

Report to: West Yorkshire Combined Authority

Date: 3 February 2022

Subject: **Transport Committee Review**

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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:	
Are there implications for equality and diversity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1. Purpose of this report

- 1.1 To update Combined Authority members on the Transport Committee Review, including proposed next steps.
- 1.2 To seek agreement in principle to the proposed Transport Committee terms of reference, membership, and role profiles for consideration by the Independent Remuneration Panel.

2. Information

Transport Committee Review

- 2.1 At its meetings in March and April 2021 the Combined Authority agreed the principle of governance changes as part of the transition to a Mayoral Combined Authority. These changes were implemented at the Annual Meeting in June 2021. Links to the relevant papers are provided in **Background Documents** section.
- 2.2 The changes resulted in the establishment of:
 - new thematic decision-making committees, chaired by the relevant Combined Authority Portfolio Holder, and with a membership

comprising relevant Constituent Council portfolio holders, LEP members and private sector and advisory members; and

- a new 16-member Transport Scrutiny Committee, alongside Corporate Scrutiny and Economy Scrutiny committees.

2.3 The Transport Committee Review was initiated in the context of these changes. The agreed scope is to:

- review the Terms of Reference of the Transport Committee and Scrutiny Committee to ensure no overlap;
- review membership and arrangements to ensure distinctive roles of the two committees, and make recommendations as to changes;
- review the role of District Consultation Sub-Committees; and
- give options for when these changes could be brought into effect – but not impacting on any appointments made for the 2021/22 municipal year.

2.4 The extent of and non-discretionary nature of the Mayor's and Combined Authority's transport powers mean it is appropriate to consider a bespoke set of arrangements for Transport Committee different from those applying to the other thematic committees.

2.5 The Mayor's and Combined Authority's transport powers are set out in Part 3 of the Constitution of the West Yorkshire Combined Authority; a link is provided in **Background Documents**.

2.6 An earlier update on the Transport Committee Review, and the issues under consideration was reported to Transport Committee at its September 2021 meeting (see **Background Documents**).

Current arrangements

2.7 Transport Committee has a structural legacy stemming from the previous Integrated Transport Authority governance and embodies advisory, decision making and scrutiny roles. The two Lead Members receive direct officer support and perform a range of duties between the normal cycle of meetings, including (but not limited to) regular structured engagement with a range of industry and transport provider partners. These roles, particularly the Lead Member Public Transport, are substantial and require regular commitment to the Combined Authority's transport activity.

2.8 The Committee's main strategic roles are advisory to the Mayor and Combined Authority, and it performs a valuable role in shaping policy development. The Committee's operational roles are mainly carried out through monitoring transport network activity, and through the activity of the Lead Member Public Transport. Its scrutiny role is performed principally through the Leader of the Opposition role on the Committee.

2.9 Whilst Transport Committee has some delegation in respect of the Combined Authority's transport capital investment programmes, this is relatively limited and generally not called upon at present. Regular transport capital programme updates are provided for information.

- 2.10 Transport Committee consists of a member of the Combined Authority, 15 members co-opted from Constituent Councils, a member co-opted from City of York Council, and two LEP Board members. Current membership and roles are shown at **Appendix 1**. This arrangement has secured broad member engagement in the transport activity of the Combined Authority and its predecessors.
- 2.11 Members of Transport Committee co-opted from the Constituent Councils (i.e. Bradford, Calderdale, Kirklees, Leeds and Wakefield) receive remuneration under the Combined Authority's Members' Allowances Scheme, as detailed in Part 6 of the Constitution (see **Background Documents**). Under that scheme members cannot receive an allowance from more than one authority for carrying out their duties.
- 2.12 Transport Committee has five District Consultation Sub-Committees (DCSCs), one per Constituent Council area. These are formal committees, chaired by a relevant Transport Committee member, with a membership consisting of elected members and nominated members of the public. The DCSCs have a consultation remit in respect of users of local public transport and facilities and an advisory role to Transport Committee.

Review process

- 2.13 The Review is internal. The Chair of Transport Committee has held discussions with key members of Transport Committee, the Chairs of the Transport and Corporate Scrutiny committees, and the transport portfolio holders from the Constituent Councils to understand expectations for the Review.
- 2.14 Officers have also undertaken research and had informal discussions with colleagues in other Mayoral Combined Authority areas regarding the operation of transport governance.

Lessons from other Combined Authority areas

- 2.15 The proposals are informed by lessons and experience from other Combined Authority areas that have transitioned from Integrated Transport Authority (ITA) arrangements.
- 2.16 Most (but not all) former ITA areas have retained some form of Transport Committee. However, there is a wide variation of practice, and no standard model has evolved.
- 2.17 The main points and lessons are:
- To ensure clarity of purpose, particularly in respect of strategic, operational and scrutiny roles.
 - The value of directly involving Constituent Council transport portfolio holders in securing co-ordination.

- Not to underestimate the value of Transport Committee members in securing local engagement in, and accountability for, Combined Authorities' 'frontline' transport roles.
- The importance of ensuring that transport-related governance does not become unwieldy.

2.18 Reference has also been made to work undertaken by the Centre for Governance and Scrutiny in combination with the Combined Authorities Network on transport governance in combined authorities (see **Background Documents**). This work confirms the main points and lessons above and highlights the importance of strong transport governance in making the case for further devolution of transport funding and powers.

Proposals

Proposed future role of Transport Committee

- 2.19 The new context for the Combined Authority and Mayor, including the Mayor's suite of pledges, means an evolving and growing prospective role for Transport Committee in:
- **Bus reform** delivering the Mayor's pledge to return buses to public control, including development of the Enhanced Partnership and the assessment of the case for franchising.
 - **Mass Transit** development and implementation, which is a substantial new area of work for the Combined Authority.
 - **Rail reform**, including defining West Yorkshire's local role in the rail network as the Williams-Shapps Plan for Rail proposals are implemented.
 - **Key Route Network** powers and responsibilities.
 - **Multi-modal integration**, including a growing role in promoting active travel choices as part of an integrated transport network for West Yorkshire.
- 2.20 This highlights the importance of ensuring Transport Committee is fit for purpose, and to secure effective co-ordination between the transport roles of the Combined Authority (particularly as local transport authority) and those of the Constituent Councils (particularly as highway authorities).
- 2.21 Further announcements of transport-related capital programmes, most recently for the City Region Sustainable Transport Settlement, means there will also be an increasing emphasis on capital transport programme development, approvals and monitoring. Co-ordination of this activity is important. It is proposed that Transport Committee will take an active role in overseeing capital programmes as part of these proposals, which is currently overseen by other thematic committees (notably the Place, Regeneration and Housing Committee).

- 2.22 The Review proposes a membership framework for Transport Committee that realises a clear executive role in the Combined Authority's transport activity¹. The proposed terms of reference would extend the Committee's remit to management and oversight of transport capital programmes, with a level of delegation from the Combined Authority that matches that of the other thematic committees.
- 2.23 The proposed membership framework for Transport Committee is set out at **Appendix 1**, with a comparison with the existing arrangements. Proposed role profiles are set out at **Appendix 2**. An indicative Terms of Reference is set out at **Appendix 3**. The terms of reference is set out in the same format adopted for the other thematic committees. The terms of reference will be put forwards for approval at the Annual Meeting in common with the practice for the other thematic committees.
- 2.24 The main changes proposed are:
- Incorporation of Constituent Council transport portfolio holders as voting members of the Committee, to secure more effective co-ordination between the transport functions of the Combined Authority and Constituent Councils.
 - Introduction of the role of Transport Engagement Lead, one co-opted from each Constituent Council. These roles replace the current District Consultation Sub Committee Chair roles, alongside removal of District Consultation Sub Committees as sub-committees of the Transport Committee.
 - Removal of the roles of Lead Member Public Transport and Lead Member Active Travel; replaced by two consolidated roles of Deputy Chair.
 - Removal of the role of Leader of the Opposition on Transport Committee. This supports the objective of securing distinct roles for Transport Committee and Transport Scrutiny Committee, which is chaired by a member from a political party different to the Mayor.
 - Introducing a voting role for one of the two LEP Board co-optees, in common with the other thematic committees to embed a private sector voice in the work of the Committee.
- 2.25 To maintain the input of a range of members from across West Yorkshire in the business to the Committee, it is proposed to retain the current balance of members across each Constituent Council and to add the transport portfolio holders from each Constituent Council as voting members of the Committee. In addition, two Deputy Chair roles with prescribed roles to support the Mayor and the Chair are included.
- 2.26 The Deputy Chair roles are substantial positions with a significant workload, recognising the growing scope and depth of the Combined Authority's transport activity. They will have an important role in supporting the Mayor and the Chair of the Committee. The nominations to the Deputy Chair roles

¹ Certain functions are reserved to the Mayor or Combined Authority, where Transport Committee's role will remain advisory. These are set out in Part 3 of the West Yorkshire Combined Authority Constitution.

will be agreed by the Combined Authority in consultation with the Mayor at its Annual Meeting. The remit of each Deputy Chair will be agreed from year-to-year to secure a balance of anticipated workloads.

- 2.27 The role profiles at **Appendix 2** set out in detail the expectations for each role at the Committee. The Transport Engagement leads will focus on securing local engagement in the transport activity of the Combined Authority as local transport authority, including through regular activity between meetings. The respective Constituent Council transport portfolio holders will secure increased co-ordination at the Committee of the Combined Authority's transport activity with the activity of the West Yorkshire highway authorities.
- 2.28 No advisory members are proposed, which is a variance from the model adopted for the other thematic committees. This is justified by the mature established network of industry and partner engagement that already exists, which is captured as part of the role profile attached to the Deputy Chairs. Partners will continue to be invited to contribute to Transport Committee meetings as required by the agenda, in line with current practice.
- 2.29 At present, the objective is for co-opted membership of Transport Committee drawn from the West Yorkshire Constituent Councils to broadly reflect the political composition of elected members in West Yorkshire, on a non-statutory basis. Under this proposal the Councils will nominate to the co-opted roles of Transport Engagement Lead and Ordinary Member as it sees fit.

Proposed future role of Transport Scrutiny Committee

- 2.30 The Review has focused on amending the role and membership of Transport Committee. The result is a set of proposals that consolidates transport scrutiny functions with the Transport Scrutiny Committee. This is intended to secure distinct roles for each committee, which can then focus on discharging those roles most effectively.
- 2.31 The Review does not identify any changes to the membership or terms of reference of Transport Scrutiny Committee necessary to achieve a distinct role for it in respect of Transport Committee. A copy of the existing Terms of Reference is provided at **Appendix 4** for reference.

Proposal for District Consultation Sub-Committees

- 2.32 The proposal is to remove the District Consultation Sub Committees (DCSCs) as part of the formal governance arrangements. It has continued to prove difficult to recruit public members that are representative, despite concerted efforts to promote wider participation. This model (which has its origins in the former Passenger Consultative Committees) has reached its limits, particularly considering much higher expectations for effective consultation and engagement, including the availability of multiple potential consultation channels.

- 2.33 However, it will be beneficial to have a less formal approach to engagement between the Transport Committee and other local members, stakeholders and interested members of the community. It is therefore proposed to retain these benefits by making it part of the role of the Transport Engagement Leads to facilitate local engagement, including via open local transport engagement forums at least twice per year, and for main issues arising to be recorded at Transport Committee. Combined Authority officers will support this role, with some freedom to tailor approaches in each Constituent Council area. It is suggested that relevant members of the Transport Scrutiny Committee are standing invitees to the local transport forums. These arrangements will end the formal role of DCSCs as sub-committees of Transport Committee.
- 2.34 Formal consultation, when required, will be carried out via the Combined Authority's consultation channels, which are designed to secure the views of a wide range of participants, and which seek to ensure all sections of the community are heard. The Combined Authority hosts all activity on a digital engagement hub, 'Your Voice' (see **Background Documents**), and people can register to be kept informed about upcoming projects. Digital consultation is complemented by a range of off-line methods to ensure accessibility for everyone. The Combined Authority is continuing to develop its consultation methods to ensure this objective is met. The recent consultation on the Connectivity Infrastructure Plan, for example, secured over 8,700 responses, and achieved a 'reach' of over 440,000 people via social media. The Consultation and Engagement team have carried out 50 consultations in 2021, with the majority of them being transport related.
- 2.35 Local transport engagement forums will be one channel available for consultation, but without the current expectation that they are the primary consultation channel for local public transport matters.

Next steps

- 2.36 Subject to agreement in principle of the proposed changes, it is recommended that an Independent Remuneration Panel (IRP) is convened to assess the level of allowances paid to the qualifying co-opted membership, comprising the Deputy Chairs, Transport Engagement Leads and Ordinary Members. The Transport Committee Chair and respective Constituent Council transport portfolio holders receive allowances from their Councils and would not be remunerated for their roles on the Committee. The IRP's review will be reported back to the Combined Authority at its meeting in March 2022 to seek final approval of the new arrangements and thus allow for their implementation for the 2022/23 municipal year.
- 2.37 Alongside, detailed operational proposals will be developed so that the package of changes can be worked up for implementation as part of the annual governance changes and nominations approved at the Annual Meeting in June 2022, for the 2022/23 municipal year.

2.38 Operational matters to be worked up include:

- The frequency and duration of meetings to ensure effective management of the workload.
- Proposals to manage meetings to ensure a balance of focus between transport policy, operational matters, and transport capital programme.
- Proposals to adapt existing officer support structures, including to ensure effective support to the Deputy Chairs and the Transport Engagement Leads.

3. Tackling the Climate Emergency Implications

3.1 The Review provides a mechanism to better integrate transport related Constituent Council Portfolio Holders into the Transport Committee's decision making, including by introducing them as voting members. This is intended to improve collaboration between the transport functions of the Combined Authority and Constituent Councils (particularly as Highway Authorities), with the intention of making decision making more effective. Co-ordination at this interface is essential for tackling the implications of the climate emergency, in which transport plays an important role. This will also deliver benefits for inclusive growth which relies on effective integration and co-ordination of initiatives.

3.2 The proposed terms of reference also draw out the important link between the Transport Committee and the Climate, Energy and Environment Committee.

4. Inclusive Growth Implications

4.1 The proposal retains and reinforces the roles of the LEP Board member co-optees on Transport Committee, including securing one as a voting member in line with the other thematic committees. This will ensure the voice of the private sector is embedded in the Committee's business.

5. Equality and Diversity Implications

5.1 A driver for the review of the role of the District Consultation Sub Committees has been a concern that the public members are not fully representative of the communities that the Combined Authority serves.

5.2 The alternative approach paves the way for ensuring that consultation takes place through multiple channels, that offers a wide range of opportunities for participation. The Review flags ongoing activity by the Combined Authority to ensure consultation and engagement across its activity is more inclusive.

6. Financial Implications

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

6.2 There will be subsequent financial implications once the outcome of the review by the Independent Remuneration Committee is known.

7. Legal Implications

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

8. Staffing Implications

8.1 The proposed changes will trigger a review of officer arrangements for supporting Transport Committee members. The new arrangements will require ongoing officer support, particularly to support the role of the Deputy Chairs, and to support the engagement activity of the Transport Engagement Leads.

9. External Consultees

9.1 The Transport Committee Review has been internal. However, officers had informal discussions with colleagues in other Mayoral Combined Authority areas, as set out at Section 2 above.

10. Recommendations

10.1 The Combined Authority **notes** the update on the Transport Committee Review.

10.2 That the Combined Authority **approves** in principle the proposed future role for Transport Committee set out at paragraphs 2.19 to 2.29.

10.3 That the Combined Authority **approves** in principle the proposed membership, role profiles and indicative terms of reference contained in Appendices 1, 2, and 3 respectively.

10.4 That the Combined Authority **approves** the recommendation to convene an Independent Remuneration Panel to assess the level of allowances paid to the Deputy Chairs, Transport Engagement Leads, and Ordinary Members.

10.5 That a **further report** be submitted to the Combined Authority following receipt of the recommendations of the Independent Review Panel seeking approval of the new arrangements for Transport Committee in line with the next steps set out at paragraphs 2.36 to 2.38.

11. Background Documents

Future Scrutiny Arrangements, Item 13, West Yorkshire Combined Authority meeting, 9 March 2021. Available here:

<https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CIId=133&MIId=1070>

MCA Committee Arrangements, Item 9, West Yorkshire Combined Authority, 22 April 2021. Available here:
<https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CIId=133&MIId=967>

Committee Arrangements and Appointments, Item 7, West Yorkshire Combined Authority, 24 June 2021. Available here:
<https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CIId=133&MIId=968>

Transport Committee Review, Item 12, Transport Committee, 17 September 2021. Available here:
<https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CIId=138&MIId=1126>

The West Yorkshire Combined Authority Constitution can be accessed online via this link: <https://www.westyorks-ca.gov.uk/about-us/governance-and-transparency/governance-information-for-the-combined-authority/>

“Transport Governance in Combined Authorities”, April 2020. A report by the Centre for Governance and Scrutiny, available here:
<https://www.cfgs.org.uk/?publication=transport-governance-in-combined-authorities>

The **‘Your Voice’** consultation hub can be accessed online via this link:
<https://www.yourvoice.westyorks-ca.gov.uk/>

12. **Appendices**

Appendix 1 – Existing and proposed membership

Appendix 2 – Proposed role profiles

Appendix 3 – Proposed indicative terms of reference

Appendix 4 – Existing Terms of Reference of Transport Scrutiny Committee (provided for information)