

Report to: West Yorkshire Combined Authority

Date: 22 June 2023

Subject: **Committee Arrangements and Appointments**

Director: Alan Reiss, Chief Operating Officer

Author(s): Caroline Allen, Head of Legal & Governance

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 type="checkbox"/> Yes <input type="checkbox"/> No

1. Purpose of this Report

- 1.1 To appoint committees of the West Yorkshire Combined Authority (the Combined Authority).
- 1.2 To appoint or co-opt members onto the Combined Authority's committees.
- 1.3 To appoint the Chairs and Deputy Chairs of committees of the Combined Authority.
- 1.4 To grant voting rights to some members of the Combined Authority's committees.
- 1.5 To agree that each decision-making committee continues to designate an Inclusivity Lead
- 1.6 To confirm the continuing appointment of Independent Persons.

2. Information

Appointment of Committees

- 2.1 The Combined Authority must by law appoint an audit committee and an overview and scrutiny committee. The proposed terms of reference for the **Governance and Audit Committee** are attached as **Appendix 1**. The proposed terms of reference for the three overview and scrutiny committees,

Economy, Transport & Infrastructure and Corporate scrutiny committees are attached as **Appendices 2, 3 and 4** respectively.

2.2 It is proposed that the following additional decision-making committees are appointed, with the proposed terms of reference attached as appendices to this report:

- Business, Economy & Innovation (**Appendix 5**)
- Climate, Energy & Environment (**Appendix 6**)
- Culture, Heritage, and Sport (**Appendix 7**)
- Employment & Skills (**Appendix 8**)
- Finance, Resources & Corporate (**Appendix 9**)
- Place, Regeneration & Housing (**Appendix 10**)
- Transport (**Appendix 11**)

2.3 In accordance with statutory guidance, the Combined Authority is also recommended to appoint a joint audit committee with the Chief Constable for West Yorkshire, the **Joint Independent Audit Committee**. The purpose of the committee is to provide independent advice and recommendations to the Mayor and the Chief Constable on the adequacy of the governance and risk management frameworks, the internal control environment and financial reporting, thereby helping to ensure efficient and effective assurance arrangements are in place, and the terms of reference and appointments are matters for the Mayor and the Chief Constable to agree. The terms of reference proposed by the Mayor and the Chief Constable are attached as **Appendix 12** and these will be confirmed by the committee at its meeting on 29 June.

2.4 The proposed terms of reference for the committees listed in paragraph 2.2 above remain unchanged from the previous municipal year save for reference to the Strategic Economic Framework being replaced to reference the vision and policy framework of the Combined Authority, and the below minor amendments:

Committee	Appendix	Amendment Proposed
Climate, Energy & Environment Committee	6	Amended to extend their remit to liaise with Place, Regeneration and Housing Committee to include retrofit and solar activity.
Place, Regeneration & Housing Committee	10	Amended to include reference that the Committee will liaise on the issue of enterprise, investment and employment zones.

Appointments to Committees

2.5 **Appendix 13** to this report sets out proposed appointments of Combined Authority members and co-optees to the Combined Authority's committees, including:

- any local authority representative, further to nominations from relevant councils,
 - any LEP Board member or other private sector representative, further to nominations by the LEP Board,
 - any ex-officio representative of any relevant body, (reflecting a desire to have wide ranging advisory support across committees).
- 2.6 Recruitment for new private sector LEP Board members is currently underway following which the Combined Authority may be asked to co-opt additional LEP Board members to its committees to address a number of recent vacancies.
- 2.7 The Combined Authority currently appoints several non-voting advisory representatives to its thematic decision-making committees to draw in areas of expertise and knowledge. The Interim LEP Chair, in consultation with the Chair and lead Director for the Place, Regeneration & Housing Committee have considered the merits of inviting a representative from Historic England to join the Committee. Historic England are the national public body that supports England's historic environment and assets. It is responsible for protecting the historic environment by preserving and listing historic assets. One of the key areas of interest for the Committee is in terms of quality of place and regeneration which aligns closely to the values of Historic England.
- 2.8 It is therefore recommended that the Combined Authority approves the appointment of a non-voting advisory representative from Historic England to the Place, Regeneration & Housing Committee in order to provide expertise and advice on the historic environment in relation to the matters considered by the Committee.
- 2.9 The proposed appointments to the **Governance and Audit Committee** comply with statutory requirements relating to membership as set out in paragraph 7 of this report. It is proposed that the two current Independent Members Joanna Wardman and Debbie Simpson are re-appointed to the Governance and Audit Committee.
- 2.10 The proposed appointments to the **Overview and Scrutiny** committees comply with statutory requirements relating to membership as set out in paragraph 7 of this report.
- 2.11 A Substitute Combined Authority Member may substitute for that member at any meeting of the Combined Authority where the member is absent, including any relevant committee meeting, although the Procedure Standing Orders provide that a Substitute Member may not exercise any special powers or duties exercisable by the member for whom they are substituting, including chairing; a meeting where the Chair is absent would therefore be chaired by any Deputy Chair.
- 2.12 Where any nominations are outstanding at this meeting, appointments will be reported back to the Combined Authority at its July meeting.

Voting Rights

- 2.13 It is proposed that any Independent Member on the **Governance and Audit Committee** will be a voting member of that Committee, in addition to the Combined Authority Members on the committee.
- 2.14 By law, each member of an **overview and scrutiny committee** from a Constituent Council must have one vote, which may be exercised in their absence by their substitute. Any member of an overview and scrutiny committee appointed by the Non-Constituent Council by law is non-voting, unless granted voting rights by resolution of the Combined Authority; it is proposed that they are non-voting.
- 2.15 In relation to the **thematic decision-making committees**, it is proposed that in addition to each Combined Authority Member exercising 1 vote:
- each Co-optee from a Constituent Council exercises 1 vote,
 - the LEP Board member Co-optee who is Deputy Chair¹ exercises 1 vote, and
 - any Co-optee from the Non-Constituent Council is non-voting.

By law, other private sector representatives on these committees must be non-voting, as are representatives of other bodies appointed ex-officio.

- 2.16 Proposed voting rights are set out in **Appendix 14**.
- 2.17 Voting rights for the Non-Constituent Council Combined Authority Member and to the LEP Member (and their Substitutes) are dealt with in Item 1 of this agenda.

Chair and Deputy Chair Arrangements

- 2.18 Proposed chairing arrangements including arrangements for a Deputy Chair are set out in **Appendix 13**. Where deputy chairs are not appointed by the Combined Authority at the annual meeting, they may be appointed by the respective committee at its first ordinary meeting.

Quorum

- 2.19 The quorum for each of the Committees remains unchanged and is set out in the Procedure Standing Orders in Part 4 of Constitution.

Appointment of Independent Persons

- 2.20 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. Ian Brown and Carolyn Lord currently carry out this role. Both have confirmed their continuing

¹ For clarification, the position of Deputy Chair on Transport Committee will be held by a Constituent Council co-optee and not a LEP Board member. However, one of the two LEP Board members on Transport Committee will have voting rights.

eligibility to be Independent Persons for 2023/24. It is proposed that both are now appointed for a further municipal year on the current terms, with the appointments to be reviewed for the next municipal year.

3. Tackling the Climate Emergency Implications

- 3.1 The Climate, Energy and Environment Committee will have responsibility for developing, delivery and oversight of the Combined Authority's climate, energy and environment policy.

4. Inclusive Growth Implications

- 4.1 The designation of an inclusivity lead to each thematic decision-making committee will assist in embedding Inclusive Growth as a 'golden thread' through the Combined Authority's decision-making arrangements. Each committee is responsible for inclusive growth indicators relevant to its remit.

5. Equality and Diversity Implications

- 5.1 Each committee designates an Inclusivity Lead; this will ensure that equality, diversity and inclusion is fully embedded in the objectives of the committees.

6. Financial Implications

- 6.1 Proposed changes to the Members' Allowance Scheme are set out in a separate item on this agenda.

7. Legal Implications

- 7.1 The Combined Authority must appoint a statutory audit committee, which must by law include at least one Independent Member. The membership of an audit committee taken as a whole must by law reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils (West Yorkshire councils) when taken together.
- 7.2 The political balance requirement set out in 7.1 also applies to the Overview and Scrutiny committees.
- 7.3 The Chair of an overview and scrutiny committee must, by law, either be an "independent person" or else an "appropriate person" who is a member of one of the Constituent Councils (that is, a person who is not a member of a registered political party of which the Mayor is a member).
- 7.4 The appointment of Co-optees from the Constituent Councils onto Transport Committee and other ordinary committees is not required to be politically balanced.
- 7.5 If no appointment is made by the Combined Authority, a committee shall appoint its own Chair and/or Deputy Chair.

7.6 Section 28 Localism Act 2011 requires the Combined Authority to appoint at least one Independent Person to act in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct.

8. Staffing Implications

8.1 None.

9. External Consultees

9.1 No external consultations have been undertaken.

10. Recommendations

10.1 In relation to appointment of committees, that the Combined Authority:

10.1.1 **appoints** each of the following **statutory committees** with the terms of reference set out in the relevant Appendix:

- Governance and Audit Committee (**Appendix 1**)
- Economy Scrutiny Committee (**Appendix 2**)
- Transport/Infrastructure Scrutiny Committee (**Appendix 3**)
- Corporate Scrutiny Committee, Terms of Reference (**Appendix 4**)

10.1.2 **appoints** each of the following **decision-making committees**, with the terms of reference set out in the relevant Appendix:

- Business, Economy and Innovation Committee (**Appendix 5**)
- Climate, Energy and Environment Committee (**Appendix 6**)
- Culture, Heritage, and Sport Committee (**Appendix 7**)
- Employment and Skills Committee (**Appendix 8**)
- Finance, Resources and Corporate Committee (**Appendix 9**)
- Place, Regeneration and Housing Committee (**Appendix 10**)
- Transport Committee (**Appendix 11**)

10.1.3 **appoints** the Joint Independent Audit Committee and notes that the arrangements for the committee are matters for the Mayor and the Chief Constable for West Yorkshire.

10.2 In relation to the appointment of committee members, that the Combined Authority:

10.2.1 resolves to appoint Combined Authority Members to the **Governance and Audit Committee**, as set out in **Appendix 1**, Joanna Wardman and Debbie Simpson as Independent Members of the Governance and Audit Committee for this municipal year.

10.2.2 resolves to **appoint Combined Authority Members** as set out in **Appendix 13**, to each of the **decision-making committees**.

10.2.3 resolves to appoint members as set out in **Appendix 13** to the **overview and scrutiny committees**.

10.2.4 resolves to **co-opt members** to committees of the Combined Authority as set out in **Appendix 13**.

10.3 In relation to **voting rights** for committee members, (in addition to any Combined Authority Member exercising one vote) that the Combined Authority:

10.3.1 resolves that any Independent Member of the **Governance and Audit Committee** shall be a voting member of that committee.

10.3.2 notes that any member of a Constituent Council appointed to an **overview and scrutiny committee** has one vote and resolves that this may be exercised in their absence by their substitute.

10.3.3 resolves that any **Co-optee from a Constituent Council** on any **ordinary decision-making committee** shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).

10.3.4 resolves that any **Co-optee** who is **Deputy Chair** of a committee shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).

10.4 That the Combined Authority:

- appoints the **Chairs and Deputy Chairs** to committees, as set out in **Appendix 13**

10.5 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 2024.

11. **Background Documents**

None.

12. **Appendices**

Appendix 1: Governance and Audit Committee, Terms of Reference

Appendix 2: Economy Scrutiny Committee, Terms of Reference

Appendix 3: Transport/Infrastructure Scrutiny Committee, Terms of Reference

Appendix 4: Corporate Scrutiny Committee, Terms of Reference

Appendix 5: Business, Economy and Innovation Committee, Terms of Reference

Appendix 6: Climate, Energy and Environment Committee, Terms of Reference

Appendix 7: Culture, Heritage, and Sport Committee, Terms of Reference

Appendix 8: Employment and Skills Committee, Terms of Reference

Appendix 9: Finance, Resources and Corporate Committee, Terms of Reference

Appendix 10: Place Regeneration and Housing Committee, Terms of Reference
Appendix 11: Transport Committee, Terms of Reference
Appendix 12: Joint Independent Audit Committee, Terms of Reference
Appendix 13: Schedule of appointments