
Report to: West Yorkshire Combined Authority

Date: 9 March 2021

Subject: **MCA Preparations – 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:	

1. Purpose of this report

- 1.1 To update the Combined Authority in relation to work being carried out in relation to the governance arrangements for the West Yorkshire Combined Authority (Combined Authority) as a mayoral combined authority (MCA).
- 1.2 To consider and seek approval to core draft constitutional documents together with a delegation to the Head of Legal and Governance Services to make technical amendments as required.

2. Information

- 2.1 The Combined Authority at its meeting on 4 February received a report on work to implement the “minded to” devolution deal signed by West Yorkshire Leaders and Government on 11 March 2020. The deal set out a raft of new powers, funding and responsibilities to be conferred on the Combined Authority, alongside becoming an MCA.
- 2.2 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.

- 2.3 This report focusses on work being progressed under the MCA Ready Programme workstream for governance arrangements.

Arrangements for new Non-Mayoral Functions

- 2.4 The Head of Legal and Governance Services (in consultation with the Chair of the Combined Authority and under authority delegated by the Combined Authority on 4 February) will approve amendments to integrate Non-Mayoral Functions decision-making into existing governance arrangements. The Combined Authority will be asked to adopt a draft Protocol for the exercise of concurrent functions and associate statutory consents at the 22 April 2021 meeting, subject to councils having resolved to adopt the Protocol.

A new Constitution for the Combined Authority

- 2.5 The scale and complexity of the Combined Authority's governance arrangements will increase as an MCA. It is therefore proposed that the Combined Authority adopt a formal 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.
- 2.6 For consistency with partner councils and other combined authorities, and to aid transparency, it is proposed to have regard to a Local Government Association model constitution for councils. The model will be adapted to address the different underlying legislation which applies to combined authorities, however. Attached as Appendix 1 to this report is an indicative outline for the Combined Authority's new Constitution, which includes Articles to set out the underpinning legal framework and provide a mechanism for signposting readers towards relevant aspects in different parts of the Constitution. (Appendix 2 sets out some draft Articles, including Article 1 – the Constitution).
- 2.7 The Constitution will be updated as the Combined Authority matures and evolves. It should be informative and useful for anyone who engages with the Combined Authority, and in plain English as far as the technicalities allow. It will be published on the Combined Authority's website.

- 2.8 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 member engagement, a phased approach to considering and approving the Constitution is proposed as follows:
- core documents relating to **Mayoral decision-making** in relation to Mayoral General Functions (that is, not the PCC Functions) to be considered at this meeting (see below), to be of effect from when the Mayor is in office,
 - other core elements to be considered at the Combined Authority's **April meeting**, most of which will be of effect from the Mayor coming into office, including
 - arrangements in relation to PCC Functions (which are currently subject to discussion through the PCC Transfer workstream),
 - a revised Members' Code of Conduct, reflecting a recent new Model Code of Conduct issued by the Local Government Association (subject to consideration by the Governance and Audit Committee on 18 March).
 - **Post-election:** Mayor's confirmation of any arrangements which fall to the Mayor to decide,
 - the whole Constitution to be confirmed at the **Annual Meeting** in June.

These timescales are reflected in Appendix 1, the indicative outline of the Constitution.

Revised decision-making arrangements

- 2.9 Attached as Appendices 2 - 5 are core documents for the MCA's decision-making arrangements, in draft. Highlighted text in Appendices 3 and 4 indicate changes to existing documents further to the 2021 Order. As set out above, arrangements relating to PCC Functions will be considered by the Combined Authority at the April meeting. Documents attached to this report may be subject to revision as other elements of the new Constitution are developed, and it is proposed therefore that the Head of Legal and Governance Services be given delegated authority to make any technical amendments which may arise.

Appendix no.	Part	Document
2	Part 2	Article 1 – the Constitution
	Part 2	Article 2 – the Combined Authority
	Part 2	Article 3 – the Combined Authority (Membership)
	Part 2	Article 4 – the Mayor
3	Part 3	Introduction – Responsibility for Functions
	Part 3	Combined Authority (Non-Mayoral) Functions
	Part 3	Mayoral Functions – Mayoral General Functions
4	Part 4	Combined Authority Procedure Standing Orders
5	Part 4	Mayoral Decision-making Procedure Rules

3. Tackling the Climate Emergency Implications

- 3.1 There are no tackling the 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. Financial Implications

- 5.1 There are no financial implications directly arising from this report.

6. Legal Implications

- 6.1 Councils are required by law to have a Constitution with prescribed contents. This does not apply to combined authorities, which have greater discretion as to the content and format of any Constitution.

7. Staffing Implications

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

8. External Consultees

- 8.1 Combined Authority officers are working closely with the Office for the PCC in relation to developing and implementing governance arrangements for PCC Functions, and with partner councils in relation to governance changes.

9. Recommendations

- 9.1 That the Combined Authority notes that arrangements are being put in place for decision-making relating to new Non-Mayoral Functions.
- 9.2 That the Combined Authority notes the timeline set out in paragraph 2 for approving revised governance documents for the MCA.
- 9.3 That the Combined Authority approves the governance documents attached as Appendices 2-5 to this report to be of effect from 10 May 2021, and delegates authority 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.

10. Background Documents

There are no background documents referenced in this report.

11. Appendices

Appendix 1 – Outline Constitution

Appendix 2 – Articles 1 - 4

Appendix 3 – Part 3 – responsibility for functions

Appendix 4 – Combined Authority Procedural Standing Orders

Appendix 5 – Mayoral Procedural Rules