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| Report to: | Governance and Audit Committee |
| Date: | 14 January 2021 |
| Subject: | Mayoral Combined Authority preparations – decision-making and committee arrangements |

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| Director: | Angela Taylor, Director of Corporate Services |
| Author: | Liz Davenport Lead Lawyer, (MCA Governance) |

1. Purpose of this report

- 1.1 To update the Governance and Audit Committee on progress by the Decision-making and Committee Arrangements workstream of the Mayoral Combined Authority (MCA) Ready Programme Board.

2. Information

- 2.1 At their meeting on 27 November 2020, the Committee received an update on work underway under the MCA Ready Programme to ensure that the Combined Authority's governance, assurance process and internal systems and processes are ready for becoming an MCA. This report focusses on work under the Decision-making and Committee Arrangements workstream.
- 2.2 The Combined Authority will technically become an MCA as soon as an Order is made which provides for a mayor to be elected. The draft Order was laid in Parliament in December 2020, and is anticipated to be made in February 2021, although the exact date is not yet known. The Order will provide for the mayor to be elected, new functions to be conferred on the Combined Authority, and will change the Combined Authority's governance arrangements to reflect the Mayor's role¹.
- 2.3 The draft Order provides that the **new functions** will be conferred in two phases:
- **Non-mayoral functions** (functions which are not the responsibility of the Mayor) will be exercisable by the Combined Authority as soon as the Order is made, and

¹ for example, by amending voting arrangements at Combined Authority meetings in some respects.

- **Mayoral functions** (functions which are the responsibility of the Mayor and include police and crime functions) will be exercisable by the Mayor once in office.
- 2.4 Decision-making arrangements are currently under review through the workstream. The immediate focus is on ensuring that arrangements are in place for exercising the new Non-Mayoral functions as soon as the Order is made, in February. These are adult education functions, functions relating to housing regeneration and planning, transport-related functions and a duty to prepare an assessment of economic conditions. The Combined Authority at its meeting in November 2020 approved the governance arrangements for adult education functions, (including a Conflicts of Interest Policy related specifically to these functions), and arrangements for the other new functions are being finalised – see further below.
 - 2.5 In tandem with this, work is being carried out to ensure that arrangements are fit for purpose once the Mayor is office, that is, reflecting the Order and underlying statutory provisions relating to the Mayor.
 - 2.6 Becoming an MCA also provides an opportunity for the Combined Authority to carry out a more general review of decision-making arrangements, including (for example) whether new portfolio arrangements should be introduced, and/or committee or panel arrangements (structure and membership) revised. Timelines for updating and reviewing decision-making arrangements are challenging but options are currently being considered.
 - 2.7 The diagram attached as appendix 1 sets out a provisional timeline for changes to governance arrangements, subject to the Order being made.
 - 2.8 In relation to readiness for the new Non-Mayoral functions being conferred in February, notwithstanding any proposals which may follow from the general review, these functions may in any event be exercised under existing decision-making arrangements without any substantive changes to these being required. That is, no substantive changes are required to current arrangements in the interim period between the Order being made and the Mayor coming into office. Some minor amendments to standing orders to embed new statutory consent provisions relating to some of the new functions and for clarification will need to be approved. A protocol in respect of the exercise of concurrent functions and the statutory consents is also currently being finalised for agreement by the Combined Authority and Constituent Councils. As shown on the diagram, it is anticipated that the protocol and any other amendments will be considered by the Combined Authority at its meeting in March, further to its approval by Constituent Councils. Training and guidance for Members and officers about the changes is currently also being prepared.
 - 2.9 The workstream has interdependencies with a number of other workstreams under the MCA Ready Programme, and also with the review of scrutiny arrangements currently being undertaken by the Overview and Scrutiny

Committee, reported to this committee on 27 November. Key interdependencies relate to:

- **The Deepening Partnerships workstream:** this workstream led by Chief Executives from the five West Yorkshire councils is looking in parallel at means of strengthening the current relationships between the Combined Authority and the five partner councils. Recommendations from the workstream may have a bearing on the proposals for both formal structures and informal structures going forward.
- **The transfer of police and crime commissioner functions:** as reported to this committee at its meeting on 27 November, preparatory work is underway for the transition of these functions to the Combined Authority, (to be exercised by the Mayor). This is led by a transition working group between the Combined Authority, the Office of the PCC, West Yorkshire Police, the Association of Police & Crime Commissioners, and the Home Office. In broad terms, the governance model provided by the draft Order preserves the existing governance arrangements which relate to the Police and Crime Commissioner, whilst making some modifications to provide for the transfer to the Combined Authority. It is proposed that a more detailed report on the governance implications of the transfer is considered by this committee at its next meeting in March.

3. Financial Implications

3.1 There are no financial implications directly arising from this report.

4. Legal Implications

4.1 The Combined Authority's governance arrangements will be updated further to the Order, and again once the Mayor is in office.

5. Staffing Implications

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

6. External Consultees

6.1 No external consultations have been undertaken.

7. Recommendations

7.1.1 That the Governance and Audit Committee notes the progress made to date, and

7.1.2 Requests an update to this report at its next meeting in March, to include further details on the implications for this committee and on governance arrangements arising to the transfer of police and crime commissioner functions to the Combined Authority.

8. Background Documents

None.

9. Appendices

Appendix 1 – Timeline