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**Report to:** West Yorkshire Combined Authority

**Date:** 27 June 2019

**Subject:** **Committee Arrangements and Appointments**

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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	

## 1. Purpose of this report

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

## 2. Information

- 2.1 The Combined Authority must by law appoint an audit committee and an overview and scrutiny committee. The proposed terms of reference for the **Governance and Audit Committee** and **Overview and Scrutiny Committee** are attached as **Appendices 1** and **2** to this report. The only amendment

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

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

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

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

2.4 It is also proposed to appoint the following advisory panels as advisory committees to the Combined Authority which also report to the LEP Board:

- Business Innovation and Growth Panel (**Appendix 6**)

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

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

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

### **Appointments**

2.6 **Appendix 11** to this report sets out proposed appointments to committees (excluding the advisory panels). The proposed appointments to the **Governance and Audit Committee** and the **Overview and Scrutiny Committee** comply with statutory requirements relating to membership set out in paragraph 5 of this report. It is proposed that the current Independent Member is re-appointed to the Governance and Audit Committee, and that an additional Independent Member be appointed to promote accountability and facilitate achieving a quorum. By law, the position needs to be advertised. Approval is therefore sought in principle to the additional appointment, and it is proposed the Head of Legal and Governance Services be authorised to progress appointment arrangements, including convening an interview panel to make recommendations to the Combined Authority.

2.7 The voting co-optees proposed for the **Transport Committee** follow the nominations made by West Yorkshire councils. It is proposed that a member from City of York Council continues to be appointed as a non-voting co-optee, together with two non-voting private sector representatives, nominated by the LEP.

2.8 Consistent with previous municipal years, it is proposed to co-opt the relevant portfolio holders, ex-officio, of the constituent councils and the City of York Council from time to time (as confirmed by each relevant Chief Executive) onto the **West Yorkshire and York Investment Committee**. The portfolio holders for 2019/20 are identified on **Appendix 11** for information. It is not proposed at this time to increase the committee’s membership by the appointment of additional opposition members, given that the functions and membership of the committee may be reviewed as part of the on-going review of LEP arrangements.

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

- the member of the Combined Authority appointed singly by each constituent council,
  - the member of the Combined Authority appointed by the non-constituent council (City of York Council),
  - the Leaders of other Leeds City Region councils from time to time, ex-officio, as co-optees.
  - Councillor Susan Hinchcliffe as Chair of the committee and Councillor Tim Swift as Deputy Chair.
- 2.10 A substitute for a member of the Combined Authority may substitute for that member at any meeting of the Combined Authority where the member is absent, including any relevant committee meeting. It is proposed that the Combined Authority appoints a substitute member for each of the co-opted members on the Leeds City Region Partnership Committee, as confirmed to the Head of Legal and Governance Services by the relevant Monitoring Officer.
- 2.11 **Appendix 12** to this report sets out proposed appointments to the **advisory panels** which also report to the LEP Board, including of members of the Combined Authority to be appointed. The Appendix sets out proposed co-optees for each panel, including:
- local authority representatives (including a local authority representative from each West Yorkshire council to each panel) as set out in the Appendix,
  - any private sector representative, further to nominations by the LEP Board,
  - any ex-officio representative of a relevant body including an additional representative on the Employment and Skills Panel for compliance with government guidance relating to skills advisory panels.

### **Voting Rights**

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

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

### **Chairing arrangements**

- 2.19 Proposed chairing arrangements, together with the position of leader of the opposition for Transport Committee, are set out in **Appendices 11 and 12**, (and paragraph 2.9 above in relation to the Leeds City Region Partnership Committee).

### **Appointment of Independent Persons**

- 2.20 The Combined Authority is required to have Independent Persons available to act in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct. Ian Brown and Carolyn Lord currently carry out this role. Both have confirmed their continuing eligibility to be Independent Persons for 2019/20. It is proposed that both are now appointed for a further municipal year on the current terms, with the appointments to be reviewed for the next municipal year.

## **3. Inclusive Growth Implications**

- 3.1 None.

## **4. Financial Implications**

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

## **5. Legal Implications**

- 5.1 Governance and Audit Committee membership must by law include at least one Independent Member, and the membership of an audit committee taken as a whole must by law reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils (West Yorkshire councils) when taken together.
- 5.2 An Independent Member may not be appointed to the Governance and Audit Committee unless the vacancy has been advertised.
- 5.3 The political balance requirement set out in 5.1 also applies to the Overview and Scrutiny Committee. The Chair of this committee must, by law, either be an “independent person” or else an “appropriate person” who is a member of one of the Combined Authority’s constituent councils. An “appropriate person” is a person who is not a member of the registered political party which has the most representatives among the members of the constituent councils.
- 5.4 Political balance requirements under Section 15 Local Government and Housing Act 1989 apply to appointing members of Combined Authority to ordinary committees and sub-committees, unless waived in accordance with Section 17 of the 1989 Act. The Governance and Audit Committee and the Overview and Scrutiny Committee are not ordinary committees for this purpose.
- 5.5 The co-option of members onto Transport Committee is not required to be politically balanced.
- 5.6 If no appointment is made by the Combined Authority, a committee shall appoint its own Chair and/or Deputy Chair.
- 5.7 Section 28 Localism Act 2011 requires the Combined Authority to appoint at least one Independent Person to act in relation to complaints concerning allegations of a breach of the Combined Authority’s Members’ Code of Conduct.

## **6. Staffing Implications**

- 6.1 None.

## **7. External Consultees**

- 7.1 No external consultations have been undertaken.

## **8. Recommendations**

- 8.1 In relation to appointment of committees, that the Combined Authority:
  - 8.1.1 **appoints** each of the following **statutory committees** with the terms of reference set out in the relevant Appendix:

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

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

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

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

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

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

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

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

8.2.2 resolves<sup>1</sup> to appoint members of the Combined Authority to the **Governance and Audit Committee**, as set out in **Appendix 11**, Andy Clayton as an Independent Member of the Governance and Audit Committee for this municipal year, and (in principle) an additional Independent Member.

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

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<sup>1</sup> In accordance with SI 2017/68

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

8.2.4 resolves<sup>2</sup> to appoint members and substitutes to the Overview and Scrutiny Committee as set out in **Appendix 11**.

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

- the **Transport Committee** as set out in **Appendix 11**,
- the **West Yorkshire and York Investment Committee** as set out paragraph 2 of this report, and
- the **advisory panels** as set out in **Appendix 12**,
- the **Leeds City Region Partnership Committee** as set out in paragraph 2.9 of this report, including a substitute for each member as set out in paragraph 2.10 of the report.

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

8.3.1 notes that any member of a constituent council appointed to the **Overview and Scrutiny Committee** has one vote<sup>3</sup> and resolves that this may be exercised in their absence by their substitute.

8.3.2 resolves<sup>4</sup> that any member of the City of York Council co-opted to the **Overview and Scrutiny Committee** shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee) and resolves that any such vote may be exercised in their absence by their substitute.

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

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

8.3.5 resolves that<sup>5</sup> any constituent council member co-opted to the **Transport Committee** shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).

8.3.6 resolves that<sup>6</sup> any constituent council member or member of the City of York Council on the **West Yorkshire and York Investment**

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<sup>2</sup> In accordance with SI 2017/68

<sup>3</sup> In accordance with Regulation 3(3) SI 2017/68

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

<sup>5</sup> In accordance with the West Yorkshire Combined Authority Order 2014

<sup>6</sup> In accordance with the West Yorkshire Combined Authority Order 2014

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

8.3.7 resolves that any of the following co-opted to the **advisory panels** set out in Appendix 12 shall be a voting member:

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

8.4 That the Combined Authority appoints:

- **Chairs and Deputy Chairs** to committees, as set out in paragraph 2.9 of this report for the Leeds City Region Partnership Committee, and Appendices 11 and 12 in respect of other committees and panels, and
- the **leader of the opposition** position on Transport Committee, as set out in Appendix 11.

8.5 That the Combined Authority resolves that Ian Brown and Carolyn Lord continue as **Independent Persons** in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct on the existing terms for remuneration, until the Combined Authority's annual meeting in 2020.

## 9. Background Documents

None.

## 10. Appendices

Appendix 1 – Governance and Audit Committee, Terms of Reference

Appendix 2 – Overview and Scrutiny Committee, Terms of Reference

Appendix 3 – Transport Committee, Terms of Reference

Appendix 4 – West Yorkshire and York Investment Committee, Terms of Reference

Appendix 5 – Leeds City Region Partnership Committee, Terms of Reference

Appendix 6 – Business Innovation and Growth Panel, Terms of Reference

Appendix 7 – Employment and Skills Panel, Terms of Reference

Appendix 8 – Green Economy Panel, Terms of Reference

Appendix 9 – Inclusive Growth and Public Policy Panel, Terms of Reference

Appendix 10 – Place Panel, Terms of Reference

Appendix 11 – Appointments Table – Committees

Appendix 12 – Appointments Table – Panels