (delivery began 11/01/21)	31/03/21	Blueberry Ltd
EU Exit legal advice & support (Leeds City Region, Y&NY)	8 (delivery began 22/01/21, extended to end of April 21)	30/04/21	Squire Patton Boggs
Series of EU Transition webinars (Yorkshire and Humber)	119 (delivery began 18/01/21)	31/03/21	Greenborough Management Ltd
Series of webinars to help businesses internationalise their marketing activity	211 Additional 1:1 support – 22	31/03/21	UMi Commercial

(Yorkshire and Humber)	(delivery began 23/02/21)		
Trade related documentation support and advice through the EU Transition (Leeds & Bradford, plus Y&NY)	224 (delivery began 18/01/21)	31/03/21	Chamber International
Trade related documentation support and advice through the EU Transition (Wakefield, Calderdale & Kirklees)	129 (delivery began 22/01/21)	31/03/21	Mid Yorkshire Chamber of Commerce

Employment and Skills Support

2.6 The Combined Authority and LEP continues to support individuals to better equip them in the labour market as part of our economic recovery activity, including through the £13.5m strategic employment and skills package agreed by the Combined Authority on 27 November 2020. Since the last Combined Authority in March the following updates on employment and skills support is provided for information:

- **Employment Hub:** There has been ongoing discussion and planning with each individual local authority about how they could effectively utilise the extension of the Employment Hub provision which has caused some start delays (although the delivery of the repurposed offer continues). Funding Agreements are currently being finalised with each Local Authority with a formal start of 1 April.
- **ReBoot:** Along with the funding allocated by the Combined Authority to extend ReBoot, within the region there is also bootcamp funding to support training offers to individuals. It was agreed that a procurement process will be followed to identify lead providers against key themes which would allow us flexibility to procure responsive provision, and procurement for this went live end of March.
- **Marketing** of the offer is currently being procured to create a high impact/focused campaign driving traffic/enquiries to the FutureGoals portal.

Economic Recovery Plan and implementation

2.7 As reported previously, the longer-term planning for economic recovery for West Yorkshire is being overseen by a West Yorkshire Economic Recovery

Board¹, which is a working group of the Combined Authority and brings together the five West Yorkshire Leaders and LEP Chair with partners from the private sector, trade unions, business representative organisations, public bodies and the third sector, to develop robust plans for the region's economic recovery and to help build an inclusive and sustainable economy for the future.

- 2.8 At the last meeting of the Combined Authority a refreshed version of the West Yorkshire Economic Recovery Plan was endorsed, alongside a new distinct proposition on Culture and Creative Industries. All of these documents will remain live and be updated as required. The Combined Authority will continue to work with the Economic Recovery Board and local authorities to refine as necessary, and to ensure ongoing complementarity to local recovery plans.
- 2.9 Alongside the recovery plan update, work continues on implementing elements of the recovery plan within existing local and regional resources. The March Budget did not provide any specific funding for regional recovery plans, and therefore in the absence of Government support the Combined Authority is prioritising actions that will have the biggest impact on key issues identified in the plan.
- 2.10 At the last meeting, the Combined Authority gave its support in principle to three programmes outlined in the report: on entrepreneurship, a net zero carbon pipeline and on health innovation. These are currently being developed in detail, in line with the Combined Authority approval and the Assurance Framework, to ultimately be formally approved at a future meeting of the Investment Committee.

Issues related to the roadmap out of lockdown

- 2.11 On 5 April 2021, the Prime Minister announced that the government's "four tests" for further easing restrictions has been met, allowed England to move to Step 2 of the government's roadmap on Monday 12 April. This means that outdoor hospitality can now reopen, alongside parts of the indoor economy (including non-essential retail, personal care premises and indoor leisure facilities) and some other outdoor settings (including zoos and theme parks).
- 2.12 Restrictions around size of gatherings, including the rule of six or two household limit, remain in place. The Government is also considering and piloting options for longer term restrictions and requirements to allow further international travel, as well as larger events and gatherings with less social distancing.

Transport implications of the roadmap

- 2.13 Use of bus services has increased since the return to education on 8 March with patronage rising to around 45% of normal in the week before the school holidays. Moving to Step 2 of the roadmap is expected to further increase

¹ Further details on the full membership and terms of reference: <https://www.westyorks-ca.gov.uk/erb>

demand for travel; bus patronage on 12 April had risen to 55%. As the capacity of buses is constrained by social distancing, this may mean some passengers could be left behind by “full” buses at busy times especially around school start and finish times. Arrangements are in place with bus operators to provide sufficient buses at busy times to mitigate this risk and the real time passenger information system will tell customers how full the approaching bus is.

- 2.14 Members will be aware from previous reports that, during the pandemic, bus services have been funded by a combination of grants from Government and LTAs continuing to pay concessionary travel costs at pre pandemic rates. Government published its National Bus Strategy on 16 March which sets out the next steps for Covid bus funding. The current funding arrangement is expected to continue until August and will be replaced by a new arrangement aimed at providing tapered financial support for the remainder of the financial year as patronage recovers following the lifting of restrictions. At the time of writing, fuller details of this funding are awaited.
- 2.15 A detailed report regarding the National Bus Strategy will be presented to Transport Committee on 14 May. Government requires LTAs to commit to the adoption of the partnership provisions of Bus Services Act by 1 July 2021 to gain access to funding made available through the National Bus Strategy. A full report will be provided to the Combined Authority meeting of 24 June setting out the options and recommending a course of action.

3. Tackling the Climate Emergency Implications

- 3.1 Clean Growth will continue to be supported through the products delivered in response to COVID-19 and is at the heart of the Economic Recovery Plan as an overarching goal.
- 3.2 Businesses will continue to be supported to apply innovation and digital technologies to adapt their products and services to meet current and future demand and reduce their carbon emissions.

4. Inclusive Growth Implications

- 4.1 Inclusive Growth is embedded as an overarching goal in the Economic Recovery Plan.
- 4.2 As part of the West Yorkshire Inclusive Growth framework, any businesses that receive grants from the above products would be required to contribute to Inclusive Growth actions and outcomes via their funding agreements.

5. Equality and Diversity Implications

- 5.1 There are no equality and diversity implications directly arising from this report.

6. Financial Implications

- 6.1 There are no financial implications directly arising from this report. However, following the March 2021 Budget where no further funding was allocated for local COVID-19 economic recovery plans, further delivery implementation of the West Yorkshire Economic Recovery Plan will require new sources of funding.

7. Legal Implications

- 7.1 There are no legal implications directly arising from this report.

8. Staffing Implications

- 8.1 Delivery of the products included in the Economic Recovery Plan may require changes to current staff roles and/or additional staff to be recruited, which is being considered through the detailed development of individual proposals.

9. External Consultees

- 9.1 No specific or official external consultations have been undertaken in relation to this report. However, it has been informed by ongoing dialogue and consultation with LEP Panels and wide range of partners, including local authorities, the West Yorkshire Economic Recovery Board, universities and colleges, business representative and membership bodies, and direct with some individual businesses.

10. Recommendations

- 10.1 That the Combined Authority notes the updates in relation to COVID-19.

11. Background Documents

- 11.1 West Yorkshire Economic Recovery Plan – March 2021 version.
<https://westyorkshire.moderngov.co.uk/documents/s18944/Item%205%20-%20Appendix%201.pdf>

12. Appendices

- 12.1 None

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Report to: West Yorkshire Combined Authority

Date: 22 April 2021

Subject: **UK Community Renewal Fund**

Director: Alan Reiss, Director of Policy, Strategy and Communications

Author: Heather Waddington, Head of ESIF and Future Funding Policy

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:	
Are there implications for equality and diversity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1. Purpose of this report

- 1.1. To summarise the purpose and scope of the UK Community Renewal Fund (UKCRF), and the responsibilities of the Combined Authority as the designated Lead Authority as defined by Government.
- 1.2. To authorise the Managing Director to finalise and submit the shortlists to be submitted to Government, on behalf of the Combined Authority.

2. Information

- 2.1. The £220 million UKCRF 2021-22, was announced in the Budget on 3 March and aims to support people and communities most in need across the UK, creating opportunities to trial new approaches and innovative ideas ahead of the introduction of the UK Shared Prosperity Fund in 2022.
- 2.2. The UKCRF is administered by the Ministry of Housing, Communities and Local Government (MHCLG) with a Lead Authority for each place. In West Yorkshire this is the Combined Authority.

2.3. The Fund is being administered as a competitive process with no pre-set eligibility. The Government has identified 100 priority places based on an index of economic resilience. In West Yorkshire, the designations are:

- **Priority Areas:** Bradford, Calderdale and Wakefield
- **Other Areas:** Kirklees and Leeds

2.4. While all places may be successful in receiving funding, the UKCRF will prioritise applications that target priority places and make a good contribution to strategic fit, delivery and impact in the areas. Being a priority place does not guarantee funding.

2.5. The vast majority of the process is laid out in rules set down by Government.

Implications for West Yorkshire Combined Authority

2.6. In line with Government rules, as the Lead Authority the Combined Authority is required to undertake the following roles:

- invite bids from a range of Project Applicants, including but not limited to universities, voluntary and community sector organisations, and umbrella business groups; and undertake constructive engagement with local partners, including but not limited to local authorities and elected representatives, and other public, private and third sector organisations.
- appraise and prioritise a shortlist of projects up to a maximum of £3 million per place (max £15 million for West Yorkshire), to be submitted to Government who will assess the proposals and select projects based on the UKCRF criteria.
- enter into a funding agreement with Government to deliver successful bids and issue agreements to successful bidders.
- undertake monitoring and assurance activity.

2.7. To enable a broad range of ideas to come forward the Combined Authority is operating an open and transparent bidding process (as required by Government), inviting bids from any organisation that can deliver an eligible project. An [invitation to bid](#)¹ prospectus is now live, which sets out the national priorities for funding, eligibility requirements, assessment criteria and the local investment priorities that the Combined Authority will use in prioritising submissions. These investment priorities are based on the draft priorities for the West Yorkshire Investment Strategy² agreed by the Combined Authority on 9 March 2021 and focus on supporting economic recovery and growth. The invitation to bid has been promoted to relevant stakeholders, including a stakeholder briefing on the process. Those interested in bidding are being encouraged to contact officers within Local Authorities to assist with the shaping of bids and advise on how they fit with local priorities.

¹ <https://www.westyorks-ca.gov.uk/growing-the-economy/uk-community-renewal-fund/>

² <https://westyorkshire.moderngov.co.uk/documents/s18964/Item%206%20-%20Appendix%202.pdf>

- 2.8. A panel of Combined Authority and Local Authority officers will assess and prioritise all bids submitted, selected on the basis of their expertise and experience and recommend a shortlist for each priority/non-priority place. Clear ethical walls are in place to prevent any undue influence being exerted that distorts the bidding process in favour of any applicant or in a way that prejudices any applicant taking account of any conflicts of interests. Bids will be assessed against:
- the UKCRF gateway and assessment criteria.
 - the extent to which they meet the objectives of UKCRF.
 - the extent to which bids would support the delivery of local growth and employment priorities as set out in the Invitation to Bid.
- 2.9. Following assessment, the Combined Authority will submit the shortlists up to a maximum of £3 million per place to Government by **18 June 2021**. This timeline does not enable a further public meeting of the Combined Authority to take place prior to the deadline. Therefore, authorisation is being sought for the Managing Director to finalise and submit the shortlists on behalf of the Combined Authority. Shortlists will be shared with members of the Combined Authority.
- 2.10. The Government will then assess all bids submitted and announce the outcome of the assessment process from late July 2021 onwards.
- 2.11. As a key objective of the UKCRF is to pilot new ways of delivering activity to businesses and people, all projects are to be robustly evaluated and the learning is to be shared with others. All projects are required to have a minimum of £10,000 allocated for evaluation. The Combined Authority will ensure that all project deliverers undertake the evaluations as set out in their application, in a timely manner and collaborate with national evaluation activity.

3. Tackling the Climate Emergency Implications

- 3.1. As a minimum, investment under this fund should meet the Government's clean growth principle and must not conflict with the UK's legal commitment to cut greenhouse gas emissions to net zero by 2050.
- 3.2. The West Yorkshire invitation to bid prioritises projects supporting clean growth and those working with the natural environment to achieve project objectives.

4. Inclusive Growth Implications

- 4.1. The impact of inclusive growth has been considered and written into the invitation to bid. Projects will play an important role in supporting inclusive growth by ensuring that opportunities are open to all and that disadvantaged groups and places are targeted and delivery models are tested to ensure they are flexible and responsive to meet local need.

5. Equality and Diversity Implications

- 5.1. The Combined Authority is ensuring that the bidding process takes account of its legal obligations, including the Public Sector Equality Duty. The application form that bidders need to complete requires information about the impact on equalities to assist in this regard. The UKCRF aims to offer funding to develop creative solutions to address a range of local place-based issues as well as addressing particular areas of need which aim to address equality of opportunity for all.

6. Financial Implications

- 6.1. The Lead Authority, as outlined above, will submit shortlists to Government for up to £3 million per place. The Combined Authority will enter into a funding agreement for the amount confirmed with Government and will be responsible for managing these funds accordingly. The Combined Authority will be liable for any expenditure the Secretary of State determines to be ineligible and any ineligible expenditure will be recovered from the Combined Authority. The Combined Authority will consequently need to enter into funding agreements with any successful local bidders and will pass on any government contractual obligations to the delivery partner to manage risk, as set out in the Government prospectus.
- 6.2. Funding will be paid to the Combined Authority in two tranches – 50% on commencement (estimated August-Sept 2021), and the balance on completion (estimated April 2022). The Combined Authority will need to consider how delivery partners are to be paid to manage any risk to the authority, although it is expected this will be based on quarterly claims submitted.
- 6.3. As Lead Authority the Combined Authority will receive capacity funding of £20,000 per priority place (£60,000 total) to carry out its role of coordinating and appraising bids. It will be paid in the summer regardless of whether bids are successful.
- 6.4. In the Combined Authority will receive funding towards the costs incurred in managing the Fund once awarded to March 2022. A flat rate of 2% of the value of funding awarded will be used to cover any costs incurred by the Combined Authority as set out in the Government guidance. If delivery is more complex a flat rate of 3% may be permitted. The Combined Authority is required to set out the fees in its submission to Government, alongside the shortlists, in June.

7. Legal Implications

- 7.1. The Combined Authority will enter into a legal funding agreement with Government for the funding awarded. Government will share the draft funding agreement with partners in due course but as yet it is not clear what the legal requirements and risks are. As the accountable body the Combined Authority will put in place a funding agreement with each local delivery partner. To manage risks any contractual obligations will be passed down accordingly.

- 7.2. As part of the assessment process the Combined Authority is also required to undertake proportionate due diligence on private sector, charitable and voluntary organisation applicants and be satisfied that the applicant is genuine and has the financial standing and sufficient capacity to deliver the proposed activity. This has been built into the assessment process.

8. Staffing Implications

- 8.1. Whilst some resources are in place, given the timeline in which to carry out the work, officers will need to be diverted from other areas of work to complete the task. Resources are in the process of being identified to carry out all the functions required to March 2022.
- 8.2. The Combined Authority has established a roles and responsibilities document to ensure ethical walls are established within the Combined Authority and are in a position to demonstrate to Government the demarcation between the bidding and assessment process.

9. External Consultees

- 9.1 No external consultations have been undertaken.

10. Recommendations

- 10.1. That the Combined Authority notes the purpose and scope of the UKCRF, and the responsibilities of the Combined Authority as the designated Lead Authority as defined by Government.
- 10.2. To authorise the Managing Director to finalise and submit the shortlists to be submitted to Government, on behalf of the Combined Authority.

11. Background Documents

The Invitation to Bid is available [here](#).

12. Appendices

None.

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Report to: West Yorkshire Combined Authority

Date: 22 April 2021

Subject: **Capital Spending and Project Approvals**

Director: Melanie Corcoran, Director of Delivery

Author: Craig Taylor, Head of Portfolio Management and Appraisal

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:	
Are there implications for equality and diversity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1. Purpose of this report

- 1.1 To report on proposals for the progression of, and funding for, a number of West Yorkshire Combined Authority supported projects that have been considered by the Investment Committee at stages 1, 2 and 3 of the Combined Authority's assurance process.
- 1.2 The schemes being reported today were approved by the West Yorkshire and York Investment Committee (the Investment Committee) on 04 March 2021 and 07 April 2021 and therefore this report is for the Combined Authority to note.

2 Impact of COVID-19

- 2.1 The full implications of COVID-19 on the region and its economy and transport system are still to be understood and the impact on our programmes and schemes has been mixed. The schemes that were due to start in the first half of 2020/21 have experienced delays due to variety of factors, therefore, during schemes' business case development and appraisal process we are working closely with our council partners to ensure that the delivery timescales reflect the current issues and schemes are actively stress tested to ensure ongoing viability.

2.2 In the wake of COVID-19 it is more important than ever to assess the changes to the landscapes of our towns and cities and the impact on current and future planned schemes, particularly, but not exclusively, those relating to transport. The impact of COVID-19 in relation to travel behaviour into and around towns and cities will be assessed as part of scheme appraisal. However, the business cases for some schemes in this report, were developed prior to COVID-19 and aim to address issues identified prior to lockdown restrictions. Therefore, the data presented for some schemes in this report, for example, expected increases in passenger numbers, reflects the pre COVID-19 position. Although it is generally expected that in the medium and long-term behaviours will return to pre COVID-19, as scheme business cases develop further, assumptions will be re-tested.

3 Tackling the Climate Emergency Implications

3.1 The Combined Authority has taken action to ensure all decisions we make include Climate Emergency considerations. The Combined Authority:

- Has strengthened how clean growth and climate change impacts are considered as part of all schemes that come through the Combined Authority's Assurance Framework.
- Requires LEP and the Combined Authority reports to include clean growth / tackling the Climate Emergency implications, including qualitative impact assessments.

3.2 To fully strengthen decision making across the whole of the Combined Authority's Assurance Framework a robust, quantifiable methodology and tool for assessing all new schemes predicted carbon emissions/wider clean growth impacts is being developed. Work is currently underway to refine the toolkit methodology by assessing a selection of existing capital schemes progressing through assurance framework which are in scope of this assessment. The outcome of this assessment, including potential mitigation and recommendations for shortlisted schemes will inform the development of toolkit and will be discussed with partners, and reported to the Combined Authority in June 2021. The tool will be incorporated into the Assurance Framework so that it can be used to assess future proposals as they progress through the assurance process. This part of the commission will involve a significant training element to ensure carbon assessment is properly embedded in the assurance process.

3.3 Clean growth, including climate change, impact assessment / considerations are all now included in all Capital Spending and Project Approvals reports. This ensures that the business cases now reflect the Leeds City Region Climate Emergency priority and evidence that they will reduce carbon emissions (both directly and indirectly).

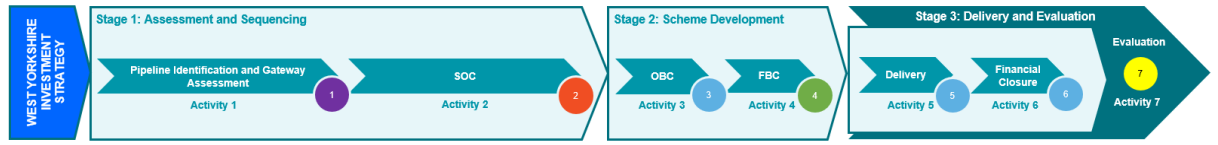
4 Report

4.1 The assurance process is a three-stage approach 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 (strategic outline

case) and 4 (full business case), with the requirement to meet the intervening activities deemed on a project-by-project basis.

4.2 The Combined Authority’s Assurance Framework has been reviewed and approved by Government ahead of becoming a Mayoral Combined Authority. For more detail on this and further 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**.

4.3 The new framework is represented here:



Stage 1: Assessment and Sequencing

4.4 Programmes / schemes will start to be developed through an ongoing dialogue with the Region’s businesses, third sector and public organisations, in line with the WYIS. Schemes will access funding through either a commissioning process or through open calls. Programmes / schemes will be assessed through a Strategic Assessment (an early-stage gateway check and challenge review) to determine if they are eligible to proceed (Decision Point 1).

4.5 If approved the scheme will progress to Strategic Outline Case (SOC), where schemes will be expected to demonstrate a strategic fit in terms of project outcomes and set out their proposed approach to establishing value for money (VfM). At this stage, a long list of options will be considered with a shortlist being presented in the SOC. Consultation at this stage will be limited, but will be a key to the next activity, outline business case (OBC) in Stage 2. At this stage, funding may be sought to enable work to progress on the OBC. Schemes will also be required to submit an Appraisal Specification Report (ASR). It is at the end of this stage where the Combined Authority approve the indicative funding, approval pathway and route and tolerance levels (Decision Point 2).

Stage 2: Scheme Development

4.6 If approved the scheme will progress to Outline Business Case (OBC) unless the approval pathway set at decision point 2 does not require this. The OBC should revisit the options identified within the SOC to identify the option which optimises public value, confirm the affordability of the scheme and put in place the arrangements to ensure successful delivery. The OBC should be prepared in accordance with the Green Book five-case model and should include a draft Monitoring and Evaluation Plan and a Benefit Realisation Plan. The Economic Case must be developed in consistency with the agreed ASR. Guidance will be provided to scheme promoters around the level of detail to be submitted at this stage with regards to proportionality of the business case. The scheme will be presented for approval by the decision-maker (Decision Point 3) as set out in the approval pathway and route approved at Decision Point 2.

- 4.7 If approved the scheme will progress to Full Business Case (FBC) which will confirm the contractual arrangements for the preferred option. Affordability of the scheme is reiterated, and the scheme puts in place the final arrangements for delivery and monitoring and evaluation of the scheme. A Monitoring and Evaluation Plan and a Benefit Realisation Plan are mandatory products at this stage. The FBC should also be prepared in accordance with the five-case model and any conditions set at OBC should be resolved. The Economic Case must be developed in consistency with the agreed ASR. The scheme will be presented for approval by the decision-maker (Decision Point 4) as set out in the approval pathway and route approved at Decision Point 2.
- 4.8 The FBC approval will be granted with a condition that the scheme remains within set conditions. Where this condition has been met Approval to Proceed into Delivery (Activity 5) will be granted by the Managing Director (or by an officer under sub-delegated authority from the Managing Director). If the condition(s) is not met, the project will be required to re-submit the FBC.

Stage 3: Delivery and Evaluation

- 4.9 Once a scheme gains FBC approval and the conditions set have been met, the scheme can progress into Activity 5 (Delivery).
- 4.10 Upon scheme completion, a Delivery Closure Report is required that details how the scheme has performed. This includes whether delivery has remained within the timeframes specified within the business case, has achieved the objectives of the scheme and associated outputs, documents what has been delivered and highlights the overall costs. The Delivery Closure Report will be presented for approval by the decision-maker (Decision Point 5) as set out in the approval pathway and route approved at Decision Point 2.
- 4.11 Following completion of Activity 6, the scheme will be required to submit a Financial Closure Report (Activity 6). The Financial Closure Report confirms the final costs for the scheme, ensuring all payments have been completed. The Financial Closure Report will be presented for approval by the decision-maker (Decision Point 6) as set out in the approval pathway and route approved at Decision Point 2.
- 4.12 The purpose of the Delivery and Financial Closure Reports is to assess the success of the scheme, identify best practice for future schemes, resolve all open issues and to capture feedback and lessons learnt to inform the development and delivery of future schemes.
- 4.13 Activity 7 (Evaluation) will be managed by the Combined Authority's Research & Intelligence team. This is a reporting point as opposed to the previous decision points in the process and will be undertaken when the scheme is completed for an evaluation of the benefits, outcomes and economic impact compared to the overall objectives set out in the SOC. Insights and learning intelligence from evaluation will also be fed back into policy and strategy in order to inform the design and development of future schemes. Interim evaluations may also be undertaken as required as set out in the Monitoring and Evaluation Plan.

Transition

- 4.14 There will be a transition period to the new Assurance Framework due to business cases being submitted and appraised prior to the new Assurance Framework being approved by the Government. Therefore, some of the schemes presented in this report reflect the old Assurance Framework (highlighted).

Value for Money - Benefit Cost Ratios

- 4.15 The Benefit to Cost Ratio (BCR) for some of the schemes in this report potentially represent low value for money, when assessed using the Department for Transport's Transport Appraisal Guidance TAG on the appraisal of transport schemes.
- 4.16 This is because whilst calculating benefits to costs of a transport scheme there are many more journeys made by car than are made by bus, cycling and walking and as a consequence the monetised benefits arising from improvements to bus, cycling and walking journeys may be outweighed by the monetised dis-benefits to car users.
- 4.17 However, a key strategic objective of investment is to encourage modal switch to more sustainable modes and therefore whilst the 'core' BCR (i.e. following Green Book guidance on total impact on the society as a whole) for some schemes may be low, discounting the dis-benefits to car users from the appraisal will result in a higher BCR and where possible this 'range of BCR' will be presented to support decision making.
- 4.18 Her Majesty's Treasury (HMT) have now completed the review of the Green Book. The Green Book is guidance issued by HM Treasury on how to appraise policies, programmes and projects. This review has endorsed the Combined Authority's approach by clarifying that overall Value for Money judgement should not depend solely on the BCR but be informed by a balanced consideration of all relevant evidence, that is, appraisal should take account of all five cases (strategic, commercial, economic, financial and management) and the economic case be balanced with these.
- 4.19 In particular, HMT have clarified further that in assessing value for money, a stronger emphasis can now be placed on the strategic case and how the strategic objectives and priorities of the Combined Authority will be met through the delivery of a project. This might for example include, but not limited to, a greater focus on regional impacts to help deliver Levelling Up, ensuring transformational projects are given due consideration, supporting the climate change and good growth agenda (the Combined Authority aims to achieve net-zero by 2038), supporting an increase in active mode and public transport use, supporting / accelerating housing development and allowing a greater emphasis on the requirement to carry out equalities analysis as required by the Public Sector Equalities Duty. The specific approach will be determined on a programme-by-programme basis as funding and investment streams come forward.

- 4.20 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.
- 4.21 This report provides information required to enable the Combined Authority to approve each of the above elements.
- 4.22 Since the Combined Authority's meeting on 04 February 2021, no schemes have been recommended for approval to the Combined Authority. All schemes which have progressed, 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. 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%
- 4.23 This report therefore presents the following decision points and change requests that 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. Decisions regarding the following schemes have been made by the Investment Committee on 04 March 2021 and 07 April 2021. 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.

<p>Scheme</p> <p>TF: Mirfield to Dewsbury to Leeds (M2D2L)</p> <p>Leeds City Region</p> <p>(7 April 2021 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>This £13.150 million prioritised package will constitute the Phase 1 of M2D2L, with any subsequent phases currently unfunded subject to separate business cases if a funding source is identified. The scheme includes 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>The scheme is funded from the West Yorkshire plus Transport Fund</p> <p><u>Impact</u></p> <p>The proposed M2D2L scheme provides a series of transport inventions within the public highway to improve walking and cycling provisions, general travel opportunities, bus 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>The scheme's value for money assessment reflects a benefit cost ratio (BCR) of 7.94:1 which represents 'Very High' value for money.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 3 (Outline Business Case) and for work to commence on activity 4 (Full Business Case).</p> <p>Total value: £13.150 million (Phase 1)</p> <p>Total value of Combined Authority funding: £12.650 million</p> <p>Funding recommendation sought - £0.735 million.</p>
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<p>Scheme</p> <p>Dewsbury Arcade</p> <p>Kirklees</p> <p>(4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The Arcade is a Grade 2 listed building and has been vacant since 2016. The building is currently in a very poor condition due to no maintenance being performed over the last 10 years.</p> <p>This scheme will reopen the Victorian Arcade in Dewsbury to enable small, local and independent businesses to occupy the space which will create jobs within the creative sector.</p> <p>The scheme will be funded from the Getting Building Fund (GBF).</p> <p><u>Impact</u></p> <p>This scheme will refurbish 997 square metres of commercial floorspace to support the creation of 15 new businesses and 30 net indirect jobs.</p> <p>This scheme has a benefit cost ratio (BCR) of 4.8:1 representing very high value for money.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 4 (full business case) and work commences on activity 5 (full business case with finalised costs).</p> <p>Total value of the scheme - £3.245 million</p> <p>Total value of Combined Authority funding - £0.6 million</p> <p>Funding recommendation sought - £0.6 million</p>
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<p>Scheme</p> <p>GBF: Brighouse A6025 Reconstruction</p> <p>Calderdale</p> <p>(4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The scheme involves reinstating the A6025 Park Road following a landslip in February 2020 which led to its full closure throughout last year and stopped east-west traffic movements between Elland and Brighouse.</p> <p>The scheme's objective is to reopen Park Road to traffic, unlocking 0.5km of highway and re-connecting the key West Yorkshire growth areas of Elland and Brighouse.</p> <p>The scheme will be funded from the Getting Building Fund (GBF).</p> <p><u>Impact</u></p> <p>By reopening and reinstating Park Road, the scheme will remove the need for existing traffic to take long diversions using alternative routes to the A6025. As a result of that, the scheme is expected to introduce significant journey time savings for road users and to contribute to reduced carbon emissions by alleviating congestion and improving the considerable delays currently experienced on the wider Calderdale road network.</p> <p>The scheme is anticipated to promote social inclusion and equality by improving accessibility to public transport and therefore to employment and training opportunities for residents in Elland, Brighouse and Halifax.</p> <p>The scheme's value for money assessment reflects a benefit cost ratio (BCR) of 85:1 which represents 'Very High' value for money.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 4 (Full Business Case) and work commences on activity 5 (Full Business Case with finalised costs).</p> <p>Total value of the scheme - £2.516 million</p> <p>Total value of Combined Authority funding - £1.800 million</p> <p>Funding recommendation sought - £0 million</p>
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<p>Scheme</p> <p>George Hotel, Huddersfield</p> <p>Kirklees</p> <p>(4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>This scheme will support the acquisition of the George Hotel in Huddersfield and essential remedial works to make the building safe, watertight and ready for development. The George Hotel is a grade 2* listed building and following refurbishment, will be the home of the National Museum for Rugby League along with complimentary commercial space.</p> <p>The scheme will be funded from the Getting Building Fund (GBF).</p> <p><u>Impact</u></p> <p>This scheme will create 4,375 square metres of commercial floorspace. Options are being considered as to whether to deliver flexible Grade A office space or overnight accommodation within the upper floors of the George Hotel. The office space will deliver 148 net jobs and the overnight accommodation will deliver 134 net jobs.</p> <p>This scheme has a benefit cost ratio (BCR) of 2.8:1 for flexible office space and 1.8:1 for overnight accommodation.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 4 (full business case) and work commences on activity 5 (full business case with finalised costs).</p> <p>Total value of the scheme - £9.270 million</p> <p>Total value of Combined Authority funding - £1.365 million</p> <p>Funding recommendation sought - £1.365 million</p>
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Scheme	<u>Scheme description</u>
<p data-bbox="300 250 560 282">CIP: Fink Hill, Leeds</p> <p data-bbox="300 297 379 329">Leeds</p> <p data-bbox="300 344 576 405">(4 March 2021 Investment Committee)</p>	<p data-bbox="619 250 1390 434">The scheme will deliver highway enhancements to the A6120 Outer Ring Road corridor in Horsforth, increasing the operational capacity between the Fink Hill junction and Horsforth roundabout by enabling two lane traffic in each direction, plus new and improved walking and cycling infrastructure to enhance active travel provision.</p> <p data-bbox="619 450 1294 510">The scheme will be funded from the West Yorkshire plus Transport Fund (WY+TF).</p> <p data-bbox="619 526 708 557"><u>Impact</u></p> <p data-bbox="619 573 1390 757">The scheme will reduce journey times, improve journey reliability, and reduce congestion for cars and bus services. The scheme will also improve cycling provision with dedicated cycle lanes making it a more attractive environment to encourage cycling, and improve pedestrian crossing points and access to residential, employment, recreational, and retail sites in the area.</p> <p data-bbox="619 772 1366 927">The scheme supports principles of Clean Growth and Inclusive Growth by improving walking and cycling access to local employment, housing, and recreational facilities, as well as to public transport (bus) for onward travel across the City Region, encouraging reduction in car use.</p> <p data-bbox="619 943 1353 1003">This scheme has a benefit cost ratio 2.85:1 representing High value for money.</p> <p data-bbox="619 1019 831 1050"><u>Decision sought</u></p> <p data-bbox="619 1066 1390 1158">Approval to proceed through decision point 4 (full business case) and work commences on activity 5 (full business case with finalised costs).</p> <p data-bbox="619 1173 1118 1205">Total value of the scheme - £5.428 million</p> <p data-bbox="619 1220 1310 1252">Total value of Combined Authority funding - £5.428 million</p> <p data-bbox="619 1267 1150 1299">Funding recommendation sought - £0 million</p>

<p>Scheme</p> <p>Points Cross, Hunslet Road</p> <p>Leeds</p> <p>(4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The scheme will deliver Point Cross Phase 1 (1.2 ha) by unlocking a large (2.64 hectare) brownfield site in Leeds city centre for delivery of up to 928 high quality, sustainable homes over 5 years, directly providing 311 affordable homes during 2023/24, and indirect acceleration of 617 homes.</p> <p>The appraisal of this scheme has demonstrated a viability gap. The Guinness Partnership (TGP) are cross subsidising this viability gap 50/50 with the Brownfield Housing Fund.</p> <p>The scheme will be funded from the Brownfield Housing Fund (BHF).</p> <p><u>Impact</u></p> <p>The scheme will deliver 311 affordable new homes on a site in the Leeds South Bank area. All the new homes will be retained by The Guinness Partnership (TGP), with 118 available for social rent and 193 available for shared ownership.</p> <p>Therefore, 311 new homes unlocked can be claimed against the overall BHF target of a minimum of 4500.</p> <p>The development will help stimulate regeneration in the Hunslet Riverside Ward, by increasing the attractiveness of the area and encourage investment. It is particularly important in unlocking land to allow the provision of affordable homes within one of the most deprived wards in Leeds, thereby tackling inequality and delivering a range of wider socio-economic and environmental benefits in the area.</p> <p>The scheme will provide apprenticeship opportunities and support 250 supply chain personnel during the construction period.</p> <p>The scheme (as a whole of 928 homes) provides a carbon reduction of 22% against Building Regulation Part L baseline compared to standard build. The development of the phase 1 design results in the scheme emitting circa 100,000 kg less of carbon emissions each year.</p> <p>Leeds City Council have advised that they estimate £674,129.82 as an additional benefit to the City of this development under the New Homes Bonus (NHB) scheme.</p> <p>The scheme has a benefit cost ratio (BCR) for Combined Authority funds of 5.79:1 and a total public sector investment BCR of 1.28:1.</p> <p><u>Decision sought</u></p> <p>Approval for the Points Cross scheme to proceed through decision point 5 (full business case with finalised costs) and work commences on activity 6 (delivery).</p> <p>Total value of the scheme - £75.011 million</p> <p>Total value of Combined Authority funding - £2.755 million</p> <p>Funding recommendation sought - £2.755 million.</p>
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<p>Scheme</p> <p>Temple Green Park and Ride Extension</p> <p>Leeds</p> <p>(4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The scheme will upgrade the existing bus-based Temple Green Park & Ride site, located to the east of Leeds city centre in the Aire Valley.</p> <p>The scheme will extend the existing Park & Ride site through the addition of up to 391 additional car parking spaces. Alongside the increase in parking capacity, the proposed scheme involves the operation of an additional bus service during the peak periods to accommodate demand following the site's expansion. As a result, an enhancement in bus frequency from 10 minutes currently to 8.5 minutes post scheme delivery is anticipated during the peak periods of the day.</p> <p>The scheme will be funded from the Getting Building Fund (GBF).</p> <p><u>Impact</u></p> <p>By increasing the capacity of a key Park & Ride site in Leeds and enhancing bus frequency for trips between the east of Leeds and the city centre, the scheme offers an attractive, sustainable "last mile" travel option that promotes bus use and reduces car use. As a result, the scheme supports clean growth and contributes to reduced carbon emissions, as a result of less daily vehicle kms and car trips from/to Leeds city centre.</p> <p>The scheme links Leeds city centre with current and emerging employment opportunities within the Aire Valley and between the city centre and the east of the city. Therefore, it is anticipated to promote social inclusion by improving accessibility to jobs and training opportunities via public transport for all social groups.</p> <p>The scheme's value for money assessment reflects a benefit cost ratio (BCR) of 4.08:1 which represents 'Very High' value for money.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 5 (full business case with finalised costs) and work commences on activity 6 (delivery).</p> <p>Total value of the scheme - £7.830 million</p> <p>Total value of Combined Authority funding - £7.400 million</p> <p>Funding approval sought - £7.400 million.</p>
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<p>Scheme</p> <p>Digital Skills Programme - Adult Digital and Technical Skills project</p> <p>Location</p> <p>Yorkshire and Humber (4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The Combined Authority is leading a joint Yorkshire and Humber bid for up to £9 million, from the Department for Education, to deliver a programme to support the economic recovery of businesses and individuals across the region by developing and delivering employer-led training initiatives and courses. The programme will link directly to local digital skills needs and builds on a £1.3 million DfE funded pilot which the Combined Authority is currently delivering.</p> <p>The programme will upskill and retrain adults looking to progress in their current role or enter digital or technical careers and will consist of interventions lasting 8 to 16 weeks. Individuals will gain specific technical and employability skills through activities including studying, peer mentoring, confidence building and problem solving.</p> <p>On 4 February 2021, the Combined Authority delegated to the Investment Committee, the retrospective approval to accept and spend £1.3 million for the pilot and approval to accept and spend up to an additional £9 million, subject to the successful outcome of the DfE funding bid, bringing the total programme costs to £10.3 million. This is to allow preparations, including further programme development, recruitment and procurement to be completed by June 2021 in line with DfE's delivery timeframe.</p> <p>The scheme will be funded by the Department for Education (DfE).</p> <p><u>Impact</u></p> <p>The programme will support the region's economic recovery, by increasing digital skills in the local population. Training will be designed and developed with employers so individuals who are unemployed, under-employed, at risk of redundancy or in a sector undergoing structural change and career changers, gain the skills they need to progress in their current role or enter careers in the digital / technical sectors. Businesses will also be supported as more individuals with the right skills to help businesses grow, fill vacancies and solve economic recovery challenges, will be available.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 4 (Full business case) and work commences on activity 5 (delivery), subject to the conditions set by PAT.</p> <p>Total value of the scheme - £10.3 million</p> <p>Total value of Combined Authority funding - £10.3 million</p> <p>Funding recommendation sought - £10.3 million</p>
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<p>Scheme</p> <p>Door to Door Digital Community Transport Service (Digital Hub)</p> <p>Leeds</p> <p>(4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The scheme will be a free to register (i.e. no membership fee) not-for-profit service that matches people to suitable, safe, and affordable transport. This will be achieved by either, signposting people to existing providers that can meet their needs, such as the Access Bus; by connecting them with a volunteer travel companion; or by enabling them to book a journey with a participating community transport provider.</p> <p>Following on from the research and business plan development phase, the scheme will set up and operate a live pilot on a larger scale to test out the service model that has been designed, with ongoing user research and evaluation of the pilot to provide evidence enabling an informed decision as to whether the service can be scaled up and be sustainable.</p> <p>The scheme is funded from the Leeds Public Transport Investment Programme (LPTIP).</p> <p><u>Impact</u></p> <p>The service has been designed to address the challenges faced by older people and people living with disabilities in finding out about and getting to health and wellbeing destinations, meeting demand that is not currently being met.</p> <p>It will utilise spare capacity within the community transport system to achieve this, making effective use of resources.</p> <p>There is significant social value in supporting older people and people living with disabilities to get to health and wellbeing destinations and the project also contributes towards various Leeds City Council, Combined Authority and Department for Transport priorities.</p> <p>The scheme represents high value for money.</p> <p><u>Decision sought</u></p> <p>Approval to proceed through decision point 5 (full business case with finalised costs) and work commences on activity 6 (delivery).</p> <p>Total value of the scheme - £0.789 million</p> <p>Total value of Combined Authority funding - £0.789 million</p> <p>Funding recommendation sought - £0.450 million</p>
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Scheme	<u>Scheme description</u>
<p data-bbox="296 248 580 309">Parry Lane Enterprise Zone</p> <p data-bbox="296 327 400 356">Bradford</p> <p data-bbox="296 374 592 434">(7 April 2021 Investment Committee)</p>	<p data-bbox="616 248 1393 495">Parry Lane is located to the south east of the Bradford Business Development Zone. It is well connected to transport links and will provide excellent opportunities for companies in north, east and south Bradford. This scheme will provide the necessary enabling works for the future development of the Parry Lane site into a regional Enterprise Zone (EZ), with an overall objective of unlocking, enabling, and accelerating site development to deliver economic growth.</p> <p data-bbox="616 512 1393 815">This scheme will facilitate commercial development by carrying out enabling works that consist of; significant mine remediation, demolition, creation of development plateaus and drainage provision. It will also provide essential highways infrastructure including a new access road, two junctions and a signalised pedestrian crossing. These works are to be funded by the Getting Building Fund with earlier preconstruction works funded by the Local Growth Fund to 31 March 2021. The outputs in terms of jobs and GVA will be attributable to the Getting Building Fund.</p> <p data-bbox="616 833 708 862"><u>Impact</u></p> <p data-bbox="616 880 1353 1030">The final completed scheme will deliver approximately 11,965 sqm of commercial floorspace via industrial units of varying sizes by March 2025. The units on the completed site will be capable of accommodating up to 489 jobs, generating £166 million of GVA.</p> <p data-bbox="616 1048 1329 1108">The enabling works will deliver 69 net construction jobs and £14.2 million of GVA.</p> <p data-bbox="616 1126 1353 1187">Regeneration of a brownfield site would lead to an associated increase in land value of £1.211 million.</p> <p data-bbox="616 1205 1345 1265">The value for money assessment gives a benefit cost ratio of 1.80:1</p> <p data-bbox="616 1283 831 1312"><u>Decision sought</u></p> <p data-bbox="616 1330 1329 1391">Approval to proceed through decision point 5 (Full business case+) and work commences activity 6 (Delivery).</p> <p data-bbox="616 1408 1118 1438">Total value of the scheme - £8.356 million</p> <p data-bbox="616 1456 1310 1516">Total value of Combined Authority funding - £8.259 million (£1.886 million LGF, £6.373 million GBF)</p> <p data-bbox="616 1534 1209 1563">Funding recommendation sought - £8.259 million.</p>

Scheme	<u>Scheme description</u>
<p>York Central Access & York Station Frontage</p> <p>York</p> <p>(4 March 2021 Investment Committee)</p>	<p>York Central is a major mixed-use regeneration scheme located on one of the largest city centre brownfield sites in the country. The Combined Authority has worked with City of York Council (CYC) and its partners over several years to develop proposals for the site and wider location, including a new access road to 'unlock' residential and commercial development and improved access to the city's railway station.</p> <p>The Combined Authority has committed funding of £37.32 million from the West Yorkshire plus Transport Fund (WY+TF) to fund site access infrastructure and improvements to the railway station frontage. The full business case for York Central Access & York Station Frontage (YCA & YSF) was approved by the Investment Committee on 13 March 2019 with conditions.</p> <p>The Combined Authority has also committed funding of £14.547 million from the Transforming Cities Fund (TCF) for the York Station & City Centre Access, a package of transport improvement interventions in and around the railway station together with improvements to the Askham Bar Park & Ride (P&R) corridor, which connects the railway station and city centre to the south east and the A642.</p> <p><u>Decision sought</u></p> <p>The purpose of this report is:</p> <ul style="list-style-type: none"> • To discharge conditions on the YCA & YSF full business case approval and therefore approval to proceed through decision point 4 (full business case) and work commences on activity 5 (full business case with finalised costs) • To rationalise the Combined Authority's WY+TF and TCF allocations into three discrete projects (York Central, York Station Gateway and Askham Bar P&R) and establish assurance pathways and tolerances for each one. <p>To agree additional development funding of £2.252 million for the York Station Gateway project. Total project costs remain with the funding available. A further £2.252 million is requested from the WY+TF allocation to cover the costs associated with placing orders for utilities, land purchase, professional fees for detailed design, preparation of tender documents and business case development support. This will take the total approved development costs to £5.532 million.</p>

<p>Scheme</p> <p>Leeds Public Transport Investment Programme (LPTIP) Review 2020 – Part Two</p> <p>Leeds (4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The Leeds Public Transport Investment Programme (LPTIP) commenced in 2017. This is a £183.4 million programme using devolved Department for Transport funding supplemented with contributions from Leeds City Council and the Combined Authority.</p> <p>The programme is split into three separate packages (bus infrastructure package, bus delivery package, rail package) plus an overall programme management element.</p> <p>The programme has been reviewed, with input from Leeds City Council, to reflect changes in the programme and to ensure the necessary approvals are in place to move forward.</p> <p>The recommendations from part one of the review, covering the bus infrastructure package and programme management element, were approved by Investment Committee on 7 January 2021.</p> <p>Part two of the review, covering the bus delivery package and rail package, proposed changes, which are affordable within the overall Department for Transport funding envelope of £173.5 million, for which the Combined Authority is the accountable body and the Combined Authority's contribution of £0.97 million.</p> <p>The Investment Committee using the delegated authority from the Combined Authority, approved:</p> <ul style="list-style-type: none"> • The reprofiled decision point 2 development costs, as set out in Appendix 3 (table 1) • The reprofiled indicative allocations as set out in Appendix 3 (table 2) • The allocation of £50,000 from the bus delivery package for the delivery of a behavioural change campaign. • The Leeds City Council costs for rail package schemes, as set out in Appendix 3 (table 3). • That the Combined Authority issues addendums to the existing Funding Agreements with Leeds City Council for expenditure from the LPTIP Fund. <p><u>Impact</u></p> <p>This programme aims to support economic growth by unlocking transport constraints, improve public transport journey times, reliability and usage and improve health outcomes by reducing overall transport emissions. In this way, the programme seeks to contribute towards the doubling of bus patronage over a 10-year period in a manner which contributes to carbon reduction by encouraging modal shift away from the private car and supports inclusive growth by making it easier to access education, employment, and public services.</p> <p><u>Decision sought</u></p> <p>Approval of the changes proposed following the review of the programme.</p>
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<p>UTMC Element C</p> <p>Leeds City Region (4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>The West Yorkshire Urban Traffic Management Control (UTMC) system programme aims to create a single West Yorkshire Urban Traffic Management Control system covering all 1,600 signals, VMS, On-street CCTV, Fault and Air Quality monitoring.</p> <p>The programme consists of 3 sub-projects:</p> <ul style="list-style-type: none"> • Element A: On-street junction upgrades and improvements across the Key Route Network (KRN) • Element B1: Integration of the Urban Traffic Control systems across the 5 districts in to one cloud based system and Element B2: Integration of the wider UTMC systems across the 5 districts in to one cloud based system (control of VMS, Air Quality management and on-street CCTV with links to the UTC system) • Element C: Integration of the 4 existing UTC teams to one team hosted by Leeds City Council, subject to each of the Districts supporting and signing up to a Partnership Agreement. <p>This Change Request relates directly to the specification of Element C.</p> <p>The scheme will be funded from the West Yorkshire plus Transport Fund (WY+TF)</p> <p><u>Impact</u></p> <p>To facilitate economic growth and employment within West Yorkshire by improving management of the KRN.</p> <p>To better manage highways congestion on the West Yorkshire KRN</p> <p>To implement the KRN within West Yorkshire, irrespective of boundaries and agencies</p> <p>To deliver a more reliable highway network along selected KRN routes and support road users in West Yorkshire with greater information provision to inform travel choices.</p> <p>To reduce the adverse impacts of transport on local air quality in West Yorkshire.</p> <p><u>Decision sought</u></p> <p>Approval of this change request to the UTMC Element C to deliver a virtual service with a Central Hub, reduce the funding approval from £1.203 million to £0.555 million (from the West Yorkshire plus Transport Fund) and omit the condition previously set (that the arrangements and Partnership Agreement, as detailed in the business case, are required to be finalised before approval of the FBC+) is approved.</p> <p>Total value of the scheme - £0.555 million</p> <p>Total value of Combined Authority funding - £0.555 million</p> <p>Funding recommendation sought - £0.555 million</p>
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Scheme	<u>Scheme description</u>
<p>CityConnect - Phase 1 and 2</p> <p>West Yorkshire</p> <p>(4 March 2021 Investment Committee)</p>	<p>The CityConnect Programme is the Combined Authority's primary delivery programme promoting and delivering a high quality, strategic, cycle and walking network to encourage more people to cycle and walk, and make cycling the natural choice, especially for short journeys.</p> <p>The CityConnect programme was developed in response to the strong desire for greater participation in cycling across the region.</p> <p>The scheme committed to a schedule of Monitoring and Evaluation (M&E) activity including periodic user surveys and 5- and 7-year post-completion surveys to demonstrate benefits realisation. Approval of this change request will allow these activities to take place (direct programme M&E activity and indirect programme management of any externally commissioned M&E work) between 2021/22 – 2026/27 now the requirements and scope have been able to be defined post completion.</p> <p>This change request will be funded from the LTP Integrated Transport Block (LTP ITB) 2019 – 2022.</p> <p><u>Impact</u></p> <p>The programme supports delivery of social and health benefits, encouraging cycling and walking and, in the process, reduce vehicle traffic on the roads, leading to decrease in carbon emissions and improved air quality.</p> <p><u>Decision sought</u></p> <p>Approval of this change request to the CityConnect Phase 1 and 2 programme to fund £346,127 monitoring and evaluation work and internal Combined Authority costs of these phases of the programme between 21/22 – 26/27 from the LTP Integrated Transport Block (LTP ITB) 2019 – 2022.</p> <p>Total value of the scheme - £54.960 million</p> <p>Total value of Combined Authority funding - £54.658 million</p> <p>Funding recommendation sought - £346,127</p>

<p>Scheme</p> <p>Business Growth Programme</p> <p>Leeds City Region</p> <p>(4 March 2021 Investment Committee)</p>	<p><u>Scheme description</u></p> <p>This scheme supports business recovery and resilience within Leeds City Region. This support includes recovery from the impact of COVID-19 and EU exit. Grants are awarded to support capital related investment (plant, equipment, machinery and fit out/refurbishment of premises) that will lead to job creation.</p> <p>Based on the expansion of an existing successful programme, this proposal is closely aligned to the priorities of the SEP and Combined Authority’s COVID-19 recovery plan.</p> <p>The scheme is currently funded by the Local Growth Fund which is due to finish on 31 March 2021. This request is to continue this scheme.</p> <p>The scheme will be funded from the Getting Building Fund (GBF).</p> <p><u>Impact</u></p> <p>This change will</p> <ul style="list-style-type: none"> • Increase the number of jobs created/safeguarded from 3,660 to 4,660 (an additional 800 new jobs created and 200 jobs safeguarded). • Increase private sector leverage from £175 million to at least £217 million (an extra £42 million). • Increase the number of businesses supported from 490 to at least 665 (an additional 175). • Contribute an estimated £44 million gross value added to the City Region’s economy. <p><u>Decision sought</u></p> <p>Approval of this change request to the Business Growth Programme to fund £7 million from the Getting Building Fund as match funding for the Business Growth Programme and extend delivery to March 2022.</p> <p>Total value of the scheme - £37 million</p> <p>Total value of Combined Authority funding - £7 million</p> <p>Funding recommendation sought - £7 million</p>
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5 Information

- 5.1 Location maps for each of the schemes presented in this report (where applicable) are provided in **Appendix 2**.
- 5.2 Since the Combined Authority’s meeting on 04 February 2021, no schemes have been recommended for approval to the Combined Authority. All schemes which have progressed, 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.

Projects in stage 1: Eligibility

5.3 There are no projects in this stage to be approved in this report.

Projects in Stage 2: Development

5.4 There are no projects in this stage to be approved in this report.

Projects in Stage 3: Delivery and Evaluation

5.5 There are no projects in this stage to be approved in this report.

6 Equality and Diversity Implications

6.1 Equality Impact Assessments (EQIA) have been undertaken on all projects included in this report as part of their business case development.

7 Inclusive Growth Implications

7.1 The inclusive growth implications have been considered on all projects included in this report as part of their business case development.

8 Financial Implications

8.1 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.

9 Staffing implications

9.1 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.

10 External consultees

10.1 Where applicable scheme promoters have been consulted on the content of this report.

11 Recommendations

11.1 That the Combined Authority notes the projects that have been approved by the Investment Committee.

12 Background Documents

12.1 Business case summaries for the schemes recommended for approval by the Investment Committee on 4 March 2021 and 7 April 2021 are available here:

[March Investment Committee](#)

[April Investment Committee](#)

13 Appendices

Appendix 1 - Background to the Combined Authority's Assurance Framework

Appendix 2 – Location maps for the schemes presented in this report.

Appendix 3 - LPTIP detailed costs and proposed approvals

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Capital Spend and Project Approvals

Appendix 1 - Assurance Framework Review 2021 and Background to the Report

1 Assurance Framework Review 2021

- 1.1 The Assurance Framework was developed in 2015 as part of the Growth Deal with Government. Its purpose is to ensure that the necessary systems and processes are in place to manage funding effectively, and to ensure the successful delivery of the Strategic Economic Framework (SEF) ambitions. Its focus is to ensure that necessary practices and standards are implemented to provide the Government, Combined Authority, the LEP and local partners with assurance that decisions over funding (and the means by which these decisions are implemented) are proper, transparent and deliver value for money. It covers all projects and programmes funded from Government or local sources that flow through the LEP and Combined Authority.
- 1.2 The Assurance Framework must be reviewed annually as stipulated by Government, however, due to the West Yorkshire Devolution Deal, the Assurance Framework has been subject to an extensive in-year review for the Mayoral arrangements to be adopted.
- 1.3 This review has now taken place with positive feedback from Government. The updated Assurance Framework was approved by the Combined Authority on 04 December 2020 and sent to Government on 05 December 2020. Approval by Government was given on 02 February 2021 and was implemented on 03 February 2021.
- 1.4 In general the updates made are:
 - Re-structuring to make it easier to read / flow better and removal of duplicated information.
 - Removal of the Executive Summary.
 - Addition of the Mayoral Combined Authority's role and remit including the Mayor's role in Decision-Making.
 - Addition of a statement that complies with the National Local Growth Assurance Framework, which states, "that Local Assurance Frameworks should set out the means by which elected Mayors will be involved in funding allocation and decision-making" and "that no spending commitments beyond the initial five-year allocation should be made until elected Mayors are in place and have agreed to the investment strategy." This is to ensure consistency with the ambition and agreement to hold a

single democratically elected figurehead accountable, and for their democratically invested power to influence the allocation of funding.

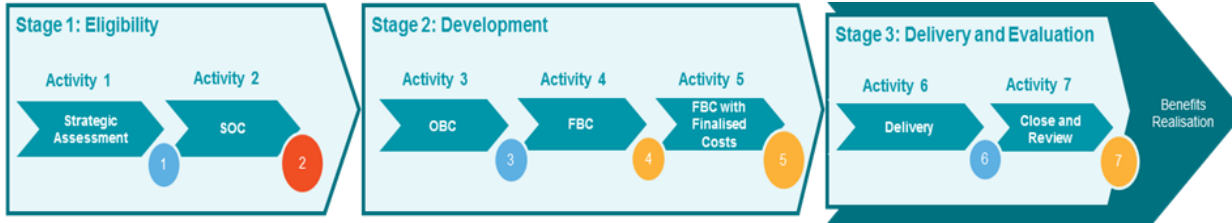
- References to the Strategic Economic Plan (SEP) have been replaced with references to the Strategic Economic Framework (SEF) and Local Industrial Strategy (LIS).
- Incorporation of the Adult Education Budget governance arrangements.
- An update of the assurance process (Section 7) in response to feedback received from the consultation on the Assurance Framework, which took place between 3 July 2020 and 15 July 2020. Please see below for further detail.
- Updated wording to reflect updated working practices around project and programme appraisal.

1.5 Decision making will remain the same as existing, i.e., approval is required at Combined Authority (CA) for all programmes and projects at least once in their lifetime and this is usually at decision point 2 (Strategic Outline Case). The Assurance Pathway and Approval Route is also set at this point.

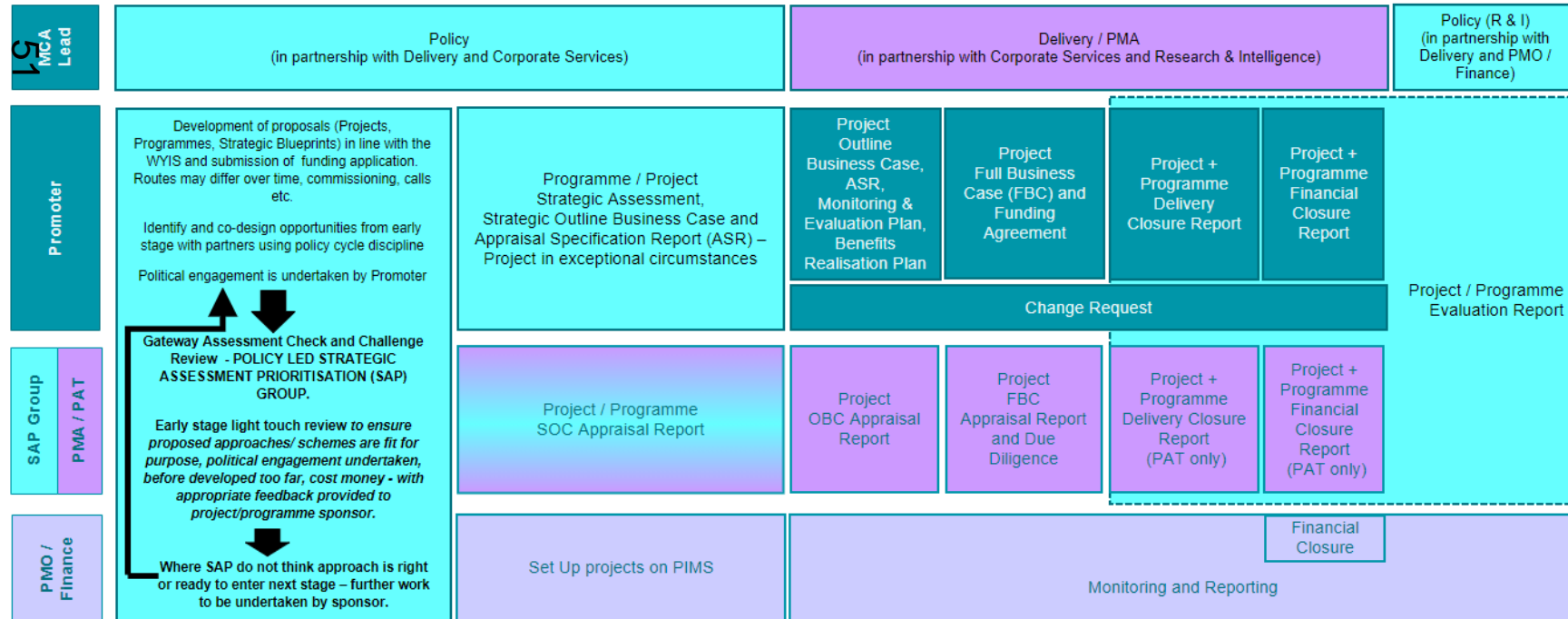
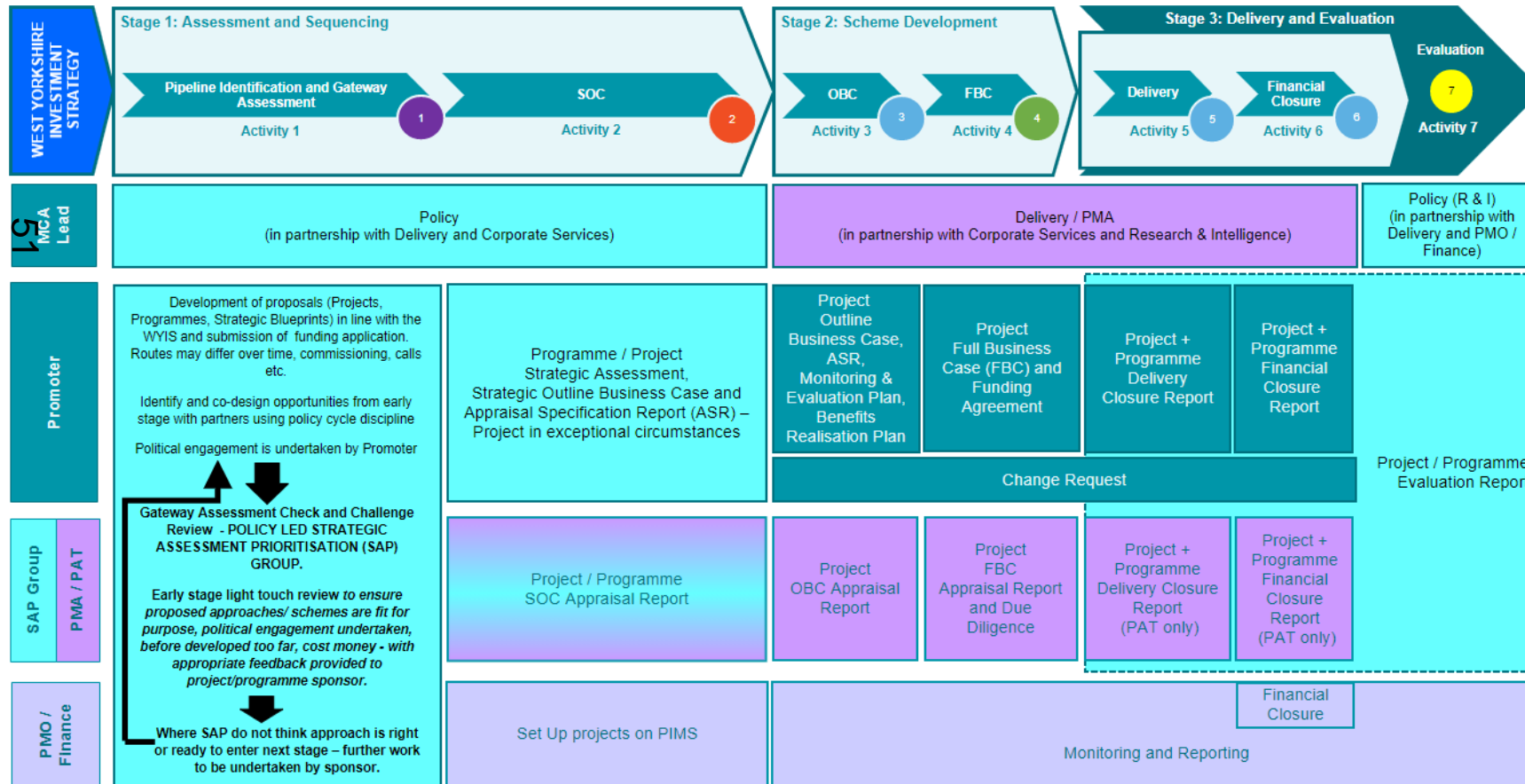
Assurance Process

1.6 The biggest change is to the assurance process changes are shown below:

Previously



New



KEY: ● Key Decision Point (CA Approval Required) ● Key Decision Point (IC/CA Approval may be required) ● Decision Point (IC/CA Approval may be required) ● Decision Point ● Reporting Point

- 1.7 There are no significant changes apart from the addition of the West Yorkshire Investment Strategy (WYIS) and the omission of the Full Business Case with finalised costs (FBC+). There will be little effect on the Combined Authority's existing funding programmes and projects.
- 1.8 The same flexibility will remain as existing, in that each project or programme will be set a bespoke approval pathway and approval route to be followed. This may be to delegate decisions to IC, MD etc. or it may be that certain decision point approvals are not required, or that bid documents to other government departments can be utilised. Furthermore, development costs can be funded at decision point 1 and beyond.
- 1.9 Activity 3 (OBC) and Activity 4 (FBC) remain as existing. However, the FBC+ is not now required. However, at FBC (Decision Point 4), PAT will set conditions that must be met before full approval of funding is given and the project can progress to Delivery (Activity 5).
- 1.10 In line with the recently revised Green Book, in assessing value for money, a stronger emphasis can now be placed on the strategic case and how the strategic objectives and priorities of the Combined Authority will be met through the delivery of the project. This might for example include, but not limited to, supporting the climate change and good growth agenda (the Combined Authority aims to achieve net-zero by 2038), supporting an increase in active mode and public transport use and / or supporting / accelerating housing development. The specific approach will be determined on a programme by programme basis as funding and investment streams come forward.
- 1.11 At Decision Point 5 (previously DP6) a project closure report will still be required but will be renamed Delivery Closure Report and will be substantially the same as the previous draft project closure report.
- 1.12 Activity 6 (previously activity 7) has been renamed Financial Closure, but is the same, i.e., the period when defects are made good and final accounts are agreed. So, at DP6 (previously DP7) a Financial Closure Report will be required (substantially the same as the previous final project closure report).
- 1.13 Activity 7 Evaluation replaces the previous "Benefits Realisation" to reflect the recent Evaluation Strategy that has been agreed and published. Activity 7 (Evaluation) will be managed by the Combined Authority's Research & Intelligence team. This is a reporting point as opposed to the previous decision points in the process and will be undertaken when the Programme (or project in some circumstances), is completed for an evaluation of the benefits, outcomes and economic impact compared to the overall programme objectives set out in the SOC. Insights and learning intelligence from evaluation will also be fed back into policy and strategy in order to inform the design and development of future programmes and schemes. Interim evaluations may also be undertaken as required as set out in the Monitoring and Evaluation Plan.

2 Future assurance and approval route

- 2.1 The tables for each scheme in the main report outline 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.

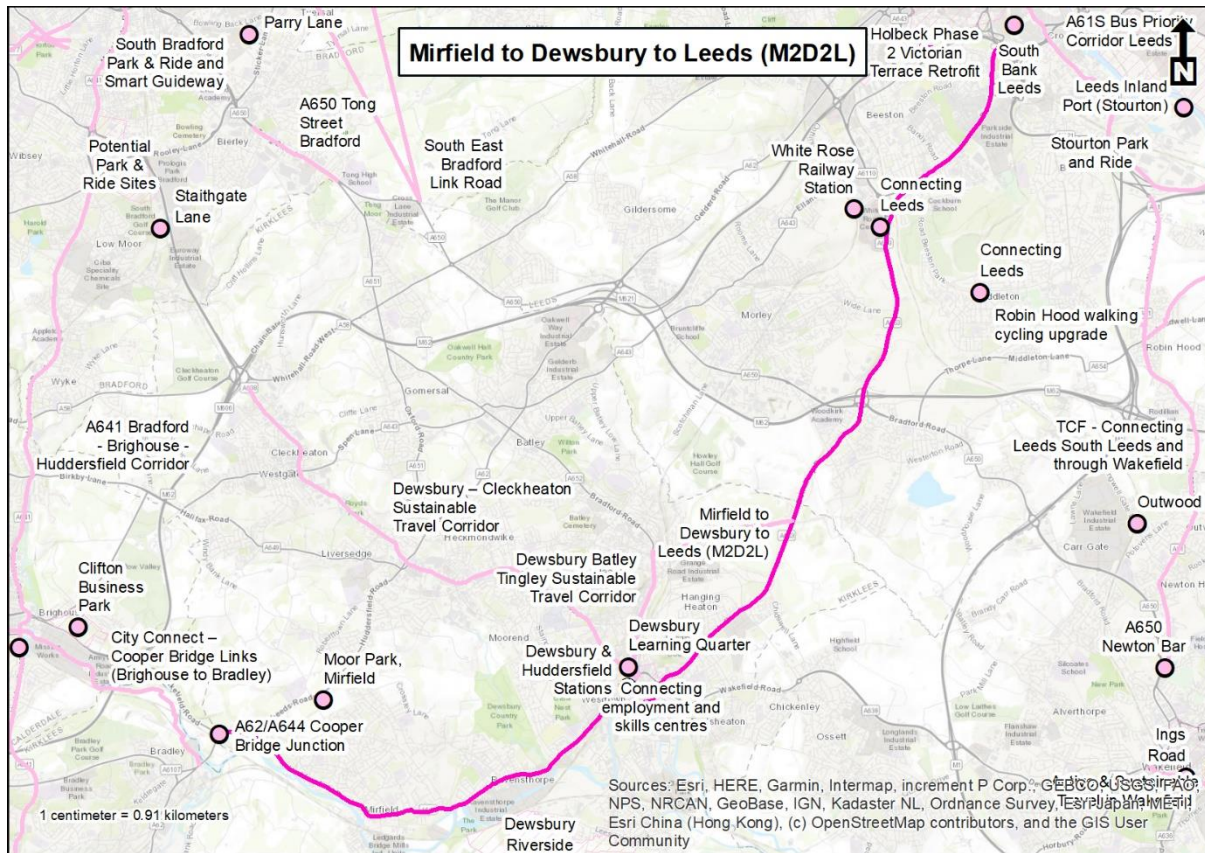
3 Tolerances

- 3.1 In order for the scheme to follow the assurance pathway and approval route that is proposed in this report, it should remain within the 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.

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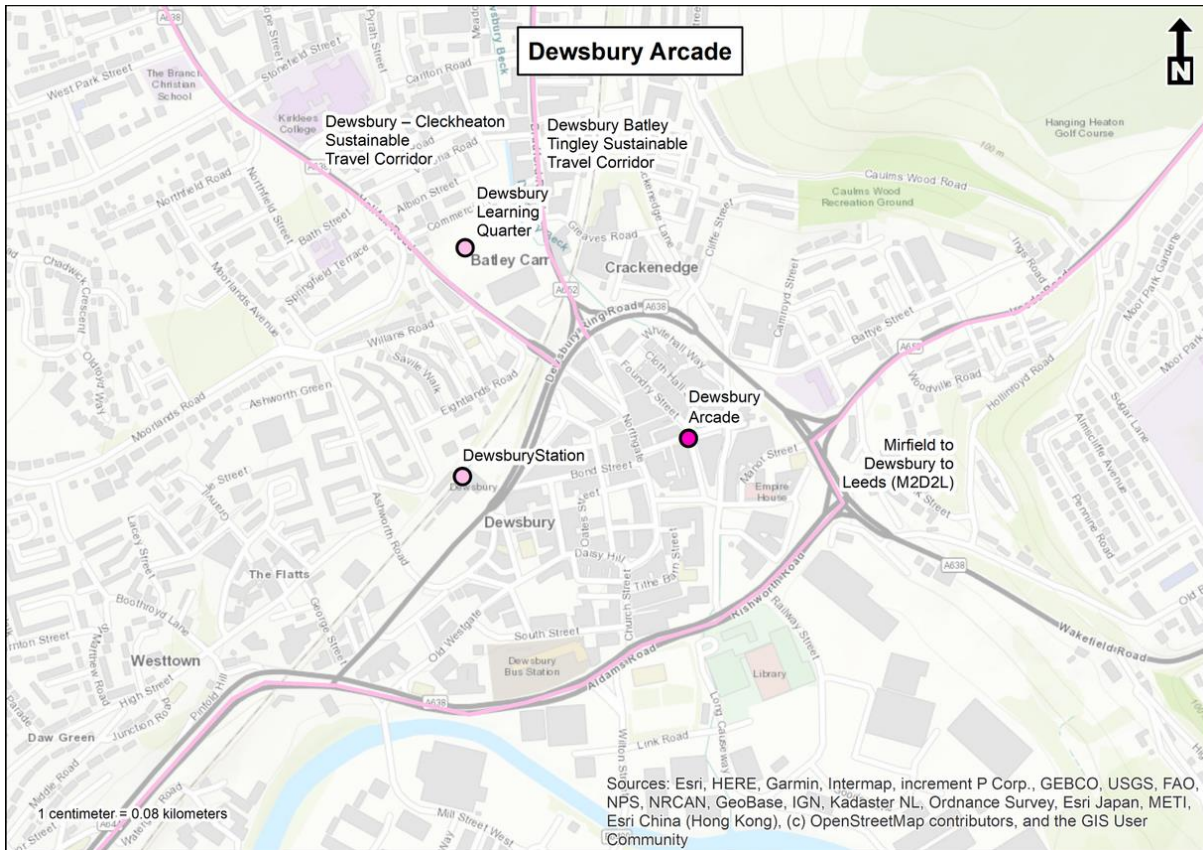
Location Map:

The following map shows the location of the M2D2L scheme:

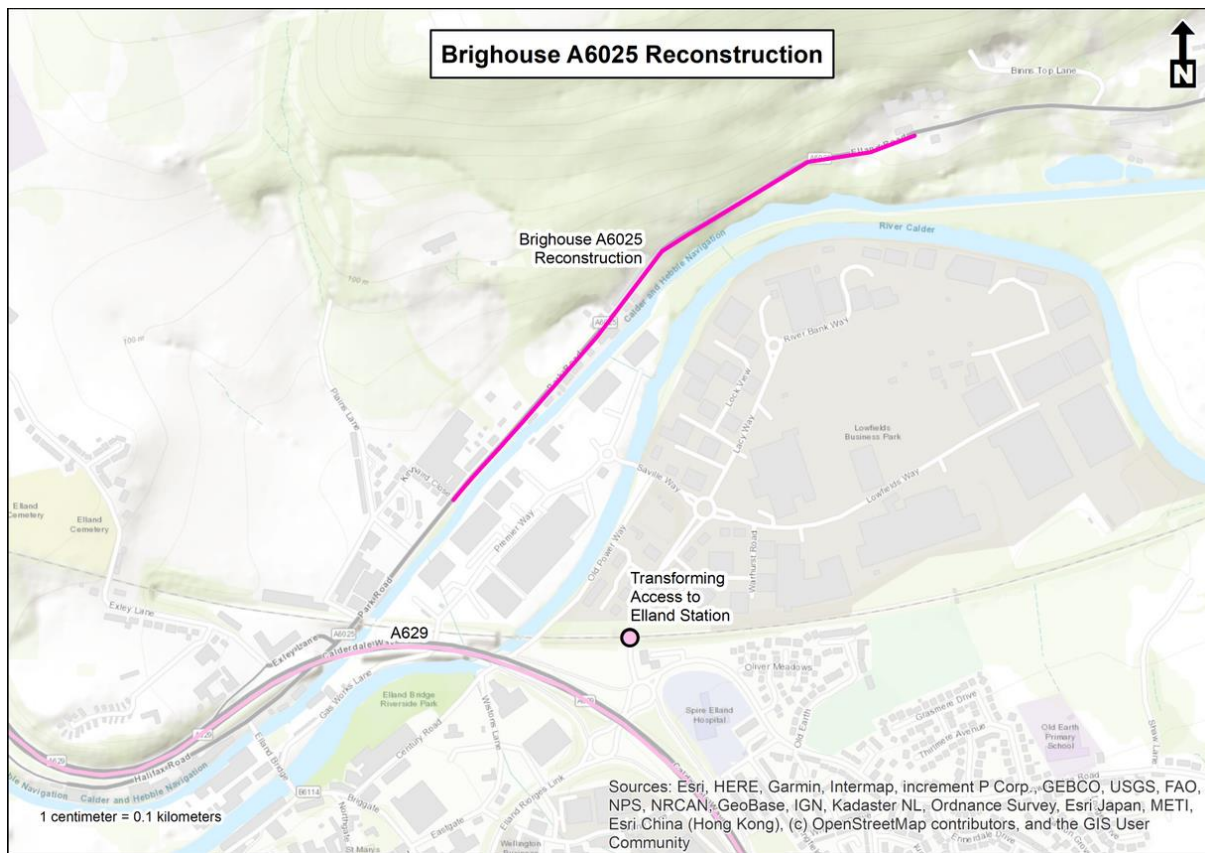


Location Map

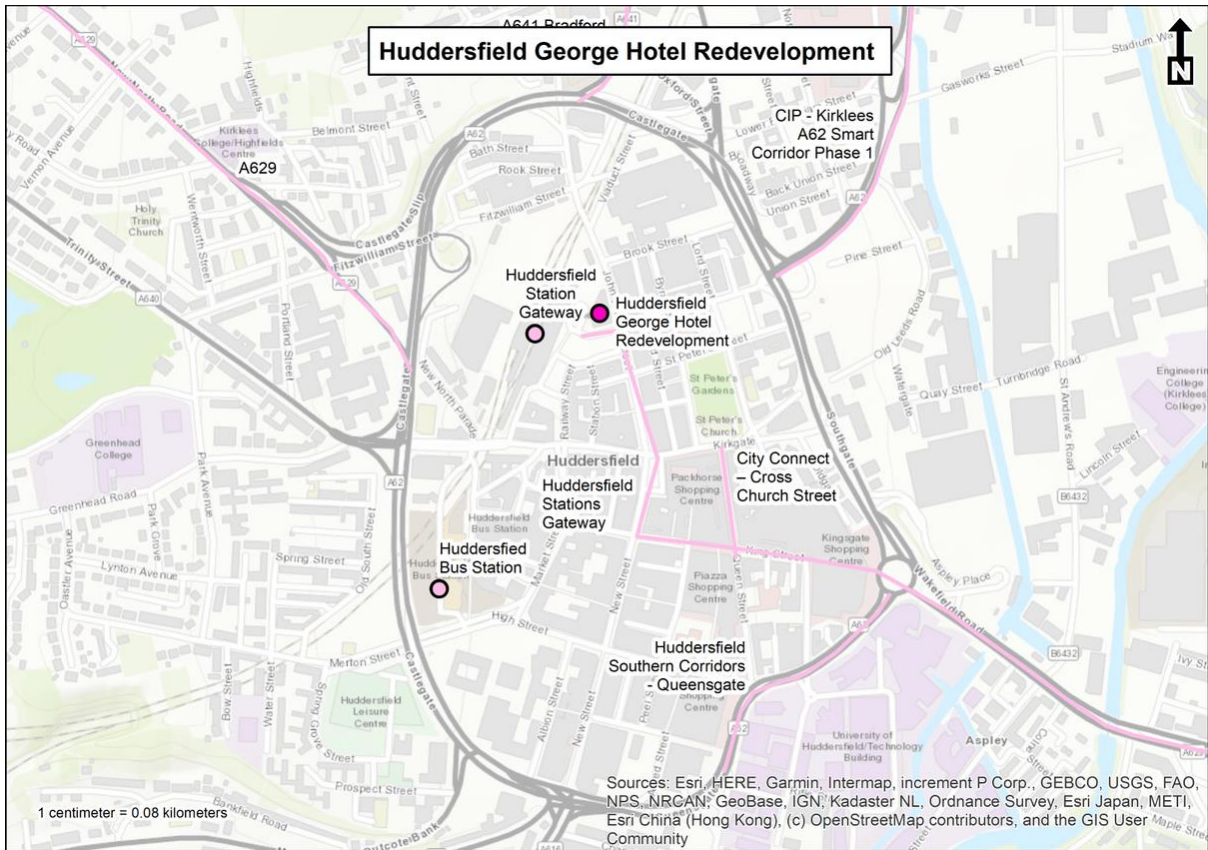
The following map shows the location of the Dewsbury Arcade scheme:



The following map shows the location of the A6025 Brighouse Reconstruction scheme:



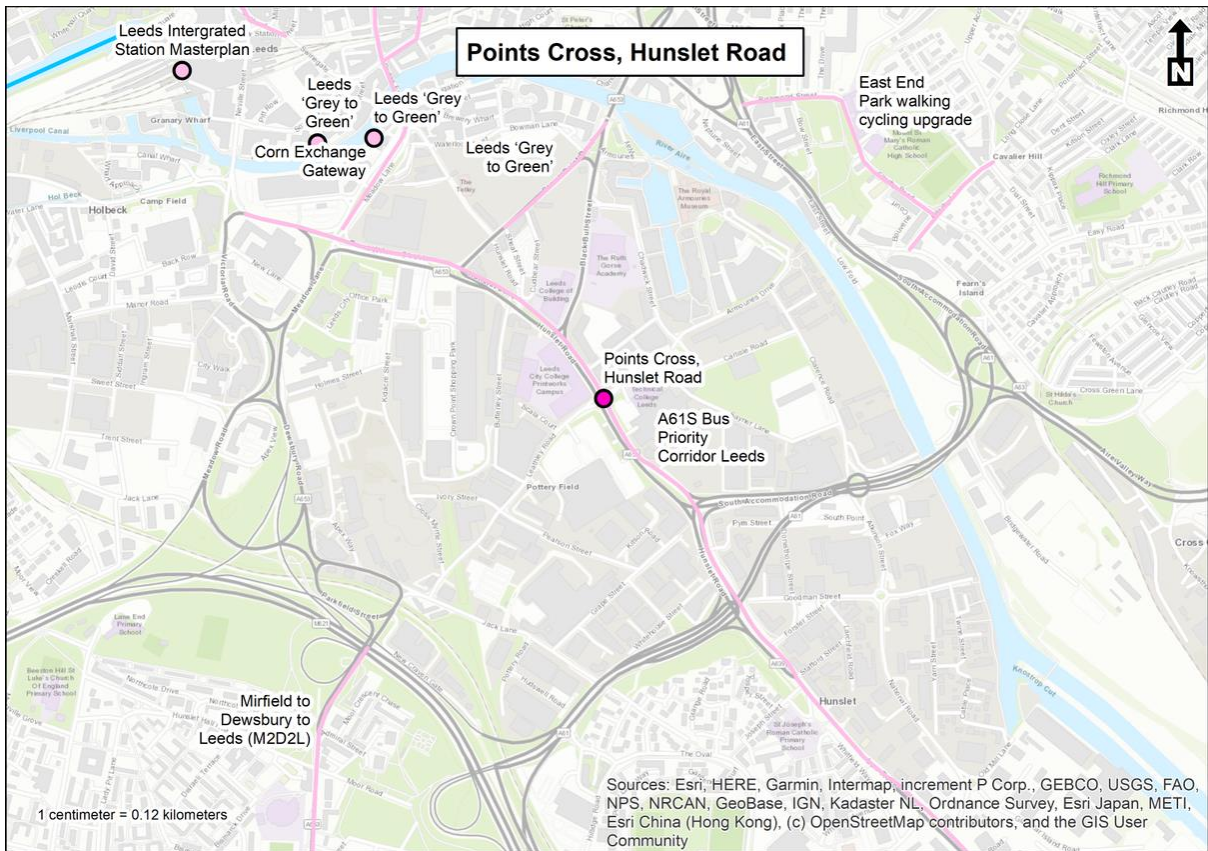
The following map shows the location of the George Hotel scheme:



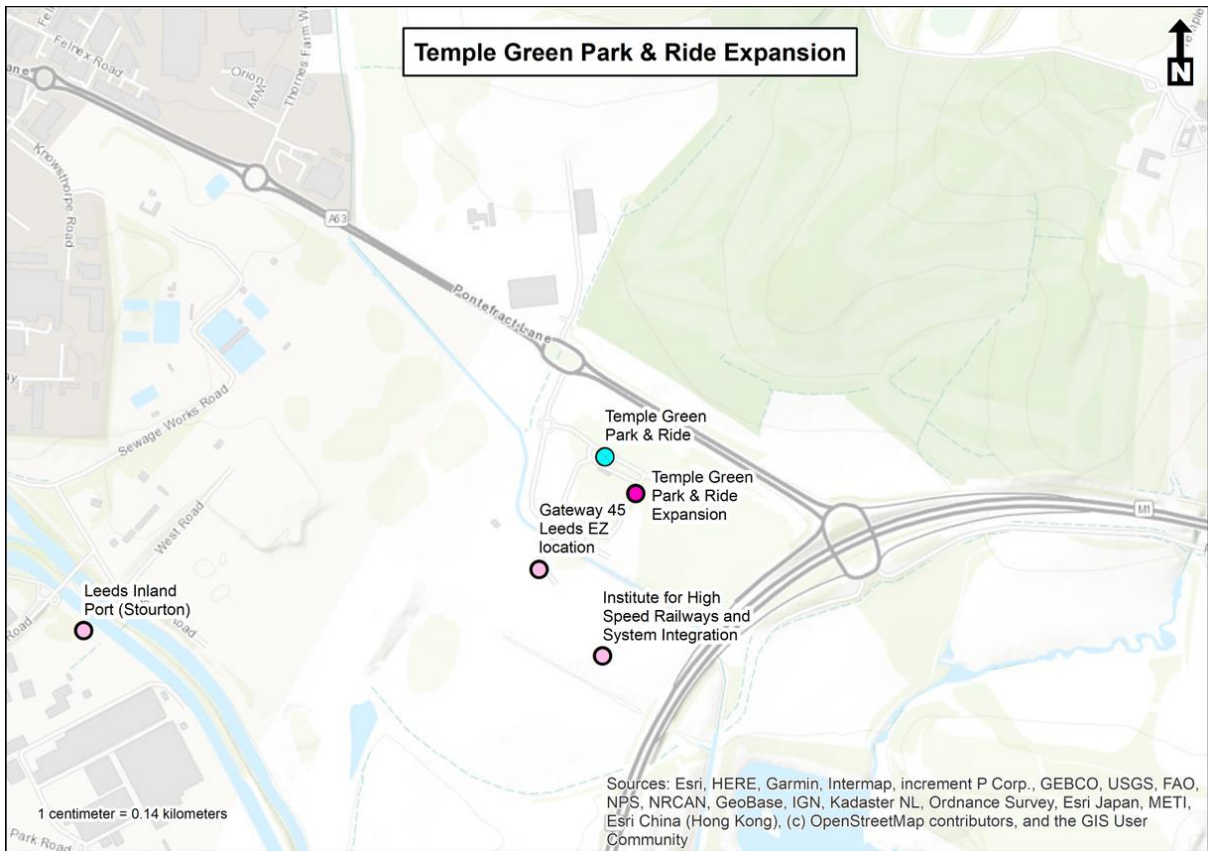
The following map shows the location of the Fink Hill scheme:



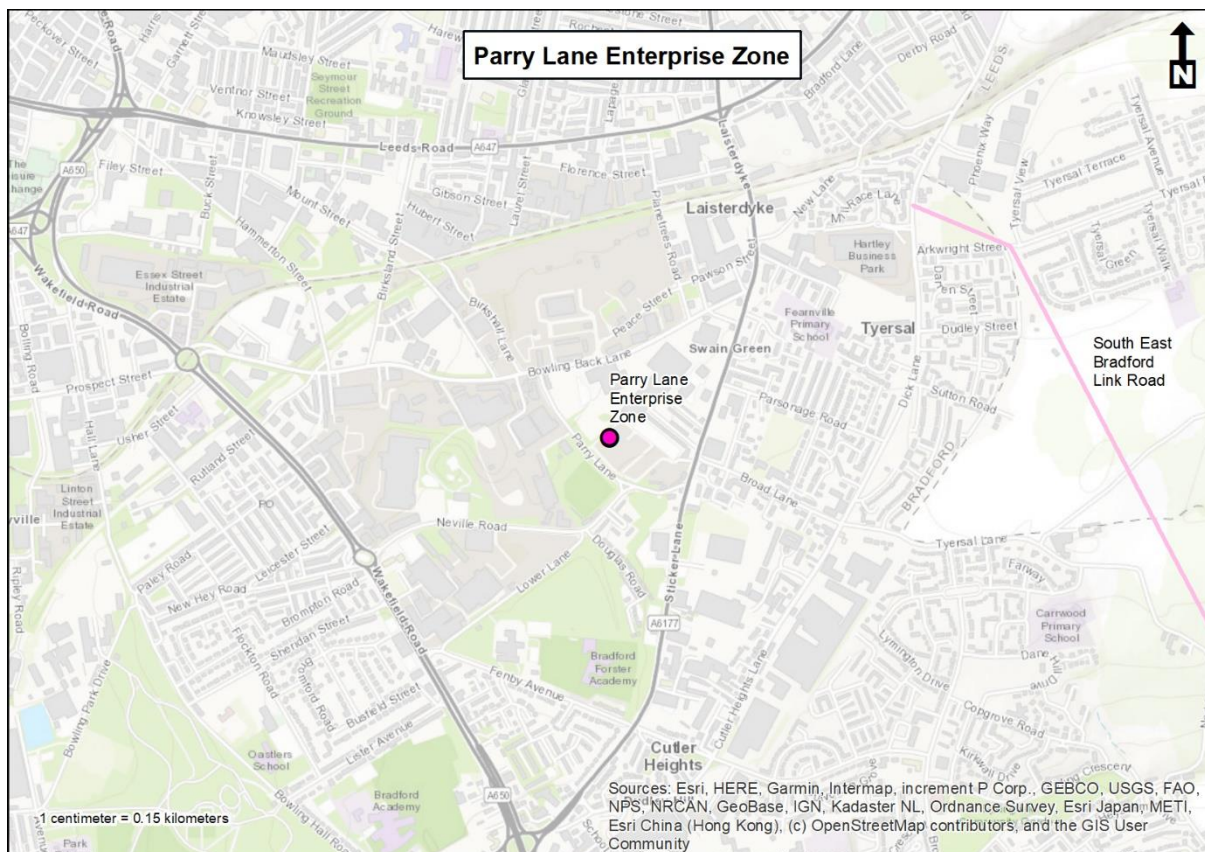
The following map shows the location of the Points Cross, Hunslet Road scheme:



The following map shows the location of the Temple Green Park & Ride Extension scheme:



The following map shows the location of the Parry Lane Enterprise Zone scheme:



Please note, depending on the level of scheme development, the location and scope of the schemes indicated here are indicative only.

For further information on Combined Authority schemes across the Leeds City Region please refer to: <https://www.westyorks-ca.gov.uk/growing-the-economy/leeds-city-regioninfrastructure-map/>

Appendix 3 – Detailed Package costs and proposed approvals

Table 1 - Proposed re-profiling of Decision Point 2 development cost approval

Project	Original Allocation	Proposed Allocation	
Bus Delivery Package			
Ph1 Transport Hubs & Connecting Communities	£850,000	£150,000	
Ph2 Transport Hubs & Connecting Communities		£30,000	
Ph3 Transport Hubs & Connecting Communities			£100,000
Digital Hubs / Door to Door Transport			£270,000
East Leeds DRT		£400,000	
Real Time Phase 1	£100,000	£400,000	
Real Time Phase 2			
Leeds Bus Station	£500,000	£400,000	
Leeds High Frequency Core Network / Network Navigation	£0	£100,000	
Low Emissions (CBTF) / Retrofit	£0	£0	
Low Emissions (Stourton)	£0	£0	
Total	£1,450,000	£1,450,000	
Rail Package			
Accessibility (RAP)	£950,000	£426,259	
New Pudsey	£500,000	£481,710	
White Rose	£500,000	£500,000	
Thorpe Park	£0	£542,031	
LBA Parkway	£0	£0	
Leeds Rail Station	£0	£0	
New Station Street	£0	£0	
Princes Square	£0	£0	
Total	£1,950,000	£1,950,000	
Bus Infrastructure Package	£10,910,000	£10,910,000	
Programme Management	£1,000,000	£1,000,000	
Total LPTIP DP2 Development Cost Approval	£15,310,000	£15,310,000	

Table 2 – Forecast Funding Profile

Project	Proposed Allocation
Bus Delivery Package	
Ph1 Transport Hubs & Connecting Communities	£4,266,000
Ph2 Transport Hubs & Connecting Communities	£3,091,000
Ph3 Transport Hubs & Connecting Communities	£66,000
Digital Hubs / Door to Door Transport	£789,044
East Leeds DRT	£1,200,000
Real Time Phase 1	£1,740,000
Real Time Phase 2	£5,760,000
Leeds Bus Station	£5,645,000
Leeds High Frequency Core Network / Network Navigation	£1,830,000
Low Emissions (CBTF) / Retrofit	£820,000
Low Emissions (Stourton)	£563,000
Total	£25,770,044
Rail Package	
Accessibility (RAP)	£426,259
New Pudsey	£481,710
White Rose	£5,000,000
Thorpe Park	£3,800,000
LBA Parkway	£5,000,000
Leeds Rail Station	£4,221,000
New Station Street	£529,000
Princes Square	£250,000
Total	£19,707,969
Bus Infrastructure Package	£123,720,000
Programme Management	£5,460,000
Behavioural Change Package	£100,000
Total LPTIP Budget	£174,758,013

Table 3 - LCC Costs on Rail Package Schemes

Scheme	Agreed Budget Limit
New Pudsey P&R	£30,000
White Rose	£3,400
Thorpe Park	£6,600
LBA parkway	£37,000
Total	£77,000

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Report to: West Yorkshire Combined Authority

Date: 22 April 2021

Subject: **MCA Governance Arrangements**

Director: Angela Taylor, Director of Corporate Services

Author: Caroline Allen, Head of Legal and Governance Services

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:	
Are there implications for equality and diversity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1. Purpose of this report

- 1.1 To consider and approve key constitutional documents for the proposed new Constitution for the Combined Authority.
- 1.2 To consider a report and recommendations of the Independent Remuneration Panel (IRP) in relation to the payment of allowances to members, Chairs and Deputy Chairs of the three proposed scrutiny committees and to determine the level of allowances to be payable to members undertaking these roles once appointed.
- 1.3 To note a report and advice from the IRP in relation to remuneration for the Deputy Mayor for Policing and Crime.

2. Information

Background

New Constitution

- 2.1 The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 made on 29 January 2021 provides for the first election

of a West Yorkshire Mayor on 6 May 2021. It confers new functions on the Combined Authority, in two phases:

- **Non-Mayoral Functions** (functions which are not the responsibility of the Mayor) which became exercisable by the Combined Authority when the Order was made, and
- **Mayoral Functions** (functions which are the responsibility of the Mayor and include Police and Crime Commissioner (PCC) Functions) which will be exercisable by the Mayor once in office.

2.2 Arrangements to integrate Non-Mayoral Functions into existing governance arrangements have been approved, and the Combined Authority at its meeting on 9 March received an indicative outline of a new Constitution to provide a robust and integrated governance framework. For business continuity, this will incorporate and build on existing governance arrangements so far as possible, while also providing for decision-making in respect of the Mayor and the new functions conferred on the Combined Authority, including the PCC Functions.

2.3 Some elements of the revised decision-making arrangements must be in place for the start of the Mayor's term of office, while others are for the Mayor to decide (for example, the Mayor's delegation arrangements). The latter can therefore only be approved once the Mayor is in office. To meet these timescales and to maximise the opportunity for member engagement, a phased approach to considering and approving the Constitution is being followed:

- core documents relating to Mayoral decision-making in relation to Mayoral General Functions (that is, not the PCC Functions) were agreed by the Combined Authority at the **9 March** meeting, to be of effect when the Mayor is in office,
- other core documents to be considered at **this meeting**, most of which are to be of effect from the Mayor coming into office,
- minor technical and updating amendments to be subsequently approved by officers under delegated authority before the Mayor comes into office,
- **Post-election**: Mayor to confirm the arrangements which fall to the Mayor to decide, and
- the whole Constitution to be confirmed at the **Annual Meeting** in June.

2.4 Appendix 1 summarises the timescales for approving key governance documentation, who will make each decision, and the proposed date for amendments to come into effect. This report now recommends the additional core documents for the Constitution for approval as indicated in Appendix 1. The Constitution will be updated as the Combined Authority matures and evolves.

Part 1: Introduction

2.5 Appendix 2 is the draft introduction to the Constitution, to include an index and contents page to be finalised once the Constitution is complete.

Part 2: Articles

- 2.6 The new Articles set out the underpinning legal framework for the Combined Authority's governance arrangements and as such do contain a high level of detail and cross referencing to source legislation intended to facilitate the reader's understanding and provide effective transparency in one place to what is inevitably a complex statutory framework. The Articles are also intended to provide a mechanism for signposting readers towards relevant aspects throughout the Constitution which will address the practical measures as to how this is implemented. Articles 1 – 4 were approved by the Combined Authority on 9 March.
- 2.7 Appendix 3 contains the outstanding Articles (5 – 14) proposed to be adopted by the Combined Authority. These are:

Article	
Article 5	Police and Crime Commissioner Functions
Article 6	Citizens and the Combined Authority
Article 7	Ordinary (non-statutory) Committees
Article 8	Overview and Scrutiny
Article 9	Audit and Ethical Arrangements
Article 10	The LEP
Article 11	Joint Arrangements and Partnerships
Article 12	Officers
Article 13	Decision-making
Article 14	Finance, Contracts and Legal

Part 3: Responsibility for Functions

- 2.8 Key sections in Part 3 were approved by the Combined Authority in March. Sections setting out the delegations by the Mayor will be confirmed by the Mayor once in office. A separate item on this agenda relates to a proposed review of the Combined Authority's committee arrangements.
- 2.9 Appendix 4 is a draft Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents, for approval by the Combined Authority.
- 2.10 The 2021 Order confers some functions on the Combined Authority which are exercisable concurrently with Constituent Councils and provides for certain of these functions to be exercised only with the express consent ("Statutory Consent") of a Constituent Council, to be given by the relevant Constituent Council Combined Authority Member.
- 2.11 The draft Protocol documents the basis on which the Combined Authority will exercise concurrent functions and seek Statutory Consents. It was drafted collaboratively by the Constituent Councils and the Combined Authority via their respective legal officers. The draft has been considered by the Constituent Councils and the wording approved through their Cabinets, with the exception of the City of Bradford MDC which resolved to seek some further amendments to the Protocol. The proposed amendments have

subsequently been reviewed by the Monitoring Officers of the other Constituent Councils and the Combined Authority, who consider that the Protocol as drafted provides sufficient safeguards for the Constituent Councils in respect of the exercise of concurrent functions and therefore the unamended version is put forward for Members' consideration. The City Solicitor to Bradford has been informed and acknowledged that the approved Protocol may not include their additions. As Non-Mayoral Concurrent Functions became exercisable by the Combined Authority when the Order was made, it is proposed that the Protocol is approved to be of immediate effect, but subject to review before the end of the calendar year.

- 2.12 The Protocol is not intended to be legally binding. It records the aim to co-operate and collaborate in the best interests of residents of the region, to have transparency and make the best use of resources by reducing duplication, and the ongoing commitment of the Combined Authority to engage with Constituent Councils.
- 2.13 The Protocol provides additional safeguards (publication on the Forward Plan of a Statutory Consent Request Notice and notification to the relevant Chief Executives) to ensure that Constituent Councils will have notice of the Combined Authority's intention to request a Statutory Consent as soon as practicable and at least 28 days before the Combined Authority meeting at which it will formally be requested.
- 2.14 The Protocol also provides for the Combined Authority to consult with Constituent Councils, (including notifying any relevant Chief Executive as soon as practicable), about a proposal to exercise a concurrent function, to facilitate the relevant council considering the proposal in a timely manner. In practice, schemes in respect of which a Statutory Consent or consultation is needed should have been discussed much earlier than 28 days prior to a formal meeting and will have passed through gateway approval processes such as outline and detailed business cases.

Part 4: Procedure Rules

- 2.15 The Combined Authority at its meeting in March approved updated Procedure Standing Orders, Mayoral Procedure Rules and Access to Information Rules. Attached to this report are the following:

Appendix	Document	Comment
Appendix 5	Budget and Policy Procedure Rules	New: relates to the mayor's budget and policies
Appendix 6	Petition Scheme	New: it seems timely for the Combined Authority to introduce a petitions scheme. The draft scheme is not prescriptive about how petitions

Appendix	Document	Comment
		are to be dealt with, other than providing that petitions with over 2000 signatures will be considered at a formal meeting of the Combined Authority or a committee.

Part 5: Ethical Standards

2.16 Attached to this report are the following:

Appendix	Document	Comment
Appendix 7	Members' Code of Conduct	Revised: new insertions highlighted in blue
Appendix 8	Member and Officer Protocol	New: The Combined Authority does not currently have a Member-Officer Protocol; there is no legal requirement to have one. The proposed Protocol is based on the LGA model Protocol.
Appendix 9	Outline of proposed changes to the Members' Code of Conduct	This sets out the changes from the current Members Code in more detail

2.17 In January 2019, the Committee on Standards in Public Life (CSPL) produced a report into ethical standards in local government accompanied by a series of best practice guidance and recommendations. The CSPL recommended that the Local Government Association (LGA) should create a model code of conduct which would operate nationally and across all tiers of local government. After extensive consultation, the LGA published the final model code in December 2020¹.

2.18 The Governance and Audit Committee at their meeting on 18 March resolved to recommend that a revised Members' Code of Conduct based on the model Code be adopted by the Combined Authority, as attached at Appendix 7. Appendix 9 to this report sets out the proposed changes in more detail. The Combined Authority is asked to approve the revised Code with effect from 10 May 2021.

2.19 In relation to Appendix 8, the proposed Member and Officer Protocol, the Combined Authority does not currently have any such protocol. There is no legal requirement to adopt one, but it is considered good practice. For

¹ <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>

consistency with Constituent Councils, the proposed Protocol is based on a model protocol produced for councils by the Local Government Association, adapted for the Combined Authority.

Part 6: Members' Allowances

- 2.20 The Combined Authority is required to appoint one or more Overview and Scrutiny Committees. At its meeting on 9 March 2021, the Combined Authority considered a report on a review of the overview and scrutiny function and approved recommendations to establish three thematic Overview and Scrutiny Committees with effect from the annual meeting on 24th June 2021. In light of the approved changes to the scrutiny structure, terms of reference and membership numbers, the Combined Authority recommended that an Independent Remuneration Panel (IRP) be convened to reassess the level of allowances paid to members of the Committees, scrutiny chairs and deputy chairs (if appointed) to facilitate appointments being made at the annual meeting in June.
- 2.21 The IRP has now concluded its review and their report including recommendations is set out in Appendix 10. There is no statutory provision to consult an IRP on the issue of remuneration, although it has always been the practice of the Combined Authority to do so. The recommendations of the IRP are therefore intended to assist in determining an appropriate level of remuneration although there is no legal requirement to accept them.
- 2.22 The IRP recommendations set out in the Executive Summary at page 1 of the Report are that:
- The ordinary Members appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees are paid a Co-optees' Allowance of £648.
 - The Deputy Chairs appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees are paid a Co-optees' Allowance of £1,296.
 - The Chairs appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees are paid a Co-optees' Allowance of £7,341.
 - No indexation is put in place for the recommended Co-optees' Allowances paid to the Co-opted Members appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees.
 - The recommended Co-optees' Allowances are to be paid from the date of the Authority's Annual Meeting on 24th June 2021 or at such later date as the Overview and Scrutiny Committees are appointed
- 2.23 Members are asked to consider the report and recommendations of the IRP in relation to the payment of allowances to members, Chairs and Deputy Chairs of the three proposed scrutiny committees and to determine the level of allowances to be payable to members undertaking these roles once appointed.

- 2.24 The 2021 Order provides for the Combined Authority to establish an independent remuneration panel (IRP) who may make recommendations regarding the allowance payable to the Mayor and the Deputy Mayor (in specified circumstances).
- 2.25 The statutory power to provide an allowance for the Deputy Mayor for Policing and Crime rests with the Mayor under different legislation, and there is no statutory requirement for such an allowance to be considered by an IRP, although the appointment of the Deputy Mayor for Policing and Crime and the terms and conditions of the appointment are subject to review by the Police and Crime Panel. As a matter of good practice, (that is, to promote transparency and consistency), the Head of Paid Services requested that the IPR provide advice in relation to this role.
- 2.26 By law, the Deputy Mayor for Policing and Crime is a member of staff of the Combined Authority, unless they are a Combined Authority Member and so the IRP have been asked to advise in respect of an allowance for a Deputy Mayor for Policing and Crime who is a Combined Authority Member, or one who is a member of staff.
- 2.27 The report of the IRP to the Head of Paid Service of the Combined Authority is currently awaited but is expected to be issued prior to this meeting. It is intended to provide a copy of the report to Members of the Combined Authority for noting and to publish a copy with the Agenda papers as Appendix 11.

3. Tackling the Climate Emergency Implications

- 3.1 There are no Climate Emergency implications directly arising from this report.

4. Inclusive Growth Implications

- 4.1 There are no inclusive growth implications directly arising from this report.

5. Equality and Diversity Implications

- 5.1 There are no equality and diversity implications directly arising from this report.

6. Financial Implications

- 6.1 The recommendations from the IRP with regard to the allowances for the Overview and Scrutiny Committees will, if accepted, be an increase on current costs. The budget report in February acknowledged the intention to increase the resources for scrutiny and this cost can therefore be met from the approved budget.

7. Legal Implications

- 7.1 Sections 27 and 28 of the Localism Act 2011 require an authority to adopt a Code of Conduct consistent with the Nolan principles of good governance. There is no requirement to adopt the model Code produced by the Local Government Association.

8. Staffing Implications

- 8.1 There are no staffing implications directly arising from this report.

9. External Consultees

- 9.1 Monitoring Officers from the Constituent Councils and for the office of the Police and Crime Commissioner have been consulted about the proposed constitutional arrangements.

10. Recommendations

- 10.1 That the Combined Authority approves the Protocol for the exercise of Concurrent Functions and Statutory Consents, (Appendix 4), to be of immediate effect and subject to review before the end of the calendar year.
- 10.2 That the Combined Authority approves the following documents to be of effect from 10 May 2021:
- Articles 5 – 14 (Appendix 3)
 - Part 4: Budget and Policy Procedure Rules (Appendix 5)
 - Part 5: revised Members' Code of Conduct and new Protocol for Member/officer relations (Appendices 7 and 8).
- 10.3 That the Combined Authority approves the Petitions Scheme (Appendix 6) to be of effect from the Annual Meeting.
- 10.4 That the Combined Authority considers the report and recommendations of the IRP in relation to remuneration for members of the Overview & Scrutiny Committees (Appendix 10) and determines the level of remuneration to be of effect from the appointment of the committees.
- 10.5 That the Combined Authority notes the report and advice of the IRP in relation to remuneration for the Deputy Mayor for Policing and Crime (Appendix 11).

11. Background Documents

There are no background documents referenced in this report.

12. Appendices

Appendix 1	Outline of Timeline for approval of Constitution
Appendix 2	Introduction
Appendix 3	Articles
Appendix 4	Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents
Appendix 5	Budget and Policy Procedure Rules
Appendix 6	Petition Scheme
Appendix 7	Members' Code of Conduct
Appendix 8	Member and Officer Protocol
Appendix 9	Outline of proposed changes to the Members' Code of Conduct
Appendix 10	IRP report and recommendations – Overview & Scrutiny Committee
Appendix 11	IRP report and recommendations – Deputy Mayor for Policing and Crime (to follow)

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ITEM 8 - APPENDIX 1

	Document	Decision By	Comes into effect		
77	Part 2 - Articles	Article 5 - PCC Functions	April CA	Mayor in office	
		Article 6 - Citizens and the Combined Authority	April CA	Mayor in office	
		Article 7 - Ordinary committees of the Combined Authority	April CA	Mayor in office	
		Article 8 - Overview and Scrutiny	April CA	Mayor in office	
		Article 9 - Audit and Ethical Arrangements	April CA	Mayor in office	
		Article 10 The LEP	April CA	Mayor in office	
		Article 11 - Joint Arrangements & Partnership working	April CA	Mayor in office	
		Article 12 - Officers	April CA	Mayor in office	
		Article 13 - Decision Making	April CA	Mayor in office	
		Article 14 - Finance, Contracts and Legal Matters	April CA	Mayor in office	
		Overview and Scrutiny Committee TOR	HLGS	Mayor in office	
	Part 3 – Responsibility for functions		Governance and Audit Committee TOR	HLGS	Mayor in office
			Committees TOR	Annual Meeting	Annual Meeting
			Mayoral General Functions - Mayor's delegations to Members	The Mayor	Mayor in office
		PCC Functions - Mayor's delegations to DMPC/Chief Constable	The Mayor	Mayor in office	
		Officer Delegation Scheme - Non-Mayoral Functions	HLGS	Mayor in office	
		Officer Delegation Scheme - Mayoral Functions (non PCC)	The Mayor	Mayor in office	
		Officer Delegation Scheme - PCC Functions	The Mayor	Mayor in office	
		Protocol for Concurrent Functions	April CA	April meeting	
		Access to Information Annex	HLGS	Mayor in office	
		Budget and Policy Procedure Rules	April CA	Mayor in office	
	Scrutiny Standing Orders	HLGS	Mayor in office		
	Contract Standing Orders	Director of Corporate Services	Mayor in office		
	Financial Regulations	Director of Corporate Services	Mayor in office		

ITEM 8 - APPENDIX 1

	Officer Employment Procedure Rules Petitions Scheme	Annual Meeting April CA	Annual Meeting Annual Meeting
Part 5 – codes and protocols	Code of Conduct for Members	April CA	Mayor in office
	Procedure for complaints against members	HLGS	Mayor in office
	Protocol for Member and Officer Relations	April CA	Mayor in office
	Monitoring Officer Protocol	Annual Meeting	Annual Meeting
Part 6 – Members’ allowances	CA Members - revised further to scrutiny review	April CA	Annual Meeting
	CA Members - revised further to committee review	Annual meeting	Annual Meeting
	Mayor's Allowances for DMPC	The Mayor	Mayor in office

Part 1

Introduction

Background

- 1.1 The West Yorkshire Combined Authority (the Combined Authority) was established by Order in 2014¹ to bring together local councils and businesses to champion the region's interests nationally and internationally, securing investment from Government and other sources to drive the economy forward, by carrying out **economic regeneration and development functions** as well as acting as the **local transport authority** for West Yorkshire. The Combined Authority was established for the **Combined Authority's Area**, which is the area consisting of the areas of the Constituent Councils.
- 1.2 The **Constituent Councils** of the Combined Authority are:
- City of Bradford Metropolitan District Council,
 - Borough Council of Calderdale,
 - the Council of the Borough of Kirklees,
 - Leeds City Council, and
 - the Council of the City of Wakefield.
- 1.3 The **Non-Constituent Council** of the Combined Authority is the City of York Council.
- 1.4 In March 2020, the West Yorkshire councils and the Combined Authority agreed a "minded to" devolution deal with Government. The deal detailed £1.8bn of Government investment (including £1.14bn over 30 years), to be subject to local influence and decision making (enabling spend on local priorities), together with a range of new devolved functions. The devolution deal was subject to the Combined Authority adopting the model of a directly elected mayor (the Mayor) over the Combined Authority's Area (West Yorkshire), that is becoming a **mayoral combined authority**.
- 1.5 The Combined Authority has now been established by Order² as a mayoral combined authority, with the first election of a **West Yorkshire Mayor** taking place in May 2021. The Mayor is directly elected by the local Government electors in West Yorkshire.

¹ The West Yorkshire Combined Authority Order 2014

² The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (2021/112)

- 1.6 The additional functions exercised by the Combined Authority as a mayoral combined authority include:
- **Transport-related powers** including in relation to highways, traffic management and permit scheme functions.
 - **Adult education and skills functions** (enabling decision-makers to closer align spending on skills with the opportunities and needs in the local economy in order to engage adults and provide them with the skills needed for entering and sustaining employment, an apprenticeship, traineeship, or other further learning).
 - **Housing functions** relating to compulsory purchase, plus provision of housing and land, land acquisition and disposal, and development and regeneration of land.
 - **Economic development** – duty to prepare an assessment of economic conditions.
 - **Police and Crime Commissioner functions** (previously exercised by the Police and Crime Commissioner (PCC) for West Yorkshire).
- 1.7 Functions of the Combined Authority are
- **Non-Mayoral Functions** (functions which are not the responsibility of the Mayor) which are exercisable by the Combined Authority, and
 - **Mayoral Functions** (functions which are the responsibility of the Mayor and include PCC Functions).

The Constitution

- 2.1 This Constitution sets out the governance arrangements for the West Yorkshire Combined Authority, including the responsibility for Non-Mayoral and Mayoral Functions. It sets out how decisions are made and the procedures that are followed to ensure that the Combined Authority operates efficiently, effectively and is transparent and accountable.
- 2.2 The Constitution has seven parts:
- Part 1: **Introduction** to the Combined Authority and the Combined Authority's Constitution, including how the Constitution is arranged an index of definitions used in the Constitution, and a table of contents.
- Part 2: **Articles** of the Constitution which set out the underpinning legal framework of the Combined Authority and signpost readers towards relevant aspects throughout the Constitution.

- Part 3: **Responsibility for Functions** setting out the arrangements agreed for exercising the functions.
- Part 4: **Procedure Rules** which govern how the Combined Authority and its decision-makers operate, including formal meetings of the Combined Authority and its committees, how to access information, and procedures relating to finance and contracts.
- Part 5: **Ethical Standards** including codes of conduct for Members and officers of the Combined Authority supplemented by other protocols relating conduct, conflicts of interest and relationships between officers and members.
- Part 6: **Members’ allowances** scheme.
- Part 7: **Senior officer management structure.**

Definitions

3.1 Throughout the Constitution, unless otherwise expressly stated, the following definitions shall apply:

Reference	Meaning
“2009 Act”	Local Democracy, Economic Development and Construction Act 2009
“2014 Order”	West Yorkshire Combined Authority Order 2014 (SI 2014/864)
“2021 Order”	West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (SI 2021/112)
“Chief Constable”	The Chief Constable of the West Yorkshire Police Force
“Combined Authority”	West Yorkshire Combined Authority
“Combined Authority’s Area”	Area of the Combined Authority consisting of the areas of the Constituent Councils – see below

“Combined Authority Member”	A member of the Combined Authority ³
“Constituent Councils”	The metropolitan district councils for the local government areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield
“Constituent Council Combined Authority Member”	Combined Authority Member appointed by a Constituent Council under paragraph 1(2) of Schedule 1 of the West Yorkshire Combined Authority Order 2014
“Constitution”	Parts 1 –7 of this document
“Co-optee”	Person who is not a Combined Authority Member, but is a member of a committee of the Combined Authority.
“Deputy Mayor”	The person appointed by the Mayor under Section 107C of the Local Democracy, Economic Development and Construction Act 2009 to be the Mayor’s deputy
“Deputy Mayor for Policing and Crime”	The person appointed by the Mayor under Section 18 of the Police Reform and Social Responsibility 2011 Act, as modified by the 2021 Order, to be the Deputy Mayor for Policing and Crime.
“the Force”	The West Yorkshire Police Force
“Function”	A power or duty; any reference to a function is to be taken as including a reference to doing anything which is calculated to facilitate or is conducive or incidental to the discharge of the function
“Head of Paid Service”	The officer designated by the Combined Authority as the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989
“Key Decision”	A Key Decision within the meaning of Article 11 of the Combined Authorities (Overview and

³ The Combined Authority comprises ten members in addition to the Mayor – Schedule 1 of the 2014 Order

	Scrutiny Committees, Access to Information and Audit Committees) Order 2017/68
“the LEP”	The Leeds City Region Enterprise Partnership
“LEP Member”	Combined Authority Member nominated by the Leeds City Region Enterprise Partnership under paragraph 1(7) of Schedule 1 of the 2014 Order
“Local Auditor”	Local Auditor appointed under Section 7 of the Local Audit and Accountability Act 2014 or provision made under the 2014
“Local Authority Co-optee”	Co-optee who has been nominated by a Constituent Council or the Non-Constituent Council
“Mayor”	Person elected as the West Yorkshire Mayor under Article 3 of the 2021 Order
“Mayoral Function”	Function of the Combined Authority exercisable only by the Mayor -Section 107G(7) of the Local Democracy, Economic Development and Construction Act 2009 ⁴
“Mayoral General Function”	Mayoral Function other than any PCC Function - Section 107D(2) of the 2009 Act
“Monitoring Officer”	Officer designated by the Combined Authority under Section 5 of the Local Government and Housing Act 1989.
“Non-Constituent Council”	Council for the local government area of York
“Non-Constituent Council Combined Authority Member”	Combined Authority Member appointed by the Non-Constituent Council under paragraph 1(4) of Schedule 1 of the 2014 Order
“Non-Mayoral Function”	Function of the Combined Authority which is not a Mayoral Function
“the Offices of the Combined Authority”	40-50 Wellington House, Wellington Street, Leeds, LS1 2DE

⁴ Mayoral Functions comprise Mayoral General Functions and PCC Functions – see further below

“the Police Area”	The metropolitan districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield ⁵
“PCC Function”	Function of the Combined Authority exercisable by the Mayor acting individually, or by a person acting under arrangements made by the Mayor – Section 107F of the 2009 Act
“Political Balance Member”	Combined Authority Member appointed under paragraph 1(3) of Schedule 1 of the 2014 Order
“Private Sector Representative”	Co-optee who has been nominated by the LEP
“Section 73 Chief Finance Officer”	Officer responsible for the administration of the Combined Authority’s financial affairs under Section 73 of the Local Government Act 1985
“Statutory Officer”	Head of Paid Service, Section 73 Chief Finance Officer, or Monitoring Officer
“Substitute [Combined Authority] Member”	Person appointed under Schedule 1 of the 2014 Order to act in the absence of a Combined Authority Member

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[to be inserted once the Constitution is finalised]

⁵ Paragraph 1 of Schedule 1 of the Police Act 1996.

Part 2 - Articles

Article 5 - Police and Crime Commissioner (PCC) Functions

The Police Area

- 5.1 The Police Area of West Yorkshire comprises the metropolitan districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield.¹ It is coterminous with the Combined Authority's Area.
- 5.2 There is no Police and Crime Commissioner (PCC) for the Police Area².

The Mayor's exercise of PCC Functions

- 5.3 The Mayor exercises PCC Functions in relation to the Police Area³ and is treated as a PCC for the purposes of all PCC enactments (subject to some modifications and exclusions).⁴
- 5.4 A person elected to the office of Mayor may not exercise PCC Functions, unless that person has made the specified declaration to the appropriate officer⁵.
- 5.5 The PCC Functions exercised by the Mayor are⁶:
- functions conferred by Section 1 of the Police Reform and Social Responsibility Act 2011,
 - functions relating to community safety and crime prevention⁷, and
 - other functions conferred by the 2011 Act and other enactments⁸.
- 5.6 The Mayor must⁹

¹ Section 1 of the Police Act 1996 and paragraph 1 of Schedule 1 of the 1996 Act

² The term of office for the PCC for West Yorkshire continued until the 10 May 2021 - Article 34 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

³ Article 34(1) of the 2021 Order. These functions are any functions conferred on PCCs by or under Part 1 of the Police Reform and Social Responsibility Act 2011 or any other Act (Section 107F of the Local Democracy and Construction Act 2009). PCC Functions are functions of the Combined Authority exercisable by the Mayor acting individually or by a person acting under arrangements made by the Mayor – Section 107F of the 2009 Act

⁴ Article 35 of the 2021 Order

⁵ Section 70 of the 2011 Act as modified by the 2021 Order – see further Article 12 (Officers)

⁶ Section 1 of the 2011 Act

⁷ conferred by Chapter 3 of the 2011 Act

⁸ These include in relation to the police complaints system - Police Reform Act 2002 and the Police Act 1996 Act

⁹ Section 1(6) of the 2011 Act

- secure the maintenance of the West Yorkshire Police Force (the Force) for the Police Area¹⁰, and
 - secure that the Force is efficient and effective.
- 5.7 The Mayor may do anything which is calculated to facilitate, or is conducive or incidental to the exercise of PCC Functions¹¹; in respect of contracts, property and borrowing see further below (Finance, Contracts, Legal and Audit arrangements).
- 5.8 When exercising PCC Functions, the Mayor must have regard to:
- the Police and Crime Plan¹² - see further below (Police and Crime Plan)
 - the Policing Protocol issued under Section 79 of the 2011 Act,¹³
 - the views of people in the Police Area about policing,¹⁴
 - any report or recommendations made by the Police and Crime Panel on the annual report for the previous year¹⁵ - see further below (annual report),
 - any financial code of practice issued by the Secretary of State,¹⁶
 - any guidance issued by the College of Policing in relation to individuals employed by the Combined Authority wholly or partly in relation to the Mayor's PCC Functions, or who provide services in pursuance of contractual arrangements who can be expected to have frequent contact with members of the public.¹⁷

¹⁰ Section 2 of the Police Act 1996

¹¹ Paragraph 14 of Schedule 1 to the 2011 Act

¹² Section 8 of the 2011 Act. The Chief Constable must also have regard to the Plan when exercising their functions.

¹³ Policing Protocol Order 2011/2744 and Section 79 of the 2011 Act; the Chief Constable and the Police and Crime Panel must also have regard to the Protocol, as must officers of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC Functions, the constables and staff of the Force – paragraph 5 of the Protocol.

¹⁴ Section 17(1) of the 2011 Act

¹⁵ Section 17(2) and (3) of the 2011 Act

¹⁶ Section 17(4) of the 2011 Act

¹⁷ Section 53E of the 1996 Act

The Chief Constable

- 5.9 The Force has a Chief Constable¹⁸, appointed by the Mayor.¹⁹
- 5.10 The Mayor must notify the Police and Crime Panel of the proposed appointment of a Chief Constable, which will review the appointment²⁰ - see further below (Police and Crime Panel).
- 5.11 The Chief Constable is a corporation sole.²¹ The functions of the Chief Constable are set out in the 2011 Act and other enactments²².
- 5.12 The Chief Constable may do anything which is calculated to facilitate or is conducive or incidental to, the exercise of the Chief Constable's functions²³; in respect of contracts, property and borrowing see further below (Finance, Contracts, Legal and Audit arrangements).
- 5.13 The Force must have one or more Deputy Chief Constables, and the Chief Constable must consult the Mayor before increasing the number of Deputy Chief Constables or appointing a person to be Deputy Chief Constable.²⁴
- 5.14 The Force must have one or more Assistant Chief Constables, and the Chief Constable must consult the Mayor before appointing a person to be an Assistant Chief Constable.²⁵
- 5.15 The Chief Constable must appoint a chief finance officer and may appoint such other civilian staff as the Chief Constable considers appropriate²⁶.
- 5.16 The Force and the civilian staff of the Force are under the direction and control of the Chief Constable²⁷. The Chief Constable must exercise this power of direction and control in such a way as is reasonable to assist the Mayor to exercise PCC Functions. The Chief Constable is operationally independent, and the Mayor must not fetter the operational independence of the Force and the Chief Constable²⁸. The Chief Constable retains

¹⁸ Section 2 of the 2011 Act

¹⁹ Section 2 and Section 38 of the 2011 Act, and in accordance with Part 1 of Schedule 8 of the 2011 Act.

²⁰ In accordance with Schedule 8 of the 2011 Act

²¹ Paragraph 2 of Schedule 2 of the 2011 Act. This means the office of the Chief Constable constitutes a separate legal personality to the person holding it, and to the Combined Authority.

²² Section 2 of the 2011 Act

²³ Paragraph 7 of Schedule 2 of the 2011 Act

²⁴ Section 39 of the 2011 Act, subject to regulations

²⁵ Section 40 of the 2011 Act, subject to regulations. The Chief Constable must also consult the Mayor when designating an appropriate Deputy Chief Constable and Assistant Chief Constable to exercise the Chief Constable's functions when the Chief Constable is unable to – Section 41 of the 2011 Act

²⁶ Schedule 2 of the 2011 Act

²⁷ Subject to any provision included in a collaboration agreement – Section 2(6) of the 2011 Act

²⁸ Policing Protocol paragraph 18

responsibility for operational matters and is the operational voice of policing in the Police Area²⁹, and remains politically independent of the Mayor.³⁰

- 5.17 The Chief Constable is accountable to the law for the exercise of police powers, and to the Mayor for the exercise of
- the functions of the Chief Constable, and
 - the functions under the direction and control of the Chief Constable³¹.
- 5.18 The Chief Constable must give the Mayor information on policing matters which the Mayor requires.³²
- 5.19 The Mayor may suspend the Chief Constable from duty or call upon the Chief Constable to resign or retire³³, subject to scrutiny by the Police and Crime Panel – see further below (Police and Crime Panel). The Chief Constable must retire or resign if called upon to do so by the Mayor.³⁴

Deputy Mayor for Policing and Crime

- 5.20 The Mayor may appoint a Deputy Mayor for Policing and Crime for the Police Area³⁵.
- 5.21 The Mayor cannot appoint as the Deputy Mayor for Policing and Crime
- the Deputy Mayor, nor
 - any other person listed in Section 18(6) of the Police Reform and Social Responsibility Act 2011.³⁶
- 5.22 The Mayor must notify the Police and Crime Panel of any proposed appointment of a Deputy Mayor for Policing and Crime³⁷ – see further below (Police and Crime Panel). The Mayor may accept or reject the recommendation of the Police and Crime Panel as to whether or not the candidate should be appointed.³⁸

²⁹ Policing Protocol paragraphs 23 and 26

³⁰ Policing Protocol paragraph 23

³¹ In particular, the Mayor must hold the Chief Constable to account for those duties set out in Section 1(8) of the 2011 Act

³² Section 36 of the 2011 Act

³³ Section 2 and Schedule 8 of the 2011 Act

³⁴ Section 38(4) of the 2011 Act, subject to Schedule 8, and relevant regulations

³⁵ Section 18 of the 2011 Act, modified by the 2021 Order and subject to paragraph 8(2) of Schedule 1 to the 2011

³⁶ Section 18(3) of the 2011 Act modified by the 2021 Order

³⁷ In accordance with Schedule 1 of the 2011 Act, as modified by the 2021 Order

³⁸ Paragraph 12 of Schedule 1 of the 2011 Act

- 5.23 The term of office of the Deputy Mayor for Policing and Crime must end no later than the third day after the day of the poll at an election for the return of the Mayor.³⁹
- 5.24 The Deputy Mayor for Policing and Crime is a member of staff of the Combined Authority unless they are a Combined Authority Member⁴⁰.
- 5.25 The Mayor may arrange for the Deputy Mayor for Policing and Crime to exercise any PCC Function, subject to exceptions – see further below (Mayor’s arrangements for PCC Functions).
- 5.26 The Deputy Mayor for Policing and Crime may arrange for any other person (other than a person listed in Section 18(6) of the 2011 Act) to exercise any PCC Function which
- is exercisable by the Deputy Mayor for Policing and Crime, and
 - is not
 - determining police and crime objectives,
 - attending a meeting of a Police and Crime Panel when required by the Panel to do so,
 - preparing an annual report to the Police and Crime Panel.
- 5.27 The Deputy Mayor for Policing and Crime’s arrangements for PCC Functions are set out in Part 3 of the Constitution.

The Mayor’s arrangements for PCC Functions

- 5.28 The Mayor may arrange for the **Deputy Mayor for Policing and Crime** to exercise any PCC Functions, except⁴¹
- a function which the Mayor has under or by virtue of Part 2 of the Police Reform Act 2002, or
 - issuing the Police and Crime Plan,
 - appointing or suspending the Chief Constable, or calling on the Chief Constable to retire or resign, or
 - calculating the PCC component council tax requirement.

³⁹ Paragraph 8 of Schedule 1 of the 2011 Act, modified by the 2021 Order. Any appointment will end when following an election held to fill a vacancy in the officer of the appointing Mayor, the person elected makes and delivers a declaration under Section 70 of the 2011 Act – paragraph 8(3A) of Schedule 1 of the 2011 Act, modified by the 2021 Order

⁴⁰ Section 18(10) of the 2011 Act modified by the 2021 Order. Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the Deputy Mayor for Policing and Crime – Paragraph 8 of Schedule 1 of the 2011 Act, modified by the 2021 Order

⁴¹ Section 18 of the 2011 Act

- 5.29 The Mayor may arrange for **any other person** (other than a person listed in Section 18(6) of the 2011 Act) to exercise any PCC Function which is **not**
- issuing the Police and Crime Plan,
 - determining police and crime objectives,
 - attending a meeting of a Police and Crime Panel when required by the Panel to do so,
 - preparing an annual report to the Police and Crime Panel.
 - appointing or suspending the Chief Constable, or calling on the Chief Constable to retire or resign, or
 - calculating the PCC component council tax requirement.
- 5.30 The Mayor may delegate the exercise of performance of powers and duties conferred or imposed on the Mayor by or under Part 2 of the Police Reform Act 2002 to any person⁴².
- 5.31 The Mayor's arrangements for PCC Functions are set out in Part 3 of the Constitution (Responsibility for Functions).

The Police and Crime Panel - general

- 5.32 The local authorities which the Police Area covers, (that is, the Constituent Councils), must establish and maintain a **Police and Crime Panel** for the Police Area, and make the panel arrangements for the Police and Crime Panel⁴³.
- 5.33 The Police and Crime Panel is a **joint committee**⁴⁴ appointed by the Constituent Councils; it is not a committee of the Combined Authority. The Police and Crime Panel makes its rules of procedure⁴⁵.
- 5.34 The Mayor, a Constituent Council Combined Authority Member or a Substitute Constituent Council Combined Authority Member may not be a member of the Police and Crime Panel⁴⁶.
- 5.35 The Police and Crime Panel may require the Mayor, Deputy Mayor for Policing and Crime, members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC Functions, and any Combined Authority Member who exercises a PCC Function under arrangements made

⁴² In accordance with Regulation 50 of the Police (Complaints and Misconduct) Regulations 2020/2

⁴³ Paragraph 3 of Schedule 6 of the 2011 Act

⁴⁴ Paragraph 4 of Schedule 6 of the 2011 Act

⁴⁵ Paragraph 28 of Schedule 6 of the 2011 Act

⁴⁶ Paragraph 21 of Schedule 6 of the 2011 Act, modified by the 2021 Order. Nor may a member of staff of the Combined Authority be a co-opted member of the Police and Crime Panel (paragraph 21(1)(a))

by the Mayor to attend a meeting. This Chief Constable may also be requested to attend with the Mayor or Deputy Mayor for Policing and Crime.⁴⁷

- 5.36 The Panel may also require the Mayor to respond in writing to any report or recommendation of the Police and Crime Panel to the Mayor.⁴⁸
- 5.37 The Mayor must provide the Police and Crime Panel with any information which the Police and Crime Panel may reasonably require to carry out its functions, (subject to exceptions), and may provide any other information to it which the Mayor thinks appropriate⁴⁹.
- 5.38 For further details about the panel arrangements, membership and proceedings of the Police and Crime Panel see (*link to Police and Crime Panel web-site information*).

Police and Crime Panel - functions

- 5.39 The Police and Crime Panel has **oversight functions** in relation to the Mayor's exercise of PCC Functions.⁵⁰ The Police and Crime Panel does not scrutinise the Chief Constable.⁵¹
- 5.40 The functions of the Police and Crime Panel must be exercised with a view to supporting the effective exercise of PCC Functions.⁵²
- 5.41 The **Police and Crime Panel's functions** include reviewing⁵³
- the draft **Police and Crime Plan** or draft variation sent by the Mayor,
 - the Mayor's **annual report** on PCC Functions – see further below (annual report),
 - any proposed **appointment of the Deputy Mayor of Policing and Crime**,
 - the proposed amount of the **PCC component** of the Mayor's precept, which the Police and Crime Panel may veto⁵⁴ - see further below (finance),
 - the proposed **appointment of a Chief Constable**⁵⁵, which the Police and Crime Panel may veto, subject to holding a confirmation hearing, and

⁴⁷ Section 29 of the 2011 Act, modified by the 2021 Order

⁴⁸ Section 29(3) of the 2011 Act

⁴⁹ Section 13 of the 2011 Act

⁵⁰ Schedule 5C para 4

⁵¹ Paragraph 24 of the Policing Protocol; the accountability of the Chief Constable is to the Mayor, not to the Police and Crime Panel.

⁵² Section 28 of the 2011 Act

⁵³ Section 28 of the 2011 Act

⁵⁴ In accordance with Schedule 5 of the 2011 Act, modified by the 2021 Order

⁵⁵ In accordance with Schedule 8 of the 2011 Act, modified by the 2021 Order

- any **suspension or removal of the Chief Constable**, subject to holding a scrutiny hearing⁵⁶.
- 5.42 In as far as the Police and Crime Panel is not otherwise required to do so, the Police and Crime Panel must
- **review and scrutinise decisions made or other action taken** by the Mayor, the Deputy Mayor for Policing and Crime and any other person who exercises any function of the Mayor under arrangements made by the Mayor, and
 - **make reports and recommendations to the Mayor** in connection with the exercise of PCC Functions.
- 5.43 The Police and Crime Panel may **suspend the Mayor**, so far as acting in the exercise of PCC Functions, in specified circumstances⁵⁷. The Police and Crime Panel must appoint a person to exercise the PCC Functions (“Acting Commissioner”) if the Mayor is suspended from the exercise of PCC Functions⁵⁸.
- 5.44 The Police and Crime Panel has functions in relation to the **misconduct of the Mayor and Deputy Mayor for Policing and Crime**⁵⁹ – see further Article (conduct). Subject to exceptions the Police and Crime Panel may delegate these functions to the Monitoring Officer.⁶⁰

The Police and Crime Plan

- 5.45 The Mayor may, at any time issue, or vary, a police and crime plan⁶¹. In issuing or varying a police and crime plan, the Mayor must have regard to the strategic policing requirement.
- 5.46 The Police and Crime Plan sets out the following:
- the Mayor’s police and crime objectives⁶²,
 - the policing of the Police Area which the Chief Constable is to provide,

⁵⁶ In accordance with Schedule 8 of the 2011 Act, modified by the 2021 Order

⁵⁷ See further Section 30(1) of the 2011 Act

⁵⁸ Section 62 of the 2011 Act, modified by the 2021 Order. The Acting Commissioner must be a member of staff of the Combined Authority deployed wholly or partly in relation to PCC Functions, or the Deputy Mayor for Policing and Crime; the Deputy Mayor may not be appointed – Section 62(2)

⁵⁹ Under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62, made in accordance with Schedule 7 of the 2011 Act and Section 31 of the 2011 Act

⁶⁰ Regulation 7 of the 2012/62 Regulations

⁶¹ Section 5 of the 2011 Act. The Mayor must issue a Police and Crime Plan within the financial year in which each election for the return of the Mayor is held, as soon as practicable after the Mayor takes office.

⁶² These are the Mayor’s objectives for the policing of the Police Area, crime and disorder reduction and the Force’s discharge of its national or international functions – Section 7(2) of the 2011 Act.

- the financial and other resources which the Mayor is to provide to the Chief Constable for the Chief Constable's functions,
- the means by which the Chief Constable will report to the Mayor on the Chief Constable's provision of policing,
- the means by which the Chief Constable's performance in providing policing will be measured,
- the services to be provided to secure crime and disorder reduction or for victim support, and any grants which the Mayor is to make in connection with such services⁶³.

5.47 When issuing or varying the Police and Crime Plan, the Mayor must follow statutory procedures, including consultation with the Chief Constable and sending the draft or variation to the Police and Crime Panel⁶⁴ – see further the Budget and Policy Procedure Rules.

5.48 The Mayor must keep the Police and Crime Plan under review⁶⁵.

Conduct of the Mayor and Deputy Mayor of Policing and Crime

5.49 The Mayor and any Deputy Mayor of Policing and Crime who is a Combined Authority Member must comply with the Members' Code of Conduct. Serious complaints and conduct matters relating to them must be passed to the Director General of the Independent Office for Police Conduct.

5.50 See further Article 9 – Audit and Ethical Arrangements.

Mayor's accountability to the Secretary of State

5.51 The Secretary of State may require Her Majesty's Inspectors of Constabulary to inspect the Force, and the Mayor may at any time request an inspection of the Force.⁶⁶ The inspectors must arrange for any report prepared further to any inspection to be published.⁶⁷

5.52 The Mayor must comply with any directions from the Secretary of State to take specified measures:

- in relation to the Force, where the Secretary of State is satisfied that the whole or any part of the Force is failing to discharge any of its functions in an effective manner⁶⁸, or

⁶³ under Section 143 of the Anti-social Behaviour, Crime and Policing Act 2014

⁶⁴ Section 5(6) of the 2011 Act

⁶⁵ In accordance with Section 5(9) of the 2011 Act.

⁶⁶ Section 54 of the 1996 Act, applied to the Mayor by paragraph 11 of Schedule 5C of the 2009 Act

⁶⁷ In accordance with S55 of the 1996 Act

⁶⁸ In accordance with Section 40 of the Policing Act 1996, applied to the Mayor by paragraph 11 of Schedule 5C of the 2009 Act.

- where the Secretary of State is satisfied that the Mayor is failing to discharge PCC Functions in an effective manner.⁶⁹

5.53 The Secretary of State has power to direct the Mayor in relation to setting a minimum budget – see further Article 14 (Finance, Contracts and Legal).

5.54 The Mayor may enter into agreements with the Secretary of State with respect to the level of performance to be achieved by the Force in respect of any of its **national or international functions**. If the Secretary of State is of the opinion that the Force is not performing any or all of these functions to the specified standard or no satisfactory agreement is in force, the Secretary of State may direct the Mayor to take specified measures. The Mayor must comply with any directions given by the Secretary of State⁷⁰.

Annual Report⁷¹

5.55 The Mayor must produce and publish an annual report on

- the exercise of the PCC Functions in each financial year, and
- the progress made in the financial year in meeting the police and crime objectives in the Mayor's Police and Crime Plan.

5.56 The annual report must be reviewed by the Police and Crime Panel⁷², who must ask the Mayor questions about the report at a public meeting and make a report or recommendation on it to the Mayor.

Information for the public

5.57 The Mayor must publish specified information for the public – see further Access to Information Rules.

5.58 The Mayor may also provide information about the exercise of PCC Functions, and the Chief Constable's functions⁷³, or publish or require the Chief Constable to publish information on policing matters provided to the Mayor by the Chief Constable.⁷⁴

Finance, Contracts, Legal and Audit arrangements

5.59 The Mayor is the recipient of all funding related to policing and crime reduction, including the government grant, the PCC component and other sources of income, and all funding for the Force comes through the Mayor.

⁶⁹ In accordance with Section 40A of the 1996 Act, applied to the Mayor by paragraph 11 of Schedule 5C of the 2009 Act

⁷⁰ Section 96A of the 1996 Act

⁷¹ Section 12 of the 2011 Act

⁷² In accordance with Section 12 and 28(4) of the 2011 Act

⁷³ Section 11 of the 2011 Act

⁷⁴ In accordance with Section 36 of the 2011 Act

How this money is allocated is a matter for the Mayor in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable provides professional advice and recommendations⁷⁵. See further Article 14 (Finance, Contracts and Legal) and the Budget and Policy Rules in Part 4.

5.60 The Mayor must keep a Police Fund⁷⁶ – see further Article 14 (Finance, Contracts and Legal).

5.61 The Mayor’s power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of PCC Functions⁷⁷ includes⁷⁸

- entering into contracts and other agreements (whether legally binding or not),
- acquiring and disposing of property (including land), and
- borrowing money.

5.62 The Chief Constable power to do anything which is calculated to facilitate or is conducive or incidental to, the exercise of the Chief Constable’s functions⁷⁹ includes:

- entering into contracts and other agreements (whether legally binding or not) but only with the **consent** of the Mayor⁸⁰, and
- acquiring and disposing of property, apart from land, but only with the **consent** of the Mayor.

See further Article 9 (Audit and Ethical Arrangements), Article 14 (Finance, Contracts and Legal) and the Budget and Policy Procedure Rules in Part 4.

⁷⁵ *Policing Protocol paragraph 16.*

⁷⁶ Section 21 of the 2011 Act

⁷⁷ Paragraph 14 of Schedule 1 of the 2011 Act

⁷⁸ Subject to any other provisions of the 2011 Act or other enactment – Paragraph 14 of Schedule 1 of the 2011 Act.

⁷⁹ Paragraph 7 of Schedule 2 of the 2011 Act

⁸⁰ The Chief Constable does not require the consent of the Mayor in relation to contracts or agreements relating to civilian staff – Paragraph 7(4) of Schedule 2 of the 2011 Act.

Part 2 - Articles

Article 6 – Citizens and the Combined Authority

Voting

6.1 Local government electors for the Combined Authority's Area have the right to vote directly for the Mayor¹ on the ordinary polling day every fourth year from 2024.

Information

6.2 The Access to Information Procedure Rules in Part 4 of the Constitution set out the public's rights to information held by the Combined Authority, including

- in relation to meetings of the Combined Authority and its committees and sub-committees (subject to exceptions including in relation to confidential or information information) rights:
 - to attend meetings,
 - to inspect agendas of and reports to meetings and background documents,
 - to access documents after a meeting including minutes, and
 - to report on and record a meeting.
- to inspect the Forward Plan² to find out about:
 - any Key Decision to be made by the Combined Authority, and
 - any request to be made a Constituent Council for a Statutory Consent to exercise a concurrent function or in respect of a decision of the Mayor which gives rise to a financial liability,
- to inspect written records of decisions made by the Mayor and others authorised to make decisions under arrangements agreed by the Mayor,
- to inspect written records of decisions made by officers,
- to access to information generally held by the Combined Authority³,
- to inspect a list of Combined Authority Members, and
- to inspect information about the exercise of PCC Functions.

¹ Section 3 of the 2021 Order

² The Forward Plan contains details of forthcoming Key Decisions

³ The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) apply to the Combined Authority

- 6.3 Citizens also have the right to inspect and make copies of the Combined Authority's accounting records and related records, and local government electors for the Combined Authority's Area may question or make objections to the Local Auditor – see further Article 9 (Audit and Ethical Arrangements).

Consultation

- 6.4 The Combined Authority must consult with citizens in accordance with any statutory requirement to do so.
- 6.5 In relation to PCC Functions, the Mayor, after consultation with the Chief Constable, must make arrangements for obtaining the views of the community on policing⁴, including in relation to a Police and Crime Plan – see further the Budget and Policy Procedure Rules in Part 4.

Petitions

- 6.6 Citizens may submit a petition to the Combined Authority or the Mayor. Any petition received by the Combined Authority will be dealt with in accordance with the Petitions Scheme in Part 4.

Complaints

- 6.7 Citizens have the right to complain to the Combined Authority under its complaints scheme, or the Local Government and Social Care Ombudsman (after using the Combined Authority's complaints scheme).
- 6.8 Citizens may submit any complaint about the conduct of a Combined Authority Member to the Combined Authority's Monitoring Officer in writing, in accordance with the Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5 of this Constitution.
- 6.9 In relation to PCC Functions, Citizens may submit a complaint about the conduct of the Mayor or Deputy Mayor for Policing and Crime to the Police and Crime Panel⁵.

Citizen's Responsibilities

- 6.10 Citizens must not be violent, abusive or threatening to Combined Authority Members, Co-optees or officers, and must not wilfully harm the property of the Combined Authority, any Combined Authority Member, Co-optee or officer.

⁴ In accordance with Section 96 of the Police Act 1996

⁵ That is, the West Yorkshire Police and Crime Panel - Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62

Part 2 - Articles

Article 7 – Ordinary (Non-Statutory) Committees

Decision-making committees

- 7.1 The Combined Authority is required to appoint an audit committee and one or more overview and scrutiny committee. These are statutory committees – see further Articles 8 and 9.
- 7.2 The Combined Authority may also appoint an **ordinary** (that is, non-statutory) **committee**¹ to carry out **Non-Mayoral Functions**.² This does not prevent the Combined Authority from exercising any such function³.
- 7.3 The Combined Authority shall fix the **number of members** of an ordinary committee and their **term of office**⁴.
- 7.4 Other than for a committee for regulating and controlling the finance of the Combined Authority, membership of a decision-making committee may include **Co-optees** (that is, persons who are not a Combined Authority Member)⁵ – see further 7.15 below in relation to the voting rights of any co-optee.
- 7.5 The Mayor is **not** authorised by law to delegate a **Mayoral Function** to a committee. Nor can the Combined Authority arrange for a committee or sub-committee to exercise a Mayoral Function.⁶

Decision-making sub-committees

- 7.6 A committee may appoint one or more sub-committees,⁷ and, unless the Combined Authority otherwise directs, the committee may arrange for a sub-committee or officer to exercise any of its functions.⁸ This does not prevent the committee from exercising any such function.⁹

¹ In accordance with Section 102(1) of the Local Government Act 1972

² Sections 101(1) of the 1972 Act. Not all Non-Mayoral Functions may be carried out by a committee; for example, the Combined Authority's functions with respect to levying or issuing a precept for a rate shall only be exercised by the Combined Authority – Section 101(6) of the 1972 Act

³ Any reference to a function in this is to be taken as including a reference to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of the function – Section 101(12) of the 1972 Act

⁴ Section 102(2). A member of a committee who is a Combined Authority Member shall cease to be a member of the committee on ceasing to be a Combined Authority Member – Section 102(5) of the 1972 Act

⁵ Section 102(3) of the 1972 Act. Section 104 of the 1972 Act sets out disqualification criteria in respect of membership of a committee or sub-committee.

⁶ Section 101(1D) of the 1972 Act

⁷ Section 102(1)(c) of the 1972 Act

⁸ Section 101(2) of the 1972 Act

⁹ Section 101(4) of the 1972 Act

- 7.7 Any committee which appoints a sub-committee shall fix the **number of members** of the sub-committee and their **term of office**.¹⁰ Other than for a sub-committee for regulating and controlling the finance of the Combined Authority, membership of a decision-making sub-committee may include **Co-optees**.¹¹
- 7.8 Unless the Combined Authority or the committee directs otherwise, a sub-committee may arrange for an officer to exercise any of its functions. This will not prevent the sub-committee from exercising any such function.¹²

Advisory committees and sub-committees

- 7.9 The Combined Authority may appoint a committee to advise the Combined Authority on any matter relating to the exercise of functions of the Combined Authority.¹³ Membership of an advisory committee may consist of **Co-optees** appointed for a term fixed by the Combined Authority.¹⁴
- 7.10 An advisory committee may appoint one or more sub-committees to advise the committee¹⁵.

General

- 7.11 The functions which a committee may exercise are set out in the committee's **terms of reference** – see further Part 3.
- 7.12 The Combined Authority may make **standing orders** for any committee or sub-committee with respect to quorum, proceedings and place of meeting¹⁶ – see further the Combined Authority Procedure Rules and the Access to Information Rules in Part 4. Subject to any standing orders made by the Combined Authority, the committee or sub-committee may determine the quorum, proceedings and place of meeting.
- 7.13 **Private Sector Representatives** on committees and sub-committees are appointed in accordance with the Recruitment and Appointment Procedure for Private Sector Representatives in Part 5.
- 7.14 **Allowances** for Co-optees are set out in the Combined Authority's Members' Allowances Scheme in Part 6.

¹⁰ Section 102(2) of the 1972 Act.

¹¹ Section 102(3) of the 1972 Act. Section 104 of the 1972 Act sets out when people will be disqualified from being a member of a committee or sub-committee.

¹² Section 101(4) of the 1972 Act

¹³ Section 102(4) of the 1972 Act

¹⁴ Section 102(4) of the 1972 Act

¹⁵ Section 102(4) of the 1972 Act

¹⁶ Section 106 of the 1972 Act

Voting rights

- 7.15 A Co-optee who is a member of an ordinary **decision-making committee or sub-committee** appointed by the Combined Authority shall be a non-voting member of that committee or sub-committee unless that person:
- is a member of one of the Constituent Councils, or
 - is a member appointed from the Non-Constituent Council or the LEP given voting right by resolution of the Combined Authority¹⁷, and
 - in relation to a sub-committee, is a member of the committee which appointed the sub-committee.
- 7.16 No person who is a member of an **advisory committee or sub-committee** is required to be treated as a non-voting member of that committee or sub-committee.¹⁸

¹⁷ Schedule 1 of the West Yorkshire Combined Authority Order 2014

¹⁸ Section 13(4)(e) and S13(4)(h) of the Local Government and Housing Act 1989

Part 2 - Articles

Article 8 – Overview and Scrutiny

- 8.1 The Combined Authority must appoint one or more overview and scrutiny committees¹. An overview and scrutiny committee may appoint one or more sub-committees to carry out any of its functions².
- 8.2 The Combined Authority's arrangements must ensure that the overview and scrutiny committee has power (or its overview and scrutiny committees have power between them) to
- review or scrutinise any decision made or other action taken by the Combined Authority in connection with exercising any Non-Mayoral Function,
 - make reports or recommendations to the Combined Authority with respect to exercising any Non-Mayoral Function,
 - review or scrutinise decisions made or other action taken by the Mayor in connection with exercising any Mayoral General Function,
 - make reports or recommendations to the Mayor with respect to exercising any Mayoral General Function, and
 - make reports or recommendation to the Combined Authority or the Mayor on matters that affect the Combined Authority's Area or its inhabitants.

Call-in of decisions

- 8.3 The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power³ to call-in a decision; that is,
- direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
 - recommend that the decision be reconsidered.

Accountability mechanisms

- 8.4 An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined Authority Member or an officer of the Combined Authority to attend before it to answer questions⁴.

¹ Paragraph 1 of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009

² Paragraph 2 of Schedule 5A of the 2009 Act.

³ Paragraph 1(4) of Schedule 5A of the 2009 Act

⁴ Paragraph 2 of Schedule 5A of the 2009 Act

- 8.5 An overview and scrutiny committee or sub-committee may require the Combined Authority or the Mayor to respond to any report or recommendation – see further Scrutiny Standing Orders in Part 4.⁵

Proceedings

- 8.6 An overview and scrutiny committee and any sub-committee will follow the Scrutiny Standing Orders in Part 4.

Membership

- 8.7 The Combined Authority shall appoint at least one elected member of each Constituent Council and the Non-Constituent Council to each overview and scrutiny committee⁶.
- 8.8 The majority of members of any overview and scrutiny committee or sub-committee must be elected members of the Constituent Councils⁷.
- 8.9 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.⁸
- 8.10 Neither the Mayor nor any other Combined Authority Member may be a member of an overview and scrutiny committee or sub-committee⁹.
- 8.11 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 appointment¹⁰ on the Combined Authority's web-site.

Voting

- 8.12 Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a Constituent Council, has one vote.¹¹
- 8.13 Any member of an overview and scrutiny committee not from a Constituent Council is non-voting unless the Combined Authority has resolved to give such a member voting rights.¹²

⁵ Article 7 of the 2017 Order

⁶ Paragraph 4(2) of Schedule 1 of the West Yorkshire Combined Authority Order 2014 as amended

⁷ Article 3 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

⁸ Article 4 of the 2017 Order

⁹ Paragraph 2(3) of Schedule 5A of the 2009 Act

¹⁰ Article 4 of the 2017 Order

¹¹ Article 3(3) of the 2017 Order

¹² Article 4(3) of the 2014 Order as amended

8.14 A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.¹³

Chair

8.15 The Combined Authority will appoint the Chair¹⁴ of any overview and scrutiny committee.

8.16 The Chair must be:

- an independent person¹⁵, or
- an appropriate person who is a member of one of the Constituent Councils (that is, a person who is not a member of a registered political party of which the Mayor is a member)¹⁶.

Quorum

8.17 For business to be transacted at a meeting, two thirds of the total number of members of the committee or sub-committee must be present.

Scrutiny Officer

8.18 The Council must designate one of its officers as a Scrutiny Officer, to

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

8.19 The Combined Authority cannot designate as Scrutiny Officer any officer of a Constituent Council¹⁷.

¹³ Article 3 of the 2017 Order

¹⁴ Paragraph 3 of Schedule 5A of the 2009 Act

¹⁵ As defined by Article 5 of the 2017 Order

¹⁶ Paragraph 3 of Schedule 5A of the 2009 Act. Where the Mayor is not a member of a registered political party, a person may not be appointed as Chair if that person is a member of the registered party which has the most representatives among the members of the Constituent Councils on the Combined Authority, or, where two or more parties have the same number of representatives, a member of any of those parties - Article 5 of the 2017 Order.

¹⁷ Article 9(3) of the 2017 Order

Part 2 - Articles

Article 9 – Audit and Ethical Arrangements

Audit Committee arrangements

- 9.1 The Combined Authority must appoint an audit committee.¹
- 9.2 The functions of an audit committee include²:
- reviewing and scrutinising the Combined Authority's financial affairs,
 - reviewing and assessing the Combined Authority's risk management, internal control and corporate governance arrangements,
 - reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions,
 - making reports and recommendations to the Combined Authority in relation to any reviews it conducts.
- 9.3 The functions of the Combined Authority's audit committee are set out in the committee's **terms of reference** – see further Part 3.
- 9.4 The Combined Authority must ensure that the members of the audit 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.³
- 9.5 The audit committee may not include any officer of the Combined Authority or of a Constituent Council.⁴
- 9.6 The Combined Authority must appoint to the audit committee at least one independent person.⁵
- 9.7 The quorum for an audit committee must be no fewer than two-thirds of the total number of members of the committee.⁶

¹ Paragraph 4(1) of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009 and Article 14 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

² Paragraph 4 of Schedule 5A of the 2009 Act

³ Article 14(1) of the 2017 Order

⁴ Article 14(2) of the 2017 Order

⁵ In accordance with Article 14 of the 2017 Order.

⁶ Article 14 of the 2017 Order

- 9.8 A joint body may be appointed to consider the internal and external audit reports of both the Mayor in respect of PCC Functions and the Chief Constable, and to advise according to good governance principles including the adoption of appropriate risk management arrangements in accordance with proper practices⁷.

Internal audit

- 9.9 The Combined Authority has a duty to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.⁸

External audit

- 9.10 The Combined Authority must appoint a Local Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.⁹
- 9.11 The Local Auditor may issue an advisory notice to the Combined Authority if they consider that the Combined Authority or an officer has undertaken or is about to undertake unlawful action that has financial implications.¹⁰

Audit of accounts

- 9.12 The Combined Authority must prepare a **statement of accounts** in respect of each financial year – see further Article 14 (Finance, Contracts and Legal matters). The Combined Authority's accounts for a financial year must be audited by a Local Auditor.¹¹
- 9.13 A Local Auditor carrying out an audit of accounts may apply to the Court for a declaration that the item of account is unlawful.¹²
- 9.14 The accounts of the Chief Constable must be audited by the Local Auditor appointed by the Combined Authority to audit the accounts for the financial year.¹³
- 9.15 At each audit of accounts, any person interested may inspect and make copies of the Combined Authority's accounting records and related records,

⁷ Home Office guidance - Financial Management Code of Practice. Audit Committees, Practical Guidance for Local Authorities and Police, CIPFA 2018.

⁸ Regulation 6 of the Accounts and Audit Regulations 2015 and Schedule 2 of the Local Audit and Accountability Act 2014; the Combined Authority is a 'relevant authority' for these purposes.

⁹ Section 7 of the 2014 Act

¹⁰ Section 29 of the 2014 Act

¹¹ In accordance with Section 4(1) of the 2014 Act. Accounts in this context means the Combined Authority's accounting records and statement of accounts – see further Article 14 (Finance, Contracts and Legal).

¹² Section 28 of the 2014 Act

¹³ Section 2 of the 2014 Act

subject to exceptions in relation to commercial confidentiality and personal information¹⁴.

- 9.16 A local government elector or their representative must be given the opportunity to question the Local Auditor¹⁵ and may make an objection to the Local Auditor¹⁶ and appeal to the Court against any decision by the Local Auditor not to consider the objection or apply to Court for a declaration that an item is of account is unlawful.¹⁷

Ethical arrangements - Member Standards and Conduct

- 9.17 The Combined Authority must promote and maintain high standards of conduct by Combined Authority Members and Co-optees.¹⁸
- 9.18 The Combined Authority must adopt a Code to deal with the conduct expected of Combined Authority Members and Co-optees when they are acting in that capacity.¹⁹ The Combined Authority may also adopt such other Codes of Practice or Protocols as it considers appropriate to promote and maintain high standards of conduct – see further Part 5.
- 9.19 The Code must when viewed as a whole, be consistent with the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Code must include provision in respect of registering and disclosing interests - see further the Members' Code of Conduct in Part 5.
- 9.20 The Combined Authority must put in place arrangements under which allegations of a failure to comply with the Code can be investigated, and under which decisions on allegations can be made – see further the terms of reference of the Governance and Audit Committee in Part 3 and the Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5.
- 9.21 The Combined Authority's must appoint at least one independent person.²⁰ The views of the independent person
- must be sought and taken into account by the Combined Authority before it makes its decision on an allegation it has decided to investigate, and

¹⁴ Section 25 and 26 of the 2014 Act

¹⁵ Section 26 of the 2014 Act

¹⁶ In accordance with Section 27 of the 2014 Act

¹⁷ Section 28(3) of the 2014 Act.

¹⁸ Section 27 of the Localism Act 2011

¹⁹ Section 27 of the 2011 Act

²⁰ In accordance with Section 28 of the 2011 Act

- may be sought by the Combined Authority in other circumstances, or by a Combined Authority Member or Co-optee whose behaviour is the subject of an allegation.

9.22 In relation to PCC Functions, any serious complaint and conduct matter in relation to the Mayor and to a Deputy Mayor of Policing and Crime who is a Combined Authority Member must be passed to the Director General of the Independent Office for Police Conduct.²¹ Any other complaint will be referred by the Police and Crime Panel to the Monitoring Officer to deal with in accordance with the Combined Authority's Members' Code of Conduct – see above.

9.23 If the complaint concerns the conduct of a Deputy Mayor for Policing and Crime who is not a Combined Authority Member when the complaint is recorded, the Police and Crime Panel shall make arrangements for the complaint to be subject to informal resolution.²²

Ethical Arrangements – Officer Standards and Conduct

9.24 An officer must comply with the applicable Officer Code of Conduct, and any applicable protocol or policy relating to ethical standards - see further Article 9 (Audit and Ethical Standards) and Part 5.

9.25 The Monitoring Officer shall keep a record of interests disclosed to them by an officer in accordance with any Officer Code of Conduct in Part 5 of this Constitution, and make the record available for inspection by a Combined Authority Member²³.

Ethical Arrangements – role of the Monitoring Officer

9.26 The Monitoring Officer must maintain a register of interests of Combined Authority Members and voting Co-optees of the Combined Authority²⁴ and secure that the register is:

- available for inspection in the Combined Authority Area at reasonable hours, and
- published on the Combined Authority's website.

9.27 The Monitoring Officer also has a role in relation to allegations submitted of a failure to comply with the Members' Code of Conduct – see above.

²¹ Section 31 of the Police Reform and Social Responsibility Act 2011 and in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62

²² In accordance with Regulation 28 of the 2012 Regulations

²³ Including a pecuniary interest in a contract under Section 117 of the Local Government Act 1972

²⁴ Section 29 of the Localism Act 2011

Part 2 - Articles

Article 10 – The LEP

Role of the LEP

10.1 The LEP is an autonomous business-led public private local partnership which brings together the private and public sectors from across the City Region to:

- provide strategic leadership,
- unlock the region’s vast potential by enabling business to grow and develop,
- stimulate growth that will create jobs and prosperity for everyone who lives, works and does business in the region,
- develop strategy and policy aimed at meeting both the current and future needs for the region’s economy, and
- deliver schemes that support businesses and accelerate growth.

The Combined Authority as accountable body for the LEP

10.2 The Combined Authority is the accountable body for the LEP, responsible for:

- carrying out finance functions on behalf of the LEP,
- oversight of the LEP’s financial and governance, transparency and accountability arrangements, and
- providing additional support as agreed by the LEP.

The LEP Member

10.3 The LEP nominates a representative to the Combined Authority to be appointed as a Combined Authority Member by the Combined Authority (the LEP Member). A Substitute Member is also appointed to act in the absence of the LEP Member. The terms of office and voting rights of the LEP Member are set out in Article 3 (Membership of the Combined Authority).

LEP Governance

10.4 Responsibility for LEP decision-making rests with its LEP Board, the decision-making forum for the LEP.

10.5 The LEP has a private sector Chair.

10.6 The Mayor is a member of the LEP.

10.7 Advisory committees of the Combined Authority also advise the LEP.

10.8 The LEP Constitution and other related governance documents are approved by the LEP Board (*insert link*).

The Assurance Framework

- 10.9 The Combined Authority and the LEP have agreed a joint Assurance Framework, which sets out the arrangements that the Combined Authority and the LEP have in place to ensure that public money is managed effectively. It explains how the Combined Authority and the LEP identify, appraise and evaluate schemes to achieve value for money.
- 10.10 The focus of the Assurance Framework is to ensure that necessary practices and standards are implemented to provide the Government, Combined Authority, the LEP and local partners with assurance that decisions over funding (and the means by which these decisions are implemented) are proper, transparent and deliver value for money.
- 10.11 The Assurance Framework also sets out the respective roles and responsibilities of the Combined Authority and the LEP, including how the formal accountability relationship between the Combined Authority and the LEP works.

Part 2 - Articles

Article 11 – Joint arrangements and Partnership working

Joint arrangements – Non-Mayoral Functions and Mayoral General Functions

- 11.1 Arrangements made by the Combined Authority for exercising Non-Mayoral Functions may include joint arrangements with one or more other local authorities – see further Article 2 (the Combined Authority).
- 11.2 The Mayor may enter into arrangements jointly⁵² with the Combined Authority, the Constituent Councils and other councils⁵³ for the discharge of the Mayoral General Functions.
- 11.3 Part 3 of the Constitution sets out any joint arrangements agreed by the Combined Authority or the Mayor.

Transport for the North

- 11.4 The Combined Authority is a Constituent Authority of Transport for the North, a sub-national transport body.¹
- 11.5 As a Constituent Authority, the Combined Authority appoints a Combined Authority Member to be a voting member of Transport for the North. This must be the Mayor or a Constituent Council Combined Authority Member with responsibility for transport.²
- 11.6 The Combined Authority must also appoint a substitute for the voting member.
- 11.7 The Combined Authority may terminate either appointment at any time, by written notice to Transport for the North.
- 11.8 In addition to its general functions as a sub-national transport body and other functions relating to highways and franchising, the Combined Authority has consented to Transport for the North exercising functions concurrently with the Combined Authority in respect of making capital grants towards capital expenditure on public transport facilities, and in respect of ticketing schemes.

¹ Sub-national Transport Body (Transport for the North) Regulations 2018/103

² Transport Act 2000 and Paragraph 1 of the 2018 Regulations.

PCC Functions

- 11.9 The Mayor may enter into emergency services collaboration agreements³, subject to specified restrictions and further to consultation with the Chief Constable. Such an agreement may not include provision for the delegation of any function where that function may not otherwise be delegated.
- 11.10 The Mayor may also enter into collaboration agreements in relation to functions of members of a police force or support for a policing body.⁴ The Mayor must publish any such agreement or publish the fact that the agreement has been made and such other details as the Mayor considers appropriate.⁵
- 11.11 The Mayor must in exercising PCC Functions, have regard to the relevant priorities of each responsible authority, as defined by Section 5 of the Crime and Disorder Act 1998.
- 11.12 The Mayor in exercising PCC Functions and any responsible authority in exercising its functions conferred by or under Section 6 of the Crime and Disorder Act 1998 must act in co-operation with each other.
- 11.13 The Mayor and the criminal justice bodies in the Police Area must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the Police Area.

³ In accordance with Sections 1- 5 of the Policing and Crime Act 2017

⁴ In accordance with Sections 22A – 23 H of the Police Act 1996

⁵ Section 23E of the 1996 Act

Part 2 – Articles

Article 12 – Officers

Statutory Officers

12.1 The Combined Authority is required to appoint or designate the following statutory officers:

- Head of Paid Service¹,
- Monitoring Officer², and
- Section 73 Chief Finance Officer³,

12.2 By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of the Combined Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness⁴.

Statutory Officer	Post-holder	Deputy
Head of Paid Service	Managing Director	Director of Corporate Services
Section 73 Chief Finance Officer	Director of Corporate Services	Head of Finance ⁵
Monitoring Officer	Head of Legal & Governance Services	Governance Services Manager ⁶

Head of Paid Service

12.3 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Combined Authority setting out their proposals in relation to:

¹ Designated under Section 4 of the Local Government and Housing Act 1989 and may be the Section 73 Chief Finance Officer if a qualified accountant

² Designated under Section 5 of the 1989 Act.

³ Section 73 of the Local Government Act 1985; the Section 73 Chief Finance Officer must be qualified in accordance with Section 113 of the Local Government Finance Act 1988.

⁴ Section 5(7) of the 1989 Act (Monitoring Officer) and Section 114 of the Local Government Finance Act 1988 (Section 73 Chief Finance Officer)

⁵ Nominated by the Section 73 Chief Finance Officer under Section 114(6) of the 1988 Act

⁶ Nominated by the Monitoring Officer under section 5(7) of the 1989 Act

- the manner in which the discharge by the Combined Authority of its different functions is co-ordinated,
- the number and grades of staff required by the Combined Authority for discharging its functions,
- the organisation of the Combined Authority's staff, and
- the appointment and proper management of the Combined Authority's staff.

The Combined Authority must consider any such report at a meeting within three months of the report first being sent to the Combined Authority Members⁷.

- 12.4 The Head of Paid Service shall, as soon as practicable after preparing any report relating to the Mayor's PCC Functions⁸, arrange for a copy of it to be sent to the Combined Authority Members (including the Mayor) and to the Police and Crime Panel.
- 12.5 The Head of Paid Service will receive the declaration of the Mayor in relation to the duty of exercising PCC Functions for West Yorkshire⁹.
- 12.6 The Head of Paid Service must¹⁰ consider any application for exemption from political restriction in respect of any post in the Combined Authority by the holder for the time being of that post, and may¹¹ give directions to the Combined Authority to include a post in the list of politically restricted posts.

Monitoring Officer

- 12.7 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority¹² would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report¹³ to each Combined Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Combined Authority Members. The Combined Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.¹⁴

⁷ Section 4(5) of the 1989 Act

⁸ Section 4(4) of the 1989 Act, as modified by paragraph 9(3) of Schedule 5 of the 2021 Order

⁹ Section 70 of the 2011 Act, modified by the 2021 Order

¹⁰ Section 3A(1)(a) of the 1989 Act

¹¹ Section 3A(1)(b) of the 1989 Act

¹² Or by any committee or sub-committee, or person holding any office of employment under the Combined Authority or by any joint committee on which the Combined Authority are represented

¹³ Section 5 of the 1989 Act

¹⁴ Section 5(5) and (6) of the 1989 Act

12.8 If it appears to the Monitoring Officer that any proposal, decision or omission by the Mayor in relation to PCC Functions would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report¹⁵ to the Mayor, to every other Combined Authority Member and to the Police and Crime Panel¹⁶, (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Mayor must consider the report no later than three months after the Mayor is sent a copy of the report.

12.9 The Monitoring Officer has a statutory role in respect of promoting and maintaining ethical standards – see further Article 9 (Audit and Ethical Arrangements).

Section 73 Chief Finance Officer

12.10 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined Authority in accordance with Section 73 of the Local Government Act 1985.

12.11 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report¹⁷ if it appears to the Section 73 Chief Finance Officer that the Combined Authority¹⁸

- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
- has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
- is about to enter an item of account unlawfully.

12.12 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Combined Authority incurred in a financial year is likely to exceed the resources available to the Combined Authority.

12.13 The Section 73 Chief Finance Officer must send a copy of any such report to the local auditor and to each Combined Authority Member¹⁹. The Combined Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined Authority Members, and decide whether to agree or disagree with the views contained in it, and what action it

¹⁵ Section 5 of the 1989 Act

¹⁶ Section 5 of the 1989 Act, as amended by section 9(4) of Schedule 5 of the 2021 Order

¹⁷ Section 6 of the 1989 Act

¹⁸ Or a committee, a person holding any office or employment under the Combined Authority or a joint committee on which the Combined Authority is represented

¹⁹ Section 114 of the 1988 Act

proposes to take.²⁰ The local auditor must be notified of meeting and as soon as practicable, any decision taken at the meeting.²¹

12.14 Where the report relates to the Mayor's PCC Functions, the report must be sent to each member of the Police and Crime Panel, and the Mayor must within 21 days consider the report, and decide whether to agree or disagree with the views contained in it, and what action (if any) they propose to take, setting this out in a report.²² The Mayor must send the report to the Section 73 Chief Finance Officer, the local auditor and each member of the Police and Crime Panel. The Section 73 Chief Finance Officer must notify the local auditor of any decision taken by the Mayor²³.

12.15 There are restrictions on the actions which may be taken during the period beginning when the report is sent and ending after the Combined Authority has considered the report.²⁴

Data Protection Officer

12.16 The Combined Authority is required to designate an officer as its Data Protection Officer²⁵. who is responsible for:

- informing and advising the Combined Authority and its employees about their obligations to comply with the General Data Protection Regulations (GDPR) and other data protection laws,
- monitoring compliance with the GDPR and other data protection laws, including:
 - managing internal data protection activities,
 - advising on data protection impact assessments,
 - training staff, and
 - conducting internal audits in relation to data.
- being the first point of contact for supervisory authorities and for individuals whose data is processed.

Scrutiny Officer

12.17 The Combined Authority is required to designate an officer as its Scrutiny Officer - see further Article 8 (Overview and Scrutiny).

²⁰ Section 115 of the 1988 Act

²¹ Section 116 of the 1988 Act

²² S115(1B) of the 1988 Act

²⁴ Section 155 of the 1988 Act

²⁵ Section 69 of the Data Protection Act 2018

Proper officers

12.18 The Combined Authority is required to appoint Proper Officers²⁶ to discharge specific functions.

12.19 The Proper Officers for the Combined Authority are set out in the Officer Delegation Scheme in Section 4 of Part 3 (Responsibility for Functions) of the Constitution.

Duty to Provide Sufficient Resources

12.20 The Combined Authority will provide the Head of Paid Service, Monitoring Officer, Section 73 Chief Finance Officer²⁷ and Data Protection Officer with such officers, accommodation and other resources as are in the opinion of the officer sufficient to allow their duties to be performed.

Political Restrictions

12.21 The following are regarded as holding politically restricted posts under the Combined Authority²⁸:

- specified senior officers, and
- every member of staff of the Combined Authority deployed predominantly in relation to the Mayor's PCC Functions²⁹,
- the Mayor's Political Advisor.³⁰

12.22 The Combined Authority must also maintain a list of other posts which are politically restricted.

12.23 Requirements for restricting political activities apply to these postholders.

Delegation to Officers

12.24 Non-Mayoral Functions may be exercised by an officer with delegated authority – see further Article 2 (the Combined Authority) and the Officer Scheme of Delegation in Part 3 of the Constitution.

12.25 Mayoral Functions (Mayoral General Functions and PCC Functions) may be exercised by an officer in accordance with arrangements made by the Mayor - see further Articles 4 and 5 and the Officer Scheme of Delegation in Part 3 of the Constitution.

12.26 Officers must comply with Article 13 (Decision-making) when exercising authority delegated to them.

²⁶ Section 270(3) of the 1972 Act

²⁷ Section 114 of the Local Government Finance Act 1988

²⁸ Sections 1 and 2 of the Local Government and Housing Act 1989

²⁹ Excluding the Deputy Mayor for Policing and Crime

³⁰ Article 4 of the 2021 Order

Conduct

12.27 An officer must comply with the applicable Officer Code of Conduct, and any applicable protocol or policy relating to ethical standards - see further Article 9 (Audit and Ethical Standards) and Part 5.

Employment

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

- the operator of any public passenger transport services,
- 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.³¹

12.29 A Combined Authority Member is disqualified from being appointed as an officer³².

Appointment: canvassing of and recommendations by Members

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

12.31 A Combined Authority Member 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.

Appointment: Relatives of Members or officers

12.32 A candidate for any appointment under the control of the Combined Authority who is related to any officer or Combined Authority Member shall, when making application, disclose that relationship to the Head of Paid Service³. A candidate who fails to disclose such relationship will be:

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

12.33 A Combined Authority Member or officer shall disclose to the Head of Paid Service any relationship known to exist between the Combined Authority

³¹ In accordance with S9A(8) Transport Act 1968

³² Section 116 of the 1972 Act

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.

- 12.34 No candidate so related to a Combined Authority Member or officer will be appointed without the approval of the relevant officer with delegated authority identified for those purposes in the Officer Delegation Scheme.

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Part 2 - Articles

Article 13 – Decision making

Principles of Decision Making

13.1 All decisions of the Combined Authority, including those made by or on behalf of the Mayor, by a committee or an officer, should be made in accordance with the following principles:

- proportionality (that is the action must be proportionate to the desired outcome),
- due consultation and the taking of professional advice from officers,
- having regard to relevant and material considerations and disregarding irrelevant considerations,
- guarding against any form of predetermination in any decision-making process,
- consideration of any alternative options,
- respect for human rights,
- a presumption in favour of openness and transparency,
- clarity of aims and desired outcomes,
- the giving of reasons for the decision and the proper recording of those reasons.

13.2 All decision-makers are expected to make decisions in accordance with this Article and subject to:

- statute or other legal requirements, including the principles of public law, statutory guidance and statutory codes of practice,
- the Human Rights Act 1998 and the Equality Act 2010, including the Public Sector Equality Duty¹,
- this Constitution, including the standing orders in Part 4,
- the revenue and capital budgets of the Combined Authority, subject to any variation permitted by the Combined Authority's Financial Regulations in Part 4 and

¹ Section 149 of the Equality Act 2010

- any policy or direction of the Combined Authority, or any committee sub-committee or joint committee acting in exercise of functions delegated to it by the Combined Authority.

Key Decisions

13.3 A Key Decision² means a decision of a decision-maker in the exercise of Non-Mayoral or Mayoral General Functions that is likely 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
- 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 Combined Authority's Area.

13.4 The Access to Information Rules at Part 4 of this Constitution set out the procedure for publishing the intention to make a Key Decision (that is publication on the Forward Plan), and the provisions for making urgent decisions.

13.5 A decision-maker may only make a Key Decision in accordance with the requirements of the:

- Access to Information Rules, and
- Combined Authority Procedure Standing Orders, or
- Mayoral Procedure Rules

in Part 4 of this Constitution.

13.6 Any Key Decision may be reviewed or scrutinised by an overview and scrutiny committee - see further Article 8 (Overview and Scrutiny) and the Overview and Scrutiny Standing Orders in Part 4 of this Constitution.

Decision-makers acting as Tribunals

13.7 The Combined Authority, a Combined Authority Member or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

² Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Recording Decisions

- 13.8 Any decision taken at a meeting of the Combined Authority or one of its committees or sub-committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with Access to Information Rules in Part 4 of this Constitution.

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Part 2 - Articles

Article 14 – Finance, Contracts and Legal Matters

Grants

- 14.1 A minister of the Crown may pay a grant or grants to the Combined Authority towards expenditure incurred or to be incurred by the Combined Authority.¹
- 14.2 The Secretary of State makes police grants for the purposes of PCC Functions². These may include grants in respect of capital expenditure and in connection with safeguarding national security.³ The Secretary of State may also provide emergency financial assistance to the Mayor in relation to their exercise of PCC Functions, where an emergency or disaster has occurred.⁴
- 14.3 The Combined Authority (and any Constituent Council) may also make grants to be used in respect of PCC Functions.⁵

Levying

- 14.4 The Combined Authority as a levying body⁶ may issue a levy to Constituent Councils in respect of each financial year to enable the Combined Authority to meet the Combined Authority's liabilities which are reasonably attributable to the exercise of its transport functions⁷ for which provision is not otherwise made. The costs of functions related to transport must be met by a levy issued by the Combined Authority.⁸ The levy cannot be for any expenses attributable to Mayoral Functions⁹.
- 14.5 The Combined Authority shall issue a levy before 15 February preceding the start of the financial year in respect of which it is issued.¹⁰

¹ In accordance with Section 31 of the Local Government Act 2003 or other enactments.

² In accordance with Section 46 of the Police Act 1996

³ In accordance with Section 47 and 48 of the 1996 Act PCC under S101 of the 1996 Act)

⁴ Section 155 of the Local Government and Housing Act 1989

⁵ Section 92 of the 1996 Act, modified by the 2021 Act

⁶ Regulation 3 of the Transport Levying Bodies Regulations 1992/2789

⁷ Section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992

⁸ Article 29(5) of the 2021 Order

⁹ Section 74(13) of the Local Government Finance Act 1988

¹⁰ Regulation 5 of the 1992 Regulations

- 14.6 The amounts for which levies are issued are borne by the Constituent Councils by reference to the population of each Constituent Council, to be paid in full in the financial year for which the levy is issued.¹¹

Borrowing

- 14.7 The Combined Authority may borrow for any purpose relevant to its **transport functions**.¹² The Mayor may borrow for any purpose relevant to **PCC Functions**.¹³ Borrowing powers are subject to and in accordance with setting an affordable borrowing limit and any limits imposed by the Secretary of State.¹⁴
- 14.8 The Chief Constable may with the consent of the Mayor temporarily borrow sums and invest.¹⁵

Precept

- 14.9 Costs of the Mayor incurred in or in connection with the exercise of **Mayoral Functions** (that is Mayoral General Functions and PCC Functions) are met from precepts issued by the Combined Authority¹⁶ to each Constituent Council (in its capacity as a billing authority).
- 14.10 The Combined Authority is a major precepting authority under the Local Government and Finance Act 1992¹⁷.
- 14.11 Subject to transitional provisions¹⁸, for each financial year the Combined Authority shall issue a precept. The precept may be issued only in relation to expenditure incurred by the Mayor in or in connection with the exercise of Mayoral Functions.¹⁹

¹¹ In accordance with the 1992 Regulations

¹² Section 1 of the Local Government Act 2003, as applied by Section 23 of the 2003 Act

¹³ Exercising the functions of PCC as a local authority - Section 23 of the 2003 Act

¹⁴ Sections 3 and 4 of the 2003 Act and the (Capital Finance and Accounting) England Regulations 2003/3146; controls in respect of credit arrangements must be complied with and regard had to the CIPFA Prudential Code for Capital Finance in Local Authorities.

¹⁵ In accordance with paragraph 7A of Schedule 2 of the 2011 Act

¹⁶ Article 3 of the Combined Authorities (Finance) Order 2017/611. This is subject to transitional provisions

¹⁷ Section 39 of the Local Government Finance Act 1992. (The Mayor is not a major precepting authority; Paragraph 15 of Schedule 6 to the 2021 Order).

¹⁸ The costs of the Mayor for the financial year commencing on 1 April 2021 are to be met from precepts issued by the PCC - Article 30 of the 2021 Order

¹⁹ In accordance with Section 40 of the Local Government Finance Act 1992

- 14.12 The function of issuing precepts in respect of Mayoral Functions is exercisable only by the Mayor acting on behalf of the Combined Authority.²⁰
- 14.13 The precept issued to a billing authority must state:
- the amount calculated in relation to the year and each category of dwellings in the billing authority's area (see further below), and
 - the amount calculated as the amount payable by the billing authority for the year.²¹
- 14.14 The amounts must be stated separately in respect of a PCC component and a general component (further see below.)²²
- 14.15 When calculating the amount in relation to the year and each category of dwellings in each billing authority's area, the Combined Authority must calculate the following:
- the council tax requirement,²³
 - the basic amount of council tax,²⁴
 - any calculations in respect of special items,²⁵ and
 - tax for different valuation bands.²⁶
- 14.16 Calculations must be made separately in respect of the Mayor's PCC Functions (the PCC component) and the Mayor's Mayoral General Functions (the general component).²⁷ The function of calculating the component in respect of PCC Functions is itself treated as a PCC Function, (that is, must be carried out by the Mayor).
- 14.17 Where calculations are made in respect of the council tax requirement, the Section 73 Chief Finance Officer must report to the Combined Authority on
- the robustness of the estimates made for the calculations, and
 - the adequacy of the proposed financial reserves.²⁸
- 14.18 The Combined Authority must review its calculations in respect of the council tax requirement from time to time during the financial year and

²⁰ Section 107G of the Local Democracy, Economic Development and Construction Act 2009

²¹ Calculated in accordance with Section 48 of the 1992 Act, as modified by the Combined Authorities (Finance) Order 2017

²² Section 40 of the 1992 Act, modified by Schedule 1 of the Combined Authorities (Finance) Order 2017/611

²³ In accordance with Section 42A of the 1992 Act

²⁴ In accordance with Section 42B of the 1992 Act

²⁵ In accordance with Section 45 of the 1992 Act

²⁶ In accordance with Section 48 of the 1992 Act

²⁷ Section 42A of the 1992 Act, modified by Schedule 1 of the 2017 Order

²⁸ Section 25 of the Local Government Act 2003, in accordance with Sections 26 and 27 of the 2003 Act

take such action as it considers necessary if it appears there has been a deterioration in its financial position.²⁹

- 14.19 The Budget and Policy Procedure Rules in Part 4 of the Constitution set out further details about the approval of the precept in respect of the process for approving the Budget, including the review of the PCC component of the Mayor's precept by the Police and Crime Panel, and the review of the general component by the Combined Authority.
- 14.20 The Combined Authority must issue a precept before the 1 March in the financial year preceding that for which it is issued.³⁰
- 14.21 Before the Combined Authority issues the precept, the Combined Authority must consult representatives of non-domestic rate payers, about its proposals for expenditure.³¹
- 14.22 The Combined Authority must determine whether its relevant basic amount of council tax for a financial year is excessive and notify the appropriate billing authorities that they are required to hold a referendum in accordance with the Local Government Finance Act 1992
- 14.23 The Secretary of State has power to direct the Mayor that the PCC component council tax requirement for any financial year shall not be less than a specified amount³². Any determination by the Mayor of the final amount of the PCC component which is inconsistent with any such direction shall be void.
- 14.24 The Combined Authority as major precepting authority must determine whether its basic amount of council tax for a financial year is excessive, in accordance with a set of principles determined by the Secretary of State for the year, by separate reference to those parts of the precept which relate to the PCC component and the general component.³³ Where either or both parts are excessive, the Combined Authority must notify each billing authority accordingly, which is required to hold a referendum.³⁴

²⁹ Section 28 of the 2003 Act

³⁰ Section 40(5) of the Local Government Finance Act 1992. Section 40(5) sets out the earliest date at which the precept may be issued.

³¹ In accordance with Section 65 of the 1992 Act and relevant regulations, and having regard to any guidance issued by the Secretary of State.

³² In accordance with Section 41 of the Police Act 1996, modified by paragraph 10 of Schedule 5 of the 2021 Order. This is subject to any limitation imposed under Chapter 4ZA or IV of Part 1 of the Local Government Finance Act 1992 – Section 41(2) of the 1996 Act.

³³ In accordance with Section 52ZB and 52ZC of the 1992 Act

³⁴ Section 52ZB and Section 52ZK of the 1992 Act

Business Rates Supplements functions

14.25 The Combined Authority has functions in relation to business rates supplements³⁵. These functions are exercisable only by the Mayor, and cannot be delegated to the Mayor's Political Adviser.³⁶

Requirement to meet costs

14.26 The Constituent Councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.³⁷ This requirement is subject to the following:

- the Constituent Councils must meet the costs of the expenditure reasonably incurred by the Mayor in or in connection with the Mayoral General Functions, to the extent that the Mayor has decided to not to meet these costs from other resources, subject to the agreement of the Combined Authority in advance, and
- the costs of functions related to transport being met by a levy issued by the Combined Authority to the Constituent Councils – see further below.

Approval of Budgets

14.27 The Combined Authority's budget shall be considered and approved in accordance with the Budget and Policy Procedure Rules in Part 4 of the Constitution.

Gifts and loans

14.28 The Mayor may in connection with PCC Functions, accept gifts of money and gifts or loans of other property on such terms as appear to the Mayor to be appropriate³⁸.

Financial administration

14.29 The Combined Authority must make arrangements for the proper administration of its financial affairs, and shall secure that one of its officers has responsibility for the administration of those affairs³⁹ – see further Article 12 (Officers).

³⁵ Article 31 of the 2021 Order

³⁶ In accordance with Article 32 of the 2021 Order.

³⁷ In accordance with Article 29 of the 2021 Order

³⁸ Section 93 of the 1996 Act

³⁹ Section 73 of the Local Government Act 1985

- 14.30 Financial administration must be carried out in accordance with the **Financial Regulations** in Part 4.
- 14.31 The Combined Authority must keep adequate **accounting records**⁴⁰, follow any regulations about accounting practices and have regard to any guidance about accounting practices to be followed, in particular in relation to keeping a revenue account.⁴¹
- 14.32 The Combined Authority must prepare a **statement of accounts** in respect of each financial year⁴², including consolidated accounts in respect of the Mayor's accounts in relation to PCC Functions and the Chief Constable's accounts⁴³.
- 14.33 **Funds** must be maintained for certain transactions, to facilitate audit and the control of expenditure, as follows:
- The Combined Authority must keep a **Combined Authority general fund**, in relation to receipts arising and liabilities incurred.⁴⁴
 - The Mayor must maintain the **Mayor's general fund** in relation to receipts arising and liabilities incurred in the exercise of Mayoral General Functions, and keep account of payments made in and out of the Mayor's general fund.⁴⁵
 - The Mayor must keep a **Police Fund**. All of the Mayor's receipts relating to PCC Functions must be paid into the Police Fund, and expenditure may be paid out of the Police Fund only if, and to the extent that it is incurred in or otherwise relates to the exercise of PCC Functions.⁴⁶ The Mayor must keep accounts of payments made in or out of the Police Fund.⁴⁷

Investments

⁴⁰ In accordance with Section 3 of the Local Audit and Accountability Act 2014. See further Section 21 of the 2003 Act and the Capital Finance and Accounting) England Regulations 2003/3146

⁴¹ Section 21 of the Local Government Act 2003

⁴² Section 3 of the 2014 Act

⁴³ Section 3(3) of the 2014 Act and Article 41 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 and Regulation 15 of the 2015 Regulations

⁴⁴ Section 72 Local Government Act 1985

⁴⁵ Article 11 of the Combined Authorities (Finance) Order 2017/611

⁴⁶ In accordance with Section 21 of the 2011 Act

⁴⁷ Section 21(5) of the 2011 Act

- 14.34 The Combined Authority has the power to invest for any purpose relevant to its functions, or for the prudent management of its financial affairs – see further the Financial Regulations in Part 4.⁴⁸

Contracts

- 14.35 Contracts must be entered into in accordance with the **Contract Standing Orders** in Part 4.
- 14.36 In respect of PCC Functions, the Mayor may make contracts with any person in relation to the supply of goods and services⁴⁹, except in respect of a matter which could be the subject of a force collaboration provision in a collaboration agreement under Section 22A of the Police Act 1996⁵⁰.
- 14.37 Any contracts entered into by the Mayor in the exercise of Mayoral Functions (including PCC Functions) are entered into by the Mayor on behalf of the Combined Authority, and any property rights and liabilities in relation to those contracts vest in the Combined Authority.⁵¹
- 14.38 The Mayor may not enter into a contract for the provision of services to the Chief Constable, if the terms of the contract would permit a barred person to be involved in the exercise of relevant public functions⁵².
- 14.39 The Chief Constable's powers to enter into contracts and other agreements (whether legally binding or not) require the **consent** of the Mayor⁶⁰ – see further Article 5 (PCC Functions).

Legal matters

- 14.40 Requirements in relation to signing and sealing contracts are set out in Contracts Standing Orders and Financial Regulations in Part 4.

⁴⁸ Section 12 of the 2003 Act

⁴⁹ Under the Local Authorities (Goods and Services) Act 1970, as modified by Section 15 of the 2011 Act

⁵⁰ Section 15 of the 2011 Act

⁵¹ The Mayor is not a corporation sole.

⁵² Section 88E of the 1996 Act

Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

This Protocol is dated 2021

Parties

1. **WEST YORKSHIRE COMBINED AUTHORITY** of Wellington House, 40-50 Wellington Street, Leeds, LS1 2DE (“Combined Authority”).
2. **CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL** of City Hall, Centenary Square, Bradford, West Yorkshire BD1 1HY.
3. **BOROUGH COUNCIL OF CALDERDALE**, of the Town Hall, Crossley Street, Halifax, West Yorkshire, HX1 1UJ.
4. **THE COUNCIL OF THE BOROUGH OF KIRKLEES**, of the Town Hall, Ramsden Street, Huddersfield, West Yorkshire, HD1 2TA.
5. **LEEDS CITY COUNCIL** of Civic Hall, Calverley Street, Leeds, LS1 1UR.
6. **THE COUNCIL OF THE CITY OF WAKEFIELD**, Town Hall, Wood Street, Wakefield, West Yorkshire, WF1 2HQ.

Each a **party** together the **parties**, and the parties (2) to (6) above collectively the “**Constituent Councils**” of the Combined Authority.

1 Background and Introduction

1.1 The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 SI 2021/112 made on 29 January 2021 (“2021 Order”) provides for:

- the election of a mayor for the area of the Combined Authority (“Mayor”) from May 2021,
- the Mayor to exercise the functions of a Police and Crime Commissioner, and
- the following functions to be conferred on the Combined Authority:
 - adult education functions of the Secretary of State (to be exercised instead of or concurrently with the Secretary of State),
 - functions of Homes England relating to housing and regeneration (to be exercised concurrently with Homes England),
 - functions relating to grants to bus operators,
 - functions in relation to the designation of a Mayoral Development Area (MDA) and establishing a Mayoral Development Corporation (to be exercised by the Mayor)
 - functions in relation to Business Rates Supplements (to be exercised by the Mayor),
 - functions of the Constituent Councils to be exercised concurrently by the Combined Authority relating to
 - education, skills and training,
 - housing, regeneration and planning, and

- transport (including in relation to highways, traffic orders, traffic signs, pedestrian crossings, street works, permit schemes and bus lane contraventions).

Concurrent Functions

1.2 Appendix A to this protocol sets out each function (that is, power or duty) of the Combined Authority (including a function exercisable by the Mayor) conferred by the 2021 Order which is exercisable concurrently with the Constituent Councils (a “**Concurrent Function**”).

1.3 Under the 2021 Order, there is

- no transfer of any Concurrent Function to the Combined Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
- no requirement for the joint exercise of any Concurrent Function by the Combined Authority with Constituent Councils – that is, that they are not required to act together, and
- no requirement for a Constituent Council to involve, consult or seek the consent of the Combined Authority in relation to the exercise of any Concurrent Function by a Constituent Council.

1.4 That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2021 Order.

Statutory Consents

1.5 The 2021 Order provides that the Combined Authority’s exercise of specified functions is subject to a consent provision, (“**Statutory Consent**”), to safeguard the Constituent Councils’ role in local decision-making and delivery. These are detailed in Appendix A to this protocol.

Aim of this Protocol

1.6 The aim of this protocol is to promote:

- **co-operation** and **collaboration** between the Combined Authority and the Constituent Councils in a spirit of partnership,
- **transparency** of roles and processes to engender mutual trust and confidence, and
- the **best use of resources** through co-ordination and reducing duplication between the parties.

1.7 The Combined Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.

1.8 The Combined Authority is committed to on-going engagement with Constituent Councils about all aspects of its work. This includes engagement

about how the Combined Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

Miscellaneous

- 1.9 For some Concurrent Functions, (as indicated in Appendix A), the 2021 Order provides that a Constituent Council's duty to exercise the Concurrent Function is met when the Combined Authority carries it out. This means that provided the Combined Authority performs the duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.
- 1.10 The 2021 Order provides for a Statutory Consent in relation to some functions of the Combined Authority which are to be exercised by the Mayor, (as indicated in Appendix A), including the power to acquire land for housing development under section 17(3) of the Housing Act 1985, which is a Concurrent Function. It is intended this protocol shall extend to the Mayor once they are in office in relation to the exercise of these functions.
- 1.11 Where the Combined Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Combined Authority and Constituent Council may agree a **bespoke protocol** to govern the way the Combined Authority exercises that Concurrent Function¹.
- 1.12 This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
- 1.13 This protocol does not address the **scrutiny** of the Combined Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

2 Concurrent Functions – Underlying Principles

- 2.1 This protocol sets out how the Combined Authority and each Constituent Council intend to **work together** to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their mutual benefit, although the Combined Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Combined Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).

¹ The Combined Authority will send a copy of any bespoke protocol to any Constituent Council which is not a party to it, for information.

- 2.2 The Combined Authority will **consult** Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 2.3 The Combined Authority will exercise any Concurrent Function **reasonably** and after **taking all relevant factors or considerations into account**, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010².
- 2.4 The Combined Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be **compatible** with and **complementary to** the exercise of the Concurrent Function by any Constituent Council.
- 2.5 Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Combined Authority and each Constituent Council agree to **share any information** as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.
- 2.6 The parties will consult with each other before **approving, varying or revoking any strategy or plan** which is likely to determine or significantly affect how any Concurrent Function is exercised by the Combined Authority.
- 2.7 The Combined Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any **monitoring arrangements** relating to any Concurrent Function exercised by the Combined Authority.
- 2.8 The Combined Authority will so far as reasonably practicable seek to develop and share **best practice** with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Combined Authority.

3 Concurrent Functions: Consultation with Constituent Councils

- 3.1 The Combined Authority will consult the Constituent Councils about any proposal by the Combined Authority to exercise any Concurrent Function, except where the Constituent Councils have agreed that no consultation is required.
- 3.2 The Managing Director will also notify the relevant Chief Executive (or their nominee) of any proposal to exercise a Concurrent Function which would require a Key Decision by the Combined Authority as soon as practicable, and in any event before any Key Decision notice is published by the Combined Authority in relation to exercising the Concurrent Function, and unless the Chief Executive (or their nominee) agrees that no consultation is required, the

² That is, will have due regard to those matters specified in S149 Equality Act 2010.

Combined Authority will then proceed to consult the relevant Constituent Council in the manner set out in 3.3 and 3.4 below about such proposal.

- 3.3 The Managing Director will consult the Chief Executive (or their nominee) of any relevant Constituent Council as soon as reasonably practicable about the proposed exercise of any Concurrent Function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 3.4 Such consultation must be fair and carried out with adequate notice for responses which must be conscientiously considered by the Combined Authority with a view to reaching agreement on the exercise of the Concurrent Function.

4 Statutory Consents: Procedure

- 4.1 The 2021 Order provides for any **Statutory Consent to be given at a meeting of the Combined Authority**³. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined Authority, and any consent will be duly recorded in the minutes of the meeting.
- 4.2 The Combined Authority will seek any Statutory Consent **in a timely way**. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined Authority's Forward Plan at least 28 clear days before the Combined Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 4.3 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Combined Authority who may provide a Statutory Consent, the Combined Authority's Managing Director will **notify the Chief Executive** of each relevant Constituent Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 4.4 In relation to any transport-related function in respect of which a Statutory Consent is required, the Combined Authority agrees that this is subject to the Combined Authority and the Constituent Councils agreeing a **Key Route Network** in respect of which the function is to be exercised.

5 Dispute Resolution

³ See further the Combined Authority's Procedure Standing Orders

- 5.1 The Combined Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 5.2 Any dispute between the Combined Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Managing Director of the Combined Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.
- 5.3 In default of successful resolution between the parties, any dispute will be referred to the Mayor of the Combined Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required in their absolute discretion.

6 Review

- 6.1 The Combined Authority and the Constituent Councils agree to review this protocol **annually** and before any additional concurrent functions which may be conferred on the Combined Authority in future by any other Order are exercisable by the Combined Authority.
- 6.2 The Combined Authority and the Constituent Councils may revise this protocol from time to time, provided such **revisions** are **agreed in writing** by the Managing Director of the Combined Authority and the Chief Executive of each Constituent Council.

7 Signature

Signed for and on behalf of the West Yorkshire Combined Authority

Name

Date.....

Signed for and on behalf of the City of Bradford Metropolitan District Council

Name

Date.....

Signed for and on behalf of the Borough Council of Calderdale

Name

Date.....

Signed for and on behalf of the Council of the Borough of Kirklees

Name

Date.....

Signed for and on behalf of Leeds City Council

Name.....

Date.....

Signed for and on behalf of the Council of the City of Wakefield

Name

Date

Appendix

Concurrent Functions and Statutory Consents requirements

Appendix A: Functions of the Combined Authority conferred by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

Non- Mayoral functions

Note: Questions relating to the Non-Mayoral functions conferred by the 2021 Order (that is, those which are not solely exercisable by the Mayor), cannot be carried without the Mayor's vote in favour of the question.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Education, Skills and Training Functions				
Power to give a notice to the governing body of an FE institution requiring them to provide specified individuals 16-19 with appropriate education	Section 51A Further and Higher Education Act 1992	Article 5(2)(a)	Y*	N
Duty to promote high standards and fulfilment of potential in exercising relevant education and training functions	Section 13A Education Act 1996	Article 5(2)(b)	Y*	N
Power to secure work experience / Duty to encourage participation in work experience / encourage employers to participate in providing	Section 560A Education Act 1996	Article 5(2)(c)	Y*	N
Duty to exercise functions so as to promote participation by persons under section 2	Section 10 Education and Skills Act 2008	Article 5(2)(d)	Y*	N

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Duty to identify people in their area who are failing to fulfil their duty under section 2 to participate in education or training.	Section 12 Education and Skills Act 2008	Article 5(2)(e)	Y*	N
Duty to provide services enabling, encouraging and assisting young people and relevant young adults to participate in education and training.	Section 68 Education and Skills Act 2008	Article 5(2)(f)	Y*	N
Power to provide services enabling, encouraging or assisting young people and relevant young adults to participate in education and training.	Section 70 Education and Skills Act 2008	Article 5(2)(g)	Y*	N
Power to provide support given to young people conditional on specified action (e.g. learning support agreement).	Section 71 Education and Skills Act 2008	Article 5(2)(h)	Y*	N
Duty - this places further requirements on arrangements made by a children's services authority in England under section 10 of the Children Act 2004 (which requires authorities to co-operate with each other).	Section 85 Education and Skills Act 2008	Article 5(2)(i)	Y*	N
Housing, Regeneration and Planning Functions				
Power to compulsorily acquire land development/planning	Section 226 Town and Country Planning Act 1990	Article 11(1)(a)	Y	Requires the consent of each member of the Combined Authority whose area contains

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
				any part of the land, or substitute members acting in place of those members.
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Article 11(1)(b)	Y	
Power to appropriate land	Section 229 Town and Country Planning Act 1990	Article 11(1)(c)	Y	
Power to acquire land for exchange	Section 230(1)a Town and Country Planning Act 1990	Article 11(1)(d)	Y	
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Article 11(1)(e)	Y	
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Article 11(1)(f)	Y	
Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Article 11(1)(g)	Y	
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Article 11(1)(h)	Y	
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Article 11(1)(i)	Y	
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Article 11(1)(j)	Y	
Power to use and develop open spaces	Section 241 Town and Country Planning Act 1990	Article 11(1)(k)	Y	

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Power to acquire land for housing development	Section 17 Housing Act 1985 except for <i>S17(3) (compulsory purchase) which is a Mayoral function (see below)</i>	Article 11(1)(l)	Y	Requires the consent of each member of the Combined Authority whose area contains any part of the land, or substitute members acting in place of those members.
Duty to secure buildings where land acquired under section 17	Section 18 Housing Act 1985	Article 11(10)(m)	Y	
Transport-related functions				
Power to be an authority to whom functions may be delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads . <i>(Enabling power of SoS/HE)</i>	Section 6 Highways Act 1980	Article 19(1)	Applies to LAs as local highway authorities	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Section 8 Highways Act 1980	Article 19(2)	Applies to LAs as local highway authorities	
Power to make a traffic order re routes for heavy commercial vehicles	Road Traffic Regulation Act 1984 Section 1 And 2(4)	Article 20(1)(a) Article 20(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council
Power to make an experimental traffic order	Road Traffic Regulation Act 1984 Section 9	Article 20(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Power to place Pedestrian crossings	Road Traffic Regulation Act 1984 Section 23	Article 21(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to place traffic signs <i>(Power of SoS to direct local authority traffic)</i>	Road Traffic Regulation Act 1984 Section 65	Article 21(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to notify of works likely to affect apparatus in street	Section 83 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to take measures where apparatus affected by major works	Section 84 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Sharing of costs of necessary measures	Section 85 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Sharing the costs of diversionary works between Combined Authority and undertakers	Street Works (Sharing of Costs of Works) (England) Regulations 2000	Article 22(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Preparation of Permit schemes	Section 33 Traffic Management Act 2004	Article 23(1)(a)	Y	Requires the consent of each member of the Combined Authority

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
				appointed by a constituent council.
Implementing Permit schemes	Section 33A Traffic Management Act 2004	Article 23(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Varying/ revoking permit schemes	Section 36 Traffic Management Act 2004	Article 23(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Permit schemes	Traffic Management Permit Scheme (England) Regs 2007	Article 23(2)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
	Part 3 of 2004 Act	Article 23(4)	Y	N
Enforce bus lane contravention	Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement (England) Regulations 2005	Article 24(3)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Assessments of Economic Conditions				
Duty to prepare economic condition assessment	Section 69 Local Democracy, Economic Development and Construction Act 2009	Article 25(1)	Y*	N

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Information Sharing				
Information sharing (crime and disorder)	Section 17A Crime and Disorder Act 1998 ¹	Articles 26(1) and 26(2)	Y	N

Mayoral Functions

Function	Legislation	Order Reference	Concurrent with LAs	Relevant CA member(s) to consent
Housing, Regeneration and Planning functions				
Power to acquire land	Section 9(2) Housing and Regeneration Act 2008	Article 27(2)(d)	N	Requires the consent of each member of the Combined Authority whose local government area contains any part of the land, or substitute members acting in place of those members.
Power to acquire land for housing development	Section 17(3) Housing Act 1985 - compulsory purchase	Article 27(6)	Y	Requires the consent of each member of the Combined Authority whose local government area contains any part of the land, or substitute members acting in place of those members.

¹ The Combined Authority is also a relevant authority for the purposes of Section 115 of the Crime and Disorder Act 1998 (disclosure of information).

Mayoral Development Area (MDA) functions				
MDA - designation	<i>Section 197 Localism Act 2011</i>	<i>Article 27(2)(a)</i>	<i>N</i>	<i>Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be designated as a Mayoral development area, or substitute members acting in place of those members; and the National Park authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.</i>
MDA - exclusion of land	<i>Section 199 Localism Act 2011</i>	<i>Article 27(2)(a)</i>	<i>N</i>	<i>Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be excluded from a Mayoral development area; or substitute members acting in place of those members.</i>
Planning functions in relation to MDA	<i>Section 202 Localism Act 2011</i>	<i>Article 27(2)(a)</i>	<i>N</i>	<i>Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be designated as a Mayoral development area, or substitute members acting in place of those members; and the National Park authority if the Combined</i>

				<i>Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.</i>
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Part 4

Budget and Policy Procedure Rules

General

1. These rules reflect specific statutory requirements¹ relating to the approval of budgets and policies by the Combined Authority and the Mayor, or other decision-makers on their behalf.
2. Decision-makers should consider whether any **consultation** is required in respect of their proposals, in addition to the statutory requirements specified in these rules.
3. Decision-makers should also engage with a Combined Authority **Overview and Scrutiny Committee** (and any other committee of the Combined Authority) as appropriate in the development and scrutiny of proposals.
4. When approving budgets or policies, decision-makers must comply with the provisions relating to **Key Decisions** in the Access to Information Rules in Part 4 of the Constitution.

Mayor's General Budget²

5. The Mayor must prepare a draft budget for the Mayoral General Functions by 1 February. The draft budget must
 - set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayoral General Functions, and
 - include the relevant amounts and calculations.
6. If the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations³ for the financial year. The decision must be made by a 2/3 majority of the Combined Authority Members⁴ present and voting.⁵
7. The Combined Authority must review any draft budget presented by the Mayor, and may make a report on the draft budget to the Mayor. The Mayor does not

¹ Or government requirements under the National Assurance Framework Guidance

² Combined Authorities (Finance) Order 2017 Order as modified by the 2021 Order

³ In accordance with Article 9 of the 2017 Order

⁴ In this context, Combined Authority Members do not include any person who is not a member of a Constituent Council.

⁵ The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting.

8. The Mayor's draft budget shall be deemed to be approved by the Mayor, unless the Combined Authority makes a such report by 8 February.
9. Any report made by the Combined Authority:
 - must set out whether or not the Combined Authority would approve the draft budget in its current form, and
 - may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
10. Where the Combined Authority has made a report, it must specify a period of at least 5 working days (beginning on the day after the day on which the Mayor receives the report) within which the Mayor may
 - decide whether or not to make any revisions to the draft budget, and
 - notify the Combined Authority of the reasons for that decision and, where revisions are made the revised budget.
11. Where any specified period has expired, the Combined Authority must decide (taking into account the reasons given by the Mayor) whether to
 - approve the Mayor's draft budget, or the revised draft budget; the Mayor does not vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting,⁶ or
 - veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor; the decision must be made by a 5/8 majority of the Combined Authority Members⁷ present and voting.⁸
12. The Mayor's draft budget (or the revised draft budget) shall be deemed to be approved unless vetoed within 5 working days beginning with the day after the date on which the period specified for the Mayor to consider the Combined Authority's report.

⁶ The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

⁷ In this context, Combined Authority Members do not include any person who is not a member of a Constituent Council.

⁸ The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

Approval of policies – Non-Mayoral Functions

13. The Combined Authority will approve any policy in relation to Non-Mayoral Functions. Where a Non-Mayoral Function has been conferred on the Combined Authority by the 2021 Order, approval of that policy requires the support of the Mayor.
14. Approving the West Yorkshire Investment Strategy is a Non-Mayoral Function. However, no spending commitments beyond an initial five year allocation may be made until the Mayor has agreed the WYIS.

Approval of policies – Mayoral General Functions

15. Preparing and reviewing a **Local Transport Plan** is a Mayoral General Function, (that is, exercisable by the Mayor), subject to paragraph 18 below. The Mayor must have regard to any relevant statutory guidance when discharging this function.⁹
16. In preparing and keeping the Local Transport Plan under review, the Mayor must consult¹⁰:
 - each local traffic authority for the Combined Authority’s Area,
 - the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
 - each Constituent Council.
17. In preparing and keeping the Local Transport Plan under review, the Mayor must also consult such of the following as the Mayor considers appropriate¹¹:
 - operators of any network or station, or of any railways services in the Combined Authority’s Area,
 - operators or providers of other transport services in the Combined Authority’s Area, or representative organisations,
 - organisations appearing to the Mayor to represent the interests of users of transport services and facilities in the Combined Authority’s Area, and
 - other persons whom they consider appropriate.
18. By majority vote, the Combined Authority may amend any Local Transport Plan made by the Mayor.¹² The Combined Authority must have regard to any relevant statutory guidance when discharging this function.¹³

⁹ Issued under Section 112 Local Transport Act 2000

¹⁰ In accordance with Section 109(2B) of the Transport Act 2000

¹¹ In accordance with Section 109 (2C) of the Transport Act 2000

¹² Article 27 of the 2021 Order

¹³ Issued under Section 112 Local Transport Act 2000

19. As soon as practicable when a new Local Transport Plan has been prepared or altered, the Mayor must¹⁴:
 - publish the Local Transport Plan, and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
 - cause a copy of the Local Transport Plan to be made available for inspection, and give the public notice about this,
 - supply a copy to any person on request.
20. The Mayor will approve **any other policy** in relation to Mayoral General Functions, unless authority to do this has been delegated under the Mayor's arrangements.

Police and Crime Plan

21. Before issuing a Police and Crime Plan, the Mayor must obtain the views of the people in the Police Area (the Combined Authority's Area) and the views of victims of crime in that area, on the Police and Crime Plan¹⁵.
22. Before issuing or varying the Police and Crime Plan, the Mayor must¹⁶—
 - (a) prepare a draft of the Police and Crime Plan or variation,
 - (b) consult the Chief Constable in preparing the draft Police and Crime Plan or variation,
 - (c) send the draft Police and Crime Plan or variation to the Police and Crime Panel¹⁷,
 - (d) have regard to any report or recommendations made by the Police and Crime Panel in relation to the draft plan or variation¹⁸,
 - (e) give the Police and Crime Panel a response to any such report or recommendations, and
 - (f) publish any such response¹⁹.
23. The Mayor must consult the Chief Constable before issuing or varying a Police and Crime Plan if, and to the extent that, the Police and Crime Plan or variation is different from the draft prepared.
24. The Mayor must

¹⁴ In accordance with Section 109(3) and (4) of the 2000 Act

¹⁵ Section 96(1A) of the Police Act 1996

¹⁶ Section 5 of the Police Reform and Social Responsibility 2011 Act

¹⁷ the Mayor must ensure that Police and Crime Panel has a reasonable amount of time to exercise its functions under Section 28(3) of the Police Reform and Social Responsibility Act 2011

¹⁸ See further Section 28(3) of the 2011 Act

¹⁹ It is for the Mayor to determine the manner in which a response is to be published – Section 5 of the 2011 Act

- send a copy of the issued Police and Crime Plan, or the variation²⁰, to
 - the Chief Constable, and
 - each of the other persons and bodies that are, responsible authorities for the purposes of Section 5 of the Crime and Disorder Act 1998, and
- publish a copy of the issued plan, or the variation²¹.

²⁰ The duty to send or publish a copy of the variation may be satisfied by sending or publishing a copy of the Police and Crime Plan as varied.

²¹ It is for the Mayor to determine how the plan or variation is to be published – Section 5(12)(a) of the 2011 Act

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Petition Scheme¹

Petitions with fewer than 2,000 signatures

- 1.1 Subject to paragraph 3 below, any petition with fewer than 2,000 signatures of persons resident or working in the Combined Area² shall be referred to an officer for response.

Petitions with 2,000 or more signatures

- 2.1 Subject to paragraph 3 below, the Managing Director, in consultation with the Mayor, will refer any petition with at least 2,000 signatures of persons resident or working in the Combined Area to a meeting of the Combined Authority, a Committee³ or Sub-committee.
- 2.2 No person or organisation may present more than one petition for consideration at any meeting.
- 2.3 The petition will be read at that meeting; there will be no opportunity for the organiser of the petition to address the meeting.
- 2.4 The Chair of the meeting will determine whether the petition is debated by the meeting.
- 2.5 The Chair/meeting will decide how to respond to the petition. Such response may include:
- taking the **action** the petition requests,
 - taking **no further action**,
 - referred for **further investigation** into the matter to an Overview and Scrutiny Committee, a working group, or an officer,
 - requesting an officer to take **any other step** in relation to the matter.
- 2.6 The response will be recorded in the minutes of the meeting. The Head of Legal and Governance Services will notify the petition organiser in writing of the response, which will be published on the Combined Authority's website.
- 2.7 Where a Chair/meeting has referred the matter for further investigation or requested any other step to be taken, they will identify a relevant officer to notify the petition organiser in writing of the outcome, which will be published on the Combined Authority's website.

Miscellaneous

¹ This Petition Scheme does not extend to any petition in relation to Police and Crime Commissioner (PCC) Functions, in respect of which alternative arrangements apply.

² That is, West Yorkshire

³ Including an Advisory Panel

- 3.1 Where a petition addresses an issue which only directly affects one Constituent Council, the Managing Director may, in consultation with the Chief Executive of that Constituent Council, refer the petition to that Council.
- 3.2 The Managing Director may, in consultation with the Head of Legal and Governance Services, reject a petition if:
- it is vexatious, abusive or otherwise inappropriate,
 - it qualifies as a statutory petition⁴,
 - it is excluded by order,
 - it is substantially the same as another petition presented to the Combined Authority in the previous 12 months, or
 - it does not relate to any function of the Combined Authority.



West Yorkshire Combined Authority Members' Code of Conduct

This Code applies to Combined Authority Members and voting Co-opted Members¹ (together referred to as Members), in all aspects of public life.

The Combined Authority expects Members to follow this Code when:

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

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

General principles of conduct

1. Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, Members and Combined Authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles - see further Annex 1.
2. In accordance with the public trust placed in me, on all occasions:
 - I act with integrity and honesty,
 - I act lawfully,
 - I treat all persons fairly and with respect, and

¹ 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.

This includes any voting private sector representative.

The Code also applies to any Substitute Member of a Combined Authority Member or voting Co-opted Member.

- I lead by example and act in a way that secures public confidence in my role as a Member.
3. In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community,
 - I do not improperly seek to confer an advantage or disadvantage on any person,
 - I avoid conflicts of interest,
 - I exercise reasonable care and diligence, and
 - I ensure that public resources are used prudently in accordance with the Combined Authority's requirements and in the public interest.

Application of the Code of Conduct

4. This Code of Conduct applies to you as soon as you are appointed as a Member². It continues to apply to you until you cease to be a Member.

5. This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:

- you misuse your position as a Member,
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

6. The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings,
- at online or telephone meetings,
- in written communication,
- in verbal communication,
- in non-verbal communication,
- in electronic and social media communication, posts, statements and comments.

7. You are also expected to uphold high standards of conduct and show leadership at all times when acting in your official capacity.

² For the Mayor, the Code applies as soon as you are in office

8. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of conduct

9. This section sets out your obligations, which are the minimum standards of conduct required of you. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

10. Guidance is included (in the footnotes) to help explain the reasons for the obligations and how they should be followed.

Respect³

11. As a Member:

- I treat other Members and members of the public with respect.
- I treat Combined Authority officers and representatives of partner organisations with respect and respect the role they play.

Bullying, harassment and discrimination⁴

12. As a Member:

- I do not bully⁵ any person.

³ Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. You can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members in general and may amount to bullying or harassment. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Combined Authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Members' Code of Conduct, and Combined Authority officers, where concerns should be raised in line with the Combined Authority's Officers' Code of Conduct or any relevant Protocol.

⁴ You should not bully or harass any person working for the Combined Authority or otherwise coming into contact with it.

⁵ The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

- I do not harass⁶ any person.
- I promote equalities⁷ and do not discriminate unlawfully⁸ against any person.

Impartiality of officers⁹

13. As a Member:

- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Combined Authority.

Confidentiality and access to information¹⁰

14. As a Member:

- I do not disclose information:
 - a. given to me in confidence by anyone,
 - b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - i. I have received the consent of a person authorised to give it,
 - ii. I am required by law to do so,

⁶ The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

⁷ The Equality Act 2010 places specific duties on local authorities, including combined authorities. Members have a central role to play in ensuring that equality issues are integral to the Combined Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

⁸ Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

⁹ Officers work for the Combined Authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

¹⁰ Combined authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Combined Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or

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, and
 - I have consulted the Monitoring Officer prior to its release.
- I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.
 - I do not prevent anyone from getting information that they are entitled to by law.

*Disrepute*¹¹

15. As a Member:

- I do not bring my role or the Combined Authority into disrepute.

*Use of position*¹²

16. As a Member:

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

¹¹ As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or the Combined Authority and may lower the public's confidence in you or the Combined Authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Combined Authority into disrepute.

You are able to hold the Combined Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Combined Authority whilst continuing to adhere to other aspects of this Code of Conduct.

¹² Your position as a Member provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

*Use of Combined Authority resources and facilities*¹³

17. As a Member:

- I do not misuse Combined Authority resources.
- I will, when using the resources of the Combined Authority, or authorising their use by others:
 - a. act in accordance with the Combined Authority's requirements, and
 - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Combined Authority or of the office to which I have been elected or appointed.

*Complying with the Code of Conduct*¹⁴

18. As a Member:

- I undertake Code of Conduct training provided by the Combined Authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

¹³ You may be provided with resources and facilities by the Combined Authority to assist you in carrying out your duties. Examples include office support, stationery, equipment such as phones and computers, transport, access and use of Combined Authority buildings and rooms. These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Combined Authority's own policies regarding their use.

¹⁴ It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Combined Authority or its governance.

All complaints alleging a failure to comply with this Code will be considered under the Procedure for dealing with Complaints agreed by the Combined Authority. If you do not understand or are concerned about the Combined Authority's processes in handling a complaint you should raise this with your Monitoring Officer. Protect your reputation and the reputation of the Combined Authority.

Interests¹⁵

19. As a Member:

- I register and disclose my interests in accordance with Annex 2.
- I comply with any Conflicts of Interest Policy or Protocol agreed by the Combined Authority¹⁶
- I disclose significant interests in accordance with this Code

Gifts and hospitality

20. As a Member:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour

¹⁵ Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of Members' interests. You need to register your interests so that the public, Combined Authority officers and fellow Members know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting or otherwise making a decision on behalf of the Combined Authority.

It can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

If you are present at a meeting, or making a decision acting alone on behalf of the Combined Authority, and you are aware that you have any **significant interest** (that is an interest that is not a disclosable pecuniary interest or a registerable personal interest) in a matter, you may disclose the interest and must consider whether to continue participating in the matter.

You should comply with the Combined Authority's [Conflicts of Interest Policy and Protocols](#), 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.

You should note that failure to **register or disclose a disclosable pecuniary interest is a criminal offence** under the Localism Act 2011 – See further Annex 3.

Annex 2 sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

¹⁶ 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, including where they are considered by officers. It provides an additional safeguard 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.

from persons seeking to acquire, develop or do business with the Combined Authority or from persons who may apply to the Combined Authority for any permission, licence or other significant advantage.

- **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**
- **I follow the Combined Authority's Gifts and Hospitality Policy.¹⁷**

¹⁷ The Combined Authority's Gifts and Hospitality Policy can be found at Annex 5.

Annex 1 - The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 2 – Interests

Registering Interests

1. The Monitoring Officer maintains a register of interests of Members, in accordance with statutory requirements¹⁸. The register is:-
 - available for inspection at the Combined Authority's offices, and
 - published on the Combined Authority's website.
2. 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

3. A pecuniary interest is any interest of a description set out in the second column of Table 1 below.
4. A pecuniary interest is a **disclosable pecuniary interest** if it is a pecuniary interest and either:-
 - it is an interest of yours, or
 - it is an interest of any other relevant person, these being:-
 - your spouse or civil partner,
 - a person with whom you live as husband and wife, or
 - a person with whom you live as if you were civil partners,and you are aware that the other person has the interest.
5. You must notify the Monitoring Officer of:-
 - any disclosable pecuniary interests you have within 28 days of your appointment to the Combined Authority¹⁹ and
 - any changes to your disclosable pecuniary interests within 28 days of:-
 - the change occurring, or
 - you becoming aware of the change.

Other Registerable Interests

¹⁸ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

¹⁹ 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.

6. You should also register details of your other registerable interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
7. Where you have an other registerable interest in any business of the Combined Authority and you have made a decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Non-registerable Significant Personal Interest

8. If you believe that you have an interest which you believe that the public, your fellow members or employees should know about, you may have a **non-registerable significant personal interest**.

Applications for any loan or grant

9. 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

10. If you have an interest (whether or not a disclosable pecuniary interest or other registerable 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, 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 inspection²⁰.

Disclosing Interests

²⁰ The register may state that you have an interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

11. If you are present at a meeting²¹ of the Combined Authority, or are acting alone on behalf of the Combined Authority²², and you are aware that you have an interest:

- If your interest is a **Disclosable Pecuniary Interest**, if you do not have a relevant dispensation²³ you may not:
 - participate, or participate further, in any discussion of or vote on the matter at the meeting, or
 - remain in the room during the discussion or vote on the matter at a meeting, or
 - determine the matter if taking a decision alone.
- If your interest relates to an **Other Registerable Interest** (as set out in Table 2), you:
 - do not have to disclose the nature of any 'sensitive interest',
 - must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure if the interest is not the subject of a pending notification,
 - at a meeting:
 - must disclose the interest,
 - may speak on the matter only if members of the public are also allowed to speak at the meeting,
 - must not take part in any discussion or vote on the matter
 - should decide whether to remain in the room or withdraw during consideration of the matter,
- If you have a Non-registerable Significant Personal Interest (that is an interest which is neither a disclosable pecuniary interest or any other registerable interest) but something that you think should be known when the matter is considered you may:-
 - disclose the interest, and

²¹ Including any committee, sub-committee, joint committee or joint sub-committee of the Combined Authority.

²² Section 31(6) of the Localism Act 2011

²³ See paragraph 11 of Annex 2.

- consider whether to continue participating in or determining the matter²⁴,
- wish to leave the room during consideration of the matter.

Dispensations

12. The Combined Authority²⁵ may lift the restrictions under Paragraph 11 of this Annex by granting a dispensation in accordance with **Annex 4**.

Table 1: Disclosable Pecuniary Interests

Subject	Description of Disclosable Pecuniary Interests
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Combined Authority) made or provided within the relevant period ²⁶ in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union. ²⁷

²⁴ 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 LEP funding.

²⁵ or any committee or officer to whom this function may be delegated by the Combined Authority

²⁶ The relevant period means the period of 12 months ending with the day on which you notify the Monitoring Officer under paragraph 5a) and paragraph 9b) of Annex 2

²⁷ Within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

Contracts	Any contract which is made between you or a relevant person ²⁸ (or a body ²⁹ in which you or a relevant person has a beneficial interest ³⁰) and the Combined Authority:- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land ³¹ 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	Any tenancy where (to your knowledge):- (a) the landlord is the Combined Authority, and (b) the tenant is a body in which you or the relevant person have a beneficial interest ³² .
Securities	Any beneficial interest in securities ³³ 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

²⁸ As defined in paragraph 4(b) of Annex 2

²⁹ “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

³⁰ A beneficial interest is the right to receive benefits on assets held by another party.

³¹ 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.

³² See footnote 30 above.

³³ See footnote 29 above.

which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Table 2: Other Registerable Interests

You have an **Other registerable interest** in any business of the Combined Authority where it relates to or is likely to affect:

- any body of which you are in general control or management and to which you are nominated or appointed by the Combined Authority,
- any body,
 - i. exercising functions of a public nature,
 - ii. directed to charitable purposes, or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

Annex 3 - Summary of Criminal Offences and Sanctions³⁴

Offences

1. A person commits an offence if, without reasonable excuse, the person:-
 - (a) fails to:-
 - register any disclosable pecuniary interest³⁵, or
 - disclose a disclosable pecuniary interest not entered on the register³⁶, or
 - (b) participates in any discussion or vote, where they have a disclosable pecuniary interest.³⁷
2. A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register³⁸, the person provides information that is false or misleading and the person:-

³⁴ Section 34 of the Localism Act 2011

³⁵ Under Section 30(1) or Section 31(3) or (7) of the Localism Act 2011

³⁶ Under Section 31(2) of the Localism Act 2011

³⁷ In contravention of Section 31(4) of the Localism Act 2011

³⁸ Under Section 30(1) or 31(2), (3) or (7) of the Localism Act 2011

- (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.

Annex 4 - Dispensations

Requests

1. The Combined Authority³⁹ 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, it 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 Authority⁴⁰ 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,

³⁹ Or any committee or officer to whom this function may be delegated by the Combined Authority.

⁴⁰ Or body transacting the 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
- whether the interest is trivial or remote.

Annex 5 - Gifts and Hospitality Policy

In order to protect your position and the reputation of the Combined Authority, you should **exercise caution** in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

The presumption should always be **not to accept** significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

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. When deciding whether to register any gift below the £50 threshold, you should take into account the **cumulative total** of any gifts received from any single source over the previous 12 months.

You should:

- never actively seek or solicit any gift or hospitality
- discourage third parties from offering any gift or hospitality to you
- **treat expenses offered to you by any third party as a gift**
- 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.

You should not 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 seek) 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 interest** 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 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**.
- a gift of cash (or items of specific monetary value such as vouchers).

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Part 5 – Codes and Protocols

Member and Officer Protocol

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The purpose of this Protocol is to guide Members and officers of the Combined Authority in their relations with one another.

Introduction

1. This Protocol applies to Combined Authority Members and Co-opted Members¹ as well as those on any working group or advisory panel created by the Combined Authority or the Mayor (together referred to, for the purposes of this Protocol, as “Members”).
2. It also applies to officers of the Combined Authority.
3. The Protocol is not prescriptive and it may not cover all situations. However, it does provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.

¹ The Protocol applies to all voting and non-voting Co-opted Members including private sector representatives.

4. The Protocol is a written statement of current practice and convention. It seeks to promote greater clarity and certainty.
5. It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and officers. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government.
6. Members and officers are servants of the public and they depend on each other in carrying out the work of the Combined Authority. Members who are elected are responsible to the electorate. All Members serve only so long as their term of office or co-option lasts, while officers are accountable to the Combined Authority as their employer. Their job is to give advice to the Combined Authority, as well as to individual Members, and to carry out the Combined Authority's work under the direction and control of the Combined Authority and the Mayor.
7. Mutual respect between Members and officers is essential to good local government. However, close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other Members and officers.
8. The relationship has to function without compromising the ultimate responsibilities of officers to the Combined Authority as a whole, and with due regard to such technical, financial, professional and legal advice that officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and officers.

Roles Of Members

9. Members undertake many different roles. Broadly these include:
 - expressing political values and supporting the policies of the party or group to which they belong (if any) – see further the section entitled “*Political Activity*” at paragraph 47 onwards below,
 - representing their area and advocating for the citizens who live in the area,
 - participation in active partnerships with other organisations as community leaders,
 - contributing to the decision-making by the Combined Authority, or any joint committees, outside bodies and partnership organisations to which the Member has been appointed,
 - developing and reviewing policy and strategy, and
 - monitoring and reviewing policy implementation and service quality.

Roles Of Officers

10. Briefly, officers have the following main roles:
- ensuring that the Combined Authority always acts in a lawful manner,
 - implementing agreed policy,
 - managing and providing the services for which the Combined Authority has given them responsibility and being accountable for the efficiency and effectiveness of those services,
 - providing advice to the Combined Authority and to individual Members in respect of the services provided (see further the section entitled “*Provision of Advice and Information to Members*” from paragraph 21 onwards below and the section entitled “*Confidentiality*” from paragraph 36 onwards), and
 - initiating policy proposals.

Respect and Courtesy

11. For the effective conduct of Combined Authority business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. This plays a very important part in the Combined Authority's reputation and how it is seen in public. It is very important that both Members and officers remember their respective obligations to enhance the Combined Authority's reputation and to do what they can to avoid criticism of other Members, or other officers, in public places.

Undue Pressure

12. It is important in any dealings between Members and officers that neither should seek to take unfair advantage of their position.
13. In their dealings with officers (especially junior officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior and/or political office. Certain statutory officers – the Head of Paid Service, the Section 73 Chief Finance Officer and the Monitoring Officer - have specific roles² which Members must understand and respect. Members should have particular regard to any advice given by them.

² See further Article 12 (Officers) of Part 2 of this Constitution.

14. A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Combined Authority property and services³.
15. Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other officers⁴.

Familiarity

16. Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
17. Such familiarity could also cause embarrassment to other Members and/or other officers and even give rise to suspicions of favouritism.
18. For these reasons close personal familiarity must be avoided and Members and officers should address each other formally in public (whether in person or in writing).

Breach of Protocol

19. If a Member considers that they have not been treated with proper respect or courtesy they may raise the issue with the officer's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the officer concerned. Breach of the Protocol may give rise to disciplinary proceedings against an officer if the circumstances warrant it.
20. If an officer considers that a Member has contravened the Protocol they should consult their line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint. Many complaints will be capable of informal resolution. The Monitoring Officer or the Head of Paid Service will assist in this process if necessary. Nothing in this Protocol shall prevent an officer expressing a relevant concern under the Combined Authority's whistleblowing policy.

³ See further the Members' Code of Conduct at Part 5 of this Constitution

⁴ See further the Officers' Code of Conduct at Part 5 of this Constitution

Provision of Advice and Information to Members

21. Members are free to approach officers of the Combined Authority to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as Member. This can range from a request for general information about some aspect of the Combined Authority's activities to a request for specific advice on a matter.

Information

22. Officers should always endeavour to respond to requests for information promptly and should in any event inform the member if there is likely to be any appreciable delay in dealing with an enquiry.
23. The legal rights of Members to inspect Combined Authority documents are covered partly by statute and partly by common law. The Access to Information Rules⁵ explain the position with regard to access to papers relating to the business of the Combined Authority.
24. The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Combined Authority. Mere curiosity is not sufficient.
25. The information sought by a Member should only be provided by officers as long as it is within the limits of the resources available. For their part, Members should seek to act reasonably in the number and content of the requests they make.
26. It is important for officers to keep Members informed both about the major issues concerning the Combined Authority and, more specifically, about issues and events affecting the area that they represent. Members should be informed about proposals that affect their area and should also be invited to attend Combined Authority initiated events within their area.
27. If a Member asks for specific additional information about a matter, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Member or committee chair should be advised about the information provided.
28. Members may be entitled under the Freedom of Information (FOI) Act 2000 to receive information which falls outside their common law rights based on the "need to know". Officers are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's

⁵ Set out in Part 4 of this Constitution

enquiry that any individual would be entitled to receive such documentation. The Combined Authority's Data Protection Officer will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act 2000

Advice

29. Officers are responsible for the provision of professional expertise to the Combined Authority and Members are entitled to ask relevant questions and seek advice on available courses of action as they discharge their role as a Member. The response of an Officer to a Member would not usually be shared with other Members without specific agreement, however Members should remember that the Officer's primary duty is to the Combined Authority as a whole and officers will therefore share their advice if they consider it appropriate to do so.
30. Sometimes Officers will need to advise Members that a certain course of action cannot be carried out. Members sometimes assume that this is a case of officers deliberately obstructing the wishes of politicians. In fact this is never the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such officers are invaluable to the Combined Authority.

Members with special responsibilities

31. Members of the Combined Authority who hold additional responsibilities (such as the Mayor, Committee Chairs and those with a portfolio of responsibility) will receive additional information from senior officers to help them discharge their responsibilities. This is likely to take the form of briefings on service issues, proposals and policy development. The frequency of briefings will depend on the issues concerned and the requirements of the Member involved, and the content of the informal briefing will remain confidential between the officers and Member concerned.
32. Senior officers will always be fully responsible for the contents of any report submitted in their name and reports will be amended only where the amendment reflects the professional judgement of the author of the report.
33. Members who have additional responsibilities are likely to work more closely with officers but must still respect the impartiality of officers. Officers and Members who work closely together must ensure that they do not publicly give the appearance of personal familiarity.

Members of Constituent Councils with Special Responsibilities

34. Officers of the Combined Authority may also be asked to provide information and advice to appropriate members of Constituent Councils, such as those members with special responsibility for a portfolio or in relation to a specific project. This is likely to take the form of briefings and the frequency of briefings will depend on the issues concerned and the requirements of the Member involved. If the Combined Authority has assigned a portfolio lead for the subject matter, that Member should be made aware of the information provided.

The Mayor's political adviser

35. The Mayor is able to appoint one political adviser⁶. However, the nature of this role is different to that of other officers of the Combined Authority – see further below re political restrictions.

Confidentiality

36. Members are entitled to access information to enable them to discharge their responsibilities. The Access to Information Rules⁷, set out the basis on which information can be accessed by Members and the public generally, but do not affect any other rights to information arising under standing orders or by law. They also set out the difference between confidential information⁸ and exempt information⁹.
37. Members must ensure that they comply with data protection arrangements and not disclose information given to them in confidence by anyone, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, except where:-
- they have the consent of a person authorised to give it,
 - they are required by law to do so,
 - 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
 - the disclosure is –
 - reasonable and in the public interest, and

⁶ See further Article 4 (The Mayor) and Article 12 (Officers) at Part Two of this Constitution.

⁷ see further Part 4 (Procedure Rules) of this Constitution

⁸ 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.

⁹ Information falling within one of the descriptions set out in Part 1 of Schedule 12A of the Local Government Act 1972

- made in good faith and in compliance with the reasonable requirements of the authority.
38. Committee reports which are in the private part of an agenda are to be treated as exempt information unless the relevant committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as exempt from public disclosure. The decision as to whether they remain exempt is for the committee.
 39. Information and correspondence about an individual's private or business affairs will normally be classed as exempt or confidential.
 40. Officers should make it clear to Members if they are giving them confidential or exempt information. If a Member is not sure whether information is confidential or exempt from disclosure, they should ask the relevant officer, and not disclose the information in the meantime.
 41. Any Combined Authority information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties.
 42. If a Member receives exempt or confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then they must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

Provision of Support Services to Members

43. The only basis on which the Combined Authority can lawfully provide support services (for example stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Combined Authority. Such support services must therefore only be used on Combined Authority business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence

44. Official letters on behalf of the Combined Authority should be sent in the name of the appropriate officer, rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Combined Authority should never be sent out in the name of a Member.

Media

45. Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while officers provide factual information. If a Member is unsure about the circumstances of a particular issue they should contact the appropriate Director or Head of Service concerned.

The Combined Authority's Role as Employer

46. In their dealings with officers, Members should recognise and have regard to the Combined Authority's role as employer. Members should be aware that officers could rely on inappropriate behaviour of a Member in an employment case against the Combined Authority.

Political Activity

47. There are a number of constraints that apply to an officer who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989¹⁰. However, there are variations in the extent of restrictions applied - for example, the Mayor's political adviser is an employee in a politically restricted post, but has freedom to become involved with political issues relevant to the Mayor¹¹.
48. In summary, politically restricted officers may be prevented from:
- being a Member of Parliament, European Parliament or local authority,
 - acting as an election agent or sub-agent for a candidate for election as a member of any of those bodies,
 - being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if their duties would be likely to require them to:-
 - participate in the general management of the party or branch; or
 - act on behalf of the party or branch in dealings with persons other than members of the party;
 - canvassing on behalf of a political party or a candidate for election to any of those bodies,
 - speaking to the public with the apparent intent of affecting public support for a political party, and

¹⁰ Sections 1 to 3 of the 1989 Act

¹¹ Section 4(5) of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

- publishing any written or artistic work of which they are the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.
49. It is common for party groups to give preliminary consideration to matters of Combined Authority business in advance of such matters being considered by the relevant decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles, for example chairperson or spokesperson. Officers should be required to give information and advice to political groups on Combined Authority business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of officers is preserved and that group confidentiality is maintained by officers.
 50. Usually the only officers involved in attending group meetings will be the Managing Director, Directors or Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
 51. Officers are employed by the Combined Authority as a whole. They serve the Combined Authority and are responsible to the Managing Director and their respective Directors and Heads of Service, and not to individual Members, whatever office they might hold.
 52. Both Members and officers are subject to their own Codes of Conduct which can be found in Part 5 of the Constitution. This Protocol provides guidance on working relationships between Members and officers. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

Sanctions

53. Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Members' Code of Conduct.
54. Complaints about any breach of this Protocol by an officer may be referred to the Managing Director or the Monitoring Officer.

Conclusion

55. It is hoped that, by following good practice and securing sensible and practical working relationships between members and officers, the Combined Authority and Mayor can provide one of the cornerstones of success and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Combined Authority, its members and officers.

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Appendix : Revised Members' Code of Conduct - overview

The **underpinning legislation** in respect of conduct issues **remains unchanged**, and therefore the existing requirements in relation to disclosable pecuniary interests are not affected by the proposed changes.

The main differences between the model code and the Combined Authority's current Code of Conduct are:

- The creation of a **new category of registrable interest**, namely **other registerable interests (ORI)**. These are not disclosable pecuniary interests (DPI); the criminal sanctions that apply to any failure to register disclosable pecuniary interests will not apply to personal interests,
- The model code explicitly applies to Members **giving the impression** that they are acting in their official capacity (the current Code only applies where a Member **is** acting in their official capacity),
- The model code expressly states that it applies to Members' activities in **all forms of communication**,
- There is an express requirement to **promote equality and not discriminate**,
- The obligation to not bring the role or the Combined Authority into **disrepute** has been reinstated,
- Explicit reference is now made to a **Member's use of position and resources**,
- Requirements to:
 - undertake code of conduct training,
 - co-operate in any investigation,
 - not intimidate anyone administering an investigation, and
 - comply with any sanction imposed upon a finding of a breach of the Codeare now explicitly included in the Code.

The election of a Mayor will also mean that, for the first time, formal decisions will (in relation to Mayoral Functions) be taken by a Member (the Mayor) acting alone (as opposed to acting collectively as a member of the Combined Authority or a committee). The Mayor may also delegate some functions to individual members of the Combined Authority. Accordingly, the proposed Code of Conduct now reflects how an individual decision maker will promote the ethical standards and principles of conduct which apply to Members in meetings.

It is proposed to retain some aspects of the current Code which are not in the model Code, where these are considered to complement or add to the model Code, for example by referencing local protocols. As a consequence of the new category of registerable interests, significant interests are now referred to as Non-registerable Significant Personal Interests (NSPI)

The new provisions (that is, those for which the current Code has no directly similar or equivalent provision, and which are taken from the model Code) are highlighted in blue in the draft.

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**A Review
Of
Members' Allowances
For the
Overview and Scrutiny
Co-opted Members
Of the
West Yorkshire
Combined Authority**

A Report

By the

Independent Remuneration Panel

**Dr Declan L. G. Hall (Chair)
Carolyn Lord
Very Reverend George Nairn-Briggs**

April 2021

Executive Summary

The IRP recommends that

- The ordinary Members appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees are paid a Co-optees' Allowance of £648
- The Deputy Chairs appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees are paid a Co-optees' Allowance of £1,296
- The Chairs appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees are paid a Co-optees' Allowance of £7,341
- No indexation is put in place for the recommended Co-optees' Allowances paid to the Co-opted Members appointed to the West Yorkshire Combined Authority Overview and Scrutiny Committees
- The recommended Co-optees' Allowances are to be paid from the date of the Authority's Annual Meeting on 24th June 2021 or at such later date as the Overview and Scrutiny Committees are appointed.

A REVIEW OF MEMBERS ALLOWANCES

BY THE

INDEPENDENT REMUNERATION PANEL

FOR THE

CO-OPTED MEMBERS

APPOINTED TO THE

WEST YORKSHIRE COMBINED AUTHORITY

OVERVIEW & SCRUTINY COMMITTEES

April 2021

Introduction: IRP's Remit and Regulatory Context

1. This report contains the recommendations made by the independent remuneration panel (Panel or IRP) appointed by the West Yorkshire Combined Authority (WYCA OR Authority) to make a recommendation to the Authority on the remuneration of the co-opted Members appointed to the revised Overview and Scrutiny Committees from the date of the Authority's Annual Meeting on 24th June 2021.
2. The West Yorkshire Combined Authority was established under the *West Yorkshire Combined Authority Order 2014* (SI 2014/864) and which assigned to the WYCA functions previously exercised by the West Yorkshire Integrated Transport Authority and its Passenger Transport Executive, in addition to economic development and regeneration related powers.
3. The Constituent Councils of the Authority are the five metropolitan boroughs that make up West Yorkshire, namely Bradford, Calderdale, Kirklees, Leeds and Wakefield. York City is also a non-Constituent Member of the Authority.

4. The 2014 Order provides for each Constituent Council to have one formal member. They can be any elected Member from each of the Constituent Councils but currently each Constituent Council has appointed their respective Council Leader. There are three additional elected Members for political balance jointly appointed by the Constituent Councils – these eight are the full voting Members. The City of York as a non-Constituent Council appoints an elected Member and the Leeds City Region Local Enterprise Partnership (LEP) also appoints one member – both of these members are non-voting, unless specifically given voting rights by the Authority. None of the full Authority members receives remuneration from the Authority.
5. On 30th January 2021 *the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (2012/112)* came into force. This moves forward on the Devolution Deal for the WYCA, with the WYCA becoming a mayoral combined authority (MCA). Voting for the Mayor will take place on 6th May 2021.
6. In addition, the 2021 Order also requires the Authority to appoint one or more Overview and Scrutiny Committees (OSCs). As such the Authority has decided that from the Annual Meeting on 24th June 2021 to establish three OSCs.
7. Consequently, it was decided at the meeting of the Authority on 9th March 2021 to reconvene the Authority's IRP to consider and make recommendations to the Authority for its meeting on 22nd April 2021 on
 - Remuneration for Members appointed to the Authority's OSCs
 - Remuneration to Chairs appointed to the OSCs, and
 - Remuneration to Deputy Chairs, if the Authority decides to appoint these to the Authority's OSCs
8. In arriving at a recommendation, the IRP was asked to:
 - Establish an understanding of the new functions, powers, responsibilities and funding for the new mayor and MCA which the OSCs will be expected to scrutinise.
 - Establish an understanding of the new proposed scrutiny arrangements, OSCs' expanded remit and the new ways of working that OSCs aspire to in the long term (in a phased approach).
 - Consider the unique challenges and complexities of combined authority scrutiny in a strategic regional context compared to local authority scrutiny.
 - Interview relevant members and officers – anticipated to include at least the Scrutiny Chair, Scrutiny Deputy Chair, a Scrutiny Member who is also a member of local authority scrutiny committee, Statutory Scrutiny Officer, Managing Director, Lead Director for Scrutiny (Corporate Services Director) and the Monitoring Officer.
9. It is noted that the 2021 Order does not permit the Authority to remunerate any of its Members with the exception of the Mayor and Deputy Mayor. The powers

to pay remuneration to co-opted Members appointed to the Authority's Overview and Scrutiny Committee derive from the Authority's general powers in tandem with the residual powers as applicable from the *Local Authorities (Members' Allowances) (England) Regulations 2003* SI2003/1021. These Regulations apply in part to Integrated Transport Authorities (ITAs), in particular permitting the remuneration of Co-opted Members appointed to ITAs. The West Yorkshire Combined Authority is a successor to and exercises the functions of an ITA. Therefore it has powers to remunerate the co-opted Members appointed to the Authority's Overview and Scrutiny Committee.

10. Although the Authority has reconvened its statutory mayoral IRP it has no statutory duties regarding remuneration of co-opted Members appointed to any of the Authority's committees, and as such any recommendations the IRP makes are not statutory maximum levels as with recommendations regarding the Mayoral remuneration. However the Authority has tasked the Mayoral IRP to consider remuneration for co-opted members on the Authority's Overview and Scrutiny Committees to bring an external validation to any remuneration they might receive and to follow good practice in this respect.

The IRP

11. The members of the IRP appointed by the WYCA are:

- Dr Declan Hall (Chair):
 - a former lecturer at the Institute of Local Government, the University of Birmingham, currently an independent consultant who specialises in Members Allowances and support. Dr Hall also chairs the IRP for the Greater Manchester Combined Authority (GMCA) and the Sheffield City Region Combined Authority (SCRCA).
- Carolyn Lord:
 - formerly a Member of Leeds IRP and IRP for various West Yorkshire authorities, and Independent Person for WYCA, solicitor in commercial practice, specialising in town and country planning and related areas of law, former governor of Leeds Trinity University, now governor of Leeds Conservatoire and Trustee of Yorkshire Sculpture Park.
- Very Reverend George Nairn-Briggs AKC DL:
 - Member of Calderdale IRP, former Chair of Wakefield Standards Committee; formerly a Whitehall Press Officer, Bishop's Adviser on Social Responsibility and Dean of Wakefield; currently Dean Emeritus and since 2006 a Deputy Lord Lieutenant of West Yorkshire

12. The work of the Panel was supported by the following:

- Angie Shearon, Governance Service Manager, WYCA

- James Young, Governance Services Team Leader, WYCA¹

How the IRP approached the review

13. Due to the current Covid-19 pandemic the IRP met virtually via MS Teams on the following dates:

- 18th March 2021
- 22nd March 2021
- 23rd March 2021

14. It was at these meetings that the IRP considered the range of information that was provided to it and met with a cross-party section of Authority Members to discuss the nature of the Authority and the remit and work of the Overview and Scrutiny Committees, the role of co-opted Members on those committees and other issues arising to consider in arriving at its recommendations. The IRP also met with a range of Officers from Authority to receive factual briefings on the nature of the Overview and Scrutiny function and how it is intended to operate.

15. The IRP also received and reviewed a wide range of written evidence and material from Officer briefing papers to benchmarking data. For further details on the range of evidence the IRP considered in its deliberations and in arriving at its recommendations see:

Appendix 1: the range of information that was formally presented to and considered by the IRP and sent to the IRP prior to its formal meetings.

Appendix 2: the Members who made representations to the IRP and the Officers who provided factual briefings to the IRP.

Appendix 3: Benchmarking data reviewed by the IRP

Overview and Scrutiny: Current Arrangements

16. Currently the Authority has a single Overview and Scrutiny Committee comprising 18 members – with 3 from each of the constituent and non-constituent authorities – and, since 2018, one dedicated statutory scrutiny officer to support the committee, chair and members in their work. It meets six times per year.

17. Since 2018, the committee currently also includes the following members and roles, none of which are remunerated:

- A Deputy Chair, nominated by the Chair and elected by the committee, to deputise on the Chair's behalf.

¹ The IRP takes this opportunity to thank both James and Angela for all their hard work in supporting the work of the IRP.

- Substitutes (18 substitutes – one for each member from the same party and district) expected to remain abreast of developments, substitute for their member when they cannot attend and volunteer for working groups.
 - Spokespersons: a group of members with an expanded role and duty to shadow certain advisory panels and engage in briefings with officers in order to keep on top of and advise the committee on key policy areas and issues – as well as lead relevant working groups and task and finish groups.
18. Since 2018, the Committee has appointed two or three working groups each year, a mixture of temporary task and finish review groups and annual scrutiny working groups, which usually meet 4-6 times each per year consisting of 5-7 members. Examples since 2018/19 include:
- LEP Review working group
 - Transport working group
 - Business grants review group
 - Climate emergency review group
 - Governance and scrutiny review group
 - Finances & corporate review group
19. Scrutiny allowances were last assessed by an IRP in 2014 and 2015 which set them at:
- **£1,350 Basic Allowance** per annum for each member of scrutiny
 - **£7,848 additional Special Responsibility Allowance (SRA)** per annum for the Chair

New proposed scrutiny structure (from 24 June 2021)

20. As of the 24th June 2021 Annual Meeting, there will be three overview and scrutiny committees appointed as follows (subject to further confirmation):
- Corporate & Strategy Scrutiny Committee: responsible for monitoring, scrutinising and investigating all matters pertaining to corporate services and schemes, finances, partnerships, governance and overall strategy development and performance
 - Transport & Environment Scrutiny Committee: responsible for monitoring, scrutinising and investigating all matters pertaining to the transport and environment functions, powers, responsibilities, policies and services
 - Economic & Skills Scrutiny Committee: responsible for monitoring, scrutinising and investigating all matters pertaining to economic regeneration, planning and development functions, powers, responsibilities, policies and services
21. Each committee will comprise 16 members: with 3 from each of the five West Yorkshire constituent authorities and 1 from the non-constituent authority, the City of York. This would increase the total number of Scrutiny members from 18

to 48 members, plus substitutes (up to 48 further members depending on nominations). They may elect Deputy Chairs. It is intended that they will meet six times per year.

22. In addition to the change in structure, the scrutiny function intends, in due course, to improve its level of activity in certain key scrutiny duties, such as:

- **Public engagement and petitions:** through a working group or lead members to interface and engage with communications, consultation & engagement, and members correspondence teams to act as a platform for members and the public to petition scrutiny.
- **Local authority member engagement:** through a permanent working group / subpanel made up of the chairs of local authority scrutiny committees, and the police & crime panel, so that cross-border and regional issues can be tackled and to act as a platform for backbench members to engage with combined authority scrutiny.
- **Pre-decision scrutiny:** greater interface with Portfolio Management & Appraisal office (PMA) in order to scrutinise big projects and schemes at key decision points, in the outline business case and later funding decisions.
- **Pro-active scrutiny reviews:** engage in more pro-active and independent reviews and inquiries in public committee hearings, in the style of select committees, and through review groups which engage with a range of witnesses, stakeholders, experts and first hand research such as site visits.
- **Reactive overview scrutiny:** through a series of permanent working groups to maintain an overview of corporate and financial performance.
- **Recommendation and impact monitoring:** through a working group to maintain a stronger focus on the impact and conclusions of recommendations made by scrutiny to track scrutiny's impact short term and long term.
- **Working programming and agenda planning:** steering group of committee and working group chairs to work programme in a strategic manner and ensure limited time and resources are used on the right issues.
- **Policy expertise:** Greater use of external experts and triangulation of evidence, and selecting members with certain expertise/experience to specialise and focus in certain policy areas within each committee's remit and those that overlap between committees.

23. The new structure intends to make greater use of working groups including individual committee review groups/task and finish groups, permanent working groups with specific responsibilities, joint working groups of two or more scrutiny committees, as well as externally facing steering groups which would include the scrutiny chairs and members of local authority scrutiny committees and the Police & Crime Panel to act as a platform for cross border and regional cooperation. Examples of Permanent Joint Working Groups that are currently planned Include:

Scrutiny Chairs Steering Group

24. The Chairs Steering Group shall be a permanent joint working group of the three overview and scrutiny committees which will act as a platform to coordinate work programmes and cross-cutting scrutiny actions.
25. Where issues overlap between different committees' remits, the Chairs shall discuss and agree which committee shall consider a particular issue or share responsibility for scrutinising different aspects of the same issue including through joint working groups.

West Yorkshire Scrutiny Chairs Liaison Group

26. The West Yorkshire Scrutiny Chairs Liaison Group shall be a permanent joint working group of the Chairs of Combined Authority scrutiny, constituent member authorities' scrutiny, WY Health Scrutiny and the Police & Crime Panel.
27. The Group shall act as a platform for scrutiny chairs across West Yorkshire to share information and best practice and discuss cross border and regional issues of mutual concern to determine which authority is best placed to scrutinise each issue.
28. The scrutiny reforms are intended to be implemented in a phased way over time, proportionate to the level of officer support.

The IRPs Recommendations – Members of Overview & Scrutiny Committees

29. The dilemma for the IRP is that there is no experience of how the new Overview and Scrutiny arrangements will operate in practice and the significance of the roles and responsibilities of each Member appointed to the Overview and Scrutiny Committees.
30. The powers and functions of the Authority are expanded under the 2021 Order and in the case of the elected Mayor, newly acquired. This broadens the scope of the Overview and Scrutiny function. However, the IRP is not convinced that it will be broadened to the extent that the current Basic Allowance (£1,350) should be paid to all the ordinary Members of the three new OSCs. An important consideration for the IRP was it being informed that the fully fledged Overview and Scrutiny arrangements will not be operational from the Annual Meeting on 24th June 2021. Indeed, it is an issue the Authority itself recognises when in a Report to the Authority (9th March 2021) on Future Scrutiny Arrangements which states (in paragraphs 2.10-11):

It is anticipated that the work of the scrutiny committees will need to be phased in to enable the roles and relationships to be established effectively.

It is proposed that a review of this new structure takes place 6 months after the annual meeting to ensure that the level of

resources is in line with the level of activity and that scrutiny is able to meet its expectations.

31. Also for the IRP there were further issues to take into consideration:
 - How the new arrangements, particularly the Transport & Environment Scrutiny Committee, will fit with the current Transport Committee which appears to also have a quasi-scrutiny function.
 - Indeed, it could be argued that by having a politically balanced Authority that the Opposition Members on the Authority are carrying out a scrutiny role, thus further blurring responsibilities for Scrutiny
 - Benchmarking – no other English Combined Authority remunerates Members appointed to their Overview and Scrutiny Committees
 - Moreover, the IRP is cognisant of the cost of the increased numbers of members appointed to Overview and Scrutiny
32. The IRP understands that one of the purposes of appointing so many Members to OSCs is to create stronger links between the Authority and the nominating Councils and make the work of the Authority more relevant for the nominating Councils. The IRP heard some anecdotal evidence that in other English Combined Authorities, where no Overview and Scrutiny Members are remunerated, that there are issues of their Overview and Scrutiny meetings being inquorate. The IRP also suspects that there may be issues in recruiting so many Members to put themselves forward to on the Authority OSCs without remuneration, particularly when considering the remuneration currently paid to Members appointed to the Authority's Transport Committee.
33. However, despite no other English Combined Authority remunerating these roles, the IRP is also of the view, largely through taking cognisance of the draft Scrutiny Member Role Outline, that the role of ordinary Members appointed to the Authority's OSCs will be above and beyond what is expected from ordinary Members back at their nominating authority and for which they are paid a Basic Allowance. As such, some remuneration is merited in recognition that the role has a value. However, the comment was made to us that members will not take on this role through financial motivation.
34. In setting the appropriate level of remuneration the IRP has not been guided by the current remuneration (£4,500) paid to the Members appointed to the Authority's Transport Committee. This remuneration (as was all remuneration for all roles on the Transport Committee) was set when the Transport Committee operated in a different environment (which, in turn raises the issue of the current levels of remuneration of the Transport Committee Members which the IRP has not at this stage been asked to review).
35. The IRP has not been guided by the remuneration paid (£3,737 Basic Allowance) to Members of the West Yorkshire Fire Authority. It is an authority in its own right and the remuneration reflects that fact. The only other West Yorkshire-wide body that may be pertinent for benchmarking purposes is the West Yorkshire Police and Crime Panel, which for legal reasons remunerates its members via the allowances schemes in the Nominating Councils. The SRA paid to members appointed to the West Yorkshire Police and Crime

Panel is fairly consistent, ranging from £6,133 (Bradford) to £6,543 (Leeds). However, the IRP has not been guided by these levels of remuneration as they are a legacy of the levels of remuneration paid in their predecessor bodies, namely Police Authorities, where remuneration was historically much higher

36. Nor has the IRP been guided by the current remuneration (£1,350) paid to Members appointed to the single OSC, partly due to the fact that the role will be somewhat diluted by having so many appointees and partly because the full scrutiny arrangements will take some time to roll out and until then there will be lack of clarity over roles and responsibilities.
37. The IRP has however adopted a similar methodology originally used in arriving at the recommended remuneration for the Members appointed to the OSC, which in turn is similar to how the Basic Allowance is typically arrived at in the nominating Councils by their statutory IRPs. In 2014, the IRP arrived at the recommended remuneration for Overview and Scrutiny Members by multiplying a time assessment of 12 days per year by £112.50 per day (which was the mean West Yorkshire gross daily salary for all full-time employees) which equated to £1,350.
38. At this juncture the IRP has assessed the annual time input at six days per year. In arriving at a rate of remuneration it has taken the median daily salary for all full-time employees resident in Yorkshire and Humberside (thus including median earnings for York). In 2020 this figure was £108 per day.² The IRP has utilised the median rather than the mean earnings as the Office of National Statistics now advises that the median is a more accurate reflection of average earnings as it is not so influenced by a relatively few numbers of high earning outliers.
39. The IRP then multiplied six days assessed input by the rate of remuneration of £108 per day to arrive at £648.
40. **The IRP recommends that the ordinary Members appointed to the Overview and Scrutiny Committees are paid £648 per year.**
41. **The IRP also recommends that in the interests of transparency this remuneration is termed a Co-optees' Allowance. It is acknowledged that this is a different structure to how the Transport Committee Members are remunerated (a Basic Allowances plus SRA where appropriate) but the IRP will address that anomaly if and when it reviews the Transport Committee remuneration.**

² See Annual Survey of Hours and Earnings (ASHE), Table 8.1a (November 2020) which shows the median weekly salary for all full-time employees resident in Yorkshire & Humberside to be £540.40, which the IRP divided by five working days and rounded up/down to the nearest £. November <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/placeofresidencebylocalauthorityshetable8>

Chairs and Deputy Chairs of the WYCA Overview &Scrutiny Committees

42. There is a much more clear case to remunerate the Chairs of the OSCs. They will be exercising a significant responsibility as indicated by the draft Scrutiny Chair Role Outline. However, as with the ordinary Members appointed to Overview and Scrutiny the IRP has taken the view that their current remuneration (£7,848 plus the £1,359 'Basic Allowance') is not an accurate guide. Again this is partly due to the fact that the whole panoply of Overview and Scrutiny will take time to roll out, partly due to the fact that there will be multiple OSCs and partly due to the fact that the Chairs' role is diluted somewhat by having Opposition Members appointed to the full Authority.
43. The case for the Deputy Chairs is less clear. However, the IRP has decided to make a recommendation to remunerate the Overview and Scrutiny Deputy Chairs largely as they will be expected to sit on and attend both the Scrutiny Chairs Steering Group and the West Yorkshire Scrutiny Chairs Liaison Group. Also by remunerating the Deputy Chairs it should help foster a more active core of Overview and Scrutiny Members and in order to be in a position to fulfil a deputising role where the Chair may not be available the Deputy will need to be fully briefed.
44. The IRP notes that no other English Combined Authority pays the Chairs of their OSCs. The remuneration (£29,300 in total) paid to the Chair of the Authority's Transport Committee has not been utilised for benchmarking purposes for the same reasons that the IRP was not guided by the remuneration paid to the ordinary Members of the Authority's Transport Committee.
45. Only two of the allowances schemes in the Nominating Councils (Calderdale £11,696 and Leeds £11,995) make reference for the remuneration for when one of their Members chairs the West Yorkshire Police and Crime Panel. The IRP has not been guided by these levels of remuneration for the same reason it was not guided by remuneration paid to the ordinary Members of the West Yorkshire Police and Crime Panel. The Committee Chairs in the West Yorkshire Fire Authority are paid £4,124 (with the Deputy Chairs being paid £1,031) but the IRP notes that there are five paid Committee Chairs (and Deputy Chairs) in the West Yorkshire Fire Authority.
46. It is noted that the SRA for Chair of the one OSC was originally arrived at by taking the mean SRA paid to the Chairs of Scrutiny Committees/Panels (excluding overarching Overview and Scrutiny Committees) in four of the West Yorkshire nominated Councils, namely Bradford, Calderdale, Kirklees and Wakefield (Leeds was excluded as an outlier and York was also excluded as it was not so active an Authority member at the time).
47. The IRP has decided to replicate this methodology as a starting point but this time to include the SRA paid to Scrutiny Chairs in York as it is a more active Authority member, but continue to exclude Leeds as the SRA paid to Scrutiny Chairs in Leeds continues to be an outlier. This produces a figure of £8,637 (see appendix three), which for the IRP provides a total sum for the remuneration to be paid to the Chairs and Deputy Chairs of the OSCs.

48. As the IRP is also making a recommendation for the Deputy Chair who will share some of the responsibility for the relevant OSC it has determined to arrive at their recommended Co-optees' Allowance by doubling the recommended Co-optees' Allowance (£648) paid to ordinary Members, which equates to £1,296. By doubling the recommended remuneration for ordinary Members the IRP is simply recognising that the Deputy Chairs have a role above and beyond that of the ordinary Members appointed to the OSCs and there will be a need to revisit this (as with all recommendations) in light of further experience and bedding in of the new scrutiny arrangements.
49. In arriving at the recommended remuneration for the Overview and Scrutiny Chairs in recognition of some shared responsibility between Chair and Deputy the IRP then deducted the recommended Co-optees' Allowance (£1,296) for Deputy Chairs from the mean (£8,637) SRA paid to Scrutiny Chairs paid in the nominating Councils, (excluding Leeds as an outlier) to arrive at the recommended Co-optees' Allowance for the Authority's Overview and Scrutiny Chairs, which equates to £7,341.
50. **The IRP recommends that the Chairs of the WYCA Overview and Scrutiny Committees are paid a Co-optees' Allowance of £7,341 per annum.**
51. **The IRP recommends that the Deputy Chairs of the WYCA Overview and Scrutiny Committees are paid a Co-optees' Allowance of £1,296 per annum.**
52. **As with the recommended remuneration for ordinary Members appointed to the Overview and Scrutiny Committees the IRP also recommends that the recommended remuneration for the Overview and Scrutiny Chairs (£7,341) and Deputy Chairs (£1,296) is their total remuneration and paid to each as a Co-optees' Allowance.**

Indexation

53. Although it was not formally in the IRP's terms of reference the IRP considered the appropriateness of indexing the recommended remuneration. Annual indexation ensures allowances keep pace with inflation and efficient in that it lessens the need for substantial increases in allowances on a periodic basis and reduces the need to convene IRPs on a frequent basis. It is for this reason that the indexation of allowances is common across all UK local government - usually linked to the annual percentage increase in Officer salaries, as agreed nationally by the National Joint Council for Local Government Staff. Normally on principle and for expediency the IRP would support indexation but has decided that because of the evolving context which will inevitably impact on the roles and responsibilities of Authority's co-opted Members to the OSCs indexation is not appropriate at this stage; it appears that a further review of remuneration will be required anyway once adjustments to responsibilities for the new MCA have been experienced and the new structures have settled into an operational pattern.

54. The IRP will reconsider this and all of its recommendations contained in this report at the next review.
55. **The IRP does not recommend any of the remuneration recommended for co-opted Members on the Authority's Overview and Scrutiny Committees are indexed.**

Implementation of Recommendations

56. **The IRP further recommends that the remuneration levels proposed in this review are implemented from the date of the Authority's Annual Meeting on 24th June 2021 or at such later date as the Overview and Scrutiny Committees are appointed.**

APPENDIX 1: Written Information Received and Considered by IRP

1. IRP Briefing Paper, Remuneration for Members of the Overview and Scrutiny Committee
2. West Yorkshire Combined Authority, Overview and Scrutiny Committees, Roles and Remits (Draft)
3. Overview and Scrutiny Committee Member Role Outline (Draft)
4. Overview and Scrutiny Committee Chairs (and Deputy Chairs) Role Outline (Draft)
5. A Review of Members' Allowances for the Co-opted Members for the West Yorkshire Combined Authority, the Second Report by the Independent Remuneration Panel ., May 2015
6. Scrutiny SRAs (Excluding Main O&S Committee) paid in WYCA Nominating Councils 2020/21
7. West Yorkshire Combined Authority Members' Allowances Scheme, Municipal Year 2019/20
8. Report to the West Yorkshire Combined Authority, Future Scrutiny Arrangements, 9th March 2021
9. *The West Yorkshire Combined Authority Order 2014* (SI 2014/864), 1st April 2014
10. *The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021* (SI 2021/112) 29th January 2021
11. *The Local Authorities (Members' Allowances) (England) Regulations 2003* (SI2003/1021) 1st May 2003
12. Annual Survey of Hours and Earnings (ASHE), Weekly Gross Pay for all Full Time Employees in Yorkshire and Humber Region. 2020 Table 8.1a (Home Geography)

APPENDIX 2: Members & Officers Who Contributed to the Review

Members:

Cllr J. Baker	Deputy Chair WYCA Overview & Scrutiny Committee (Calderdale – Liberal Democrat)
Cllr P. Harrand	Chair WYCA Overview & Scrutiny Committee (Leeds – Conservative)
Cllr S. Hinchcliffe	Chair of WYCA (Bradford – Labour)
Cllr D. Jones	Member WYCA Overview & Scrutiny Committee (Wakefield – Labour)

Officers:

The IRP received a factual briefing from the following Officers:

Caroline Allen:	WYCA Monitoring Officer
Khaled Berroum	WYCA Statutory Scrutiny Officer
Ben Still	WYCA Managing Director
Angela Taylor	WYCA Director with responsibility for Scrutiny function

APPENDIX THREE: Summary of Allowances Used for Benchmarking Purposes

Scrutiny SRAs (exc. Main O&S Committee) - WYCA Nominating Councils 2020/21			
WYCA Authority	SRA Scrutiny Chairs Committees, Panels or Leads	SRA Deputy Chairs	SRA Chairs Scrutiny Sub Committees, WGs etc.
Bradford	£12,970	NA	NA
Calderdale	£7,919	NA	£3,167
Kirklees	£6,432	NA	£40 p/day
Leeds	£21,070	NA	NA
Wakefield	£9,643	£3,240	NA
York	£6,223	NA	NA
Mean (exc. Leeds)	£8,637	NA	NA
Median (exc. Leeds)	£8,781	NA	NA
Mean (inc. Leeds)	£10,710	NA	NA
Median (inc. Leeds)	£8,781	NA	NA

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**A Review
Of
Remuneration
For the
Deputy Mayor (Police and Crime)
Of the
West Yorkshire
Combined Authority**

A Report

By the

Independent Remuneration Panel

**Dr Declan L. G. Hall (Chair)
Carolyn Lord
Very Reverend George Nairn-Briggs**

April 2021

Executive Summary

The IRP recommends that

- The total remuneration package for the West Yorkshire DMPC (maximalist model¹) should be £72,000.
- Where the DMPC is appointed on a substantial model² basis that their total remuneration package should be £48,000
- There should be no differentiation in remuneration whether the DMPC is appointed as a member of staff or an elected Member

¹ The Maximalist model of DMPC is one where the maximum amount of Mayoral PCC functions are delegated

² The Substantial model of DMPC is one that has been sized at 2/3s of the size of the role of the Maximalist model of DMPC

A REVIEW OF REMUNERATION

BY THE

INDEPENDENT REMUNERATION PANEL

FOR THE

DEPUTY MAYOR (POLICE AND CRIME

OF THE

WEST YORKSHIRE COMBINED AUTHORITY

April 2021

Introduction: IRP's Remit and Regulatory Context

1. This report contains the recommendations made by the independent remuneration panel (Panel or IRP) appointed by the West Yorkshire Combined Authority (WYCA or Authority) to provide advice to the Head of Paid Service to assist the Mayor with the setting of any remuneration of the Deputy Mayor (Police and Crime) that may be appointed by the elected Mayor.
2. The West Yorkshire Combined Authority was established under the *West Yorkshire Combined Authority Order 2014* (SI 2014/864) and which assigned to the WYCA functions previously exercised by the West Yorkshire Integrated Transport Authority and its Passenger Transport Executive, in addition to economic development and regeneration related powers.
3. The Constituent Councils of the Authority are the five metropolitan boroughs that make up West Yorkshire, namely Bradford, Calderdale, Kirklees, Leeds and Wakefield. York City is also a non-Constituent Member of the Authority.
4. The 2014 Order provides for each Constituent Council to have one formal member. They can be any elected Member from each of the Constituent Councils but currently each Constituent Council has appointed their respective Council Leader. There are three additional elected Members for political balance jointly

appointed by the Constituent Councils – these eight are the full voting Members. The City of York as a non-Constituent Council appoints an elected Member and the Leeds City Region Local Enterprise Partnership (LEP) also appoints one member – both of these members are non-voting, unless specifically given voting rights by the Authority. None of the full Authority members receives remuneration from the Authority.

5. On 30th January 2021 *the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (2012/112)* came into force. This moves forward on the Devolution Deal for the WYCA, with the WYCA becoming a mayoral combined authority (MCA). Voting for the Mayor will take place on 6th May 2021, and who will take up office on 10th May 2021.
6. The Mayor, if they so choose, can appoint a Deputy Mayor (Police and Crime – DMPC).
7. Consequently, the Head of Paid Service reconvened the IRP to provide advice on the level of remuneration of the DMPC and set out its recommendations in the form of a report.
8. In coming to their recommendation, the IRP was asked to:
 - Establish an understanding about the nature and scale of the demands that may be placed on the DMPC. It should be assumed that the Mayor may choose to delegate the maximum possible range of PCC Functions to the DMPC if the appointment is made.
 - Consider the position if the DMPC were to be a member of staff or an elected member.
 - Take into account allowances for comparable roles elsewhere.
 - Interview any relevant officer/member, and
 - Obtain and consider any additional information which they consider relevant.
9. Although the Authority has reconvened its statutory mayoral IRP the IRP has no statutory duties regarding remuneration of the DMPC, and as such any recommendations the IRP makes are not statutory maximum levels as with recommendations regarding the Mayoral remuneration. However the Authority has tasked the Mayoral IRP to consider remuneration for the DMPC to bring an external validation to any remuneration they might receive and to follow good practice in this respect.

The IRP

10. The members of the IRP appointed by the WYCA are:
 - Dr Declan Hall (Chair):
 - a former lecturer at the Institute of Local Government, the University of Birmingham, currently an independent consultant who specialises in Members Allowances and support. Dr Hall also chairs the IRP for

the Greater Manchester Combined Authority (GMCA) and the Sheffield City Region Combined Authority (SCRCA).

- Carolyn Lord:
 - formerly a Member of Leeds IRP and IRP for various West Yorkshire authorities, and Independent Person for WYCA, solicitor in commercial practice, specialising in town and country planning and related areas of law, former governor of Leeds Trinity University, now governor of Leeds Conservatoire and Trustee of Yorkshire Sculpture Park.
- Very Reverend George Nairn-Briggs AKC DL:
 - Member of Calderdale IRP, former Chair of Wakefield Standards Committee; formerly a Whitehall Press Officer, Bishop's Adviser on Social Responsibility and Dean of Wakefield; currently Dean Emeritus and since 2006 a Deputy Lord Lieutenant of West Yorkshire

11. The work of the Panel was supported by the following:

- Angie Shearon, Governance Service Manager, WYCA
- James Young, Governance Services Team Leader, WYCA³

How the IRP approached the review

12. Due to the current Covid-19 pandemic the IRP met virtually via MS Teams on the following dates:

- 31st March 2021
- 1st April 2021
- 8th April 2021

13. It was at these meetings that the IRP considered the range of information that was provided to it and met with a range of elected post holders to discuss the nature of the Authority and potential remit and work of the DMCP and other issues arising to consider in arriving at its recommendations. The IRP also met with a range of Officers from the Authority and elsewhere to receive factual briefings on the nature of the Authority and how the role of the DMPC is intended to operate.

14. The IRP also received and reviewed a wide range of written evidence and material from Officer briefing papers to benchmarking data. For further details on the range of evidence the IRP considered in its deliberations and in arriving at its recommendations see:

Appendix 1: the range of information that was formally presented to and considered by the IRP and sent to the IRP prior to its formal meetings.

³ The IRP takes this opportunity to thank both James and Angela for all their hard work in supporting the work of the IRP.

- Appendix 2: the elected post holders who made representations to the IRP and the Officers who provided factual briefings to the IRP.
- Appendix 3: Benchmarking data reviewed by the IRP.

Current Arrangements: The WY Deputy PCC

15. Currently the Police and Crime Commissioner (PCC) for West Yorkshire (The Commissioner) is empowered to appoint a deputy police and crime commissioner (DPCC) under the provisions of s.18 of the Police Reform and Social Responsibility Act 2011 (The Act). In addition, the PCC may also agree the level of payment for the DPCC. The PCC is required to notify the Police and Crime Panel of any proposed senior appointments. This was duly carried out in compliance with the 2011 Act. The Police and Crime Panel approved the appointment of the DPCC on 10 April 2013.
16. The existing DPCC deputises for the PCC in his absence and manages the external affairs of the Office of the Police and Crime Commissioner. This includes devising and implementing policy, maintaining and building partnerships, the delivery of effective communications and public engagement.
17. The DPCC's salary was set by the PCC and equates to an Executive Officer Grade 2 (West Yorkshire Police salary scales) currently, £62,283 (FTE) per annum to carry out a role providing political advice and to support the PCC in the delivery of their role. The current DPCC works part-time with a pro-rata salary of £49,826.
18. The IRP was informed that the current DPCC role is a combination of acting as Political Adviser and undertaking Deputy PCC duties, although it lends itself more to the advisory and communications role than police and crime duties.

The Future DMPC

19. While it is not a requirement to appoint a DMPC from the officers and elected members interviewed there is a general expectation that the incoming Authority-elected Mayor will do so. The remit of the Authority's elected Mayor will in addition to PCC functions include the Mayoral functions of transport, housing and planning and finance. Regardless of the individual, we were advised during interviews of the view that the Authority's elected Mayor will simply not have the capacity to undertake all statutory duties on their own.
20. It is expected that the DMPC will be appointed in accordance with the desirable knowledge criteria that is applicable to the current DPCC especially in circumstances where the elected Mayor may require support with knowledge of policing, criminal justice and community safety:
 - A strong understanding of policing and crime prevention issues

- A strong understanding of West Yorkshire and its communities
 - A strong understanding of the environment of the police and crime
 - Experience of working alongside the police force.
21. The Mayor can arrange for the DMPC to exercise any PCC function save for the following:
- Issuing a police and crime plan
 - Appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign
 - Calculating the PCC component of council tax.
22. The IRP was informed that given the wider responsibilities that the Mayor will have compared with the Police and Crime Commissioner, the expectation is that the Deputy Mayor for Policing and Crime will carry out many of the day to day responsibilities that are conducted by Police and Crime Commissioners in non-Mayoral areas. Following comments made in the interviews with members and officers, the IRP have made the assumption that the DMPC role would be conducted on a full-time basis; if it is not then the remuneration level would be reduced pro rata as is the case for the current DPCC incumbent.
23. The Chief Constable remains a “corporate sole” i.e., a legal entity in their own right, who leads the West Yorkshire Police Force. The Mayor will draw on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable.
24. The IRP was informed that despite the Mayor having the three functions mentioned above reserved solely to that Office in practice the Mayor may well have to depend on their DMPC to carry out at least some of the preparatory work in relation to these reserved functions. At the very least it is expected that the DMPC will be consulted and asked for their input regarding these functions.

DMPC as Mayor’s representative on other bodies

25. It is unclear at this stage what role the DMPC will perform in terms of representation on outside bodies. This will be a decision for the Mayor, and could include involvement in the governance of the National Police Air Service, for which the Mayor will at least in the short term be the Lead Local Policing Body.
26. The current DPCC leads on external affairs and represents the Police and Crime Commissioner by working with community groups, public bodies and organisations to better understand the policing needs of the community and to assist in the development of strategies to reduce crime and disorder.
27. As the Mayor will have a much wider remit than the current PCC, the DMPC is likely to have a much greater role in representation on outside bodies than the current DPCC, including for the Association of Police and Crime Commissioners and bodies associated with national and regional policing

capabilities.

Accountability

28. The DMPC will be accountable to the Mayor. The term of office of the DMPC is linked to that of the Mayor. The Police and Crime Panel may require the DMPC to attend the Panel at reasonable notice to answer any questions which appears to the Panel necessary in order for it to carry out its functions.
29. In terms of conduct of the DMPC, complaints against this person (if an elected member of the Combined Authority), will be dealt with in accordance with the Combined Authority's existing Members Code of Conduct. If the conduct involves a person who is not a member of the Combined Authority at the time the complaint is recorded, the Police and Crime Panel shall make arrangements for the complaint to be subject to informal resolution. Serious and criminal related complaints will be handled by the Director General of the Office for Police Conduct.
30. The DMPC model generally presented to the IRP can be described as a maximalist one. In other words, it is expected that the DMPC will be delegated the full range of functions that is legally permissible and will also be involved alongside with the Mayor in carrying those functions reserved to the Mayor, although it is noted the Mayor will have sole responsibility for PCC functions and is ultimately accountable for the same functions.
31. However, the IRP was also informed that the 'maximalist' model of DMPC cannot be taken for granted. Ultimately, it is up to the Mayor to decide the delegations and breadth of roles assigned to their DMPC. The dilemma for the IRP is that it has no means to ascertain in advance which model of West Yorkshire DMPC will be operational in practice.
32. Consequently, and to assist the Authority if the maximalist model of DMPC is not put in place, this has led the IRP to make two recommendations for the remuneration of the DMPC based on the following models which are assumed to be full-time roles (and if in practice they are not, remuneration is assumed to reduce pro rata), which are described further at paragraphs 34 – 47 below:
 - A. The 'maximalist model' of DMPC
 - B. A 'substantial model' of DMPC
33. Were the extent of the DMPC role to fall between these models, an appropriately adjusted figure could be considered of course.

The maximalist model of DMPC

34. This model assumes the DMPC will be assigned the full range of delegated functions possible, including taking the lead regarding outside appointments, and being consulted regarding the discharge of the Mayor's sole PCC functions.

35. The IRP considered other relevant roles for benchmarking purposes to help it arrive at the recommended remuneration for the maximalist DMPC (see appendix three). Under this model the IRP has not been guided by the current remuneration (£62,283 FTE) paid to the West Yorkshire Deputy PCC. The IRP was informed that the current Deputy PCC undertakes a different role from that which would be expected from the DMPC (both models). The IRP was told that the current West Yorkshire Deputy PCC undertakes more of a community and political adviser role. Based on the information provided through interviews the IRP was led to conclude that the relationship between the current Deputy PCC and PCC role does not appear to be comparable to the future relationship between the elected Mayor and the DMPC in its various aspects. Also for similar reasons, the IRP has not been guided by what is paid to Deputy PCCs in other comparable policing regions.
36. The only other areas in England where there is a regional elected Mayor with responsibility for PCC functions and where they appoint a DMPC are London and Greater Manchester, where the Deputy Mayors (PC) are paid as follows:
- London Deputy Mayor (PC) £127,513
 - Greater Manchester DMPC £78,000
37. The IRP has not taken the remuneration of the London Deputy Mayor (PC) as a guide simply on the basis that the size of the police force and budget is much greater than that in West Yorkshire.
38. More pertinent is the remuneration of the DMPC for Greater Manchester; it is the most relevant comparator available. However, the Greater Manchester DMPC also has responsibility for Fire functions; actually the full job title is DM for Police, Crime, Criminal Justice and Fire. It is noted that in 2018 the Senior Salary Review Board recommended that where a PCC has responsibility for the governance of fire and rescue services that they should be paid an additional £3,000, which the government accepted.⁴
39. As the West Yorkshire elected Mayor or DMPC will not have responsibility for fire and rescue services it led the IRP to deduct £3,000 from the £78,000 paid to the GM DMPC to account for the lesser remit, which leaves £75,000.
40. The IRP considered whether the Criminal Justice role for the GM DMPC was relevant for discounting purposes and concluded that it was not. The additional responsibility for 'criminal justice' in the job title of the Greater Manchester DMPC is a reflection of policy emphasis rather than an additional Greater Manchester-specific remit. In practice the overall workload will not be affected by this title/policy emphasis. The IRP was advised that every duty taken independently could properly take much time and cumulatively would easily add up to more than a full-time role – so that in practice priorities will have to be set amongst the potential responsibilities by the Mayor to make the role

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819475/SSRB_2019_Report_Web_Accessible.pdf

manageable (as will be the case for the Mayor's role itself). Clearly, there will also be officer support to assist both the Mayor and DMPC and will be a matter of balance within the budget and policy direction.

41. The IRP then arrived at the recommended remuneration for the DMPC (maximalist model) by broadly maintaining the same differential (pro-rata) between the recommended remuneration (£105,000) for the West Yorkshire elected Mayor vis-à-vis the actual remuneration (£110,000) of the Greater Manchester elected Mayor. This differential between the remuneration of the GM elected Mayor and the WYCA elected Mayor was undertaken partly to reflect the difference in size of Authority and the IRP has continued to recognise this. On a pro rata basis the differential of £5,000 per annum is £3,000, which led the IRP to deduct a further £3,000 from the figure of £75,000, which leaves a figure of £72,000.
42. The IRP considers that this figure of £72,000 is appropriate as a total remuneration package. In setting the remuneration of the DMPC the IRP advises that consideration should be given to how and whether pension provision should be captured or reflected in the final remuneration package.
43. **The IRP recommends that the total remuneration package for the West Yorkshire DMPC (maximalist model) is £72,000.**

A substantial model of DMPC

44. Whilst it is recognised that the Authority Mayor may appoint a DMPC but choose not to delegate any functions to the DMPC or that the Mayor may ask paid Officers to carry out many of their functions the IRP has made the assumption (following the interviews with officers and members) that in reality this will not be practicable. At most the Authority's Mayor may choose for instance to attend meetings of national bodies such as the National Police Air Service or Association of Police and Crime Commissioners or even other internal meetings but inevitably there will be occasions when the Authority's Mayor will have scheduling conflicts and would have to send the DMPC in their stead. Even where the Mayor asks Officers to carry out some of the Mayoral PCC functions there is a limit on what can be asked from Officers, such as public engagement, which if the Mayor cannot do it will have to fall on the DMPC.
45. Even so, the demands on the time of the Mayor regarding their wider responsibilities will mean that in reality, while the DMPC may not be the maximalist model suggested to the IRP, if the appointment is made, the role will nonetheless be substantial; the IRP's view is that in practice it will not be a minimalist model that in theory could be put in place.
46. The IRP has simply assumed that the substantial model of DMPC will be at least 2/3s of the size of the role of the DMPC maximalist model. This has led the IRP to factor the recommended total remuneration package (£72,000) for the DMPC maximalist model by 2/3s, to arrive at a figure of £48,000.

47. As with the maximalist model, the IRP considers that this figure of £48,000 (DMPC substantial model) is appropriate as a total remuneration package. Similarly, in setting the remuneration of the DMPC (substantial model) the IRP advises that consideration should be given to how and whether pension provision should be captured or reflected in the final remuneration package.
48. **The IRP recommends that where the appointed DMPC is appointed on a substantial model basis that their total remuneration package should be £48,000.**

If the post of DMPC were to be a member of staff or an elected member

49. The IRP has been asked to consider if there should be a difference in remuneration depending on whether the DMPC was appointed as a member or staff or an elected Member. **The IRP has decided not to make any recommendation to differentiate remuneration depending on whether the DMPC was appointed as a member or staff or an elected Member.**
50. The IRP has made recommendations on the assumption that the DMPC will in all likelihood be an officer appointment. The size of the role (both models) is the same regardless of who is appointed DMPC. It is recognised that the DMPC is classed as a member of staff of the Combined Authority unless they are an elected Member. Where the appointee is deemed a member of staff it is noted that their remuneration will be pensionable and if it is an elected Member their remuneration will not be pensionable. The IRP cannot make recommendations to recognise this difference in terms and conditions, to do so could leave the IRP open to accusations that it was trying to circumvent the legislation.
51. It is further noted that if the DMPC appointed was an elected Member that they would have an express time commitment back at their respective Council which may well mean that they might not be able to devote themselves full time to the role of DMPC. In this case, the IRP would expect the remuneration of the DMPC who is also an elected Member to be paid on a pro rata basis.

APPENDIX 1: Written Information Received and Considered by IRP

1. IRP Briefing Paper, Deputy Mayor for Policing & Crime (DMPC)
2. West Yorkshire Deputy Police & Crime Commissioner, Job Specification
3. Greater Manchester Combined Authority, Constitution, 2019
4. *The Policing Protocol Order 2011* (SI 2011/2744)
5. *The West Yorkshire Combined Authority Order 2014* (SI 2014/864), 1st April 2014
6. *The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021* (SI 2021/112) 29th January 2021

APPENDIX 2: Elected Post holders & Officers Who Contributed to the Review**Elected Post Holders:**

Mark Burns-Williamson:	West Yorkshire PCC
Cllr S. Hinchcliffe:	Chair of WYCA (Bradford – Labour)

Officers:**The IRP received a factual briefing from the following Officers:**

Caroline Allen:	WYCA Monitoring Officer
Clare Monaghan:	Greater Manchester Combined Authority, Director of Police, Crime, Criminal Justice and Fire
Janine Nelson:	Chief of Staff WY PCC
Alan Reiss:	WYCA Director of Policy, Strategy & Communications (will be responsible for policing function post-May 2021)
Ben Still:	WYCA Managing Director

APPENDIX 3: Summary of Remuneration Used for Benchmarking Purposes

1. Remuneration currently paid to WY Deputy PCC	£62,283 (FTE)
2. Remuneration paid to other comparable Deputy PCCs:	
a. South Wales	£74,112
b. West Midlands	£67,944
c. Nottinghamshire	£61,200
d. Lancashire	£43,775 (FTE)
3. Remuneration paid to other Deputy Mayors (Police & Crime)	
a. Greater Manchester (includes Fire)	£78,000
b. London	£127,513



Report to: West Yorkshire Combined Authority

Date: 22 April 2021

Subject: **MCA Committee arrangements**

Director: Angela Taylor, Director, Corporate Services

Author: Caroline Allen Head of Legal & Governance

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:	
Are there implications for equality and diversity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1. Purpose of this report

- 1.1 This report puts forward proposals for changes to be made to the Combined Authority’s decision-making arrangements to better reflect the changed role and responsibilities of the Authority following the appointment of a Mayor for West Yorkshire.

2. Information

Background

- 2.1 The current decision-making arrangements for the Combined Authority and LEP Board have successfully formed an integrated and cohesive whole which has operated well to date, aligning policy development across both bodies, combining the knowledge, insight, and expertise of both the public and private sector in the public interest and for the benefit of those living and working within West Yorkshire. These arrangements are shown at Appendix 1.
- 2.2 However, the step change in 2021 to becoming a Mayoral Combined Authority, with the election of a Mayor for West Yorkshire in May, who will both chair the Combined Authority and will be a member of the LEP Board, together with the expansion of functions that sit with the Authority and the

Mayor provides an opportunity to review the current arrangements in order to ensure that these best support the new ways of working moving forwards.

- 2.3 A key driver for change is the expanding agenda of new functions and responsibilities which will require appropriate governance, transparency and pace of decision making. Of particular relevance are the following factors:-
- The desire to retain and deepen the valued and valuable partnership engagement with business and the private sector.
 - The need to create additional capacity within the decision-making arrangements to accommodate new functions and responsibilities.
 - The need to increase the agility for the Authority to take decisions more quickly whilst ensuring that the Authority continues to make consistent, transparent, and prudent decisions.
 - The need for the Combined Authority to delegate greater autonomy and accountability to its committees to increase the breadth of the Authority's decision-making arrangements and broaden the pool of members involved in decision making.
 - The desire to align decision making more closely with those members who have or develop a level of expertise within that remit across an increased number of areas/priorities as with the Transport Committee.
 - To create a framework that is flexible for future needs.

Proposal Overview

- 2.4 The proposal for changes to the current committee arrangements put forward for Members' consideration is attached at Appendix 2. The key features of this proposal are as follows:-
- The close alignment of the LEP Board and the Combined Authority is retained with thematic committees feeding into both bodies and membership continuing to be drawn in part from both bodies¹.
 - Retaining private sector membership of the Combined Authority committees as well as on the Combined Authority through the LEP chair. This embeds the voice of the private sector in all MCA decision making.
 - Transport Committee is retained in its current form (pending review, see below) reflecting the significance of the transport agenda going forward and the role of the Combined Authority as the statutory local transport authority.
 - To reformulate the Investment Committee as a 'Resources Committee', and to extend its remit to reflect a broader scope. It is proposed that this committee not only takes decisions and make recommendations as appropriate on projects and programmes, including scope to take urgent decisions on project spend which may be required in between cycles of thematic committees, but also has a wider role in relation to financial, organisational, and corporate matters as required. This could include for example a role in the process of budget setting and monitoring, and oversight of funding streams and delegations that flow from this.

¹ See more detail on the membership in paras 2.20-2.25 below.

- The current thematic advisory committees known as panels, comprising Business, Innovation & Growth, Green Economy, Employment & Skills and Place to become decision making 'portfolio' committees, including decision making in relation to project spend and delivery in accordance with the Assurance Framework with scope and terms of reference amended to reflect these changes.
- Inclusive Growth to be embedded as a 'golden thread' through all committees and decision making and therefore not to continue as a stand-alone panel. Each committee would have explicit inclusive growth indicators relevant to its portfolio.
- Re-convening the 'Leeds City Region Partnership Committee' as a forum for deepening collaboration with surrounding authorities such as North Yorkshire (and its districts) and York.

2.5 The proposal is set out in more detail in the sections of the report below.

Portfolios

2.6 It is proposed that formal CA member portfolio leads are established, reflecting the principles of the executive arrangements within partner councils. This approach aligned with respective decision-making committee arrangements would facilitate the strengthening of decision making at a level below the Combined Authority providing greater capacity, autonomy and accountability at committee level.

2.7 Portfolios would be agreed annually at the Combined Authority Annual Meeting. Delegations to decision making committees would also be made at the Annual Meeting. No decisions on this form part of this paper.

Decision Making Committees

2.8 Under this proposal, portfolio leads would each chair a decision-making committee, with the exception of Transport Committee where it is proposed that the existing arrangements are retained for the time being. Reflecting the Authority's priorities, the following thematic committees are proposed:-

- Transport Committee
- Finance, Resources and Corporate Committee
- Place, Regeneration and Planning Committee
- Carbon and Energy Committee
- Skills and Employment Committee
- Business, Economy, and Innovation Committee

2.9 **Transport Committee** is currently a decision-making committee. The transport agenda nationally is currently in a high degree of flux and is an extremely complex and demanding one requiring significant input, particularly from the Chair of the Committee outside of the committee cycle itself. The statutory role of the Combined Authority as the Transport Authority also brings with it specific responsibilities and duties that play into this complex and changing picture. In addition, the Combined Authority resolved at its last

meeting to extend the number of Overview and Scrutiny committees to include a Transport Scrutiny Committee.

- 2.10 It is important that careful consideration is given to the terms of reference of both committees to avoid duplication and to ensure an effective, efficient, and value-added approach reflecting the different roles of both committees and having regard to the transport agenda for the Combined Authority going forward. It is therefore proposed that the Transport Committee terms of reference and roles are not revised now, except in so far as there may be consequential changes flowing from changes to the decision making in relation to investment decisions currently taken by the Investment Committee. However, the recommendation is that this is reviewed during the early part of the next municipal year reporting back to the Combined Authority with any recommendations for change. It may be possible to introduce some changes during the course of the year, recognising that substantive changes may need to be introduced from the following Annual Meeting.
- 2.11 Inevitably, there will be an interrelationship with the scope of the role of the proposed Transport Scrutiny Committee. However, the Transport Scrutiny Committee is intended to have a wider remit than just transport and therefore it is proposed that this is appointed at the Annual meeting, but that the extent of its work programme is phased in during the course of the municipal year, having regard to the proposals flowing from the review and reflecting the intention of a phased approach to moving to an enhanced scrutiny arrangement.
- 2.12 **Finance, Resources and Corporate Committee** is a proposed new committee remit which could be chaired by the Mayor or under delegation from the Mayor. Its terms of reference could include roles and responsibilities which have currently been carried out informally for example the role of the budget working group and new roles such as assisting the Authority and the Mayor with the setting of their budgets and subsequent monitoring of spend and outcomes. It could also provide a level of decision making around organisational and staffing matters, plus corporate projects which currently sit either with the Combined Authority or officers. In addition, this committee will meet frequently and could take urgent decisions around capital projects and oversee capital programmes. It is proposed that the terms of reference are drawn broadly to enable the committee to have sufficient breadth of responsibility which can be reviewed following implementation.
- 2.13 It is proposed that the remaining **four thematic decision-making committees** have terms of reference which encapsulate the scope of the policy remit that the current panels have but extend this to provide for these committees to also undertake the role currently carried out by Investment Committee which fall within their scope in terms of overseeing the progress of programmes and projects within scope. Decision making could also be extended as appropriate to the functions and circumstances of each committee. For example, this model would allow for the Skills and Employment Committee to take decisions around the Adult Education Budget which presently sit either with the Combined Authority or Officers as there is

no decision-making committee in-between. The Business, Economy and Innovation Committee could also discharge functions in relation business support programmes.

- 2.14 **Governance and Audit Committee** is a statutory committee, and it is proposed that this remains unchanged.

Advisory Committees and Sub-Committees

- 2.15 The **Leeds City Region Partnership Committee** is an advisory committee of the Combined Authority which has historically been used for consultative purposes largely in relation to previous LEP Board funding. It is proposed that this is reconvened and going forward holds meetings approx. twice per annum to discuss priority issues of mutual importance across the wider Leeds City Region.
- 2.16 **Business Investment Panel** is an advisory sub-committee to Investment Committee. Given its specific role in considering grant applications it is proposed that this is retained but under the Business, Economy, and Innovation Committee.
- 2.17 **The 5 District Consultation sub-committees** are advisory sub-committees to the Transport Committee. These perform an important role for consultation with the public but may not provide the most flexible model to achieve that. Given the wider review proposed for decision making arrangements in relation to the transport agenda it is proposed that the role and particularly the model is considered as part of that wider review and therefore that these remain unchanged at the present time.

Scrutiny Arrangements

- 2.18 Proposals for changes to the Scrutiny arrangements were approved by the Combined Authority at its meeting on 9 March 2021 to be introduced in a phased approach. These comprise 3 Scrutiny Committees namely:-
- Transport
 - Economy
 - Corporate
- 2.19 Given the context of this wider proposal however, as set out at paragraph 2.11 above it is proposed that the work programme of the Transport Scrutiny Committee is phased in to align with the review of the respective roles of Transport Committee and Transport Scrutiny Committee proposed to be carried out during the early part of the next municipal year.

Membership

- 2.20 The current membership of the Combined Authority's committees is set out at Appendix 3.

- 2.21 A number of the current panels have a broader **local authority membership** representing districts outside of West Yorkshire on the previous LEP footprint. Given the revised geography for the LEP Board to that of West Yorkshire it is recommended that local authority membership of the new thematic decision-making committees is aligned to that of West Yorkshire plus York recognising York's role as a non-constituent member of the Combined Authority. The recommendation is that one member is appointed from each of the constituent councils and the non-constituent council, who is either the relevant portfolio holder or another suitable member.
- 2.22 In relation to **private sector membership**, it is recommended that initially the respective membership (and the roles of advisory non-voting representatives) of the equivalent panels is rolled over to the new thematic decision-making committees to reflect the remaining terms of membership previously agreed by the Combined Authority.
- 2.23 It is proposed that each of the thematic decision-making committees (with the exception of Transport Committee as referenced at paras 2.9 and 2.10 above) is chaired by the relevant CA member portfolio holder supported by a LEP Board member as Vice-Chair who is given voting rights. Other LEP Board members, and other private sector representatives who cannot legally be given voting rights would become non-voting members.
- 2.24 Proposed membership across the new committee arrangements are set out in the table at Appendix 4 for Members' consideration.
- 2.25 It is further proposed that no changes are made to the current scheme of member allowances (with the exception of that for scrutiny committees which is to be considered pursuant to a separate item on the agenda) at the current time, given the timescales, and the proposed review of roles and responsibilities in relation to transport referenced elsewhere in this report.

Relationship with the LEP Board

- 2.26 The linkages between the Combined Authority and the LEP Board and the shared membership and relationship is one of the key strengths of both bodies and remains valued and valuable. The perspectives and diversity brought together through an integrated model of both public and private sector representatives has brought effective check and challenge and enhanced an aligned policy framework which provides resilience to both bodies to face new challenges and opportunities that may come forward. It is intended that these proposals would be considered by the LEP Board in April.
- 2.27 This proposal seeks to not only retain that level of integration and close working but to further enhance that responsibility and accountability by maintaining a public/private membership within an extended decision-making framework. It is also intended to increase the engagement mechanisms with the wider private sector, in particular to facilitate early shaping of policy, strategy and delivery programmes.

Police and Crime Commissioner functions

- 2.28 The police and crime commissioner functions that transfer to the Mayor on 10 May 2021 sit outside and are unaffected by the arrangements outlined in this report.

Alternative Options considered

- 2.29 Alternative options were considered prior to this proposal being put forward to Members, including:-
- Retaining the status quo;
 - Revising portfolios but retaining advisory panels;
 - Considering different portfolio models;
- 2.30 These options were considered by the West Yorkshire Leaders in the context of the new functions and funding arising from the West Yorkshire devolution deal.
- 2.31 After consideration of the options, the approach set out in this paper was considered to present the best balance of retaining what currently works well, including the close working with the LEP Board with the aim of placing the Combined Authority in a more resilient position to embrace both the opportunities and challenges which come with the new functions and changing national landscape. It allows for a phased progression recognising that there is further work to be done over the next few months.

Next Steps and Timeline

- 2.32 If Members support this proposal, officers will continue to work up the detail of the governance arrangements to enable the revised committee arrangements to be put in place at the Annual meeting of the Combined Authority in June.
- 2.33 Members agreement to both the proposed structure and membership is sought as part of this report to enable constituent councils to make the necessary nominations to committees in advance of the Annual Meeting. However, Members are asked to note that further work is required in advance of the Annual Meeting, particularly in relation to the terms of reference and scope of decision making of the new committees to ensure that these are fit for purpose.

3. Tackling the Climate Emergency Implications

- 3.1 There are no climate emergency implications directly arising from this report.

4. Inclusive Growth Implications

- 4.1 There are no inclusive growth implications directly arising from this report.

5. Equality and Diversity Implications

- 5.1 There are no equality and diversity implications directly arising from this report.

6. Financial Implications

- 6.1 There are no financial implications directly arising from this report.

7. Legal Implications

- 7.1 There are no legal implications directly arising from this report.

8. Staffing Implications

- 8.1 There are no staffing implications directly arising from this report.

9. External Consultees

- 9.1 No external consultations have been undertaken.

10. Recommendations

- 10.1 That the Combined Authority considers the proposals outlined in this report for changes to be made to the Combined Authority's decision-making arrangements, including in relation to structures and membership, following the election of a Mayor for West Yorkshire and, subject to any comments or revisions, agrees the proposals put forward.
- 10.2 Subject to agreement being reached as set out at Recommendation 10.1, that the Combined Authority asks officers to work up the detail of the governance arrangements including terms of reference for the committees, the scope of delegated authority to be exercised by each of the decision-making committees and frequency of meetings to enable this to be approved and implemented at the Annual Meeting of the Combined Authority on 24 June.
- 10.3 Further, that the Combined Authority notes that to enable the Authority to make the necessary appointments to the new committee arrangements at the Annual Meeting, officers will be required to liaise with Constituent Councils following the local elections to seek nominations based on the proposed committee structure and membership in anticipation of the formal appointment of the same on 24 June.

11. Background Documents

There are no background documents referenced in this report.

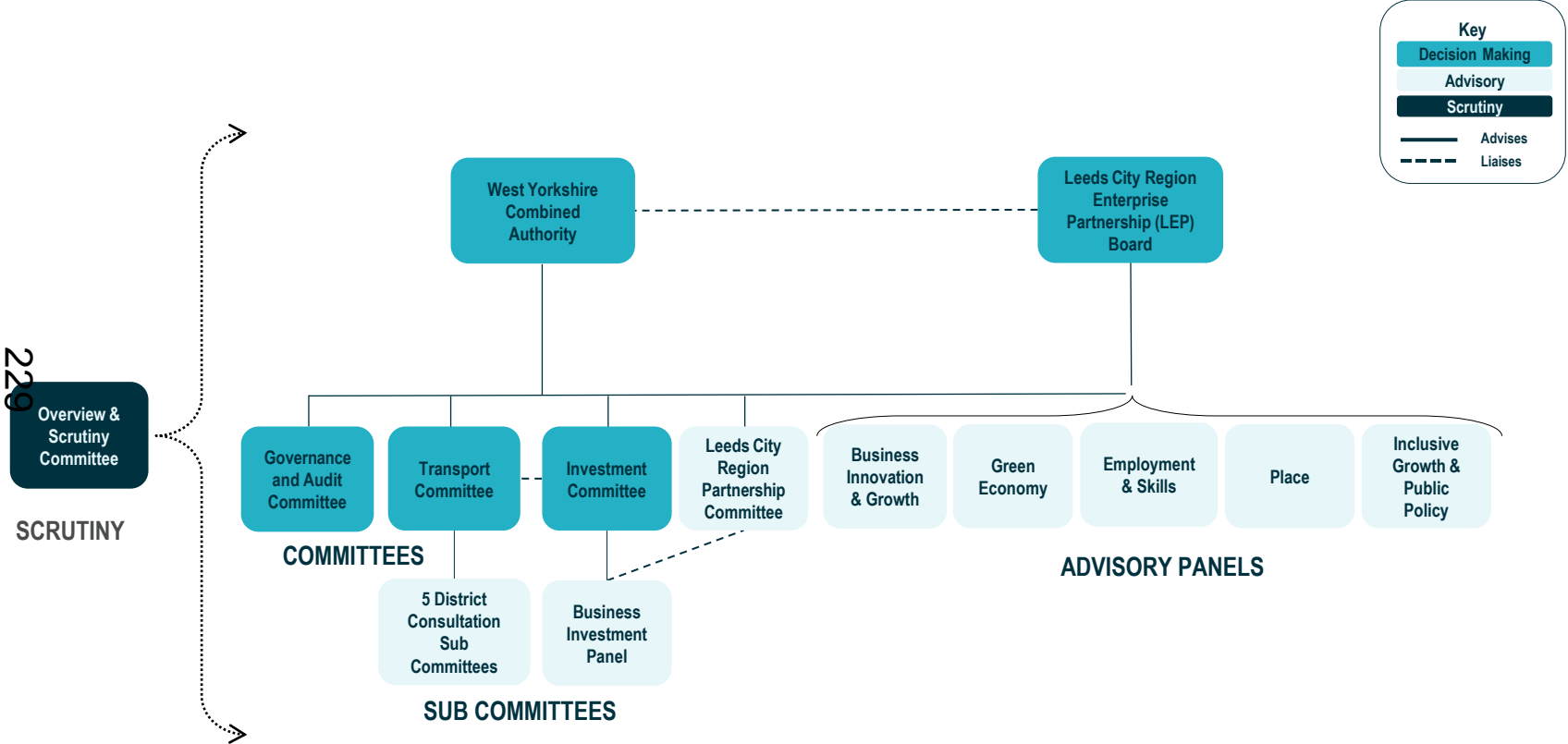
12. Appendices

Appendix 1 – Current committee arrangements

Appendix 2 – Proposed committee arrangements
Appendix 3 – Current committee membership
Appendix 4 – Proposed committee membership

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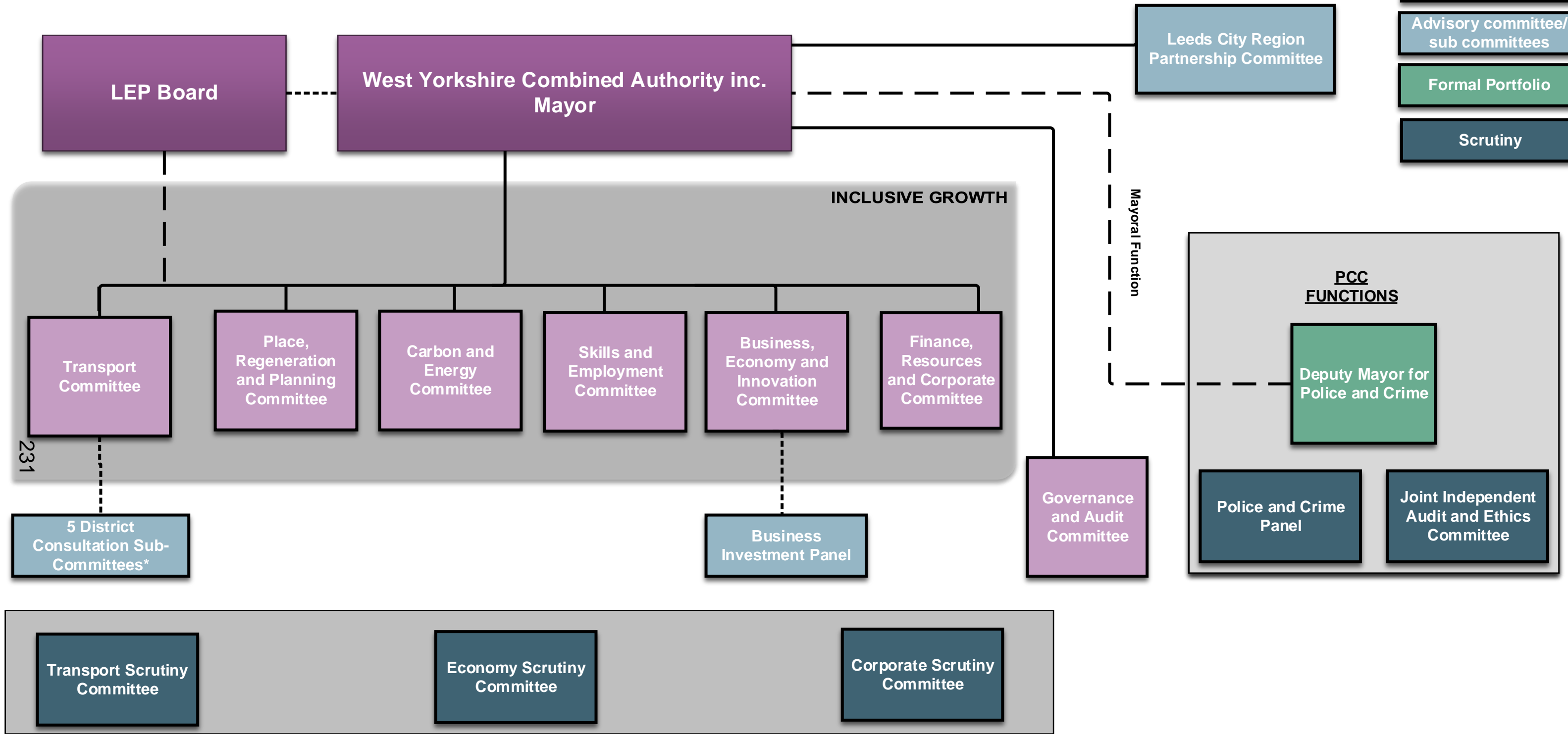
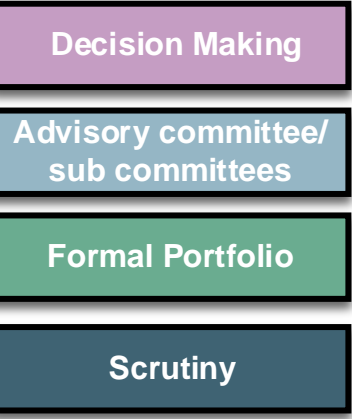
Governance Structure



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APPENDIX 2: Proposed revised framework for decision making

KEY



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West Yorkshire Combined Authority Appointments 2020 / 2021

West Yorkshire Combined Authority		Bradford (Voting)	Calderdale (Voting)	Kirklees (Voting)	Leeds (Voting)	Wakefield (Voting)	York (Voting)	LEP (Voting)
Chair: Susan Hinchcliffe	Member	Susan Hinchcliffe (L)	Tim Swift (L)	Shabir Pandor (L)	James Lewis (L)	Denise Jeffery (L)	Keith Aspden (LD)	Roger Marsh
Deputy Chair: Tim Swift	Substitute	Imran Khan (L)	Jane Scullion (L)	Peter McBride (L)	Debra Coupar (L)	Jack Hemingway (L)	Andy D'Agorne (G)	Mark Roberts
Members appointed to better reflect political balance across West Yorkshire:		<u>Conservative</u>	<u>Conservative</u>		<u>Liberal Democrat</u>			
	Member	Rebecca Poulsen	Steven Leigh		Stewart Golton			
	Substitute	Debbie Davies (Bradford)	Andrew Carter (Leeds)		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	Steven Leigh (C) Susan Hinchcliffe (L) Shabir Pandor (L) Tim Swift (L)	N/A	N/A	N/A	N/A	N/A	N/A	Andy Clayton & Joanna Wardman (Independent voting Members)
Chair: Vacant								
Overview and Scrutiny	N/A	Sarfraz Nazir (L) Sub: Joanne Dodds	Stephen Baines (C) Sub: Scott Benton	Eric Firth (L) Sub: Paul Davies	Jacob Goddard (L) Sub: David Jenkins	David Jones (L) Sub: Harry Ellis	Stephen Fenton (LD) Sub: Anne Hook	N/A
Chair: Peter Harrand Dep Chair: James Baker		Rosie Watson (L) Sub: Carol Thirkill	James Baker (LD) Sub: Ashley Evans	Yusra Hussain (L) Sub: James Homewood	Peter Harrand (C) Sub: Neil Buckley	Olivia Rowley (L) Sub: Martyn Ward	Rachel Melly (L) Sub: Claire Douglas	
		Geoff Winnard (C) Sub: Naveed Riaz	Dot Foster (L) Sub: Steve Sweeney	Richard Smith (C) Sub: Michael Watson	Christine Knight (L) Sub: Kayleigh Brooks	Elizabeth Rhodes (L) Sub: Lynne Whitehouse(L)	Andrew Hollyer (LD) Sub: Simon Daubeney	
Transport Committee	Denise Jeffery (L)	Michael Ellis (C)	Peter Caffrey (C)	Martyn Bolt (C)	Neil Buckley (C)	Jo Hepworth (L)	Andy D'Agorne (G) (Non-Voting)	Simon Pringle Mark Roberts Private Sector Reps (Non-voting members)
Chair: Kim Groves Deputy Chair: Manisha Kaushik Leader of the Opposition: Martyn Bolt		Sinead Engel (L) Hassan Khan (L) *Taj Salam (L)	*Daniel Sutherland (L)	*James Homewood (L) Manisha Kaushik (L)	*Peter Carlill (L) Kim Groves (L) Colin Campbell (LD)	*Kevin Swift (L)		
West Yorkshire and York Investment	Denise Jeffery (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: Denise Jeffery Dep Chair: Roger Marsh	Roger Marsh	Alex Ross-Shaw (L)	Jane Scullion (L)	Peter McBride (L)	Helen Hayden (L)	Darren Byford (L)	Andrew Waller (LD)	

¹ Except for Transport Committee

* District Consultation Sub-Committee Chair

Note: requirement for a CA member on each decision making committee

West Yorkshire Combined Authority - Advisory Panel Appointments 2020/2021

Version 12 (effective from: 9 March 2021)

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 Amir Hussain Richard Paxman Andy Peterson Will Roebuck David Sidlow Philip Wilson Andrew Wright (Chair) Simon Wright Vacancy	<ul style="list-style-type: none"> Yorkshire Universities; Director (Peter O'Brien) Leeds City Region Universities; 2 reps at Pro-Vice Chancellor level (Prof Nick Plant & Sue Cooke) WY Consortium of Colleges; FE Rep (Marie Gilluley) West & North Yorkshire Chamber of Commerce; Chief Executive (Sandy Needham) Innovate UK; Regional Manager (Lee Viney) Health-tech/Digital Health; Rep (Neville Young) Department for International Trade; Regional Director for Yorkshire & Humber (Mark Robson) 	Kersten England (Bradford) Lead governance officer: Dominic Martin
Employment and Skills Chair: Rashik Parmar	Susan Hinchcliffe (L)	Bradford: Imran Khan (L) Calderdale: Vacancy (L) Kirklees: Peter McBride (L) Leeds: Jonathan Pryor (L) North Yorks: Patrick Mulligan (C) Wakefield: Darren Byford (L) York: Ian Cuthbertson (LD)	Martin Booth Mark Cowgill Orlagh Hunt Richard Mason Liz Needleman Rashik Parmar (Chair) Claire Paxman Glynn Robinson Amanda Stainton Vacancy	<ul style="list-style-type: none"> Leeds City Region Skills Network; Chair (Nav Chohan) Leeds City Region Skills Network; 2 Deputy Chairs (Tim Thornton and Alex Miles) Leeds City Region Headteachers Network; Rep Higher Education Rep (Peter O'Brien) Further Education Rep (Colin Booth) Yorkshire & Humber NHS; Local Director Y&H (Mike Curtis) Department of Work and Pensions; Rep (Sue Soroczan) Voluntary and Community Sector Representative (Sam Alexander) Trades Union Congress, Yorkshire & the Humber (Bill Adams) 	Andrew Balchin (Wakefield) Lead governance officer: Janette Woodcock
Green Economy Chair: Simon Pringle		Bradford: Sarah Ferriby (L) Calderdale: Scott Patient (L) Kirklees: Andrew Cooper (G) Leeds: Neil Walshaw (L) Wakefield: Jack Hemingway (L) York: Andrew Waller (LD)	William Firth Richard Goodfellow Natasha Luther-Jones Dr Alice Owen Simon Pringle (Chair) Leah Stuart Ben Tongue	<ul style="list-style-type: none"> Northern Powergrid; Rep (Jim Cardwell) Yorkshire Water; Rep (Nevil Muncaster) Northern Gas Grid; Rep (Melanie Taylor) The Environment Agency; Rep (Rosa Foster) 	Lead governance officer: Janette Woodcock
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)	Kate Hainsworth Claire Harrison Sam Keighley Karl Oxford Kamran Rashid Kully Thiarai	<ul style="list-style-type: none"> Yorkshire Universities; Rep (Peter O'Brien) Leeds City Region Universities; Rep (Professor Udy Archibong) West Yorkshire and Harrogate Sustainability and Transformation Partnership (STP); Rep (Rob Webster) Joseph Rowntree Foundation; Rep (Mike Hawking) 	Jacqui Gedman (Kirklees) Lead governance officer: Ben Kearns

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West Yorkshire Combined Authority - Advisory Panel Appointments 2020/2021

Version 12 (effective from: 9 March 2021)

Panel	CA Members (voting)	Local Authority Co-optees (voting)	Private Sector Rep (voting)	Advisory Representatives (non-voting)	Chief Exec Lead
<p>Place Panel</p>	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: Tim Myatt (C) Kirklees: Peter McBride (L) Leeds: Helen Hayden (L) North Yorkshire: Andrew Lee (C) Selby: Richard Musgrave (C) Wakefield: George Ayre (L) York: Andrew Waller (LD)	Helen Featherstone Amir Hussain Andrew Latchmore	<ul style="list-style-type: none"> Homes England; Rep (Tamsin Hart – Jones) LCR Housing Partnership (Helen Lennon) 	Jacqui Gedman (Kirklees) Lead governance officer: Janette Woodcock
<p>Chair: Tim Swift</p>					

Sub-Committee of West Yorkshire & York Investment Committee

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<p>Business Investment</p>	Vacancy (Chair) (L) Shabir Pandor (L)	Bradford: Alex Ross-Shaw (L) Calderdale: Jane Scullion (L) Harrogate: Graham Swift (C) Wakefield: Darren Byford (L)	Michael Allen Colin Glass Jonathan King Simon Wright (Dep Chair) Gareth Yates Vacancy	None	None Lead governance officer: Janette Woodcock
<p>Chair: Vacancy Dep Chair: Simon Wright</p>					

LEP Board Appointments 2020 / 2021

Local Authority Members

	Bradford (Voting)	Calderdale (Voting)	Kirklees (Voting)	Leeds (Voting)	Wakefield (Voting)
Member	Susan Hinchcliffe (L)	Tim Swift (L)	Shabir Pandor (L)	James Lewis (L)	Denise Jeffery (L)
Substitute	Imran Khan (L)	Jane Scullion (L)	Peter McBride (L)	Debra Coupar (L)	Jack Hemingway (L)

Observers (Non-voting)	
York	Harrogate (representing Craven & Selby)
Keith Aspden (LD)	Richard Cooper (C)
Andy D'Agorne (G)	Graham Swift (C)

Private Sector Members

Member (Voting)	Sector	Membership of other Panels
Shirley Congdon	Higher Education	N/A
Helen Featherstone	Culture	Place Panel
Kate Hainsworth	Third Sector	Inclusive Growth & Public Policy Panel Diversity Champion
Amir Hussain	Architect/Professional Services	Business Innovation & Growth Panel Place Panel
Roger Marsh OBE (Chair)	Professional Services	WYCA
Rashik Parmar MBE	Technology	Employment & Skills Panel
Prof Simon Pringle	Commercial Strategy	Green Economy Panel

Member (Voting)	Sector	Membership of other Panels
Kamran Rashid	Third Sector	Inclusive Growth & Public Policy Panel
Mandy Ridyard	Manufacturing	N/A
Mark Roberts (Dep Chair)	Retail	Transport Committee (non-voting co-optee)
Joanna Robinson	Infrastructure	Employment & Skills Panel SME Rep
Kully Thiarai	Culture	Inclusive Growth & Public Policy Panel
Andrew Wright	Engineering	Business Innovation & Growth Panel

Proposed Committee Membership

Committee	Role of Chair/Vice Chair	CA Members ¹ (voting)	WY Co-optees (voting)	York (non voting) ²	LEP Board Members ³ (non voting) ⁴	Private Sector reps (non voting)	Advisory Ex Officio Reps (non voting)
Combined Authority	Mayor/Deputy Mayor	9	-	1	1	-	-
Transport⁵	Ch: WY co-optee VC: WY co-optee Leader of the Opposition	1	4 Leeds 4 Bradford 3 Kirklees 2 Wakefield 2 Calderdale	1	2	-	-
Place, Regeneration & Planning	Ch: CA Portfolio Lead VC: LEP Bd member	1	1 from each WY council	1	1	2	H England LCR Housing Partnership
Carbon & Energy	Ch: CA Portfolio Lead VC: LEP Bd member	1	1 from each WY council	1	1	6	N Powergrid Y Water N Gas Grid Env Agency
Skills & Employment	Ch: CA Portfolio Lead VC: LEP Bd member	1	1 from each WY council	1	1	9	LCR Skills Network (3) LCR Headteachers Network HE Rep FE Rep Y&H NHS DWP Voluntary & Community Sector TUC

¹ NB Total number of CA members including the Chair where a CA member

² The CA can by resolution give voting rights to York

³ NB Total including the VC where a LEP Board member

⁴ The CA can by resolution give voting rights to LEP Board members

⁵ Membership remains as current for Transport Committee pending review

Business, Economy & Innovation	Ch: CA Portfolio Lead VC: LEP Bd member	1	1 from each WY council	-	4	7	Yorkshire Universities LCR Universities WY Consort of Colleges W&NY Chamber of Commerce Innovate UK Health Tech/Digital Health Dpt for Int Trade
Finance, Resources & Corporate	Ch: Mayor (TBC) VC: LEP CA Member	1 or more depending on membership	1 from each WY council	1	1	-	-
Governance & Audit⁶	Ch: Ind Member VC: CA member	4	-	-	-	-	2 voting Independent Members
LCR Partnership Committee⁷	Ch: Mayor VC: D Mayor	5 + Mayor	-	-	-	-	Leaders of the LCR Authorities
Three Scrutiny Committees⁸	Ch: Opposition WY Co-optee	-	3 x 3 from each WY council	3 x 1	-	-	-
5 DCSCs⁸	Ch: Transport Committee member	-	Transport Committee members for that district				
Business⁹ Investment Panel	Ch: CA Portfolio Lead VC: LEP Bd member	1	1 from each WY council	-	1	5	-

⁶ Must be politically balanced

⁷ Advisory

⁸ Advisory sub-committees to Transport Committee – membership remains as current pending review

⁹ Advisory sub-committee to Business, Economy & Innovation Committee



Report to: West Yorkshire Combined Authority

Date: 22 April 2021

Subject: **Minutes for Information**

Director: Angela Taylor, Director, Corporate Services

Author: Ruth Chaplin, Governance Services Officer

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:	
Are there implications for equality and diversity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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](#):

- Employment & Skills Panel held on 23 February 2021
- LEP Board held on 24 February 2021
- Business Innovation & Growth Panel held on 25 February 2021
- Green Economy Panel held on 25 February 2021
- Investment Committee held on 4 March 2021
- Inclusive Growth & Public Policy Panel held on 8 March 2021
- Transport Committee held on 12 March 2021
- Governance & Audit Committee held on 18 March 2021
- Overview & Scrutiny Committee held on 19 March 2021

3. Tackling the Climate Emergency Implications

3.1 There are no implications directly arising from this report.

4. Inclusive Growth Implications

4.1 There are no inclusive growth implications directly arising from this report.

5. Equality and Diversity Implications

5.1 There are no equality and diversity implications directly arising from this report.

6. Financial Implications

6.1 There are no financial implications directly arising from this report.

7. Legal Implications

7.1 There are no legal implications directly arising from this report.

8. Staffing Implications

8.1 There are no staffing implications directly arising from this report.

9. External Consultees

9.1 No external consultations have been undertaken.

10. Recommendations

10.1 That the minutes of the Combined Authority's committees and panels be noted.

11. Background Documents

11.1 There are no background documents referenced in this report.

12. Appendices

12.1 None.