
Report to: Governance and Audit Committee

Date: 18 March 2021

Subject: Mayoral Combined Authority preparations - governance

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1. Purpose of this report

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

2. Information

Background

- 2.1 On January 14, the Committee were updated on work under the Decision-making and Committee Arrangements workstream of the MCA Ready Programme. This report provides a further update. There is a separate item on this agenda focussing on the governance implications of the transfer of PCC Functions, as requested by the Committee at that meeting.
- 2.2 The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 has now been made, and provides for **new functions**, conferred in two phases:
- **Non-Mayoral Functions** (functions which are not the responsibility of the Mayor) which are now exercisable by the Combined Authority, and
 - **Mayoral Functions** (functions which are the responsibility of the Mayor) which include new Mayoral General Functions conferred by the 2021 Order and PCC Functions. These will be exercisable by the Mayor once in office.

Workstream 4 - Decision-making and Committee arrangements – general update

- 2.3 Further to the Order being made, the Head of Legal and Governance Services under delegated authority, and in consultation with the Chair of the Combined Authority, has now approved minor amendments to embed new statutory consent provisions relating to functions which are concurrent to Constituent Councils (the West Yorkshire councils) and for clarification. A protocol in respect of the exercise of concurrent functions and the statutory consents is also currently being agreed by Constituent Councils, and is scheduled to be considered by the Combined Authority at its April meeting.

New Constitution

- 2.4 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 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.
- 2.5 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. This will be adapted to address the underpinning legislation for the Combined Authority (which is different to that of our partner councils). 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. 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.
- 2.6 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.
- 2.7 To meet these timescales and to maximise member engagement, a phased approach to considering and approving the Constitution is being followed as follows (and as indicated on Appendix 1):
- core documents relating to **Mayoral decision-making** in relation to Mayoral General Functions (that is, Mayoral Functions which are not PCC Functions) were considered by the Combined Authority at its **March meeting**.
 - other elements to be considered at the Combined Authority's **April meeting**, including
 - arrangements in relation to PCC Functions (see separate item on this agenda),
 - how Members and the public will hold the Mayor to account (currently being developed in conjunction with partner councils), and

- a revised Members' Code of Conduct (see the separate item on this agenda).
- **Post-election:** Mayor's confirmation of those arrangements which fall to the Mayor to decide.
- Whole Constitution to be confirmed at the **Annual Meeting** in June.

PCC arrangements

2.8 Governance arrangements in respect of PCC Functions are considered in a separate report on this agenda.

3. Financial Implications

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

4. Legal Implications

4.1 There is no legal requirement for a combined authority to adopt a Constitution.

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 The Governance and Audit Committee is asked to note the progress made to date in relation to preparations for the MCA's governance arrangements, and the proposed phased approach to ensuring that arrangements for the MCA will be fit for purpose once the Mayor is in office, as set out above.

8. Background Documents

None.

9. Appendices

Appendix 1 – indicative outline Constitution and timescales