

**MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE
HELD ON FRIDAY 16 NOVEMBER 2018 AT COMMITTEE ROOM A,
WELLINGTON HOUSE, LEEDS**

Present:

Councillor Robert Light (Chair)	Kirklees Council
Councillor Stephen Baines MBE	Calderdale Council
Councillor James Baker	Calderdale Council
Councillor Jenny Brooks	City of York Council
Councillor Ian Cuthbertson	City of York Council
Councillor Dot Foster	Calderdale Council
Councillor Peter Harrand	Leeds City Council
Councillor Graham Isherwood (until minute 30)	Wakefield Council
Councillor David Jenkins	Leeds City Council
Councillor Paul Kane (until minute 31)	Kirklees Council
Councillor Marielle O'Neill	Kirklees Council
Councillor Denise Ragan	Leeds City Council
Councillor Betty Rhodes	Wakefield Council
Councillor Naveed Riaz (substitute) (until minute 30)	Bradford Council
Councillor Rosie Watson	Bradford Council

In attendance:

Khaled Berroum	West Yorkshire Combined Authority
Angela Taylor	West Yorkshire Combined Authority
Councillor Elizabeth Smaje	Kirklees Council
Garry Collins (minute 30)	Yorkshire Water
Rosa Foster (minute 30)	Environment Agency
Justin Wilson (minute 30)	West Yorkshire Combined Authority
Roger Baker (minute 31)	West Yorkshire Combined Authority
Diane Groom (minute 31)	West Yorkshire Combined Authority
James Flanagan (minute 32)	West Yorkshire Combined Authority

22. Announcements

The Chair, Councillor Robert Light, informed the Committee that he was stepping down as Chair and as a Kirklees Councillor from 16 November 2018 and that the proposed nomination to replace him as Chair would be Councillor Elizabeth Smaje, due to be confirmed at the 13 December 2018 meeting of the Combined Authority.

The Chair thanked Members for their contributions and their success in making a difference to the Combined Authority's work and processes and urged them to always keep people and communities as the main focus and motivation for the scrutiny work programme.

The Committee thanked the Chair for his fair stewardship and willingness to engage all Members in discussions and work programming and wished him the best in his future endeavours.

Resolved: That the nomination of Councillor Elizabeth Smaje as Chair of the Overview and Scrutiny Committee be supported.

23. Apologies for absence

Apologies for absence were received from Councillors Mike Pollard, Sarfraz Nazir, Glenn Burton and Tina Funnell.

Councillor Naveed Riaz was in attendance as substitute for Councillor Mike Pollard.

24. Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

25. Possible exclusion of the press and public

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

26. Minutes of the meeting held on 14 September 2018

Resolved: That the minutes of the meeting held on 14 September 2018 be approved.

27. Governance arrangements

The Committee received a report of the Scrutiny Officer providing confirmation of substitute members appointed since the last meeting and was also informed of a change in substitution arrangements since the publication of the agenda.

- Councillor Albert Manifold replaced Councillor Faith Heptinstall as substitute to Councillor Betty Rhodes.
- Councillor Harry Ellis replaced Councillor Martyn Ward Heptinstall as substitute to Councillor Glen Burton.

Resolved: That the confirmation of substitute members appointed since the last meeting be noted.

28. Chair's update

The Committee received a verbal update from the Chair updating the Committee on the success of the Combined Authority-led bid to secure the new national headquarters of Channel 4 for the region and the city of Leeds.

He thanked Combined Authority officers for their hard work, along with district and cultural sector partners, as a true collective effort.

The success of the bid was regarded to have been due to the region's strong cultural offer, economic profile and cooperation between regional partners, compared to the rival bids from Manchester and Birmingham.

Resolved: That the Chair's update be noted.

29. Scrutiny Work Programme

The Committee received a report of the Scrutiny Officer considering the Scrutiny Work Programme for the 2018/19 municipal year.

The following issues were raised by Members:

- That Northern has a policy of not allowing mobility scooters on its trains – a policy not shared by other train operators.
- The trend of 'pay day loans' offering incredibly high interest rates to vulnerable people in the region.

LEP Scrutiny Working Group Members asked the Committee:

- to allow them to revise the scope of the tasks assigned to it in view of developments not progressing quickly enough
- to consider establishing a new working group to focus on engaging with the assurance process and scrutinise projects more closely to support strengthening the key decision and call-in functions

After discussion, the Committee **agreed** that:

- If correct as reported, Northern's policy of not allowing mobility scooters on their trains is not acceptable and representations should be made to the Chair of the Transport Committee and / or Director of Transport Services to query the policy with the operator.
- While it was an important issue that needs to be considered, 'pay day loan' regulations were not currently within the Combined Authority's remit.
- Working Groups should be permitted, in general, to revise the scope of their tasks if needed and report that back to main committee.
- The possibility of establishing a working group (or sub-committee, given proper governance processes are adhered to) with the task of engaging with the assurance process and scrutiny of projects be explored further, and that any such sub-group should:
 - a) focus on pre-decision scrutiny ahead of triggering call-in provisions.
 - b) not arbitrarily limit which projects it looks at in financial terms and consider a different way of prioritising.
 - c) Include Councillors Cuthbertson and Baines as members, who volunteered.

Resolved:

- i) That the agenda forward plan and scrutiny work programme for the 2018/19 municipal year as outlined in **Appendix 1** be approved.
- ii) That a report detailing the consultation and development of the current inclusive growth criteria and policy for the Business Growth Programme (BGP) and an assessment of the options relating to extending inclusive growth criteria to all business grants programme be commissioned for the Overview and Scrutiny Committee to consider on 22 March 2019.
- iii) That the issue of mobility scooters not being allowed on Northern trains be raised with the appropriate persons on the Committee's behalf.
- iv) That the scope of the LEP Scrutiny Working Group's tasks be revised as members feel is needed and reported back to a future meeting.
- v) That a report exploring the possibility of a sub-group and process to strengthen pre-decision scrutiny of projects within the framework of the assurance process be brought to a future meeting for discussion.

30. Flood Review

The Committee considered a report of the Director of Policy, Strategy & Communications providing an update on delivery of the 10 recommendations the Overview and Scrutiny Committee made in September 2016, which ultimately formed part of the 2016 Leeds City Region Flood Review developed in response to the 2015 Boxing Day flood events.

The following were in attendance for this item:

- Justin Wilson, West Yorkshire Combined Authority (Policy Lead)
- Garry Collins, Yorkshire Water
- Rosa Foster, Environment Agency

The report and discussion centred on the question of what would be different if the flood events re-occurred in the Winter of 2018 / 19.

After questions and discussion, the Committee made the following **observations**:

Progress and general improvement:

- There had been general improvement in cooperation between the 'three arms' of local authorities, the Environment Agency and the water sector compared to three years previously. There have been smaller flood events since the larger 2015 Boxing Day floods and the responses to those events showed promise.

- The level of public and political spotlight which has been maintained since Boxing Day 2015 has been very encouraging. Previous flood events yielded only short term attention. There is evidence of a bigger focus on flooding in planning and policy making and those councils affected by the floods have created permanent flood partnerships, some of which are Member-led.

Planning matters and developer responsibilities:

- Responsibility for funding flood resilience and mitigation efforts should be shared by developers if their developments affect existing flood risk levels. The cost is often passed onto the public and councils which are currently under financial stress.
- The Environment Agency, and other sectoral and utility partners, should seek to provide comments more often, when possible, in planning applications to support flood resilience – even if a brief or standard response.
- It was felt that the Agency does not comment on planning applications and processes frequently enough. Some Members who have chaired planning committees reported rarely receiving any comments.
- It was understandable that the number of planning projects requiring Environment Agency comments was large and resource-intensive. It was noted that the Environment Agency's remit is to respond to applications that are within specific proximity to 'main rivers' and is not required or expected to respond to all planning applications.
- Currently, the burden is on councils and Members to challenge developers. Environment Agency comments about flood risks in a development would empower councils and Members to better challenge developers more often and ensure that flood resilience mitigation is achieved at the planning permission stage, rather than as more expensive 'bolt ons' later.
- In particular, additional support from the Environment Agency could be useful where major developments are being promoted near 'critical ordinary watercourses'.

Joint Services – police, fire and rescue and military:

- Supra-regional coordination of police could be further developed. There has been improvement in police coordination and strategy, after Members recalled some communities needing to provide security due to police shortage in some areas, but in geographic-based emergencies, local police forces should be able to draw from police resources from other unaffected geographic areas, similar to the Armed Forces.
- Resource resilience in joint services is as important as better coordination. Even though Fire and Rescue services were present from

the start, it depleted their resource resilience should there have been an incident elsewhere requiring their attention.

Awareness and community outreach:

- Community engagement, education and public outreach has become an increasing priority for the 'three arms' with the development of volunteer networks, use of flood wardens, and full time engagement staff – but Members reported many of their constituents being unaware of the outreach.
- Some Members questioned if the method of communication was missing certain target demographics, due to reliance on digital channels. Not everyone can get online easily and during the Boxing Day flood events themselves, the internet and phone lines were not available.
- It is sometimes difficult to find out exactly what actions are being taken, or projects being developed, at a 'micro' and local level. The Environment Agency was happy to share details of projects in their area with Members to share further with their networks.

Accountability and oversight:

- Members have an individual responsibility to hold their own councils to account in their performance of day-to-day duties that can mitigate flood risks, such as maintaining council owned or managed infrastructure, such as ensuring drains, street gullies and sewers are cleaned and in working order.
- The Combined Authority has established a Senior Flood Officers Group made up of representatives from the Combined Authority, partner councils, Yorkshire Water, Environment Agency and a representative from the Yorkshire & Humber Chief Executives Group – Flood Risk Forum. Other strategic partners are also included as required.
- The flood risk capital investment programme is overseen and governed by the Yorkshire Flood and Coastal Committee. Each Local Authority has an elected member representative on this Committee. The committee is supported by sub-regional (West Yorkshire, North Yorkshire etc.) Flood Risk Partnerships. These are member-led, meet quarterly, and is the primary point of oversight for flood risk in West Yorkshire.
- Emergency response is overseen and co-ordinated by the Local Resilience Forums (LRF) as required by the Civil Contingencies Act. The LRF is Member led and is supported by several working groups, one of which is a "Severe Weather Group".
- Statutory protections could have been stronger. Previously public discussions considered making the urban sustainable development document a statutory instrument, but it ultimately became government

guidance which did not obligate stakeholders as strongly as statutory requirements might have.

- It was acknowledged that flood defence is a complex issue that involved many strands of work and expertise. In future, the level of witnesses to the committee had to be considered carefully to either ensure there was representation from all areas, such as planning, local authority drainage or Local Resilience Forums, to support more detailed requirements in that area or an identify an appropriate individual who can represent and be responsible for the entire work streams, such as the chief executive lead for flooding.

The Committee **concluded** that whereas progress had been made, there was room for improvement and that the lines of inquiry in the future should revisit the following areas:

- Communications – outreach, community engagement and education before and during flood events
- Effective coordination of emergency services and response, including police, fire and military
- The coordination of planning policy and activity within a flood defence context
- Local authorities properly maintaining council owned or managed infrastructure that can mitigate flood risk
- Closer look at delivery against the 10 scrutiny recommendations, separately from the 19 flood review recommendations

Resolved:

- i) That the report be noted and the Committee's feedback and conclusions be considered further.
- ii) That the Flood Review be revisited at an appropriate time in the future and focus on the areas highlighted during this session as outlined above.

31. The Combined Authority's engagement with the public

The Committee considered a joint-report of the Directors of Resources, Transport Services and Policy, Strategy & Communications about the ways the Combined Authority engages with the public and other local stakeholders and what functions are in place to facilitate their involvement in decision making, consultations, campaigns, policy and service improvements.

The following were in attendance for this item:

- Roger Baker, Head of Communications
- Diane Groom, Head of Customers Services

After questions, the Committee learned that:

- Increased engagement with elected Members across the region was a priority for the Combined Authority and a monthly Members-focused e-Newsletter was launched earlier in 2018 to support that aim.
- The Combined Authority's communications and marketing team work closely with district councils to engage with the public as the councils have a more long standing connection to the public.
- Much of the Combined Authority's communications and marketing team's work is in supporting district council's communications / marketing efforts.
- The amount of coverage the Combined Authority receives for its communications / marketing output is projected to increase by a factor of five by the end of 2018.

After further discussion, the Committee **agreed** that:

- A report on this topic was very welcome as many constituents had still not heard of the West Yorkshire Combined Authority or Leeds City Region Enterprise Partnership (LEP) and that it was vital in a democracy that people were fully aware of the work of decision making bodies that were responsible for public policy and services.
- There had been progress in general but further improvements in engaging with elected Members, in particular, was very important and expected. The Committee suggested that the Combined Authority could bring together Members for one-day or afternoon policy briefings and discussions as a means of engaging them.
- The Combined Authority should be careful of 'digital by default' methods of communication as the population is ageing and it stands the risk of not engaging that demographic effectively and ignoring them. Digital inclusion is an increasingly important issue, which should be taken into account in communications / marketing policy.

The Committee **concluded** that a scrutiny communications and engagement plan should be developed to support the Committee to:

- increase its profile
- establish a presence on the Combined Authority website and social media networks with dedicated scrutiny pages.
- better engage with the public and include their views and community needs in work programming,
- help support identifying and arranging site visits (e.g. to flood affected areas when considering floods as an issue)
- arrange open 'scrutiny in a day' sessions on important issues, and

Resolved:

- i) That the report be noted and the Committee's feedback and conclusions be considered further.

- ii) That a report outlining a scrutiny communications and engagement plan be brought to a future meeting for discussion.
- iii) That Digital Inclusion be considered as an item for the Scrutiny Work Programme in the future.

32. Devolution

The Committee considered a report of the Director of Policy, Strategy & Communications on the progress towards securing devolution. The One Yorkshire devolution submission to the government, a governance and implementation route map, and an independent economic study of the Yorkshire economy conducted by Steer Economic Development were also attached as appendices to the report.

The following were in attendance for this item:

- James Flanagan, Lead Policy Manager (Public Sector Reform)

The Committee was informed that the Northern Powerhouse Minister, Jake Berry MP, had responded to a query raised at a meeting of Leeds City Council's Strategy and Resources Scrutiny Board on 12 November 2018 about Yorkshire Leaders still awaiting a response from the minister to their offer to discuss devolution in Yorkshire, by agreeing to meet with Yorkshire Leaders as soon as possible. Officers confirmed that Leaders in West Yorkshire had been contacted by the Minister's office to arrange a date.

The Committee **concluded** that:

- Further detail on the submission document submitted to the government in March 2018 was welcome and the economic study made a strong case.
- The governance and route map's commitment to fully embrace and embed overview and scrutiny within any Yorkshire Combined Authority and LEP governance structure was welcome.
- Checks and balances are paramount to ensuring a powerful directly elected Mayor and a combined authority based on the size of the proposed One Yorkshire geography is properly scrutinised and held to account. Some Members re-expressed reservations about too much power being vested in the hands of a single person and position.
- The Overview and Scrutiny Committee has a responsibility to advise the West Yorkshire Combined Authority, offer suggestions and help inform the development of robust scrutiny arrangements and principles for any new combined authority based on the proposed geography.

The Committee **agreed** that a report outlining a number of possible scrutiny models for a potential Yorkshire Combined Authority be discussed in the

future at an appropriate time. The report should, amongst other things, take into account:

- a) Arrangements currently in place in combined authorities with directly elected mayors
- b) The larger geography compared to other existing city region based mayoral combined authority areas
- c) How membership and participation in scrutiny from all member councils in the proposed geography could be most effectively facilitated
- d) The best balance between thematic or sub-regional based committees, working groups and work programming
- e) The optimal way of scrutinising a directly elected mayor in particular as opposed to a mayoral combined authority in general

Resolved:

- i) That the report be noted and the Committee's feedback and conclusions be considered further.
- ii) That a report outlining a number of possible scrutiny models for a potential Yorkshire Combined Authority, based on the proposed geography, be brought to a future meeting for discussion.

33. Date of the next meeting – 18 January 2019