

Report to: West Yorkshire Combined Authority

Date: 25 June 2020

Subject: **Governance Arrangements**

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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:	N/A

1. Purpose of this report

- 1.1 To confirm the continuation of governance arrangements for the Combined Authority for the new municipal year 2020-21, further to the cancellation of the annual meeting for 2020 due to the COVID-19 pandemic.
- 1.2 To appoint private sector representatives to the Combined Authority advisory committees (panels).

2. Information

- 2.1 In view of the ongoing COVID-19 pandemic, recognising the difficulties faced in holding meetings, resourcing and adapting to new ways of working during the pandemic, regulations were issued under the Coronavirus Act 2020 to provide as much flexibility as possible to local authorities (including combined authorities) in organising their meetings.
- 2.2 The regulations disapply the requirement to hold an annual meeting. Further to and consistent with the approach taken by partner councils, the Combined Authority's annual meeting was cancelled.

Municipal Year

- 2.3 The municipal year runs from one annual meeting to the next. Given that the annual meeting in 2020 has been cancelled, for administrative reasons and the avoidance of doubt, the Combined Authority is asked to confirm that the new municipal year 2020-21 will start from the meeting on 25 June 2020.

Continuation of governance arrangements

- 2.4 The regulations provide for appointments made at an annual meeting to be continued until the next annual meeting, or until such time as the authority determines. This report seeks confirmation that all aspects of the Combined Authority's current governance arrangements (including appointments) will continue into the new municipal year 2020-21 as set out below:

Appointments and voting rights

- 2.5 It is understood that no changes are proposed to the membership and substitute membership of the Combined Authority, to the membership of any committee of the Combined Authority (including any advisory panel), to current chairing arrangements, nor to appointments to outside bodies. In the absence of any changes being approved, these arrangements will by law automatically continue into the new municipal year.
- 2.6 It is proposed that in the new municipal year the following continue to exercise any voting rights granted to them for the municipal year 2019-20:
- the member of the Combined Authority appointed by the City of York Council, the LEP Member (and their substitutes), and
 - any member (including a co-optee) of a committee (including any advisory panel).

Governance arrangements

- 2.7 In the absence of any changes being approved, the appointment of current committees will continue for the new municipal year, on the same terms of reference. It is proposed that the Combined Authority resolves that the Combined Authority's current governance documents including standing orders and related documentation, Codes of Conduct and related procedures and protocols, the Members' Allowances Scheme and the officer delegation scheme are adopted for the municipal year 2020-21. The Head of Legal and Governance Services may make any minor amendments to these documents necessary for updating purposes under the exercise of her delegated authority.

Appointment of Independent Persons

- 2.8 The Combined Authority is required to have Independent Persons available to act in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct. The existing appointments, Ian Brown and Carolyn Lord, have confirmed their continuing eligibility to be

Independent Persons for 2020/21. For the avoidance of doubt, it is proposed that both are now appointed for the 2020/21 municipal year on the current terms, with the appointments to be reviewed for the 2021/22 municipal year.

Advisory panels

- 2.9 In order to comply with the requirements of the *National Assurance Framework* and *Strengthened Local Enterprise Partnerships*, a recruitment exercise has been carried out to seek new private sector LEP Board members. Following on from that, an exercise has been conducted to appoint new private sector representatives to the Combined Authority advisory panels and Appointment Panels have taken place throughout February and March.
- 2.10 However a number of individuals were unable to meet with the Appointment Panels during this time due to presenting with COVID-19 symptoms. Their discussions with the Appointment Panels therefore did not take place until after the Combined Authority meeting in April, which prevented their proposed appointments being considered at that time.
- 2.11 Therefore these **further proposed private sector representative appointments** to the advisory panels, following nominations made by the LEP Board at their meeting on 10 June, are set out in **Appendix 1**.
- 2.12 In addition, a panel member's term of office is coming to an end imminently, and it is proposed that their term be extended as a reflection of the valuable contribution they make to the work of the advisory panels and the LEP as a whole.
- 2.13 This recommendation is in accordance and consistent with paragraph 4.15 of the LEP Constitution, whereby the term of office for each private sector representative appointed will normally be for three years, with an optional extension of three years. This is also set out in **Appendix 1**.
- 2.14 The Combined Authority is however asked to note that appointments longer than the next municipal year may need to be subject to a caveat relating to any potential changes to governance arrangements further to the West Yorkshire devolution deal.
- 2.15 The public sector membership of Panels will remain unchanged, subject to any further decisions by the Combined Authority, reflecting all ten former Leeds City Region authorities (Barnsley, Bradford, Calderdale, Craven, Harrogate, Kirklees, Leeds, North Yorkshire, Selby, Wakefield), where those authorities wish to remain involved and there is continuing mutual strategic benefit.

3. Clean Growth Implications

- 3.1 None.

4. Inclusive Growth Implications

- 4.1 None.

5. Financial Implications

5.1 None.

6. Legal Implications

6.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, were issued on 4 April, and incorporated into the Combined Authority's governance arrangements by interim standing orders.

6.2 By law, appointments will continue in the absence of an annual meeting, but these may be changed by resolution of the Combined Authority at any time during the municipal year 2020-21.

6.3 The Head of Legal and Governance Services has delegated authority under the officer delegation scheme to confirm any appointment in accordance with a nomination by the relevant partner council, to fill any vacancy for a co-opted local authority representative arising on any committee of the Combined Authority, provided this doesn't impact on political balance.

7. Staffing Implications

7.1 There are no staffing implications directly arising from this report.

8. External Consultees

8.1 No external consultations have been undertaken.

9. Recommendations

9.1 That the Combined Authority resolves that the municipal year 2020-21 will start on 25 June 2020.

9.2 That the Combined Authority notes that by law, in the absence of an annual meeting, committee arrangements, appointments of members to the Combined Authority, its committees and of chairs will continue for the new municipal year, subject to any changes to be approved before the annual meeting in 2021.

9.3 That the Combined Authority resolves that for the municipal year 2020-21, the following may continue to exercise any voting rights granted to them for the municipal year 2019-20:

- the member of the Combined Authority appointed by the City of York Council, the LEP Member (and their substitutes), and
- any member (including a co-optee) of a committee (including any advisory panel).

- 9.4 That the Combined Authority's current **governance documents** including standing orders and related documentation, Codes of Conduct and related procedures and protocols, the Members' Allowances Scheme and the officer delegation scheme will be adopted for the municipal year 2020-21.
- 9.5 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 2021.
- 9.6 That the Combined Authority resolves to approve the recommendations in relation to private sector representatives of the advisory panels as set out in **Appendix 1**.

10. Background Documents

- 10.1 None.

11. Appendices

Appendix 1 – Private Sector representatives on advisory panels