

Public Document Pack



**Service Director – Legal, Governance and
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Monday 1 June 2020

Notice of Meeting

Dear Member

Overview and Scrutiny Management Committee

A virtual meeting of the **Overview and Scrutiny Management Committee** will be held **online** at **4.00 pm** on **Tuesday 9 June 2020**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Overview and Scrutiny Management Committee members are:-

Member

Councillor Elizabeth Smaje (Chair)

Councillor Andrew Cooper

Councillor Harpreet Uppal

Councillor Andrew Marchington

Councillor Habiban Zaman

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Committee

To receive apologies for absence of Members who are unable to attend the meeting.

2: Minutes of Previous Meeting

1 - 12

To approve the minutes of the meeting of the Committee held on 9 March 2020.

3: Interests

13 - 14

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Public Question Time

Due to current covid-19 restrictions, Members of the Public may submit written questions to the Committee. Questions should be emailed to executive.governance@kirklees.gov.uk **no later than 1000 am on 8 June 2020.**

In accordance with Council Procedure Rule 51(10) each person may submit a maximum of 4 written questions.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions will not exceed 15 minutes.

7: Council Priorities and the Covid-19 Response

Councillor Peter McBride, Deputy Leader of the Council and Jacqui Gedman, Chief Executive, to provide an update.

8: Devolution

15 - 114

Jacqui Gedman, Chief Executive and Julie Muscroft, Service Director – Legal, Governance and Commissioning, to provide an update on the Devolution consultation process.

The following documentation is available via the West Yorkshire Combined Authority's website (<https://www.westyorks-ca.gov.uk/>) and attached for information:

- West Yorkshire Mayoral Scheme
 - West Yorkshire Governance Review
 - Devolution Consultation Paper Version for 'Your Voice'
-

9: Request to Re-establish an Ad-Hoc Scrutiny Panel

115 - 118

The Panel to consider a request to re-establish the Ad Hoc Scrutiny Panel - Future arrangements for the Council's Residential Housing Stock

10: Allocation of Scrutiny Co-optees for the 2020/21 municipal year

119 - 122

To consider the allocation of Scrutiny Co-optees within the scrutiny structure for the 2020/21 municipal year

11: **Work Programme**

123 - 142

To consider items for inclusion in the Scrutiny Work Programme

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Contact Officer: Carol Tague

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 9th March 2020

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Harpreet Uppal
Councillor Andrew Marchington
Councillor Habiban Zaman

Observers: Councillor Martin Bolt

58 Membership of Committee

All members of the Committee were present.

59 Minutes of Previous Meeting

The minutes of the Committee meeting held on 13 January 2020 were agreed as a correct record.

60 Interests

No interests were declared

61 Admission of the Public

All items were considered in public session.

62 Deputations/Petitions

No deputations or petitions were received.

63 Public Question Time

There were no public questions received.

64 Leader of the Council - Update on Priorities 2019/20

Councillor Shabir Pandor, Leader of the Council attended the committee meeting to provide an update on his portfolio priorities for the 2019/20 municipal year. The following highlights were noted:-

- The Budget had been approved in February 2020 and included measures to fulfil priorities and continue investment in the Council moving forward. There were 3 key areas, namely regeneration, including place based working, climate change and Children's Services.
- The Committee were advised that the Council remained one of worst funded local authorities nationally. A comprehensive spending review was ongoing and Council Leaders across the country were working on a cross party basis, to get the best deal for local government.

Overview and Scrutiny Management Committee - 9 March 2020

- Place based and partnership working with local communities to deliver the priorities of residents was a key priority.
- With regards to towns and villages, it was noted that the Dewsbury Blueprint and Huddersfield Masterplan had been launched. An additional £78m had been identified to continue the investment in towns and villages across the district.
- In terms of infrastructure, plans were in place with the West Yorkshire Combined Authority and the Trans-Pennine upgrade would see a £1bn investment in Kirklees.
- An example of capital plan development was Spen Valley Leisure Centre where work had commenced on a scheme totalling £30m
- With regards to housing delivery, a big build event had been launched in September 2019 to build 10,000 new homes by 2023. This was going to plan and over 100 organisations had been engaged to assist.
- Cllr Pandor advised that climate emergency was a global issue and he had recently attended a Climate Emergency conference and outlined the work of Kirklees Council. The Budget in February 2020, had seen investment, including £1m to install 5 new rapid charging points and up to 80 new fast charge points in public car parks. A further £1m had been allocated to add 50 extra electric vehicles to the Council's own fleet and £750k would be invested over the next 12 months in trees and woodland.
- In relation to Children's Services, it was noted that following the Ofsted report of 2019, the Council was now out of special measures and no longer considered inadequate. Cllr Pandor indicated that every child deserved an outstanding council and there were elements in the budget to ensure that the improvement journey continued.
- With regards to flooding, Cllr Pandor referred to the excellent work carried out by staff, the police and fire services and the voluntary sector. It was noted that 69 domestic properties and 40 businesses had been affected. A fund had been developed where up to £750 was available to meet cleaning costs and council tax reductions for up to 3 months for households affected by flooding, and £3k and business rate relief for business affected. It was acknowledged that this was not enough and the Council would continue to work with other partners as well as the Government to address the issues faced.
- Proposals in relation to devolution were moving at pace and positive meetings had been held with the Treasury and Local Government minister. It was hoped that there would be an announcement as part of the budget on 11 March 2020. The Committee were advised that any deal would have to come back to Council for ratification.

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The Committee asked a number of questions and Councillor Pandor's responses are summarised below:-

- With regards to the implications of the recent Heathrow Airport judgement, it was noted that investment needed to be properly thought through and an impact assessment carried out to determine potential climate impact.
- The Council had 30 hybrid pool cars and it was planned to introduce 20 electric vehicles and 24 small electric vehicles.
- A demonstrator project was in development regarding a scheme for passive houses.
- With regards to devolution, it was important to get the best governance structure in place and draw the money down. The deal would see a levelling up of funding and Kirklees stood to gain.

The deal would include transport infrastructure and connectivity and interconnectivity between towns. In terms of skills, intelligence suggested that there was a mismatch between current provision and what businesses required. This would form part on an ongoing dialogue.

Discussions were ongoing as to the governance structure and it was important to ensure that this was democratic in terms of accountability.

- In relation to Children's Services and factors outside of the Council's control, it was noted that Ofsted had highlighted the relationship with partners and schools. In terms of getting the best outcome for children, it was important to take a holistic view with partners working together. This had been reflected in the budget, with investment into specialist social workers and formalised training. It was also noted that the Cabinet Member for Children had held a number of meetings with the Regional Schools' Commissioner.
- With regards to Corona Virus, it was noted that all members of staff had been given clear guidelines in terms of dealing with individual cases. A question in relation to the monitoring of sickness absence was acknowledged.
- There would be investment in all towns and villages and the Batley Action Plan was in the process of being developed.
- The contract for Pioneer House had gone into liquidation, but assurances had been received that business would continue as usual. It was noted that the Chief Executive had written to Dewsbury's elected members to make them aware of the situation. The Council's plan to deliver on Pioneer House would continue.
- Gangs and knife crime had featured in the budget and money was been reinvested to tie in resources more effectively. £600k had been allocated to Youth Services to carry out outreach work.

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- In terms of greener spaces it was noted that money had been invested to address 'grot spots' and making the environment greener and this would be devolved at a local level. Cllr Pandor noted the suggestion of illuminated signage in relation to fines, highlighted by a member of the Committee.

Councillor Bolt attended the meeting as an observer and asked a number of questions, the responses to which are summarised below:-

- The communication regarding Pioneer House would be circulated to all Councillors.
- The Committee would be provided with clarification as to the quasi-judicial status of Planning Committees.

Resolved:-

1. The Committee thanked Cllr Pandor, Leader of the Council for attending the meeting and noted the update provided in relation to the priorities he had identified for the 2019/20 municipal year;
2. The communication regarding Pioneer House to be circulated to all Councillors; and
3. The Committee to be provided with clarification as to the quasi-judicial status of Planning Committees.

65 Update on the Climate Emergency Working Party
The Committee received a report which provided an update on progress in developing and implementing the Council's Climate Change and Air Quality programme.

Councillor Naheed Mather, Cabinet Member, Greener Kirklees, John Atkinson, Project Manager (Climate Emergency) Martin Wood (Operational Manager, Public Protection, Air Quality) Rob Dalby (Greenspace Operational Manager), Wendy Blakeley (Head of Public Protection), Alex Carey (Communications) Will Acornley (Head of Operational Services) and Mathias Franklin (Head of Planning and Development) were in attendance for the item.

In introducing the item, Cllr Mather outlined the importance of this work and the additional funding that had been allocated across the council services. The Committee were advised that for the year 2020/21, Kirklees Council had the largest budget in this respect.

Councillor Mather stated that it was important that everyone felt part of the conversation and to ensure that the most vulnerable residents weren't left behind.

One of the Committee members sought clarification as to Cllr Mather's earlier point as to Kirklees having the largest budget. In response, the Committee were advised that there had been a national review of how much councils were spending on

Overview and Scrutiny Management Committee - 9 March 2020

climate change and in this current year, Kirklees Council's budget was one of the largest. The Committee requested further information in this respect.

The Committee received a presentation which provided an update on the Council's Climate Emergency and Air Quality programme since the November 2019 reports and provided detail on the progress of the Phase 1 programme, the proposed next steps for Phase 2 and how this fit into the established regional working structures.

The key areas of the Committee's discussion and responses to questions are summarised below:

- The Council was working with the National Trust on the work to boost the woodland and green infrastructure via the White Rose Forest.
- The Committee were advised that lessons had been learned in relation to air quality management zones (AQMA) although it was recognised that individual areas had different pollutants, topography and layouts. An example of lessons learned was cited as one of the original air quality management zones in Bradley, which was a traffic management solution using advanced technology on the traffic lights to move vehicles through the junction more effectively. One of this year's costed budget proposals was to expand and develop this trial and roll out into other areas.
- As part of the heat network, work had been ongoing with the Future Highways Research Group and SSE to see if the Council could become a pathfinder. This would mean that while trenching was being done for the heat network, private wiring from the Council's own power network could be added which would also link into the delivery of 5G and the LED street lighting network, as well as on street charging. This would ensure that disruption in digging up roads would be minimised.
- The heat network would be done in Phase 1 and once the core was established, it would be possible to develop add-ons. It was noted that the heat network would provide heat and power and would include electricity where possible in the town centre.
- A Committee Member commented that whilst there was good work outlined in Phase 1, there was not a lot in relation to carbon saving. Therefore more work would be required in Phase 2 if targets were to be achieved.
- It was intended to plant circa 75k trees, form a social enterprise and use local endemic tree stock to develop a nursery and grow stock to order. It was hoped to enter into partnership with a local wildlife charity which would assist with engagement and education and stock could be sold if there was additional capacity. The Committee were advised that if established, the nursery would be certifiable by the Woodland Trust.
- With regards to resources, the Committee noted that this was a cross service piece of work. There had been positive outcomes within the budget and new delegations had been set up. Developments included a cross service project

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team, as well as a dedicated team within the Environment and Infrastructure Directorate to push forward progress. The scoping of Phase 2 would determine how best to deploy resources across the Council.

- Councillor Mather advised that 62 hectares of greening was going on Leeds Road. It was also noted that the Council were keen to follow good practice and consider future-proofing and passive housing might not be the best option for Kirklees.
- In relation to the correlation between climate emergency and planning policy and guidance, it was noted that sustainable development was a cornerstone of planning policy. The Local Plan contained a number of policies which specifically addressed matters such as tree planting and retention, air quality and promoting renewable forms of energy generation and non-private car based travel.

Whilst it was acknowledged that communication might be an issue, the narrative between planning policy and climate emergency were intertwined. The current planning policy was up to date, with a new evidence base and advice from Public Health and Public Protection. Opportunities for improving air quality through new development were being taken and planning conditions attached, eg electric charging scheme on all new developments.

The Committee were advised that the Local Plan would not have been found sound if it had not responded to the basic principles of sustainable development. In terms of policy formation, the Council had an up to date Local Plan and was developing as a series of planning policy guidance booklets. The Committee were advised that there was already a bespoke air quality document in place, which was the cornerstone to advising on sensitive uses near air quality issues.

- The Committee noted 2 regional working projects. One was the North and West Yorkshire Emission Reduction Pathways which would look at what West Yorkshire would need to do between now and the 2038 target to achieve emission reductions across different sectors. Kirklees had a seat on the Steering Group, and the work would be helpful in forming the type of intervention needed in transportation and the built environment.

The second project was a West Yorkshire Combined Authority project looking at developing a methodology that was consistent across the City region for carbon impact assessment methodologies associated with projects, which would be extremely useful for larger infrastructure schemes.

- With regards to the Youth Summit, an officer group had been set up to look at the best way of establishing a youth summit and the related programme of engagement for young people. One of the first actions was to look at what was currently already happening across the district and how the Council could work with them.

In terms of delivery of the summit, the Committee were advised that this was still being developed but it was envisaged that young people would have a key role.

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Cllr Mather confirmed that the Youth Council were involved and that young people would be at the heart of the day. The Committee asked that there be greater involvement of young people from the outset of discussions.

Councillor Bolt was in attendance as an observer and asked a number of questions, the responses to which are summarised below:-

- Bus passes had been removed some time ago as it was felt that these had been paid for but weren't being used. The Council was looking at more innovative schemes to get young people out of private cars and onto public transport.
- Discussions had taken place with the Stadium as to how they could be involved in climate change initiatives and they were keen to get on board.
- In terms of trees, moss trees and moss walls, Cllr Mather advised that she was keen to look at what others were doing in this respect and this was being considered alongside the Council's own work.
- E-bikes were being looked at and workforce incentive schemes were being considered. Moving forward, it was important to ensure that electric charging points also had the capacity to charge e-bikes.
- Whilst there were no taxis situated at the Old Gate Site, awareness of the electric charging points at this location would be raised through communication.

Resolved:-

The Committee:-

1. Thanked Cllr Mather and the officers present for attending the meeting;
2. Requested further information as to the national review of councils' spending on climate change;
3. Acknowledged the work outlined in Phase 1 but asked that more focus be given to carbon saving in Phase 2;
4. Recommended that young people be involved in Youth Summit discussions at an early stage;
5. Advised that there should be further reference to the built environment and existing and housing and new housing within the Plan;
6. Requested that local elected members be informed of and involved in work with school initiatives;
7. Emphasised the importance of accurate communication messages;
8. Recommended that there be more communication of planning guidance; and

9. That consideration be given to the inclusion of a cycling policy, in relation to climate emergency, as part of the Action Plan.

66 Annual Review of Flood Risk Management Action Plan

The Committee received a report which outlined annual progress against the action plan of the Kirklees Local Flood Risk Management Strategy (the Strategy), approved by Cabinet on 15 January 2013 and updated in November 2016 and February 2019.

Rashid Mahmood, Flood Manager, Planning and Development and Mathias Franklin (Head of Planning and Development) were in attendance for the item.

The key areas of the Committee's discussion and responses to questions are summarised below:

- A Committee Member referred to the important role of drainage clearance in minimising the risk of flood and local community solutions such as flood walls. Whilst the Committee were advised that sandbags would not have been effective against the type of flooding recently experienced, a request was made for a distributed supply of sandbags at a community level.
- It was acknowledged that community engagement was crucial and it was important to educate residents about risk and how they could best manage that in order to make communities more resilient. It was hoped to develop a flood warden initiative which would also assist in flood warning intelligence across the district.

The Committee highlighted the need for effective communications and referred to the recent instances where residents had struggled to get through to the Council via the telephone.

- The telemetry referred to was a form of technology which provided a remote picture as to whether a gulley had silted up. This would indicate which gulleys required a higher frequency of maintenance and the Direct Operations Team could be allocated accordingly. It was hoped to extend this in order to collect further knowledge and maximise efficiency maintenance.
- There had been a number of studies within the Kirklees district and a consultant's study in relation to surface water flood risk within the entire Kirklees district was expected in April 2020.
- In response to concerns raised as to the information provided to Planning Committees by the Environment Agency in order to assess the impact of housing in a particular area, it was noted that the Environment Agency provided the strategic flood risk maps which identified the highest levels of risk. This was a crucial piece of data in informing where land was allocated for housing and employment.

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It was agreed that technical issues in relation to assessing planning applications and flood risk would be picked up with Planning Committees in their annual and refresher training.

- In terms of main river, which was the responsibility of the Environment Agency, the lead local flood authority would advise on planning applications. The general principal was that development should not add to flood risk on site, add to flood risk elsewhere and should wherever possible and practical reduce flood risk. The Committee were advised that most fields were unmanaged and an uncontrolled environment and development could introduce a managed storage system for water. New design could improve drainage from an unmanaged field, being mindful of the challenge to get the water from the site to an appropriate water course.
- The vast majority of new housing was going on sites that both the lead local flood authority, the water agency and the Environment Agency had assessed as the most suitable locations for development across the borough.
- It was acknowledged that there would be an element of disruption during the construction phase, but there were planning conditions and requirements on developers to limit impact. Temporary drainage arrangements should be in place and these should be living documents which could be altered in reaction to extreme events.
- The Planning Service went out to manage major sites and were working closely with colleagues across the technical parts of the Council. Where developers were causing real issue, work would take place with them and action would be taken to bring back into compliance where required.
- In response to a question as to how the telemetry was being used to solve issues, it was noted that this technology was a new Council initiative. Data was being received and it was expected that 12 months of input would be required to fully appreciate the information. It was hoped that the data would inform which gulleys needed more attention.
- The Council worked constantly with the Environment Agency. Further to the recent storm events in February, a database was collected which looked at every property that had been internally flooded and the causes, which could change the view of areas of flooding within Kirklees. Moving forward, this would be captured into wards so that advice could be provided to elected members.
- The Committee were advised that planning sites had been through a sustainability assessment. The majority of the sites in the Local Plan were in areas of lowest flood risk. However, this did not mean that there weren't some sites where there were elements of flood zones 2 and 3. The Planning Service would always steer new development away from any flood zone 3 area, as this was the highest risk. If a site was an allocated site for housing, then that was an appropriate location for housing in principle, subject to the other material considerations being right.

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- The Local Plan was up to date and the Council was in good place to ensure that development was on sites identified as suitable for housing. The Committee were advised that this did not mean that all housing would go on allocations, as there was a windfall element of requirement of circa 400 per year of the 1700 target, but the principles of the Local Plan would be applied.
- Flood risk assessments were required with detailed planning applications and a Plan led approach to housing in Kirklees was being promoted. As previously noted, there was close working with the Environment Agency, who had been data gathering following recent storm events. Modelling was consistently reviewed to ensure that it was fit for purpose and measured against what had actually happened and strategic flood risk maps were periodically reviewed in light of new data.

Councillor Bolt was in attendance as an observer and asked a number of questions, the responses to which are summarised below:-

- The results of a study of surface water risk for Kirklees was expected shortly.
- It was often the case that if a property was not internally flooded then it would not meet the required eligibility criteria for funding, which was a constant challenge. It was believed that central government were looking at the criteria, so that businesses could benefit from funding relating to flood incidents.
- Engagement would continue with those communities affected by incidents.
- With regards to developers' responsibility, it was noted that where developers were applying for planning permission, it was expected that they would provide the right level of information. Planning Service officers would apply their professional judgement, provide challenge and scrutiny and bring forward to elected Members, with a recommendation and explanation as to how that had been arrived at. The Committee were advised that officers did challenge back and improved schemes as they came through.
- With regards to developers' responsibilities, it was acknowledged that some developers could be more collaborative, but equally the Council was in a Plan led situation and it was reiterated that some development could improve drainage of unregulated sites.
- In terms of the site referred to by Cllr Bolt, it was acknowledged that this was a challenging site and there was a known element of flood risk at the access points. It was noted that the majority of the site, where the housing was to be located, could be designed to be out of flood zones.
- It was acknowledged that some parts of the Borough had challenging topography and water networks and this had to be responded to with clever and innovative design, as there was still a requirement to provide good quality housing and jobs.

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- In conclusion, the Committee were advised that the Planning Service was keen to ensure developers built in accordance with their planning permission and where they didn't, action would be taken to regularise that.

Resolved:–

The Committee recommended that:-

1. Areas be designated for the provision of sandbags in areas of high flood risk, so that they could be accessed quickly when required;
2. The flood wardens scheme be put in place as quickly as possible;
3. Councillors be kept informed of surface water reduction measures and engaged as to the typography of areas within their wards;
4. It was important to work and engage with communities across Kirklees who were at most risk and there should be better communication in relation to resilience in an emergency;
5. Planning enforcement should be applied where there was a known flood risk to ensure that risk was mitigated;
6. The Action Plan should include more information in relation to risk mitigation and appraisal of such measures in areas of high flood risk.

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Date of Next Meeting / Agenda Plan

It was noted that the next scheduled meeting would be held on 6 April 2020 at 1400.

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KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Overview & Scrutiny Management Committee				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an “Other Interest”)	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Scheme setting out proposals for changes to the governance and functions of the West Yorkshire Combined Authority

Section 112 Local Democracy, Economic Development and Construction Act 2009

Preamble

This scheme has been jointly prepared by:

- City of Bradford Metropolitan District Council,
- Borough Council of Calderdale,
- Council of the Borough of Kirklees,
- Leeds City Council,
- Council of the City of Wakefield, and
- West Yorkshire Combined Authority

This Scheme sets out proposals to change the governance arrangements of the West Yorkshire Combined Authority (the Combined Authority), by adopting a mayoral model (with the Mayor exercising the functions currently exercised by the Police and Crime Commissioner for West Yorkshire) and making related changes to constitutional arrangements.

It also sets out proposals for the Combined Authority to be delegated additional functions.

Interpretation

In this Scheme:

“the 2008 Act” means the Housing and Regeneration Act 2008,

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009,

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011,

“the 2014 Order” means the West Yorkshire Combined Authority Order 2014 (SI 2014/864),

“the Combined Authority” means the West Yorkshire Combined Authority,

“Constituent Councils” means

- City of Bradford Metropolitan District Council,
- Borough Council of Calderdale,

- Council of the Borough of Kirklees,
- Leeds City Council,
- Council of the City of Wakefield

“Deputy Mayor for Policing and Crime” means the deputy mayor for policing and crime for the Combined Area,

“Combined Area” means the area consisting of the areas of the Constituent Councils,

“LEP” means the Leeds City Region Enterprise Partnership,

“Mayor” means the mayor for the Combined Area,

“Mayoral Function” means any function which is the responsibility of the Mayor, other than a PCC Function,

“PCC Function” means any function carried out by a PCC, which is exercisable by the Mayor,

“MCA” means the mayoral combined authority,

“Non-Mayoral Function” means any function of the Combined Authority which is not a Mayoral Function or a PCC Function,

“PCC” means police and crime commissioner,

“Review” means the review carried out the West Yorkshire Authorities under section 111 of the 2009 Act in 2020, and

“West Yorkshire Authorities” means the Constituent Councils and the Combined Authority.

Introduction

- 1.1 On 11th March 2020, the West Yorkshire Authorities agreed a “minded to” devolution deal with HM Government. The deal details £1.8bn of government investment (including £1.14bn over 30 years), which will be subject to local influence and decision making, enabling spend on local priorities, together with a range of devolved functions. This devolution deal is subject to adopting the model of a directly elected mayor (Mayor) over the Combined Area (West Yorkshire) that is, becoming a mayoral combined authority (MCA).
- 1.2 The West Yorkshire Authorities must also follow relevant statutory procedures to adopt the model of a directly elected mayor, and secure changes to the constitutional arrangements set out in the 2014 Order (which established the Combined Authority) and the additional functions set out in the deal.
- 1.3 The West Yorkshire Authorities therefore conducted a review under section 111 of the 2009 Act (the Review) in relation to:
 - changing constitutional arrangements of the Combined Authority, and
 - the delegation to the Combined Authority of additional functions under section 104 and section 105 of the 2009 Act (transport-related functions of the Secretary of State and functions concurrent to local authorities).
- 1.4 Having considered the findings of the Review, the West Yorkshire Authorities concluded that an Order by the Secretary of State to make the changes considered in the Review, including delegating additional functions to the Combined Authority, would be likely to improve the exercise of statutory functions in relation to the Combined Area. The West Yorkshire Authorities have therefore resolved to prepare and publish this Scheme under section 112 of the 2009 Act.
- 1.5 In addition, to secure the devolution of new government investment and the range of additional functions set out in the devolution deal, the West Yorkshire Authorities have included the following proposals in this Scheme:
 - to adopt the model of an MCA for the Combined Authority, and
 - for the Combined Authority to be delegated functions under section 105A of the 2009 Act (functions of a public authority).
- 1.6 It is also proposed that the functions currently exercised by the PCC for West Yorkshire (the PCC Functions) will be exercised by the Mayor from 2021. The postponement of the PCC elections to May 2021 has created a potential opportunity to transfer those functions to the Mayor by that time, subject to feasibility.
- 1.7 Proposals contained in the Scheme will be subject to public consultation from 25 May 2020 to 19 July 2020.

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- 1.8 As set out below, it is proposed that the Combined Authority will continue to exercise the functions conferred on the Combined Authority by the 2014 Order, as well as the new additional functions described in this Scheme.
 - 1.9 Any transfer to the Combined Authority, or to the Mayor, of existing functions or resources currently held by any Constituent Council must be by agreement with the Constituent Council.

2 Proposed MCA for West Yorkshire

- 2.0.1 The following part of the Scheme sets out how it is proposed that the Combined Authority will operate and discharge its functions as an MCA.

2.1 Geography

- 2.1.1 The area of the Combined Authority as MCA shall remain the Combined Area, as defined by the 2014 Order - that is, the area consisting of the areas of the Constituent Councils (West Yorkshire).

2.2 Name

- 2.2.1 It is proposed that the name of the Combined Authority as an MCA remains West Yorkshire Combined Authority.

2.3 Election of Mayor

- 2.3.1 It is proposed that the first Mayor will be elected in May 2021. The Mayor will be elected by the local government electors for the Combined Area (West Yorkshire).
- 2.3.2 As set out in the 2009 Act, the Mayor is to be returned under the simple majority system ('first past the post'), unless there are three or more candidates. If there are three or more candidates, the Mayor is to be returned under the supplementary vote system.
- 2.3.3 It is proposed that the initial term of the Mayor will be 3 years. Each subsequent mayoral term will be 4 years.
- 2.3.4 The 2009 Act provides that the Mayor will be entitled to the style of "Mayor" and the title of the Mayor will be the West Yorkshire Combined Authority Mayor.

2.4 Membership

- 2.4.1 It is proposed that the current membership arrangements for the Combined Authority are retained as set out in the 2014 Order, with the addition of the Mayor who by virtue of their office will be a member of the Combined Authority. The Combined Authority as MCA shall therefore comprise the following eleven members:
- the Mayor,
 - 5 elected members from Constituent Councils (one appointed by each Constituent Council),
 - 3 additional elected members for political balance jointly appointed by the Constituent Councils,
 - 1 elected member appointed by the City of York Council (the Non-Constituent Council), and
 - 1 person nominated by the Leeds City Region Enterprise Partnership (the LEP Member).
- 2.4.2 Of these, the elected member appointed by the City of York Council and the LEP Member are required by statute to be non-voting – see further below.
- 2.4.3 Other than in relation to the Mayor, no changes are proposed to the membership arrangements set out in the 2014 Order. These shall continue to apply to members of the Combined Authority other than the Mayor, in relation to:
- substitute arrangements (one for each member)
 - appointment arrangements and
 - terms of office.

2.5 Role of the Mayor

- 2.5.1 As provided by the 2009 Act, the Mayor by virtue of their office will be the Chair of the Combined Authority.
- 2.5.2 The Mayor will be responsible for functions of the Combined Authority which are Mayoral Functions, as set out below, and also exercise the PCC Functions.

Deputy Mayor

- 2.5.3 The 2009 Act requires the Mayor to appoint one of the members of the Combined Authority as a Deputy Mayor, who will act in place of the Mayor if for any reason the Mayor is unable to act or the office of Mayor is vacant. Provisions within the 2014 Order relating to the appointment of a Chair and Vice Chair of the Combined Authority from amongst its members will therefore no longer apply, and will be omitted; the Deputy Mayor will chair meetings of the Combined Authority in the absence of the Mayor.

Deputy Mayor for Policing and Crime

- 2.5.4 Where an Order provides for the Mayor to exercise PCC Functions, the Secretary of State must by Order authorise the Mayor to appoint a Deputy Mayor for Policing and Crime – see further paragraph 3.6 (PCC Functions).

2.6 Partnership Arrangements

- 2.6.1 As an MCA, the Combined Authority will continue to explore opportunities for further collaboration with partner councils, including Harrogate Borough Council, Craven District Council, Selby District Council, City of York Council and North Yorkshire County Council, and across the whole of Yorkshire through the Yorkshire Leaders' Board. The Combined Authority may invite representatives from any partner council to attend (and speak) at any meeting of the Combined Authority.
- 2.6.2 The Combined Authority may enter into joint arrangements with other local authorities in respect of Non-Mayoral Functions, under S101(5) Local Government Act 1972 and, it is proposed that arrangements for the Combined Authority as MCA provide that Mayoral Functions may also be carried out under joint arrangements – see paragraph 2.7.2.5.
- 2.6.3 It is proposed that the current governance arrangements of the Leeds City Region Enterprise Partnership (“the LEP”) will be revised to include the Mayor as a member of the LEP Board to ensure continued recognition of the LEP's importance in the design and delivery of local economic strategies.

2.7 Decision-making arrangements

2.7.1 Decisions of the Combined Authority

2.7.1.1 The Combined Authority will be responsible for any function of the Combined Authority which is not the responsibility of the Mayor (any Non-Mayoral Function). Decisions on Non-Mayoral Functions will be taken by the Combined Authority, (that is, at a meeting of the members of the Combined Authority acting collectively), or taken in accordance with arrangements agreed by the Combined Authority, including:

- by a committee or sub-committee of the Combined Authority which has delegated authority for the function, or
- under joint arrangements agreed by the Combined Authority, or
- by an officer with delegated authority.

2.7.1.2 No business of the Combined Authority will be transacted at a meeting unless the Mayor (or the Deputy Mayor acting in place of the Mayor) and at least three members of the Combined Authority appointed by a Constituent Council who are not members appointed for political balance, are present at the meeting.

2.7.1.3 The following voting arrangements will apply at meetings of the Combined Authority:

- Un-weighted voting based on one member one vote,
- The Non-Constituent Member and the LEP Member must be non-voting (a requirement of section 85(4) of the Local Transport Act 2008) but could individually be given a vote on some or all issues voted upon, subject to agreement of the Voting Members (in accordance with section 85(5) of the Local Transport Act 2008), and
- The Mayor (or Deputy Mayor acting in their place) will not have a second or casting vote.

2.7.1.4 The Combined Authority aims to reach decisions by consensus. If it is not possible to reach a consensus on a matter that requires a decision, the matter will be put to the vote.

2.7.1.5 Any matter that comes before the Combined Authority will be decided by a simple majority of the members of the Combined Authority present and voting (whether a motion or an amendment), unless otherwise provided for in legislation or as set out below.

2.7.1.6 Where the decision relates to any new Non-Mayoral Function which the Combined Authority acquires pursuant to the Deal, or where otherwise

required by the Combined Authority's constitutional arrangements, that majority must include the vote of the Mayor.

2.7.1.7 For the following decisions, the simple majority of members must include three of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance):

- approving the Combined Authority's budget (other than any decision which relates to the Mayor's budget, which is subject to the statutory provisions referred to in paragraph 4.3), and
- setting a levy.

2.7.2 Decisions of the Mayor

2.7.2.1 In accordance with the 2009 Act, any Mayoral Function will be exercisable only by the Mayor except where the Mayor delegates such a function to:

- the Deputy Mayor,
- another Member of the Combined Authority,
- an officer of the Combined Authority,
- under joint arrangements – see paragraph 2.7.2.4, or
- the Deputy Mayor for Policing and Crime, where provided for by Order.

2.7.2.2 It is proposed that any member or officer of the Combined Authority may assist the Mayor in the exercise of Mayoral Functions, but that the Mayor cannot delegate to their political advisor.

2.7.2.3 It is proposed that some decisions in respect of Mayoral Functions will require the consent of the member appointed by any Constituent Council directly affected by the decision, (who is not appointed for political balance). This consent requirement applies to the following:

- a) The designation of any area of land as a Mayoral Development Area leading to the establishment, by Order, of a Mayoral Development Corporation (the consent of the relevant national park authority is also required if the land falls within the designated national park area) (see paragraph 3.5.2);
- b) The compulsory purchase of land or buildings by the Mayor (see paragraph 3.5);
- c) Any decision that could lead to a financial liability falling directly upon that Constituent Council; and

- d) Such other matters as may be contained in the Combined Authority's constitutional arrangements and agreed with the Mayor.

2.7.2.4 The Mayor will be required to consult the Combined Authority on any policy or strategy, relating to the exercise of a Mayoral Function, and this will be subject to the following specific conditions:

- a) The Spatial Development Strategy will require the consent of each of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance)
- b) The Combined Authority will be able to amend the Mayor's transport strategy if a majority of members agree to do so.

2.7.2.5 It is proposed that in relation to the Mayoral Functions, joint arrangements under S101(5) of the Local Government Act 1972 are provided for by Order, in accordance with S107E of the 2009 Act.

2.7.2.6 Decision-making arrangements in respect of the Mayor's budget for Mayoral Functions are set out in paragraph 4.3 of this Scheme.

2.7.3 PCC Functions

2.7.3.1 Decision-making arrangements in respect of PCC Functions are set out in paragraph 3.6.

2.8 Scrutiny Arrangements

2.8.1 The Mayor and the Combined Authority will be scrutinised and held to account by the Combined Authority's Overview and Scrutiny Committee(s).

2.8.2 In accordance with the 2009 Act, the Combined Authority ensures that the Overview and Scrutiny Committee has power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with the any functions which are the responsibility of the Combined Authority;
- (b) make reports or recommendations to the Combined Authority with respect to the functions that are the responsibility of the Combined Authority;

- (c) make reports or recommendations to the Combined Authority on matters that affect the Combined Area or the inhabitants of the Combined Area.
- 2.8.3 As an MCA, the Combined Authority's arrangements must also ensure that the Overview and Scrutiny Committee has power to:
- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the Mayor of any Mayoral Functions,
 - (b) to make reports or recommendations to the Mayor with respect to the discharge of any Mayoral Functions,
 - (c) to make reports or recommendations to the Mayor on matters that affect the Combined Authority's Area or the inhabitants of the Combined Area.
- 2.8.4 The Committee's power to "call-in" a decision (that is, direct that a decision is not to be implemented while it is under review or scrutiny by the Committee, and recommend that the decision be reconsidered) extends to decisions taken by the Mayor in connection with Mayoral Functions.
- 2.8.5 The overview and scrutiny arrangements currently established for the Combined Authority will be retained, subject to any amendments to reflect:
- the introduction of the Mayor (such as a requirement for the Mayor to respond to reports or recommendations made by any Overview and Scrutiny Committee);
 - the scrutiny of additional Mayoral and Non-Mayoral Functions; and
 - any statutory provisions
- 2.8.6 The Mayor and the Combined Authority may also seek to enhance scrutiny and develop wider conference with all elected members in the Combined Area (West Yorkshire) to engage on key issues.
- 2.8.7 There will be separate oversight and scrutiny arrangements in respect of PCC Functions, which will be carried out by a Police and Crime Panel – see further paragraph 3.6.

2.9 Audit

- 2.9.1 The Combined Authority will retain its current Governance and Audit Committee, which carries out the statutory functions of an audit committee in accordance with the 2009 Act, which include:
- reviewing and scrutinising the Combined Authority's financial affairs,

- reviewing and assessing the Combined Authority's risk management, internal control and corporate governance arrangements,
- reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions, and
- making reports and recommendations to the Combined Authority in relation to reviews the Committee has conducted.

2.9.2 It is proposed that membership of any audit committee may include co-opted members.

2.10 Appointments - political advisors

2.10.1 It is proposed that the Mayor may appoint one person as the Mayor's political adviser, and that the terms and conditions of any such appointment will be provide for by order

2.11 Standing Orders

2.11.1 It is proposed that the Combined Authority will continue to make standing orders for the regulation of its proceedings and business and may vary or revoke any such standing orders.

2.12 Remuneration

2.12.1 It is proposed to amend the arrangements in the 2014 Order (which provides that no remuneration is to be paid by the Combined Authority to members of the Combined Authority, other than for travel and subsistence) to provide that an allowance may be paid to:

- the Mayor,
- the Deputy Mayor, (provided that they are not a Leader of a Constituent or Non-Constituent Council, or the Chair of the LEP)
- the Deputy Mayor for Policing and Crime.

The Combined Authority shall approve a scheme for allowances, following consideration of a report from an Independent Remuneration Panel, which the Combined Authority may appoint.

3 Functions of the Combined Authority as MCA

- 3.0.1 The prime purpose of conferring functions on the Combined Authority is to improve the exercise of statutory functions in relation to the Combined Area. In pursuit of this prime purpose, the Combined Authority will take on those functions set out in the “minded to” Devolution Deal (and retain those functions which were previously exercised by the Combined Authority in respect of the Combined Area).
- 3.0.2 Mayoral Functions and PCC Functions will be the responsibility of the Mayor, and are exercisable only by the Mayor, unless delegated by the Mayor. Mayoral Functions are listed in paragraph 3.1, and PCC Functions addressed in paragraph 3.6.
- 3.0.3 All other functions of the Combined Authority will be Non-Mayoral Functions – see further paragraph 3.2.
- 3.0.4 Where any Mayoral or Non-Mayoral Function is concurrent with any Constituent Council, (that is, where Constituent Councils share any function), arrangements for their exercise will be a matter for agreement between the Combined Authority and a Constituent Council.
- 3.0.5 It is proposed that the Constituent Councils, Public Authorities and the Combined Authority will agree operating protocols for the exercise of concurrent functions by the Combined Authority where considered appropriate. These protocols will recognise the strategic role of the Combined Authority and safeguard the role of Constituent Councils in local decision making and delivery.

3.1 Functions exercised by the Mayor - overview

- 3.1.1 It is proposed that the Mayoral Functions will be:

a) **Transport**

- I. Power to draw up a local transport plan and strategies

- II. Power to request local regulations requiring large fuel retailers to provide Electric Vehicle charging points
- III. Bus franchising powers
- IV. Ability to pay grants to operators.

b) Housing and planning (see further paragraph 3.5 below)

- I. Housing and land acquisition powers to support housing, regeneration, infrastructure and community development and wellbeing
- II. Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation
- III. Statutory spatial planning powers to produce a Spatial Development Strategy

c) Finance (see further paragraphs 4.2 and 4.5 (Finance))

- I. Power for the Mayor to set a **precept** on council tax to fund Mayoral functions (resulting from the setting of the Mayoral budget)
- II. Power to charge **business rate supplement** (subject to ballot)

3.1.2 For the purposes of the discharge of Mayoral Functions it is also proposed that the Mayor may exercise the ancillary power set out under section 113A of the 2009 Act (general power of combined authority). By law, the Mayor may not exercise this power to borrow money.

3.1.3 As stated above, it is also proposed that the Mayor exercises **PCC Functions** – see paragraph 3.6.

3.2 Non-Mayoral Functions - overview

3.2.1 Non-Mayoral Functions to be exercised by the Combined Authority include any function conferred on the Combined Authority by the 2014 Order, with the exception of specified functions relating to the local transport plan only (see paragraph 3.3.1).

3.2.2 In addition to the functions of the Combined Authority conferred by the 2014 Order, it is proposed that the Combined Authority exercise the following additional Non-Mayoral Functions:

- a) **Transport-related powers** to set up and coordinate a Key Route Network on behalf of the Mayor (unless otherwise agreed locally, all operational responsibility for Key Route Network roads will remain with the Constituent Councils) (see further paragraph 3.3.3)
 - b) **Transport-related powers** to collect contributions from utility companies for diversionary works needed as a result of highways works carried out on the Key Route Network (see further paragraph 3.3.3)
 - c) Powers to operate a permit scheme designed to control the carrying out of works on the Key Route Network (see further paragraph 3.3.3)
 - d) **Adult education and skills functions** (see further paragraph 3.4)
 - e) **Housing functions** relating to compulsory purchase, plus provision of housing and land, land acquisition and disposal, and development and regeneration of land. (see further paragraph 3.5)
 - f) **Economic development** – duty to prepare an assessment of economic conditions (see further paragraph 3.5.3.2)
 - g) **Finance** – power to borrow up to an agreed cap for non-transport functions (see further paragraph 4.4).
 - h) The power to seek consent to raise a **Strategic Infrastructure Tariff** (see further paragraph 4.6).
- 3.2.3 Notwithstanding the above, any Constituent Council and the Combined Authority may, enter into arrangements under Section 101 of the Local Government Act 1972 and/or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 to allow the delegation of functions from a Constituent Council to the Combined Authority. Any such delegation arrangement will require the agreement of the Combined Authority and the relevant Constituent Council.
- 3.2.4 The Combined Authority may also enter into joint arrangements with any Constituent Council or other local authority, in respect of Non-Mayoral Functions, in accordance with S101(5) of the Local Government Act 1972.

3.3 Transport

- 3.3.1 The Mayor will be given the functions in Part 2 of the Transport Act 2000 to produce a Local Transport plan and strategies. Members of the Combined Authority will be able to amend the Local Transport Plan and strategies if a majority of members agree to do so.

3.3.2 Consolidated Transport Budget

- 3.3.2.1 The Mayor will be responsible for a devolved and consolidated multi-year local transport budget for the Combined Area (West Yorkshire) including all relevant devolved highways funding, to enable greater surety of funding, more effective and efficient long-term asset management and procurement arrangements. This budget will be fully devolved and provide a firm funding settlement for a five-year period starting in 2022/23. This Mayoral budget is separate from the existing 20-year transport funding (West Yorkshire plus Transport Fund) that has already been agreed with Government.
- 3.3.2.2 It is proposed that the Combined Authority will be able to exercise the functions of a minister of the Crown contained in Section 31 of the Local Government Act 2003 to pay grants to the Constituent Councils for exercising highway functions. This function is a Mayoral Function exercisable concurrently with a Minister of the Crown.

3.3.3 Roads

- 3.3.3.1 The Combined Authority will take on highways powers to set up and coordinate a Key Route Network (KRN) on behalf of the Mayor. The strategy for the KRN will be developed, agreed and coordinated by the Combined Authority on behalf of the Mayor. The Combined Authority will be the Highway Authority for the KRN for the purposes of exercising the powers of the Highways Act 1980 and the relevant other primary and secondary legislation.
- 3.3.3.2 In partnership with Constituent Councils, the Combined Authority and the Mayor will develop a single strategic asset management plan, and where practical, work towards streamlined contractual and delivery arrangements across the Combined Area (West Yorkshire).
- 3.3.3.3 It is proposed to grant the Combined Authority functions in relation to the KRN as more particularly set out below. These will enable the KRN to be defined and allow the KRN roads to be strategically managed and

coordinated at the West Yorkshire level by the Combined Authority on behalf of the Mayor. However, unless otherwise agreed locally, all operational responsibility for highways will remain with the Constituent Councils. As such the specific functions of the Combined Authority which relate to operational management of the roads within the KRN will only be exercised with the unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).

3.3.3.4 The Combined Authority will be granted the following powers:

- a) Powers equivalent to those contained within the Road Traffic Regulation Act 1984 in relation to traffic orders (including sections 1, 2(4), 9, 23 and 65) and the power to enter into agreements as if it were a traffic authority pursuant to section 121A. The Combined Authority will only exercise such functions with the unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance);
- b) Powers contained in the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 to enable the Combined Authority to manage street works and issue permit schemes to manage disruption and bid to the Secretary of State for Transport to seek approval to operate a lane rental scheme in relation to KRN roads, including seeking contributions from utility companies through lane rental and exercising the power to create an updated lane rental scheme as needed (subject to the Secretary of State's agreement) together with powers relating to moving traffic offences. The Combined Authority will only exercise such functions with the unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).
- c) The Combined Authority will be granted, in respect of the KRN, powers in relation to the enforcement of bus lane contraventions pursuant to the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. The Combined Authority will only exercise such functions with the approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance). The outcome will be to ensure a consistent approach to the enforcement, application of penalty charges etc. of bus lanes.

3.3.3.5 The Combined Authority will be granted functions equivalent to the below, concurrently with the relevant Constituent Council, unless otherwise stated:

- a) Section 6 of the Highways Act 1980 (enabling the Secretary of State or Highways England to delegate or enter into an agreement with a county council, metropolitan district council or London borough council in relation to the construction, improvement or maintenance of trunk roads). It is proposed that the section should be modified to include the Combined Authority amongst the authorities to which such functions may be delegated, to support better integration between local and national networks, or the equivalent legislative provision in order to achieve the aim of better integration.
- b) Section 8 of the Highways Act 1980 (enabling local highway authorities and Highways England to enter into agreements with other such authorities in relation to the construction, improvement, maintenance etc. of a highway for which any party to the agreement is the highway authority). It is proposed that the section be modified to allow the Combined Authority to be a party to such agreement as if it were a local highway authority, with the consent of any affected highway authority, or the equivalent legislative provisions in order to allow the Combined Authority to be party to such agreements.

3.3.3.6 Under the Automated and Electric Vehicles Act 2018, the Mayor will have the power to request from the Secretary of State local regulations requiring large fuel retailers to provide electric vehicle charging points within the Combined Area.

3.3.4 Buses

3.3.4.1 The Combined Authority will be granted powers under section 154 of the Transport Act 2000 to make grants to bus operators.

3.3.4.2 As an MCA, the Combined Authority will become a franchising authority under the Transport Act 2000. This Act provides for the Mayor to carry out functions in relation to making, varying or revoking a franchising scheme.

3.4 Adult Education / Skills and Employment

3.4.1 It is proposed that the Combined Authority will be given devolved functions in respect of Adult Education and will control the Adult Education Budget (AEB) from the academic year 2021/2022 subject to readiness conditions and successful passage through Parliament.

- a) These functions include those set out in the following sections of the Apprenticeships, Skills, Children and Learning Act 2009: section 86 (education and training for persons aged 19 or over and others subject to adult detention);
- b) section 87 (learning aims for persons aged 19 or over: provision of facilities);
- c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees);
- d) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention);
- e) section 100 (provision of financial resources)

3.4.2 In addition, the Combined Authority will also have the following authority functions to be held concurrently with Constituent Councils:

- a) section 560A of the Education Act 1996 (functions related to the provision of work experience)
- b) sections 10 and 12 of the Education and Skills Act 2008 to ensure that its functions are exercised so as to promote the effective participation in education and training of relevant persons in its area aged 16 and 17, and to make arrangements to enable it to establish (so far as possible) the identities of such relevant persons.
- c) sections 68, 70, 71 and 85 of the Education and Skills Act 2008 to make available to young persons and relevant young adults such support services as it considers appropriate to encourage, enable and assist the effective participation of such persons in education and training, and functions relating to co-operation with other authorities.
- d) section 13A of the Education Act 1996 to ensure that their education and training functions are exercised with a view to promoting high standards, fair access to opportunity for education and training, and the fulfilment of learning potential.
- e) section 51A of the Further and Higher Education Act 1992 to require relevant institutions in the further education sector to provide appropriate education to specified individuals aged between 16 and 18 years.

3.5 Housing and Planning Functions

3.5.1 Housing

3.5.1.1 In order to exercise the functions outlined in the “minded to” Devolution Deal, it is proposed that the Combined Authority will be granted the following powers concurrently with the Constituent Councils or Homes England as appropriate.

3.5.1.2 It is proposed that the Combined Authority will be granted devolution of the objectives and functions of Homes England under section 2(1) of the Housing and Regeneration Act 2008 (to be exercised only in respect of the Combined Area) and the following powers contained in the 2008 Act will be exercised by the Combined Authority concurrently with Homes England:

- a) Section 3 (principal power);
- b) Section 4 (general powers);
- c) Section 5 (powers to provide housing or other land);
- d) Section 6 (powers for regeneration, development or effective use of land);
- e) Section 7 (powers in relation to infrastructure);
- f) Section 8 (powers to deal with land etc);
- g) Section 9 (acquisition of land);
- h) Section 10 (restrictions on disposal of land);
- i) Section 11 (main powers in relation to acquired land);
- j) Section 12 (powers in relation to, and for, statutory undertakers);
- k) Section 19 (power to give financial assistance);
- l) Paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.)
- m) Paragraphs 1,2,3,4,6,10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA)

3.5.1.3 These functions will be Non-Mayoral with the exception of the specific Homes England compulsory purchase powers in section 9 of the 2008 Act (see below).

3.5.1.4 The objectives in section 2(1) of the 2008 Act are to provide the Combined Authority with the necessary powers:

- a) to improve the supply and quality of housing;
- b) to secure the regeneration or development of land or infrastructure;
- c) to support in other ways the creation, regeneration and development of communities or their continued well-being; and
- d) to contribute to the achievement of sustainable development and good design.

3.5.1.5 The functions in this section include powers enabling the achievement of the above objectives. Such powers include the power of compulsory purchase contained in section 9 of the 2008 Act (subject to the authorisation of the

Secretary of State). In order to achieve the objectives above, it is proposed that the Combined Authority should also have the benefit of exemption from section 23 of the Land Compensation Act 1961, which is enjoyed by Homes England under section 23(3)(d) of that Act.

3.5.1.6 As set out above, it is proposed that the exercise of the compulsory purchase power contained in section 9 of the 2008 Act, will only be exercisable by the Mayor with the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) for the area(s) of land to be compulsorily acquired and the Secretary of State.

3.5.1.7 It is proposed that the Combined Authority should be granted the power to acquire land for the development of housing under section 17 of the Housing Act 1985 and the associated section 18. It is proposed that the power to acquire land compulsorily under Section 17(3) of the Housing Act 1985 will be a Mayoral Function but will require the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) for the area(s) of land to be compulsorily acquired and the Secretary of State. The conferral of such powers on the Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers concurrently.

3.5.2 Mayoral Development Corporation

3.5.2.1 It is proposed that the Mayor will have the power to designate an area a Mayoral Development Area (“MDA”) and so create a Mayoral Development Corporation (“MDC”) to help drive regeneration and expedite housing delivery on complex schemes in the area. The advantage of MDCs is that they have most of the powers of an Urban Development Corporation but are controlled locally rather than by the Secretary of State.

3.5.2.2 It is proposed that Part 8, Chapter 2 of the Localism Act 2011 be modified so that references to the GLA, Greater London and the London Mayor would include the Combined Authority and the Mayor. This would enable the Combined Authority to have functions for the Combined Area corresponding to the following functions contained in the Localism Act 2011 that the Mayor of London has:

- a) Section 197 (designation of Mayoral development areas);
- b) Section 199 (exclusion of land from Mayoral development areas);
- c) Section 200 (transfers of property etc. to a Mayoral development corporation);

- d) Section 202 (functions in relation to town and country planning);
- e) Section 204 (removal or restriction of planning functions);
- f) Section 214 (powers in relation to discretionary relief from non-domestic rates);
- g) Section 215 (reviews);
- h) Section 216 (transfers of property, rights and liabilities);
- i) Section 217 (dissolution: final steps);
- j) Section 219 (guidance by the Mayor);
- k) Section 220 (directions by the Mayor);
- l) Section 221 (consents);
- m) Paragraph 1 of Schedule 21 (membership);
- n) Paragraph 2 of Schedule 21 (terms of appointment of members);
- o) Paragraph 3 of Schedule 21 (staff);
- p) Paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- q) Paragraph 6 of Schedule 21 (committees); and
- r) Paragraph 8 of Schedule 21 (proceedings and meetings).

3.5.2.3 It is proposed that the Mayor's power to designate an area a MDA under Section 197 of the Localism Act 2011 will require the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) whose local government area contains any part of the MDA.

3.5.2.4 It is further proposed that the Mayor's power to exclude land from a MDA under Section 199 of the Localism Act 2011 will require the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) whose local government area contains any part of the area to be excluded from the MDA.

3.5.2.5 It is also proposed that the London Mayor's power under section 202 of the Localism Act 2011 to decide that a MDC should have certain planning functions in relation to the whole or part of a MDA should be modified in relation to the Mayor so that the Mayor can only exercise this power with the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) whose local government area contains any part of the MDA concerned.

3.5.3 Economic Development and Regeneration

- 3.5.3.1 For the avoidance of doubt, the Combined Authority currently has the general power of competence pursuant to Section 1 of the localism Act 2011 exercisable for the purposes of economic development and regeneration which it will retain as an MCA.
- 3.5.3.2 It is proposed that the Combined Authority will have a duty to prepare an assessment of economic conditions under section 69 of the 2009 Act, concurrently with the Constituent Councils.
- 3.5.3.3 The Combined Authority will be granted the power to exercise concurrently with the Constituent Councils the functions of the Constituent Councils to compulsorily acquire land for development and other planning purposes under section 226 of the Town and Country Planning Act 1990 and the associated powers under sections 227, 229, 230, 232, 233, 235-241 of the Town and Country Planning Act 1990. The Combined Authority's exercise of such powers will in each instance be subject to the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) in whose area the property is located.
- 3.5.3.4 The conferral of such powers on the Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers as previously.

3.5.4 Strategic Place Partnership

- 3.5.4.1 It is proposed that the Combined Authority and Homes England will establish a Strategic Place Partnership to work together to identify and develop key opportunities for housing delivery. The creation of the partnership does not require any new statutory provision.

3.5.5 Planning

- 3.5.5.1 It is proposed that the Mayor will have the power to create a statutory Spatial Development Strategy for the Combined Area (West Yorkshire). This will coordinate strategic land-use planning with strategic transport planning providing a framework to achieve a strategic level change in environmental planning policy to reduce carbon emissions and tackle the climate emergency.
- 3.5.5.2 The development of the scope and preferred approach to a Spatial Development Strategy will require an inclusive and collaborative approach to be taken by the Mayor together with other members of the Combined Authority and the Constituent Councils. Its approval will require the consent

of each of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).

3.5.5.3 It is proposed that the Mayor will have the functions for the Combined Area corresponding to the following functions contained in the Greater London Authority Act 1999 (“the 1999 Act”) which the Mayor of London exercises in relation to Greater London or where appropriate such sections will apply subject to appropriate modifications:

- a) Section 334 (the spatial development strategy);
- b) Section 335 (public participation);
- c) Section 336 (withdrawal);
- d) Section 337 (publication);
- e) Section 338 (examination in public);
- f) Section 339 (review of matters affecting the strategy);
- g) Section 340 (review of the strategy);
- h) Section 341 (alteration or replacement);
- i) Section 342 (matters to which the Mayor is to have regard);
- j) Section 343 (ability of the Secretary of State to make regulations);
- k) Section 344 (amendments to the Town & Country Planning Act 1990);
- l) Section 346 (monitoring and data collection);
- m) Section 347 (constituent councils to have regard to the strategy); and
- n) Section 348 (Mayor’s functions as to planning around Greater London)

3.5.5.4 The exercise of any of the functions corresponding to the functions in sections 33(public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act by the Mayor will require the consent of each member of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).

3.6 PCC Functions

3.6.1 Legislative Context

3.6.1.1 The Police Reform and Social Responsibility Act 2011 (the 2011 Act) established the position of PCC for West Yorkshire and specifies the core functions of a PCC. By Order under the 2009 Act these may be exercised by the Mayor.

- 3.6.1.2 An order providing for the Mayor to exercise the functions of a PCC must provide that there is to be no directly elected PCC in the Combined Authority area from a specified date.

3.6.2 Proposals

- 3.6.2.1 The Mayor will carry out the functions conferred on the PCC for West Yorkshire under Part 1 of the 2011 Act or any other Act (whenever passed) (the PCC Functions) in relation to the Combined Area, which corresponds to the West Yorkshire police area. This will provide for a single directly accountable individual responsible for the discharge of the PCC's functions, which will be consistent with the current PCC model and ambition for local people to have a single point direct accountability. Key PCC Functions are:

- securing the maintenance of an efficient and effective police force and holding the chief constable to account,
- issuing a police and crime plan, and
- appointing, suspending or calling on a chief constable to retire or resign.

- 3.6.2.2 In accordance with the 2009 Act, any PCC Function is to be taken to be a function of the Combined Authority exercisable by the Mayor acting individually, or by a person acting under arrangements with the Mayor in accordance Schedule 5C of the 2009 Act – see further below.

- 3.6.2.3 Under the 2011 Act, the PCC for West Yorkshire is a Corporation Sole carrying out the functions provided for in the 2011 Act. As set out above, it is proposed that the PCC Functions will be exercised by the Mayor who will have the sole responsibility for the PCC Functions. However, the following will transfer to the Combined Authority as legal entity although the decision-making in respect of these functions, after the transfer, will remain with the Mayor:

- Properties, Rights and Liabilities
- Appointments
- Borrowing
- Contracts

3.6.3 Deputy Mayor for Policing and Crime

3.6.3.1 Where an Order provides for the Mayor to exercise PCC Functions, the Secretary of State must by order authorise the Mayor to appoint a Deputy Mayor for Policing and Crime. The 2009 Act precludes the appointment as Deputy Mayor for Policing and Crime of:

- the Deputy Mayor;
- any person listed in section 18(6) of the 2011 Act; or
- any other person of a description specified by order.

3.6.4 PCC Functions

3.6.4.1 A Mayor may delegate any PCC Function to a Deputy Mayor for Policing and Crime, with the exception of functions reserved by Order in accordance with the 2009 Act as exercisable only by the Mayor, as follows:

- issuing a police and crime plan;
- calculating a council tax or budget requirement;
- appointing, suspending or calling on a chief constable to retire or resign; and
- any other function specified by Order.

3.6.4.2 PCC Functions that may only be exercised by the Mayor and/or the Deputy Mayor for Policing and Crime are:

- determining police and crime objectives;
- attendance at a meeting of a Police and Crime Panel in compliance with a requirement by the panel to do so;
- preparing an annual report;
- appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (“the 2014 Act”); and
- deciding whether to enter into a liability limitation agreement under section 14

3.6.4.3 In addition, the Mayor, must by order be authorised to arrange for any other person to exercise any PCC Functions, such as an officer of the Combined Authority, but such an order must prevent the Mayor from arranging for a person to exercise:

- Any PCC Function if the person is listed in section 18(6) of the 2011 Act
- Any PCC Function listed in section 18(7) of the 2011 Act, or
- Any other PCC Function specified by order.

3.6.4.4 The Deputy Mayor for Policing and Crime must also by order be authorised to arrange for any other person to exercise any PCC Functions exercisable by the Deputy Mayor for Policing and Crime, but such an order must prevent the Deputy Mayor for Policing and Crime from arranging for a person to exercise

- Any PCC Function if the person is listed in section 18(6) of the 2011 Act,
- Any PCC Function of a kind listed in section 18(7)(b),(c) or (d) of the 2011 Act, (determining police and crime objectives, attending at a meeting of the Police and Crime Panel in compliance with a requirement, or preparing an annual report to a Policing and Crime Panel), or
- Any other kind of PCC Function specified by order.

3.6.5 Transfer of properties, rights and liabilities

3.6.5.1 All property, rights and liabilities which are property, rights and liabilities of the PCC for West Yorkshire will transfer and vest in the Combined Authority, subject to any exceptions to be agreed. However, all decisions relating to PCC Functions (and relating to assets and liabilities etc.) will be for the Mayor unless delegated as set out above. The Order will also provide for:

- all functions in relation to such property, rights and liabilities to be exercised by the Mayor;
- all decisions relating to such property, rights and liabilities to be made by the Mayor;
- any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the Police Fund kept by the Mayor by virtue of section 21 of the 2011 Act.

3.6.6 Continuity

3.6.6.1 The transfer of the functions of the PCC of West Yorkshire, and the transfer of property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

3.6.6.2 The Combined Authority is to be substituted for the PCC for West Yorkshire in any instruments, contracts or legal proceedings which relate to any of the functions, property rights or liabilities transferred and which were made and commenced before the transfer and anything which was made or done by the PCC for West Yorkshire in connection with any of the functions, property rights or liabilities transferred before the transfer has effect as if made or done by the Combined Authority, subject to any exceptions to be agreed.

3.6.7 Staff of the Police and Crime Commissioner

3.6.7.1 The staff of the PCC of West Yorkshire will transfer under a statutory transfer order which will replicate the characteristics of a TUPE transfer.

3.6.8 Police and Crime Panel

3.6.8.1 Scrutiny of the discharge of PCC Functions will be performed by a Police and Crime Panel established in relation to the Combined Area by order in accordance with the 2008 Act, which carries out functions of a police and crime panel (as set out in section 28 and section 29 of the 2011 Act) to effectively scrutinise the actions and decisions of the Mayor and Deputy Mayor for Policing and Crime, and enable them to be held to account in public.

3.6.8.2 These functions include reviewing:

- a draft police and crime plan,
- an annual report,
- proposed senior appointments,
- any proposed precept for PCC Functions, (including a power of veto), and
- the appointment, suspension or removal of the chief constable.

3.6.8.3 In accordance with the 2011 Act, the Secretary of State must also by order provide for the Police and Crime Panel to have power to suspend the Mayor, so far as acting in the exercise of PCC Functions, in circumstances corresponding to those mentioned in section 30(1) of the 2011 in relation to a PCC.

3.6.8.4 In accordance with section 29 of the 2011 Act, the Police and Crime Panel may require the Mayor and members of staff to attend before the Panel to answer any question which appears to the Panel to be necessary in order for it to carry out its functions. If the Panel requires the Mayor to attend, it may also request the chief constable to attend on the same occasion. The Panel may also require the Mayor to respond in writing to any report or recommendation the Panel makes to the Mayor.

3.6.8.5 The Police and Crime Panel will exercise the same functions under sections 28 and 29 of the 2011 Act, as police and crime panels under the PCC model, but with some minor modifications, such as reflecting that the Panel only

scrutinises the policing component of the precept, which forms a separately identifiable component of a wider Combined Authority precept, rather than the whole precept.

- 3.6.8.6 The Police and Crime Panel may by order have oversight functions in relation to any Mayoral Function that is exercised by the Deputy Mayor for Policing and Crime. Any such order may disapply or modify provisions relating to the Overview and Scrutiny Committee, in relation to any Mayoral Function coming within the remit of the Panel.

3.6.9 Police Fund

- 3.6.9.1 The Mayor will be required to maintain a separate fund in relation to receipts arising and liabilities incurred in the exercise of PCC Functions (the Police Fund). The Police Fund will be kept separate to the Mayor's General Fund (see paragraph 4 below) and all receipts arising will be paid into it, and liabilities incurred in the exercise of PCC Functions must be paid out of it.

- 3.6.9.2 Money paid into the Police Fund will be reserved for policing. For example, receipts from the sale of police assets would have to be spent on matters relating to policing. In line with statutory guidance for PCCs, as set out in the 'Revised Financial Management Code of Practice' for policing, the Mayor would have to publicly account for expenditure from the Police Fund.

- 3.6.9.4 The Police Fund, which will include precept income, will also include reserves maintained for policing and crime reduction. The Local Government Finance Act 1992 requires billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Police reserves should be maintained in accordance with the relevant guidance, agreed accounting principles and locally agreed financial regulations and schemes of governance.

- 3.6.9.5 The Mayor is responsible for expenditure on PCC Functions. Money in the Police Fund can only be spent on PCC Functions and matters that are incidental to the PCC Functions.

- 3.6.9.6 Decisions on the sale of police assets and reinvestment of receipts must be made by the Mayor and money paid into Police Fund.

3.6.10 Borrowing

- 3.6.10.1 The Mayor will be ultimately responsible for decisions relating to borrowing in relation to PCC Functions, (as laid out in the ‘Revised Financial Management Code of Practice’ for Policing), but may delegate them in practice. The cost of such borrowing will be met from the Police Fund and as above kept separate to the discharge of other Combined Authority functions, which are not PCC Functions. This does not detract from the legal status of the Combined Authority as the borrowing party.

3.6.11 Contracts

- 3.6.11.1 Decisions on entering into contracts regarding police matters are functions of a PCC under the PCC model (with scope for some delegation to the Chief Constable). As such and in keeping with the PCC model the Mayor will have ultimate responsibility for all contracts relating to police matters, although they may provide consent for contracts to be entered into by the chief constable or another to whom the Mayor personally delegates responsibility in accordance with statutory provisions, any agreements and protocols.
- 3.6.11.2 Decisions on the issuing of policing-related grants would also rest with the Mayor or anyone to whom they delegate responsibility.

3.6.12 Police and Crime Plan

- 3.6.12.1 The Police and Crime Plan which involves consideration of the strategic policing requirement is a key public facing deliverable. The provisions on police and crime plans as set out in the 2011 Act will still apply to the Mayor carrying out PCC Functions.

3.6.13 Policing Protocol

- 3.2.13.1 The Mayor will be required by order to have regard to the Policing Protocol issued by the Secretary of State under section 79 of the 2011 Act.
- 3.2.13.2 The Policing Protocol sets out ways in which relevant persons should, in the Secretary of State’s view, exercise or refrain from exercising functions so as to encourage maintain or improve working relationships (including co-operative working) between relevant persons, and limit or prevent the overlapping or conflicting exercise of functions.

3.6.14 West Yorkshire Police

- 3.6.14.1 West Yorkshire Police will remain a distinct and separate organisation as set out in legislation.

3.6.15 Complaints about Conduct

- 3.6.15.1 The 2011 Act provides that the Secretary of State must by order make provision about the procedures for making, handling and investigating complaints about the conduct of the Mayor and Deputy Mayor for Policing and Crime.

3.6.16 Consequential amendment and modification requirements

- 3.6.16.1 The following consequential amendment and modification requirements of enactments may be required in their application to the Combined Authority with PCC Functions:

3.6.17 Primary Legislation

- Amendments to the Police Reform and Social Responsibility Act 2011
- Modifications to the Local Government Act 1972
- Police (Property) Act 1897
- Trustee Investments Act 1961
- Pensions (Increase) Act 1971
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government, Planning and Land Act 1980
- Local Government Finance Act 1988
- Road Traffic Act 1988
- Local Government and Housing Act 1989
- Police Act 1996
- Police Reform Act 2002
- Proceeds of Crime Act 2002
- Railways and Transport Safety Act 2003
- Local Government Act 2003
- Local Government and Public Involvement in Health Act 2007

- Local Democracy, Economic Development and Construction Act 2009
- Police Reform and Social Responsibility Act 2011
- Local Audit and Accountability Act 2014

3.6.18 Secondary legislation

- Motor Vehicles (Third Party Risks) Regulations 1972
- Official Secrets Act 1989(Prescription) Order 1990
- Police (Disposal of Sound Equipment) Regulations 1995
- Police (Property) Regulations 1997
- Health and Safety (Enforcing Authority) Regulations 1998
- Motor Vehicles (Driving Licences) Regulations 1999
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- Motor Vehicles (Access to Driver Licensing Records) Regulations 2001
- Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001
- Police Regulations 2003
- Docking of Working Dogs' Tails (England) Regulations 2007
- REACH Enforcement Regulations 2008
- Elected Local Policing Bodies (Specified Information) Order 2011
- Policing Protocol Order 2011
- Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
- Police Appeals Tribunals Rules 2012
- Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012
- Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
- Local Government Pension Scheme Regulations 2013
- Local Audit (Auditor Resignation and Removal) Regulations 2014
- Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

3.7 Miscellaneous

- 3.7.1 For the avoidance of doubt, the Combined Authority will be a body specified for the purposes of Section 33 of the Value Added Tax Act 1994. This will entitle the Combined Authority to claim refunds of Value Added Tax charged on supplies to, and acquisitions or importations by the Combined Authority.

3.8 Information Sharing

- 3.8.1 It is proposed that sections 17A and 115 of the Crime and Disorder Act 1998 should be amended to give the Combined Authority the same standing as a Local or Public Authority for the purpose of information sharing, given that the Mayor will be exercising PCC Functions.

Finance and Investment

4.1 Levy

- 4.1.1 The Combined Authority will continue to have the power to issue a levy to its Constituent Councils in respect of transport functions under section 74 of the Local Government Finance Act 1988 (levies) and in accordance with the Transport Levying Bodies Regulations 1992.

4.2 Precept

- 4.2.1 It is proposed that the Secretary of State makes an Order to provide for the costs of the Mayor for the Combined Area that are incurred in, or in connection with, the exercise of Mayoral Functions to be met from precepts issued by the Combined Authority under section 40 of the Local Government Finance Act 1992, and also provide for a precept for PCC Functions exercised by the Mayor, subject to any transitional provisions.
- 4.2.2 That is, the Mayor will have the power to issue a Council Tax Precept on behalf of the Combined Authority in relation to Mayoral Functions and PCC Functions.
- 4.2.3 The council tax requirement calculated under S42A of the Local Government Finance Act 1992 will consist of separate components for the Mayoral Functions and PCC Functions. The components will appear separately on council tax bills, and any monies paid to the Mayor by a billing authority in respect of the PCC Functions component of a precept must be paid by the Mayor into the Police Fund – see paragraph 3.6 above.
- 4.2.4 Any precept in relation to Mayoral Functions will be subject to scrutiny and amendment under the procedure relating to the Mayor's budget, as set out below.
- 4.2.5 The precept in relation to PCC Functions will be subject to scrutiny by the Police and Crime Panel – see paragraph 3.6.

4.3 Mayor's budget

- 4.3.1 The Combined Authority will follow the procedure set out in the Combined Authorities (Finance) Order (SI 2017/611) (the Finance Order) to approve the Mayor's budget. The Finance Order provides that each year, the Mayor must prepare a draft budget in respect of Mayoral Functions by 1 February, setting out the Mayor's spending plans and how the Mayor intends to meet the costs of Mayoral Functions, and including the relevant amounts and calculations to be used for the purpose of determining the precept.
- 4.3.2 In accordance with the Finance Order, if the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations. The Mayor is not excluded from voting on this decision, which would be decided by a 2/3 majority.
- 4.3.3 The Combined Authority must review any draft budget, and may make a report on it, to include any changes the Combined Authority thinks the Mayor should make to the draft budget. The Mayor does not vote on this decision, and the default simple majority voting arrangement would apply. (If the Combined Authority does not make a report before 8 February, the Mayor's draft budget shall be deemed to be approved).
- 4.3.4 Where the Combined Authority makes a report, the Mayor will then decide whether to make any changes to the draft budget and notify the Combined Authority of the reasons for their decision, and where changes are made, the revised draft budget.
- 4.3.5 The Combined Authority may then:
- approve the Mayor's draft budget, containing any revisions the Mayor has chosen to make, (default simple majority voting arrangement applies) or
 - veto the draft budget, and approve a budget incorporating the Combined Authority's recommendations set out in its report to the Mayor (it is proposed that a 5/8 majority of the members of the Combined Authority excluding the Mayor would be required for this.)
- 4.3.6 The Mayor's budget will also be scrutinised by the Combined Authority's Overview and Scrutiny Committee. The Mayor may change their draft budget further to any recommendations received from the Overview and Scrutiny Committee, and in accordance with the procedure set out in the Finance Order.

4.4 Borrowing

- 4.4.1 It is proposed that West Yorkshire Authorities will consent to Regulations being made pursuant to section 23(5) of the Local Government Act 2003 to extend the Combined Authority's existing borrowing powers (for transport functions) to other priority infrastructure projects, including but not limited to: highways, housing, investment and economic regeneration, as relevant to the exercise of the Combined Authority's functions, both Mayoral and Non-Mayoral, within agreed limits.

4.5 Business Rate Supplement

- 4.5.1 It is proposed that the Mayor will have the power, with the agreement of the Combined Authority and in consultation with the business community, to raise a Business Rate Supplement to fund infrastructure investment. The Combined Authority will be a levying authority for the purposes of the Business Rates Supplement Act 2009 and the Constituent Councils shall be deemed to be acting jointly through the Combined Authority in accordance with Section 2(3) of the Business Rates Supplement Act 2009.

4.6 Strategic Infrastructure Tariff

- 4.6.1 The Combined Authority will be able to seek consent to raise a Strategic Infrastructure Tariff to enable it to raise funding for strategic infrastructure.

4.7 Mayor's General Fund

- 4.7.1 The Finance Order will require the Mayor to keep a fund (to be known as the Mayor's "General Fund") in relation to receipts arising, and liabilities incurred, in the exercise of the Mayor's Mayoral Functions. All of the Mayor's receipts in respect of the exercise of the Mayoral Functions must be paid into the General Fund, and the Mayor's expenditure in respect of Mayoral Functions must be paid out of the General Fund. The Mayor must keep accounts of payments made into or out of the General Fund.



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All information correct at time of writing (May 20)

West Yorkshire Authorities

Governance Review

Undertaken in accordance with Section 111 of the Local Democracy Economic Development and Construction Act 2009

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Executive Summary

On 11 March 2020, a ‘minded-to’ Devolution Deal was agreed between government and local authority Leaders of West Yorkshire, comprising Bradford, Calderdale, Kirklees, Leeds, and Wakefield Councils, and West Yorkshire Combined Authority (‘the Combined Authority’). The deal agrees a significant shift of powers, funding and responsibility from Whitehall to the region in return for establishing the role of a directly elected Mayor for the area of West Yorkshire.

The additional powers and funding afforded through the deal, including £1.14 billion of additional investment over 30 years, would help to drive productivity by enabling additional investment in our towns, cities and rural areas in their infrastructure, skills, business, housing & regeneration, and in cultural and heritage assets, and by boosting trade, innovation, and inward investment.

The purpose of this governance review, undertaken in accordance with Section 111 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) is to look at the exercise of statutory functions in West Yorkshire with a view to deciding whether to prepare and publish a scheme with new functions and changed constitutional arrangements, including a directly elected mayor. A public consultation would then be carried out on the proposals set out in the scheme. The Secretary of State would be provided with a summary of consultation responses and would need to consider whether an order should be made under the 2009 Act to establish a Mayoral Combined Authority (MCA) for the area.

Under section 112 of the 2009 Act, the review needs to conclude that the exercise of the power to make an order to establish an MCA for the West Yorkshire area would be likely to improve the exercise of statutory functions in relation to the West Yorkshire area.

The review has found that the economic evidence provides a rationale to continue to work across the West Yorkshire area, recognising that it operates as a coherent functional geography. It has a strong and diverse sectoral mix with significant growth potential, underpinned by notable economic assets and infrastructure, and through its links with the wider Leeds City Region, Yorkshire and the Northern Powerhouse.

Despite its economic successes, West Yorkshire is still a net spender of UK tax revenues, and there are significant challenges in relation to securing its ambitions to promote faster and more inclusive growth, tackle the climate emergency and deliver a 21st century transport system for the area. And there is not enough local control over the policies that affect our economy.

The idea of West Yorkshire authorities working together on a range of transport and economic activities is not new. Leeds City Region was a pilot forerunner city region, the City Deal was secured in 2012 and £1 billion Growth Deal was agreed in July 2014. This success has enabled the Combined Authority (established in 2014), the five West Yorkshire councils, and the Leeds City Region Enterprise Partnership (‘the LEP’) to make a strong start.

The ‘minded-to’ devolution deal represents a significant step forward in delivering more and better jobs to the area. It delivers significant new responsibilities and investment that will benefit our communities and businesses across the region. It means that decisions previously taken centrally can now be taken closer to the people affected and gives the area greater financial freedom and flexibility to manage our investment choices according to local priorities. Establishing an MCA for the area will promote local democracy through direct democratic accountability in exercising locally more of the levers of change that will drive economic growth. The review notes that the devolution deal is dependent on the adoption of an MCA model of governance and finds that this is the most appropriate mechanism by which the powers and funding proposed can be devolved to West Yorkshire.

The review concludes that:

- current regional governance arrangements - based on a non-mayoral West Yorkshire Combined Authority - do not represent the best model in terms of delivering the long-term ambitions of the authorities within the area for economic growth and delivery of public services;
- there is limited practical scope for the existing governance arrangements to be meaningfully strengthened, short of adopting an MCA model of governance;
- a change is required to enable the West Yorkshire authorities to pursue their economic policy agenda at greater pace, while continuing to collaborate with the wider Leeds City Region, Yorkshire and the North in pursuit of shared economic objectives;
- the statutory criteria for preparing and publishing a scheme are met, i.e., the making of an order under S104 and S105 to enable the adoption of an MCA model of governance for the area of West Yorkshire will likely **improve the exercise of statutory functions in that area**;
- in addition, establishing an MCA model of governance for West Yorkshire will:
 - **have a positive impact on the interests and identities of local communities** – these proposals build on established regional governance arrangements which cover a coherent functional economic area and which represent the views and interests of local communities; and
 - **secure more effective and convenient local government** by reducing complexity and streamlining the delivery of public services within the area.

It is therefore proposed that a scheme is published (a draft scheme is included at Appendix A) that confirms:

- an MCA should cover the area of West Yorkshire;
- a West Yorkshire Mayor would be elected in May 2021;
- the mayor would become a member of the Combined Authority, and Chair meetings of the authority.
- each council will continue to appoint a member to the new MCA, along with political representatives from opposition groups, and non-constituent members from the LEP and City of York Council would continue to be appointed; and
- the Mayor and MCA will exercise specific statutory functions, and hold some powers concurrently with West Yorkshire local authorities. No functions are being removed from those councils. Where existing functions currently held by West Yorkshire local authorities are to be shared with the Mayor or the MCA, this must be agreed by the constituent councils.

Purpose of Review

West Yorkshire Leaders have agreed with Government that fulfilling the local economic priorities and drawing down significant additional powers and funding through the West Yorkshire Devolution Deal raises the question about the on-going appropriateness of regional governance arrangements which are currently based on the (non-Mayoral) Combined Authority, the LEP, and West Yorkshire's Police and Crime Commissioner (PCC). As part of the Deal, Leaders have therefore committed to consider the creation of a new, directly elected West Yorkshire Mayor, acting as Chair to West Yorkshire Combined Authority by May 2021 (and in addition ex officio PCC by 2024).

West Yorkshire's councils, along with the Combined Authority, have therefore commissioned this review to look at whether strengthening existing collaboration arrangements by adopting an MCA model of governance would be the best way of improving delivery of a 21st century transport system, and more inclusive and cleaner growth across the City Region, and exercising PCC functions. Because the PCC elections have subsequently been delayed until May 2021, there is now an opportunity for any Mayor to exercise PCC functions from May 2021, rather than from May 2024 (as originally proposed in the West Yorkshire Devolution Deal).

To ensure compliance with the relevant legislation contained in the 2009 Act, the Review considers whether an MCA is the best governance model and would be likely to:

- Improve the **exercise of statutory functions** in the area of West Yorkshire;
- Secure **more effective and convenient local government** for the area; and
- have a positive or neutral impact on the **identities and interests of our local communities**

Methodology for the Governance Review

The governance review has comprised the following:

- West Yorkshire's ambition and context, covering the area's devolution journey and the devolution deal
- Economic assessment of:
 - a) the existence of a Functional Economic Market Area across West Yorkshire; and
 - b) the region's economic strengths, challenges and opportunities
- Assessment of the current governance arrangements across West Yorkshire
- The case for change
- The devolved functions in scope
- An options appraisal that considers the alternative governance structures which could be pursued in the light of the above evidence
- Consideration of whether the preferred option meets the statutory tests
- Conclusions

Ambition

West Yorkshire local authorities, the Combined Authority and the LEP want our region to be recognised globally as a place with a strong, successful economy where everyone can build great businesses, careers and lives supported by world-class transport, housing and digital connectivity.

Securing more devolved powers and funding is a central enabler and we will deliver our ambitions by:

- Tackling the climate emergency
- Boosting productivity
- Enabling inclusive growth; and
- Delivering 21st century transport

West Yorkshire, a core part of the wider Leeds City Region, and located at the heart of the Northern Powerhouse, is an internationally significant economy in its own right comprising the five metropolitan areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield, and which has:

- a £55.4 billion economy – bigger than 9 EU countries
- 2.3 million people
- 1.1 million jobs and nearly 92,000 businesses – West Yorkshire is the second largest LEP area by employment outside of the South East
- 1.6% of the land area of England
- a predominantly urban character but with 9% of the population living in the 38% of the geography defined as a DEFRA Rural Area.

Whilst overall, West Yorkshire - and the wider Leeds City Region - has been relatively successful in making the transition from a predominantly industrial to a more diverse economy there remain significant challenges, including in terms of labour market participation, skills and levels of economic activity. Well-co-ordinated, targeted, and locally determined investment and interventions are needed to address these issues.

West Yorkshire authorities are of the view that a radical devolution of powers and funding to local areas is needed to respond to our opportunities and address these challenges. Greater local control of the levers of growth, productivity and inclusion would enable West Yorkshire communities and businesses to be better served.

West Yorkshire Context

West Yorkshire has been on a considerable devolution journey to date and the following significant steps have already been taken in securing devolved powers and funding to the area:

- 2004 to 2009: Leeds City Region Concordat, expressing the shared local commitment to working together differently in the interests of the economy of the whole city region and all its diverse communities; establishment of the Leeds City Region Leaders Board, empowered to discharge, on behalf of the member Councils, the promotion and improvement of the economic wellbeing and competitiveness of the City Region; and the adoption of a City Region Development Plan to deliver Leeds City Region Leaders' shared ambition.
- Multi-Area Agreement (2008) – Leeds City Region was one of the first wave partnerships to agree freedoms and flexibilities with government around transport and skills.
- City Region Forerunner Pilot status (2009) - recognised the importance of the Leeds City Region economy to the North and that, without an ambitious package of devolution and local governance reform with particular reference to transport, skills and economic development, its full potential would not be realised.
- 2012 Leeds City Region City Deal – was a step change for the devolution of powers and funding from Government to the City Region, including initial funding and freedoms to build, manage and sustain a local £1 billion West Yorkshire Plus Transport Fund, and Leeds City Region to deliver a 'NEET free' City Region.
- 2014 - Following the establishment of the Combined Authority (a key condition of the City Deal), the first Leeds City Region Growth Deal - the largest secured in the country - which fully capitalised the £1 billion West Yorkshire Plus Transport Fund.
- 2015 – an initial, first stage Leeds City Region and West Yorkshire devolution deal with a focus on flexibilities including around skills, transport, employment and business support.

Building on these achievements, the 2020 West Yorkshire Devolution Deal provides the region with the opportunity to accelerate the delivery of local ambitions for a 21st century transport system and for faster, cleaner and more inclusive economic growth, provided it can be shown that the way it is all managed is fit for purpose.

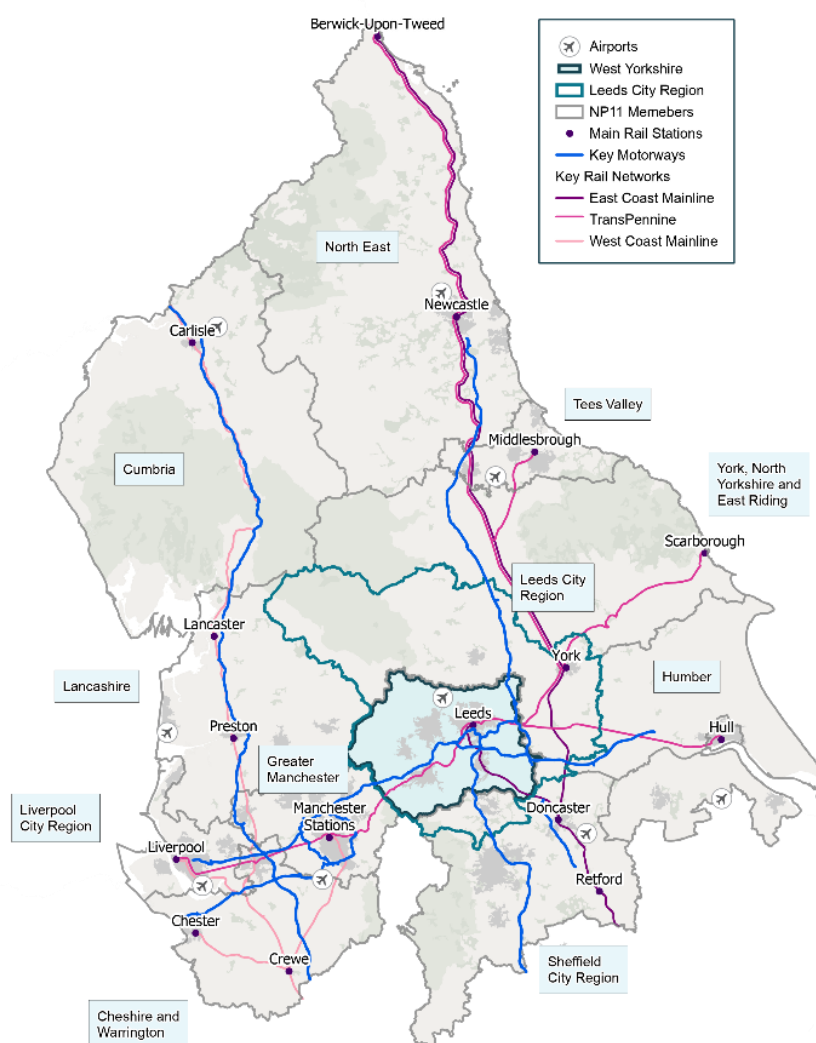
West Yorkshire Economy

This section provides an assessment of:

- the existence of a Functional Economic Market Area across West Yorkshire; and
- the region's economic strengths, challenges and opportunities

Like all areas, the West Yorkshire economy also faces significant challenges as well as strengths in terms of achieving our full growth potential.

The following economic assessment is drawn from a broad survey of available data and intelligence, primarily analysis of published data from the Office for National Statistics and other official sources to provide an understanding of economic performance on a range of indicators.



A coherent, diverse and resilient region

West Yorkshire has an economically coherent, diverse and resilient economy that possesses a unique combination of economic strengths, assets and opportunities, including the following:

- An economy that values diversity, talent, and youth as the key to our future, exemplified by:
 - these distinctive strengths cited as a key reason for Channel 4 choosing Leeds as its new home;
 - Kirklees' Outstanding rated Huddersfield New College, which is ranked number one in England for Equality and Diversity; and
 - the University of Bradford, which has been identified as the best in the country for Social Inclusion.
- Home to substantial renewable and low-carbon energy capacity in on-shore wind, biomass, energy-from-waste and micro-generation; leading manufacturers in the low-carbon supply chain and strong environmental consultancy expertise, which will contribute towards our ambition to become a net-zero carbon city region by 2038, with significant progress by 2030, in order to play our part in limiting average global temperature rise to between 1.5 and 2.0 degrees Celsius.
- A thriving digital and tech hub cluster - employment in the digital sector in West Yorkshire has increased by 48% between 2015-18, faster than any other LEP area and six times the rate of growth seen in London since 2015 (8%). The cluster has the capability and potential to pioneer the next generation of technological change to transform outcomes for society, business and individuals across the region, including to become the most digitally connected and inclusive region in country.
- An economy that is focused on the future – for example the city of Bradford is the youngest city in the UK, with almost a quarter of the population under the age of 18. The City Region has the highest concentration of Higher Education institutions outside of London with some 7 universities, producing 30,000 graduates annually, of which 13,000 are in STEAM subjects.
- Leading business clusters e.g. Health-Tech, Fin-Tech and Digital Health. Also, in terms of sectors, the UK's largest regional finance centre, 140,000 jobs in the health economy, and more manufacturing jobs than anywhere in the North (with 13.5% of output vs 10.1% nationally), notably in textiles, food & drink, aerospace components, automotive engineering, printing & publishing and construction fabrication, and based on a core of precision engineering.
- Associated key assets that will enable the formation of the next wave of leading knowledge-based industries, clusters and businesses, including:
 - Leeds University's NEXUS;
 - Huddersfield University's 3M Buckley Innovation Centre;
 - the Wolfson Institute for Applied Health Research at Bradford Royal Infirmary; and
- At the centre of the UK, within one hour's drive of 7 million people, and at the heart of national railway and motorway networks, which provides easy access to global markets and means that Leeds City Region is ideally placed as a location for the logistics industry. Moreover, the City Region is a major connectivity hub for the Northern Powerhouse, with Leeds alone typically having more train passengers than anywhere else in the North (100,000 per day), equivalent to London Kings Cross.
- Outstanding historic and cultural assets enhancing both quality of life and economic growth (by £565m p.a.), including:

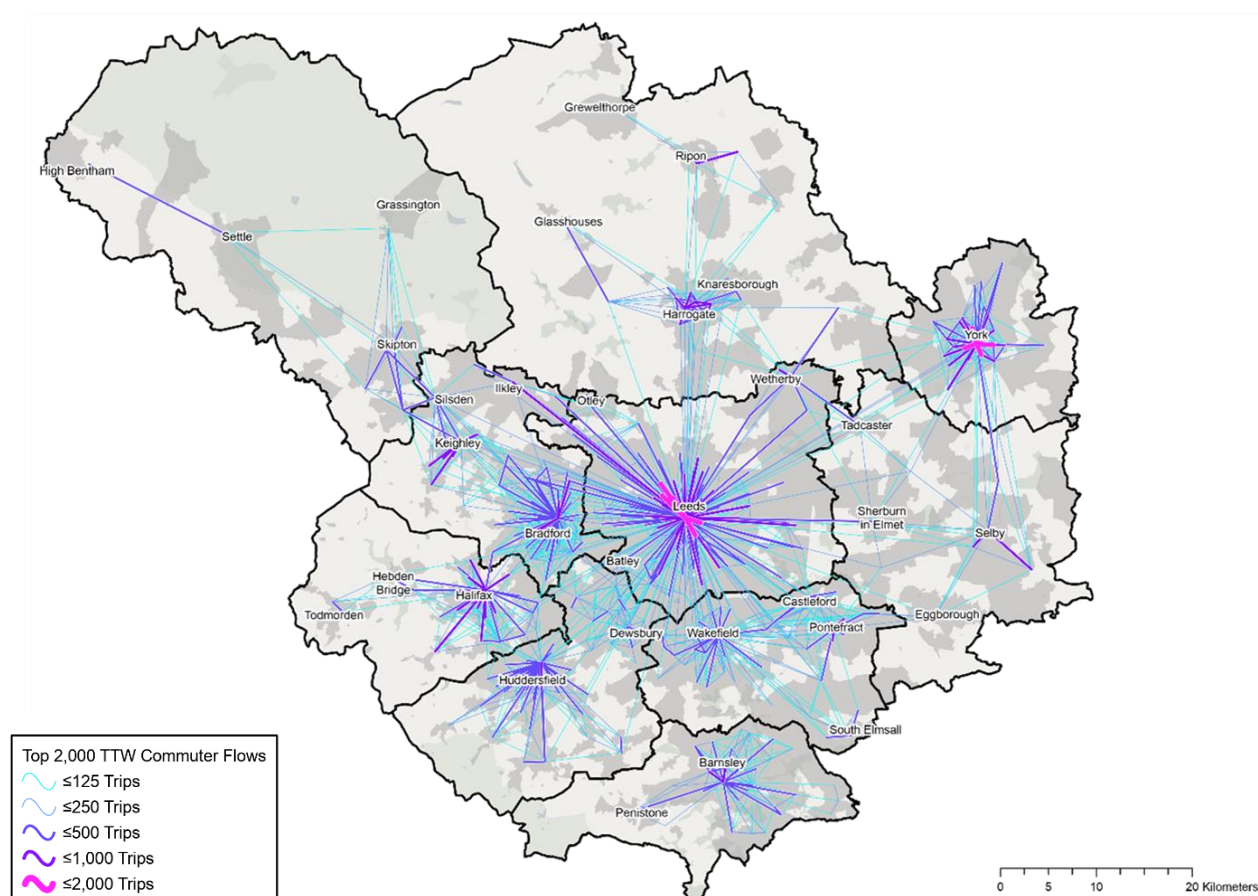
- the Sculpture Triangle which includes the internationally renowned Hepworth in Wakefield;
- Calderdale's historic, recently restored Halifax Piece Hall, which attracted 5 million visitors since reopening in 2017;
- Bradford's bid for 2025 City of Culture status, and Leeds 2023; and
- the role of sport and heritage across the region as distinctive economic drivers and the key to the identity of the place.

A functional economic market area

To improve productivity and jobs in those urban areas with several centres, such as West Yorkshire, and the wider Northern Powerhouse, there is a well-established evidence base which demonstrates the need to better connect the key towns and cities to reduce congestion, reduce journey times (shrink distances) between places, and improve freight transfer¹.

Although Leeds City Region is the area's recognised functional economic market area, West Yorkshire represents its core, and in its own right evidences strong elements of economic self-containment but with clear linkages and interdependency with the wider City Region economic footprint in terms of a wider labour and housing market area.

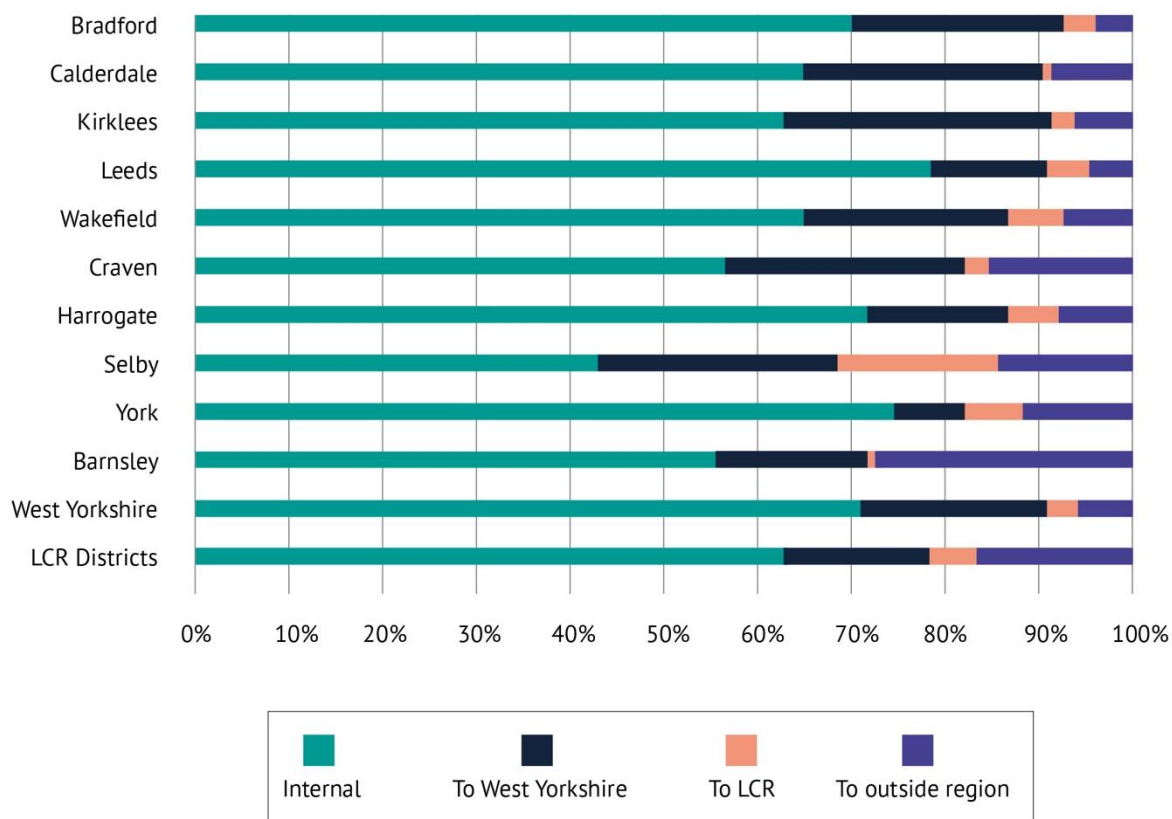
The map below reveals the economic context of West Yorkshire and the wider City Region via commuter flows. It highlights the top 2,000 travel to work-flows originating and terminating within the City Region (with colour, from blue to purple, representing strength of the flow) against a background of 'urban' areas. Flows are based on 2011 Census data and include all modes of transport.



¹ EU DG for Regional Policy (2012). Also SERC for the Northern Way (2009) found that a 20 minute reduction in journey times between Leeds and Manchester would generate productivity benefits (using wages as a proxy) in the region of 1.5% for West Yorkshire districts, after controlling for the skill, age, gender, and occupational mix of places.

The table below shows that a large proportion (70%) of West Yorkshire residents in work live and work in their home district, and that over 90% of West Yorkshire residents in work live and work in West Yorkshire. Only 5% of West Yorkshire commuters work outside the City Region compared to 17% of commuters in the remaining Leeds City Region Districts.

West Yorkshire and Leeds City Region commuting destinations

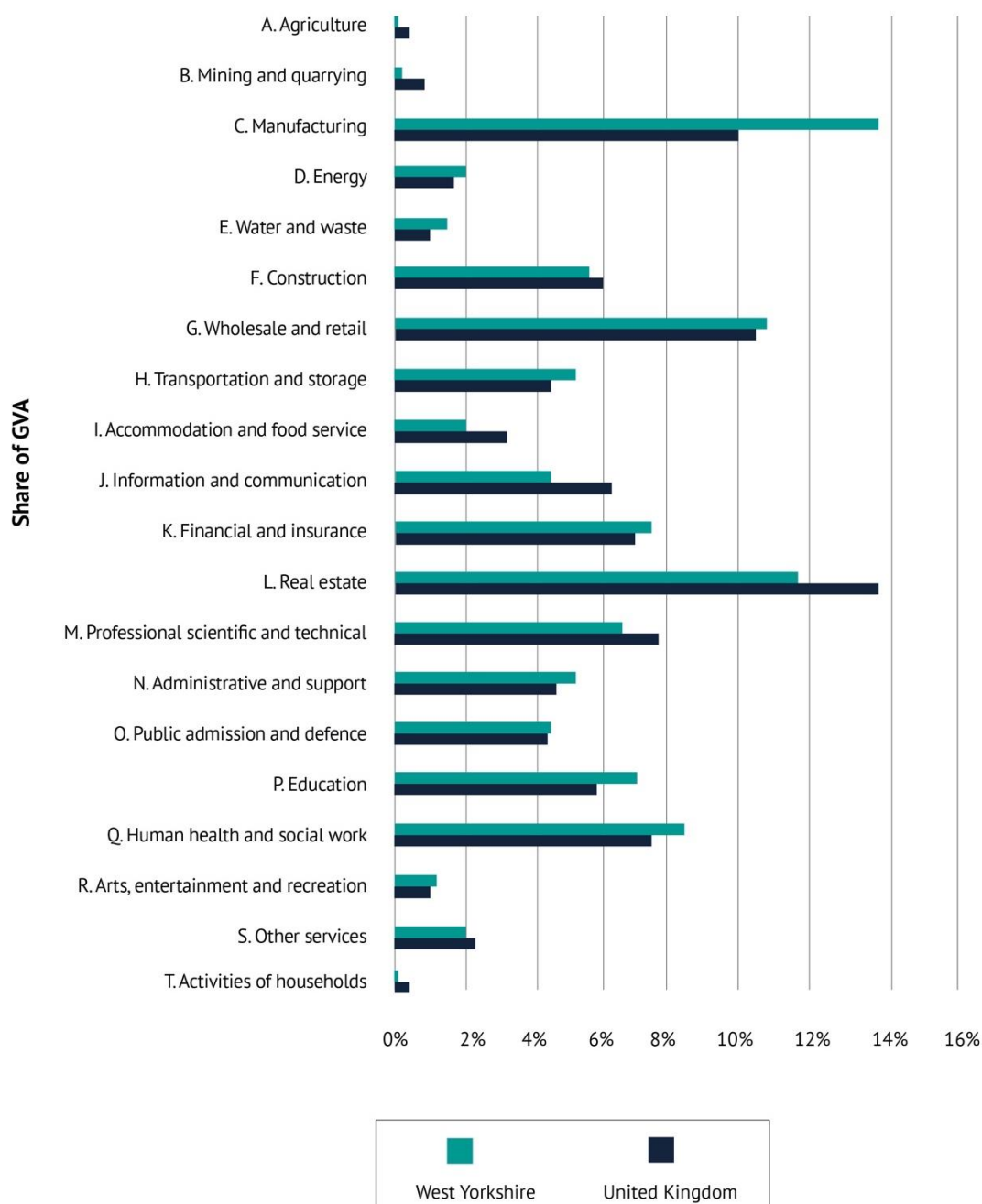


Economic Profile

(a) Structure

West Yorkshire's diverse economic structure closely resembles that of the UK:

GVA by broad sector, 2017



Source: Office for National Statistics, 2018

However, this masks a broad range of specialisms across districts as illustrated by the table below. The prevalence of machinery & transport component manufacturers in multiple districts

emphasises the region's importance in supply chains. In many districts, this often higher-value activity sits alongside sectors where lower skilled jobs often dominate such as food production and more basic manufacturing industries. Knowledge intensive services are more prevalent in Leeds, though Bradford and Calderdale have at least some degree of specialism here.

Top 5 location quotients for West Yorkshire districts (district employment share >0.9%)

Rank	Bradford	Calderdale	Kirklees	Leeds	Wakefield
1	Water collection, treatment and supply	Insurance & pension funds	Manufacture of textiles	Advertising and market research	Warehousing and support activities for transportation
2	Printing and reproduction of recorded media	Manufacture of machinery and equipment	Manufacture of furniture	Auxiliary financial services activity	Manufacture of other non-metallic mineral products
3	Manufacture of machinery and equipment	Manufacture of furniture	Manufacture of machinery and equipment	Financial services	Manufacture of food products
4	Manufacture of food products	Manufacture of other non-metallic mineral products	Manufacture of fabricated metal products	Computer programming & consultancy	Manufacture of rubber and plastic products
5	Financial services	Financial services	Wholesale trade	Landscaping & building services	Wholesale trade

Source: Business Register & Employment Survey, Office for National Statistics, 2019

West Yorkshire is home to almost 92,000 businesses. In line with the UK as a whole, 99.5% of these are SMEs.

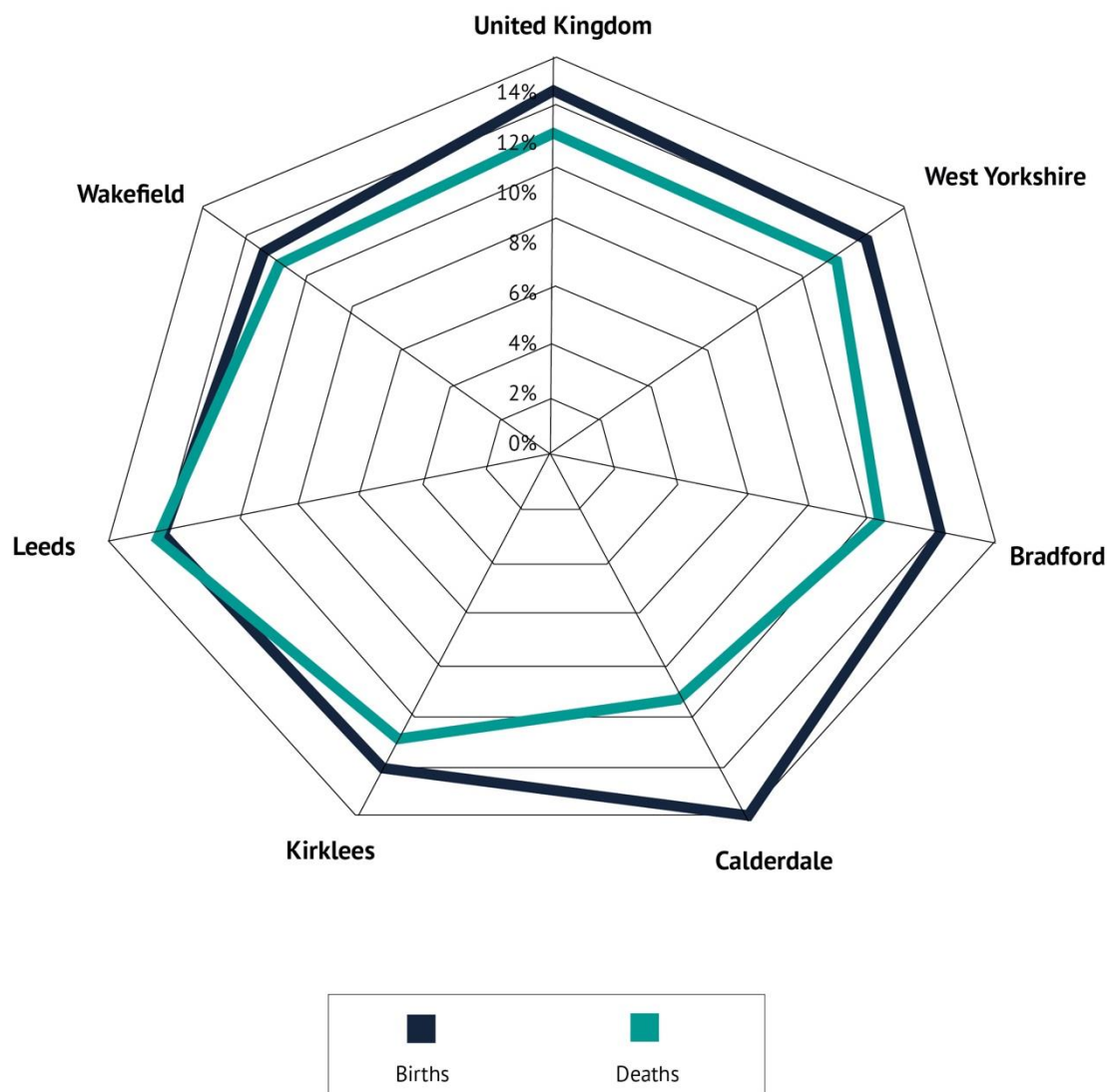
However, the area has relatively fewer micro businesses and more small and medium size firms. Businesses with 10-249 staff constitute 16.9% of our business base, compared to 15.2% nationally. This pattern is more pronounced among the manufacturing base. 30% of 5,800 manufacturers employ 10-249 staff, compared to 22% nationally.

The number of businesses in West Yorkshire has increased by 18.5% since 2014, ahead of national growth (17%). Transport & storage has increased from 3,000 in 2014 to 5,000 in 2018, an increase of 69%, compared to a 44% increase nationally. Both the UK and our region have seen a substantial increase in businesses in the energy sector in recent years, though the number of businesses in the sector remains small in absolute terms (200 in West Yorkshire as of 2019).

The area's business base is relatively stable with the combined business birth and failure rate, (or churn rate) at 23.6% in West Yorkshire and 24.4% in the UK. (A higher churn rate can indicate a more dynamic business base).

Within West Yorkshire, Leeds is the only district where the churn rate is higher than the national rate, albeit only marginally, at 24.9%, suggesting a relatively high degree of dynamism in the economy despite low net growth in the business base. Away from Leeds, business failures were generally below the UK average in most districts suggesting a relatively stable business base.

Business births and death rates



Source: *Business Demography, ONS 2018*

(b) Employment

The number of jobs in West Yorkshire rose to 1.1 million in 2018, an increase of 40,000 (3.8%) on 2015. This is faster than the 3.5% growth across England and 3.3% across Great Britain over this period. Within West Yorkshire, Leeds (8%) and Wakefield (5%) have seen the strongest growth with a more mixed picture elsewhere.

(c) The role of public transport

Within this area, the quality of public transport, and in particular local bus networks, have multiple impacts on the regional economy, amongst them:

- They join up our towns, cities and rural areas and allow people to access jobs, services and learning and leisure opportunities across the area, therefore affecting productive activities. In metropolitan areas, bus networks are estimated to generate £2.5 billion in economic benefits against public funding of £0.50 billion. More than 50% of this benefit is attributable to user benefits from access to jobs, training, shopping and leisure activities².
- They can increase participation in economic activity by providing affordable access to jobs and education. This is particularly important for our most deprived areas.
- Conversely, the effect of service cuts may have dramatic consequences in terms of labour market participation; research suggest that 11% of those who use bus as their means of travel to work would either change jobs or leave the labour market if there was no bus service available.

In addition the rail network offers the following economic benefits:

- Labour market mobility;
- Facilitating housing development;
- Social mobility; and
- Easing road congestion.

². PTEG (2013). *The Case for the Urban Bus. The Economic and Social Value of Bus Networks in Metropolitan Areas*: "...around £1.3bn reflect user benefits from access to jobs, training, shopping and leisure opportunities. The remaining benefits accrue to other transport users and society at large, through decongestion, reduced pollution, lower accident rates, improved productivity and the stand-by value of bus

Challenges

The headline economic data summarised below indicates that for a sub region of its scale and demographic composition, and despite its strengths and assets, West Yorkshire is not punching at its weight and is falling behind.

1. Growth

In recent years, West Yorkshire's economic growth has outpaced that seen in all other core city LEP areas, with the exception of Greater Birmingham & Solihull, at an average of 3.5%. Despite this, average annual growth has remained below UK levels since 2012. In the years preceding the recession, its GVA growth rate of 4.6% was below the national average, and lower than other northern core city LEP areas.

Within the area, GVA growth was at, or above, national levels in only Leeds and Calderdale prior to the financial crisis of 2008, though across West Yorkshire as a whole growth was a little below the national average. This gap has widened since the recession, with growth averaging 2.8% per year since 2009 compared to 3.3% nationally. Wakefield has seen growth outpace UK levels over that period, however.

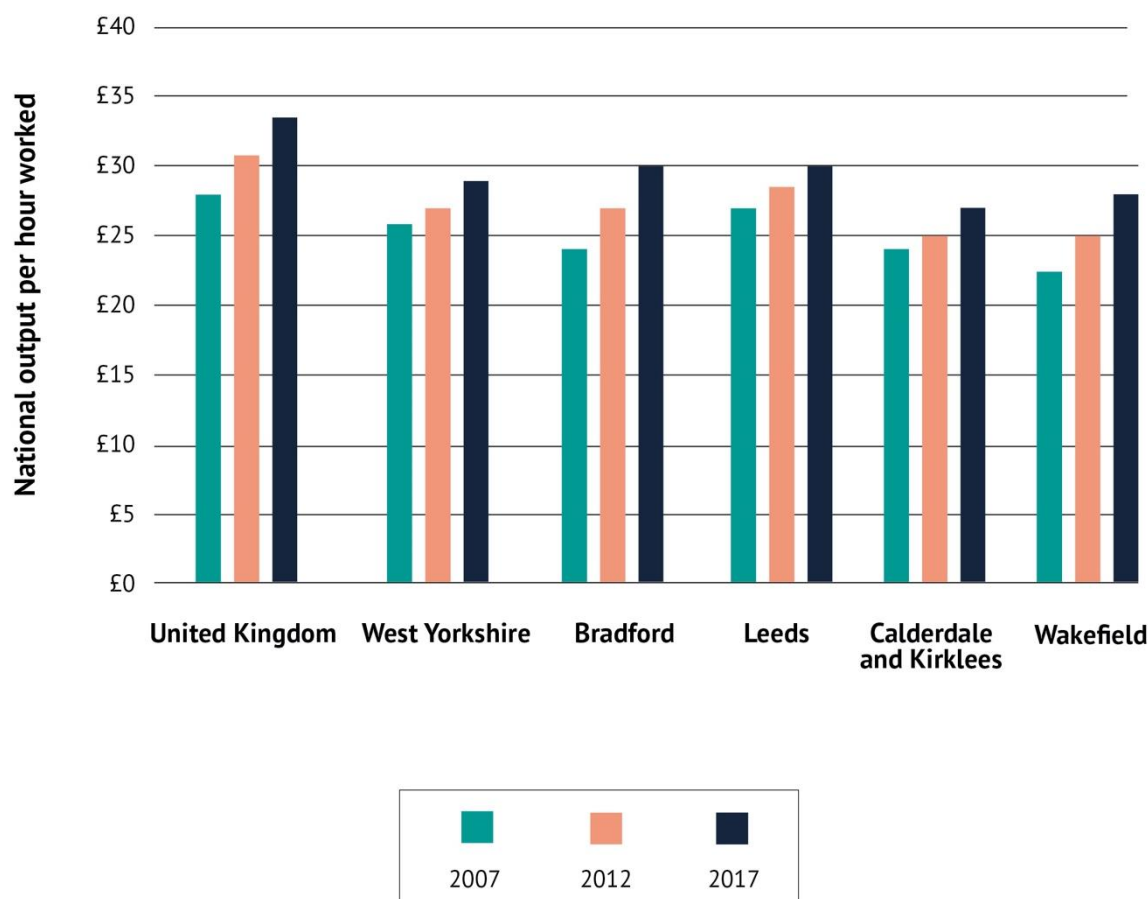
Area	GVA (£m), 2017	Compound annual growth rate, 2000-8	Compound annual growth rate, 2009-17	Share of West Yorkshire GVA
Bradford	10,031	4.0%	2.3%	18.9%
Calderdale	4,774	4.9%	3.3%	9.0%
Kirklees	7,650	3.6%	3.0%	14.4%
Leeds	23,252	5.4%	2.7%	43.8%
Wakefield	7,326	4.0%	3.5%	13.8%
West Yorkshire	53,033	4.6%	2.8%	-
England	1,562,694	4.9%	3.5%	-
UK	1,819,754	4.9%	3.3%	-

2. Productivity

Whilst UK productivity growth has been below trend since the recession, local productivity has persistently lagged behind UK levels. In 2008, output per hour in West Yorkshire was £25.65, about 89.6% of UK output. In 2017, output per hour in West Yorkshire had risen to £29.29, though is just 87% of UK levels. In value added terms, if productivity in West Yorkshire matched UK levels the economy would be £7.9 billion larger.

Although in absolute terms productivity is increasing in all parts of West Yorkshire, all areas have productivity levels below the UK average. In Leeds and Bradford it is now close to 90% of the UK average, but this falls to around 83% elsewhere in the area.

A range of factors influence this relative productivity underperformance. ONS research suggests that West Yorkshire has a higher proportion of firms with relatively low productivity compared to the country as a whole, and London in particular. This creates a long tail of underproductive firms.



Source: Office for National Statistics, 2019

3. Diversity and Inclusion

18.2% of the population are Black, Asian, Minority Ethnic (BAME), compared to 14.6% in England. One in nine (11%) business owners/directors is from a minority background in West Yorkshire. Whilst this is similar to England as a whole, the region has a higher share of business

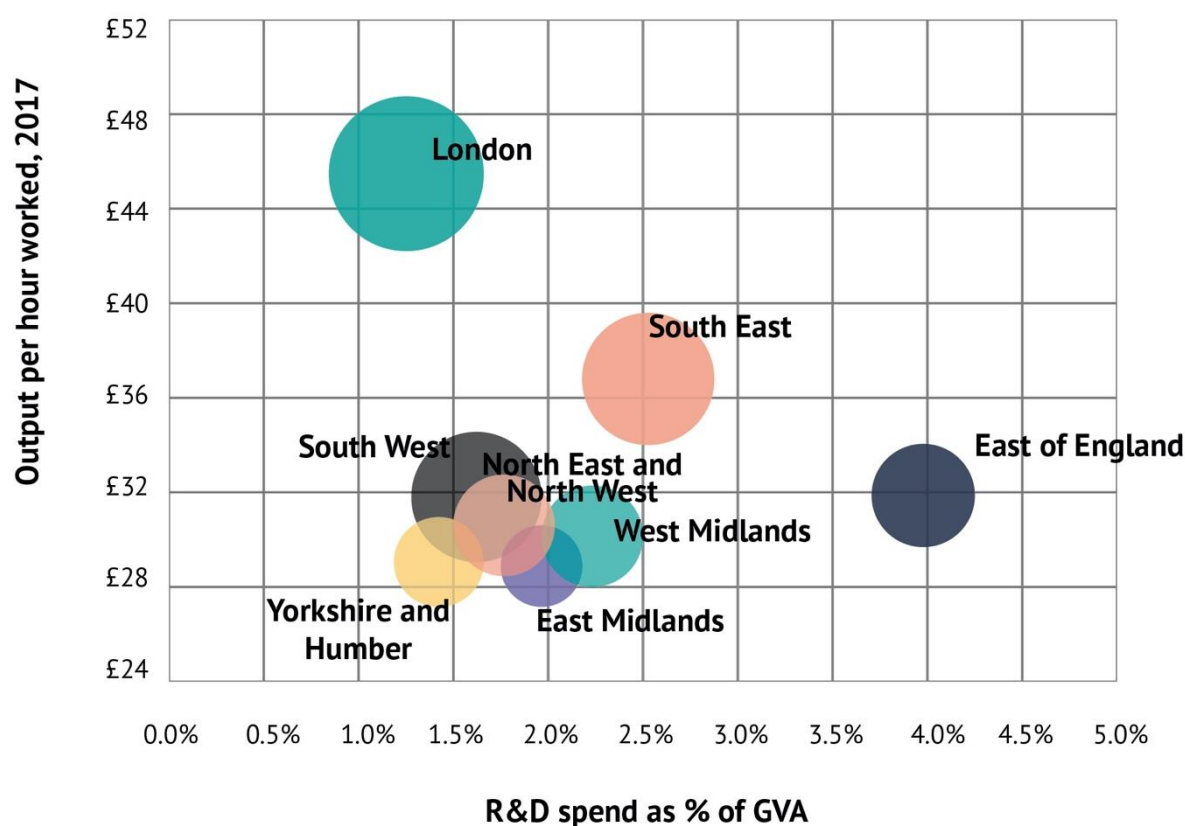
leaders from Asian backgrounds (8.7% compared to 6.8%). This is particularly true in Bradford and Kirklees, where 17% and 10% respectively of businesses owners are Asian.

The proportion of business leaders from ethnic minority backgrounds is therefore lower than the share of all workers from those backgrounds. Whilst this is true in most similar LEP areas, it does suggest that people from such backgrounds are under-represented in senior business positions.

A number of additional inclusion and deprivation related issues are identified in the Place challenge below.

4. Innovation

The national industrial strategy sets out the ambition for the UK to spend 2.4% of GDP on research and development (R&D). Although the 2014 Research Excellence Framework (REF) identified 23% of West Yorkshire HEI research as world leading, and 42% as internationally excellent, Yorkshire & Humber as a whole spends only 1.4% of GVA on R&D - less than any other English region. This is economically significant, and the chart below shows the generally positive correlation between R&D spend and productivity, though London is an outlier in this regard.



Source: *Gross Expenditure on R&D, 2017 Office for National Statistics, 2019*

5. Trade

The Yorkshire & Humber region accounts for 7.7% of UK goods exported in 2018, broadly in line with its 7% share of UK businesses. However, whilst the number of exporters has increased by 25% since 2013, it has remained relatively stable since 2016.

On average, Yorkshire & Humber goods exporters exported goods worth £1.49m in 2018, up from 1.25m in 2016. However, the value of goods exports per exporter remains lower than in other English regions other than London.

In total, West Yorkshire exported goods worth £6.17 billion in 2018. 10.6% of West Yorkshire goods went to the US compared to 15% across other core city areas and over 20% in the West Midlands. West Yorkshire is similarly underexposed to other key markets such as China, Germany and Singapore, though has a higher share of trade with Ireland and Canada.

6. Place

More than one in five people living in West Yorkshire (22% or almost 517k) live in areas defined as being amongst the most deprived 10% in England, and within the region there is considerable spatial variation. Relative levels of deprivation - and wider place-based challenges - in West Yorkshire have increased in recent years, which can be characterised as follows:

- 13% of West Yorkshire households are in fuel poverty.
- People born in Yorkshire & the Humber have significantly shorter life expectancies at birth compared to England average. The social gradient in life expectancy is steeper in Yorkshire & the Humber; people who live in more deprived neighbourhoods have shorter lives than those in less deprived areas and the difference is more pronounced here compared to the England average.
- West Yorkshire contains 162km of canals and 734km of statutory main rivers. 17k residential properties in West Yorkshire face a 1 in 100 year flood risk (Flood Zone 3) and a further 17,000 properties are in an area with a 1 in 1,000 year risk. Over 5,000 businesses are located in Flood Zone 3 with an additional 5,000 located in Flood Zone 2.
- Between 2001 and 2011, West Yorkshire (similar to national trends) has seen a decrease in the proportion of owned (outright & mortgage) and social rented properties, and near 5.2% increase in the number of privately rented properties.
- Housing sales in West Yorkshire are still recovering from the 2008/09 recession and prices in the areas lag behind the England average (£160,000 vs £240,000) - although this is skewed by the high prices in London and the South-East - and over the last 20 years the gap between house prices in Yorkshire and the Humber and England has widened. Locally there is considerable spatial variation in average house prices, and house price growth, even at sub-district level. These factors correlate with deprivation, which in turn means inequality of the wealth effect.
- Rates of active travel (walking and cycling) - important for public health, quality of life, the environment, and with implications for productivity - are lower than the England average.
- Gross median hourly pay for full-time jobs in West Yorkshire is 92% of the national average. All districts in West Yorkshire pay below the England average. The figure for Leeds is close to parity (96% of the national average) with the remaining districts occupying a fairly consistent level at 88 to 89% of the national average.
- 24% of jobs in West Yorkshire pay less than the Living Wage Foundation's Living Wage rate, which is intended to reflect the level of pay people need to get by. In contrast, for Oxfordshire LEP it is 13%. The largest number of low-paid people is in Leeds but Kirklees and Wakefield have higher proportions of low-paid people.
- West Yorkshire has more than its fair share of skills-based deprivation. Based on the Index of Multiple Deprivation 2019, 22% of neighbourhoods in the region are among the 10% most deprived nationally in relation to skills, with Bradford (33%), and Wakefield

(28%) the worst affected. However, all districts have more than their fair share of skills deprivation

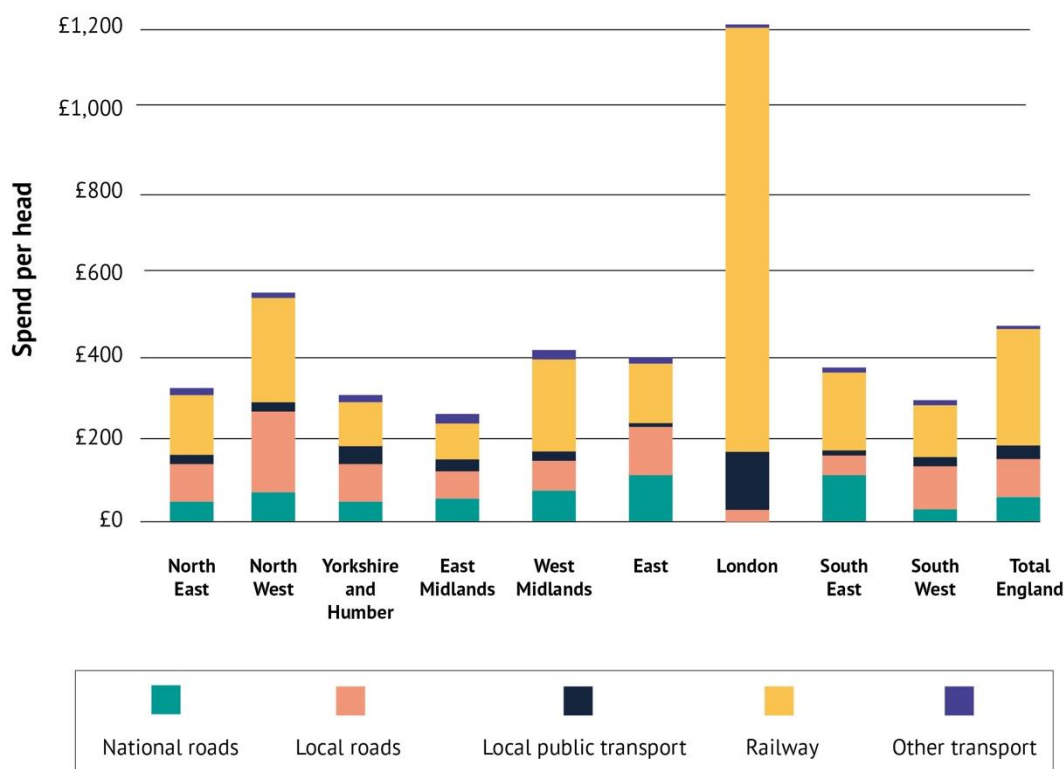
7. People

- West Yorkshire generally performs poorly in terms of skills supply - the proportion qualified at level 4 and above is 6 points lower than the national average – 33% of people aged 16-64 are qualified to NVQ4+ locally, compared to 39% nationally. Meanwhile the proportion qualified below level 2 is 5 points higher (27% in West Yorkshire and 22% nationally).
- The qualification profile at district level is quite disparate within West Yorkshire. For example, only 25% of the population in Wakefield is qualified to level 4. In Bradford there are significantly more people qualified below level 2 than qualified at level 4 and above. Leeds and Calderdale perform significantly better. The proportion of people qualified at level 4+ in Leeds is 13 points higher than in Wakefield. Nonetheless, all districts underperform against the national average on higher level qualifications. This helps explain why despite the area having a large HE sector, the extent to which it currently addresses local skills needs is limited, with graduate retention rates low relative to some comparable areas.
- The area has seen a strong recent improvement in its labour market performance but still has a significant number of people who are excluded from the labour market, with disadvantaged groups most at risk: employment in manual roles (semi-skilled operatives, labourers) saw decline in recession and also shows signs of further contraction following a period of recovery.
- Although West Yorkshire has a deficit of higher skilled employment, recent employment growth has nonetheless been driven by expansion of higher skilled occupations: the number of people employed in these roles has grown by 98,000, or 28%, over the last 15 years, four times the overall rate of employment growth.
- 44% of people working in the region are employed in higher skilled roles, versus a national average of 48%. Only in Leeds is the skills profile similar to the national average. Employment in professional roles is particularly low at 20% of the total compared with national average of 23%. Employment in middle-skilled, service-intensive and manual roles are all proportionately higher in the region than nationally.

8. Infrastructure

- Low levels of public sector investment have left the supply of infrastructure lagging behind what is needed to support a world-leading economy. For example, transport investment totalled £315 per head in Yorkshire & Humber in 2017/18, below the average for England of £475. This is skewed by London (£1,019 per head), but only the East Midlands had lower investment levels than Yorkshire & Humber.

**Transport investment per head-
English regions, 2017-18**



Source: *Country and Regional Analysis, HM Treasury, 2018*

- The volume of traffic is increasing and infrastructure improvements are not keeping pace which means congestion continues to be a problem (with longer journey times and reduced averaged speeds). This has both economic and environmental impacts; it disrupts or delays the movement of people and goods, and it contributes to increased pollution and carbon emissions.
- Public transport is a key opportunity to reduce congestion, however only around 1 in 10 residents of West and North Yorkshire commute by bus, and bus passenger journeys in the area have declined by 13% since 2009/10. This trend is similar for other regions outside London, except the South East and South West. One reason for the decline in bus usage is the reduction in services. The number of bus miles operated in the Yorkshire and Humber Region has reduced by 14% between 2009/10 and 2017/18. This is one and a half times the England average.
- Almost 1 in 5 residents of West Yorkshire live within 1km of one of the area's 69 rail stations, however data from the last census revealed that rail's modal share of commuters is just 4% (less than the national average). Rail use, both nationally and locally is growing, despite recent poor performance indicators (Transport Focus survey results).

reveal that passengers perceptions of rail journeys, stations, and services in West Yorkshire are below average for similar metropolitan areas). Station usage data reveals that growth has been less strong in West Yorkshire compared to England overall. Leeds station accounts for 43% of all station entries and exits in West Yorkshire.

- Access to Superfast Broadband falls to 69% in the 20% most deprived areas and only 3% of properties have access to Full Fibre Broadband (FFBB). Access to FFBB improves as the deprivation decile improves with 7% of properties in the 5th decile and above being connected.

Understanding current governance arrangements

The Combined Authority and the LEP work in partnership with one another - and with local councils and business - to seek to ensure everyone in our region benefits from a strong, successful economy and a modern accessible transport network. These ambitions will be driven by a forthcoming Local Industrial Strategy and Strategic Economic Framework which will capture and align economic policy making across the city region.

Combined Authorities, LEPs and PCCs

(a) Combined Authorities

Because the geographic areas covered by functional economic market areas (illustrated by, for example, travel to work areas) are typically significantly larger than the areas of individual local authorities, there is considered likely to be scope for improvements to be made to the exercise of some statutory functions and economic outcomes through joint decision making and close co-ordination of delivery activity across these economic areas.

All combined authorities are statutory 'bodies corporate' with legal personality and exercise functions as set out in orders and primary legislation. CAs may be made as either non-mayoral or mayoral – the mayoral variant has a directly elected mayor that personally exercises and/or delegates specific ("mayoral") functions, in addition to being a voting member, and Chair, of the Combined Authority.

The constituent district authorities need not cede any of their functions to their combined authority, although they may choose to do so, or to share appropriate functions with the combined authority, where this would demonstrably improve the exercise of those functions. The combined authority model provides a way to take on powers and funding which would otherwise be managed from Whitehall.

The combined authority model therefore allows groups of relevant authorities to work closely together on a voluntary basis to create a strategic economic framework and policies to deliver, for example, improvements in transport and other infrastructure across their sub-regions and economic investment activity. It is intended to support improved strategic decision making and leadership on these and other issues.

As a combined authority has a separate legal identity from its constituent authorities it is able to hold budgets, employ staff and enter into contracts (e.g. to act as accountable body for funding distributed by government) and, in the case of West Yorkshire Combined Authority, to collaborate with local authorities within the wider Leeds City Region functional economy. The activities of a combined authority are governed by its members, a majority of whom must be elected members of the constituent local authorities, ensuring its local democratic mandate. A combined authority makes the delivery of strategic decisions more streamlined and efficient, e.g. by removing the requirement for each district authority to ratify the same decision separately.

(b) LEPs

From 2011, local enterprise partnerships (LEPs) were established as a public-private sector partnership. There are 38 LEPs across England. They are business led partnerships between local authorities and local private sector businesses. Each is tasked to play a central role in

determining local economic priorities and undertaking activities to drive economic growth and job creation, improve infrastructure and raise workforce skills within the local area. LEP boards are led by a business Chair and board members are local leaders of industry, educational institutions and the public and third sectors.

(c) Police and Crime Commissioners

PCCs were elected for the second time in May 2016 in 40 force areas across England and Wales. Every force area, including West Yorkshire, is represented by a PCC, except Greater Manchester and London, where PCC responsibilities lie with the Mayor.

The PCC does not run operational policing, that is the role of the Chief Constable; the role of the Commissioner is to be the voice of the people for the area, hold the police to account, set the policing budget and produce a Police and Crime Plan for the area.

Under the terms of the Police Reform and Social Responsibility Act 2011, PCCs will:

- appoint (and will be able to dismiss) the Chief Constable. The Chief Constable will appoint all other officers within the Force;
- set out a five-year police and crime plan (the Plan), although it may be refreshed each year and may be fully revised at the Commissioner's discretion;
- determine local policing priorities, publish the plan, set a local precept and set the annual Force budget (including contingency reserves) in consultation with the Chief Constable. The Plan will need to take account of national policing challenges, set out in the national 'Strategic Policing Requirement';
- receive the policing grant from the Home Office, various grants from the Ministry for Housing Communities and Local Government and the local precept (as well as any other funding streams);
- commission policing services from the Chief Constable (or other providers - in consultation with the Chief Constable). These services shall be set out in the Plan where the Commissioner's objectives and funding will be publicly disclosed;
- publish the Plan, which will remain a public document, including any updates or amendments made, during the five-year period;
- publish an annual report at the end of the financial year, which will set out progress made by the Commissioner against the objectives set out in the Plan;
- publish annual financial accounts alongside the annual report, including showing how resources were used to address priorities and how value for money was secured;
- have a general duty to regularly consult and involve the public and have regard to the local authority priorities; and
- be able to require a report from the Chief Constable at any time about the execution of their functions

West Yorkshire Combined Authority

The 2013 Review of West Yorkshire governance arrangements relating to transport, economic development and regeneration concluded that West Yorkshire Integrated Transport Authority and West Yorkshire Passenger Transport Executive should be abolished and a combined authority for the area created, both as the best option for the area going forward in terms of delivering the 2012 City Deal, and because it would be likely to improve:

- the exercise of statutory functions relating to economic development, regeneration and transport in the area;
- the effectiveness and efficiency of transport; and
- the economic conditions in the area.

In making the order to create the Combined Authority, the Secretary of State also had regard to the need to: secure more effective and convenient local government for the area; and to reflect the identities and interests of the area's local communities. On that basis, West Yorkshire Combined Authority was created in April 2014. Membership is comprised of elected members of the West Yorkshire partner councils of Bradford, Calderdale, Kirklees, Leeds and Wakefield, plus York and the Chair of the LEP. Voting members are: five elected members, one appointed by each of the five constituent West Yorkshire councils, and three elected members agreed by the constituent councils to reflect the balance of political parties across the Combined Authority area.

In addition there is: an elected member appointed by City of York Council (which is a non-constituent member of the Combined Authority) and the Chair of the LEP (these members are non-voting except where the Combined Authority has resolved to give them a vote on any issues).

Currently, West Yorkshire has a non-mayoral combined authority. The West Yorkshire Devolution Deal commits, subject to a statutory review, to the Combined Authority being made Mayoral with a directly elected Mayor to be elected by the voters of West Yorkshire by May 2021.

Supporting structures

The work of the Combined Authority (and the LEP) is supported through an integrated officer body and various Committees and advisory panels (comprising council members and private, other public, and third sector representation) including:

- Transport Committee, with supporting joint and district consultation sub-committees;
- West Yorkshire and York Investment Committee;
- Overview and Scrutiny and Governance and Audit Committees; and
- Advisory Panels: Business, Innovation and Growth; Employment and Skills; Green Economy; Inclusive Growth and Public Policy; and Place.

Functions

The Combined Authority exercises a combined range of specific statutory duties, powers and functions for economic development & regeneration and transport.

It works closely with the LEP to develop, shape and deliver policies that meet the needs of employers in the region, and this is enabled through the General Power of Competence which the Combined Authority exercises in respect of promoting economic development and regeneration.

The Combined Authority is the statutory body created under the Transport Act 1968 to secure public transport services and facilities required for the sub region. The five District authorities currently exercise local highways functions, including highways maintenance and traffic management. Under the Transport Act 1985, the Combined Authority is also responsible for procuring public passenger transport services following the de-regulation of the bus market. The Combined Authority has a duty as the Local Transport Authority to 'secure or promote the provision of a system of public transport which meets the needs of the area' and delivers public

services to the people of West Yorkshire via the Metro branded network of bus stations, travel centres and public transport information.

Amongst its other transport duties, the Combined Authority also:

- prepares the Statutory Local Transport Plan for the area, and other related plans and strategies (including for bus, rail and freight) and manages the local transport allocation from Department for Transport
- is responsible for administering the English National Concessionary Travel Scheme for subsidising public transport;
- is party to rail franchise agreements;
- is responsible for reviewing rail passenger services and advising Department for Transport under the Railways Acts.

Combined Authority transport functions are funded by:

- the transport levy placed on the District Authorities
- Department for Transport rail and other grants
- Devolved funds, e.g. Department for Transport major scheme grant funds, Growth Deal funding (until 2021), West Yorkshire+ Transport Fund gainshare funding (post 2021), enabling significant delivery including:
 - an additional 2,000 park and ride spaces at 14 West Yorkshire rail stations bringing the total to around 7,000, encouraging rail use and reducing car journeys into our town and city centres
 - rail stations at Apperley Bridge, Kirkstall Forge and Low Moor, opened with almost £27 million of investment from the Combined Authority, and which people used to make almost ¾ million journeys in 2018/19.
 - £60 million of investment in cycling and walking schemes across the region over the past five years. 67km of new and improved cycling and walking with more than 2.3 million trips made on the infrastructure to date.
 - £79 million invested in building eight new college facilities and refurbishing two further facilities, expected to deliver a £600m impact over the next five years
 - £45 million from the Growth Deal invested into creating ten Enterprise Zone sites across the Leeds City Region deliver over 1.5 million square feet of new commercial space
 - £4 million invested into creating a district heat network in Leeds City Centre providing low cost, low carbon heating to almost 2,000 homes as well as a number of businesses

Leeds City Region LEP

In 2011, the LEP was established as one of the first in the country as a public-private sector partnership.

The LEP brings together business and council leaders to ensure that services and investment are well co-ordinated across the City Region and support businesses to grow, eg through the Growing Places Fund, Inward Investment, Skills, Low Carbon and Inclusive Growth.

From March 2020, in order to comply with Government's requirement that LEP areas can no longer be partly overlapping, the geography of the LEP was changed to cover the West Yorkshire

district areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield only and membership of the LEP Board now reflects that change whilst continuing to be known as Leeds City Region LEP.

West Yorkshire PCC

The West Yorkshire PCC was first elected in 2012 and again 2016 and his term of office is now due to end in May 2021 following the cancellation of the May 2020 elections. The PCC is supported by a Deputy PCC and an Office of the PCC (OPCC). The OPCC employs a number of statutory and core staff in addition to other staff that support wider service provision under the direction and control of the PCC.

The West Yorkshire Police and Crime Plan 2016-21 is built around delivering the following four key outcomes:

- tackle crime and anti-social behaviour;
- safeguard vulnerable people;
- make sure criminal justice works for communities; and
- support victims and witnesses.

The Plan also sets out 16 priorities for the OPCC, West Yorkshire Police and partners, identified by people and partners from across West Yorkshire through the consultation exercise 'Your Plan, Your Priorities'. The Plan priorities are shown in the following table:

Burglary	Domestic Abuse	Human Trafficking and Modern Slavery	Radicalisation
Child Sexual Abuse	Drugs and Alcohol Misuse	Major Threats	Road Safety
Community Cohesion	Hate Crime	Mental Health	Sexual Abuse
Cyber Crime	"Honour" Based Violence	Missing People	Strategic Policing Requirement

Case for change

The Combined Authority arrangements within West Yorkshire provide a framework for collaboration that is currently limited to economic development and transport, and available funding streams which are similarly constrained. West Yorkshire authorities have undertaken an assessment of the opportunities and challenges existing across the region demonstrating that access to a broader range of powers and devolved funding is needed to achieve the area's full growth potential.

The 'minded-to' West Yorkshire devolution deal

Government and West Yorkshire authorities have agreed an ambitious 'minded-to' devolution deal that will provide the area with significant new powers and funding to increase opportunities and living standards through inclusive growth and productivity improvements. The content of this deal expands on the model seen in other areas with a clear focus on clean and inclusive growth and driving increased productivity.

The deal is described as 'minded-to' as the proposals are subject to formal consent by the individual councils and parliamentary approval of the relevant legislation to implement the proposals over the coming months.

Governance

The economic and social challenges facing the region need to be addressed and opportunities maximised if the area is to grow and prosper. The powers and funding available through existing membership of the Combined Authority do not provide sufficient scope to tackle the key long-term, entrenched issues facing the West Yorkshire identified above in relation to growth, productivity, diversity and inclusion, innovation, trade, place, people and infrastructure. There is strong evidence that strengthened governance arrangements in the West Yorkshire area, with additional powers and funding, will deliver significant economic outcomes locally and improve the contribution of the area to the Northern Powerhouse and national economy.

For example, a compelling headline case for governance reform in the City Region has been made by the OECD³ which recognises that: "Institutional factors are crucial in ensuring successful consultation and co-ordinating among stakeholders within regions, with other regions and central government...thus, governance matters."

The OECD further concluded that in Leeds City Region - which was seen to be particularly affected by its polycentricity, geographic dispersion, and institutional complexity - it was challenging to generate effective communication, strong co-ordination and a shared sense of purpose in response to the challenges it then faced. Therefore, it was recommended that the City Region would benefit from strengthened and more established regional governance arrangements.

Moreover, the West Yorkshire authorities have an opportunity through the 'minded-to' devolution deal to take on a greater level of local control and responsibility for a number of key drivers of economic growth with an unprecedented range of additional powers and funding. This opportunity does not exist within the existing the Combined Authority arrangements as Government has been clear that strong, accountable governance exercised through a mayoral combined authority is an essential prerequisite of any further devolution of powers and functions to a city region.

³ Promoting Growth in All Regions, OECD, 2012

Under the terms of the deal a Mayoral West Yorkshire Combined Authority with a new directly elected mayor for the area will provide a stable and directly accountable platform for devolution of resources and a wider range of powers from central government. The MCA will exercise a broader range of functions as detailed below, with the Mayor exercising certain powers with personal accountability to the electorate, devolved from central Government and set out in legislation. The Mayor may choose to delegate function(s) to members of the Combined Authority. No constituent council functions will be removed from those councils.

The Mayor will chair Combined Authority meetings within which each of the five constituent authorities will appoint one member. Three elected members will continue to be agreed by the constituent councils to reflect the balance of political parties across the Combined Authority area.

The MCA will be able to explore opportunities for further collaboration with its neighbouring councils, including Harrogate, Craven, Selby, York and North Yorkshire County Council, and across the whole of Yorkshire through the Yorkshire Leaders Board. York will remain as a non-constituent member and the Mayoral Combined Authority may invite representatives from other partner councils to attend (and speak) at any Mayoral Combined Authority meeting

The relationship with business is integral to the proposed arrangements, with the LEP represented on the Combined Authority through a non-voting member, and the Mayor represented on the LEP Board.

It is anticipated that decision making will generally be by way of consensus and with clear voting arrangements set out in the constitution for the occasions where it is not possible for all constituent members to agree.

In addition, for the following decisions, the majority of members must include the consent of three of the five members for the constituent councils (but not that of the three additional constituent council members appointed for political balance):

- Approving the Combined Authority's budget (excluding decisions which relate to the Mayor's budget); and
- Setting a levy.

The Mayor will be required to consult the Combined Authority on Mayoral strategies, and this will be subject to the following specific conditions:

- The spatial development strategy will require the consent of the members of each of the five constituent councils (but not that of the three additional constituent council members appointed for political balance);
- The Combined Authority will be able to amend the Mayor's budget if five eighths of the members agree to do so; and
- The Combined Authority will be able to amend the Mayor's transport strategy if a majority of members agree to do so.

The following decisions by the Mayor will require the consent of the Combined Authority member (but not the member appointed for political balance), or substitute member acting in that member's place, appointed by the constituent council in whose area the decision will apply:

- the designation of any area of land as a Mayoral development area leading to the establishment, by order, of a Corporation (the consent of the relevant national park authority is also required if the land falls within the designated national park area);
- the compulsory purchase of land or buildings by the Mayor;

- any decision that could lead to a financial liability falling directly upon that constituent council; and
- such other matters as may be contained in the Combined Authority constitution and agreed with the Mayor.

The Mayor and the Combined Authority will be scrutinised and held to account by the Combined Authority's Overview and Scrutiny and Governance and Audit Committees. The arrangements currently established for the Combined Authority will be retained, subject to any amendments required to reflect the introduction of the Mayor and any new statutory provisions. The Mayor and the Combined Authority may also seek to enhance scrutiny and develop wider conference with all elected members in the Combined Authority's area to engage on key issues.

Functions

The deal specifies that the new MCA would continue to exercise the range of current Combined Authority functions in relation to economic development regeneration and transport - outlined elsewhere in this review (save for the Mayor taking responsibility for preparing the transport plan and strategies).

The new MCA and Mayor would exercise distinct new functions. These would be devolved from central Government and set out in legislation and draw down from Whitehall significant new funding streams. No transfer would be required of statutory responsibility from local authorities to the MCA or Mayor as a result of the deal.

The various powers in scope, and their rationale, are considered in the grid below and encompass a broad set of ambitions covering:

- Finance and Investment
- Transport
- Skills and Employment
- Innovation
- Trade and Regional Business Support
- Housing and Planning
- Culture Heritage and Digital
- Climate, flooding and the environment
- Public Service Reform

Functions – Finance and Investment	Economic Challenge Addressed	Rationale
<p>Power for the Mayor to:</p> <ul style="list-style-type: none"> charge business rate supplement (subject to ballot); and set a precept on council tax to fund Mayoral functions <p>Power for the Combined Authority to borrow up to an agreed cap for non-transport functions</p>	1,2,3,4,5,6,7,8	<p>The Mayoral Combined Authority will be able to utilise the new functions (and existing Combined Authority powers and devolved funding, eg borrowing for transport functions) in relation to charging a business rates supplement and borrowing powers to create a fully devolved, flexible single pot to be named the West Yorkshire Investment Fund (WYIF), covering all devolved budgets, and in line with an agreed assurance framework to ensure that all funded interventions are aligned to the balanced economic outcomes for the area. This will transform the region's capacity to drive its ambitions of faster, more inclusive and greener growth and delivery of a 21st century transport system. The WYIF would comprise a number of devolved income streams, including from the following funds agreed in the deal:</p> <ul style="list-style-type: none"> £38m per annum to the Combined Authority for 30 years (25% capital and 75% revenue), to capitalise the WYIF, subject to five-yearly gateway assessments to confirm that the investment has contributed to economic growth; The Combined Authority will be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives; Combined Authority powers to borrow (within limits agreed with HMT) for its new functions will allow the Combined Authority to invest in economically productive infrastructure; Powers to raise a Strategic Infrastructure Tariff would enable the Combined Authority to raise funding for strategic infrastructure and would operate alongside any local forms of developer contributions; and Mayoral power to introduce a supplement on business rates for expenditure on a project or projects that will promote economic development in the area, subject to a ballot of affected businesses. Flood risk management schemes worth at least £101m will be taken forward in West Yorkshire over the course of the six-year programme, as a result of the announcement by the Chancellor at Budget of a £5.2bn envelope; and A £25 million Heritage Fund to support the British Library in establishing a potential 'British Library North'. In addition, the Mayoral power to set a precept on local council tax bills would help pay for the Mayor's work (and no other Combined Authority functions). A precept would offer greater transparency to West Yorkshire residents in relation to the funding of Mayoral functions.

Functions - Transport	Economic Challenge Addressed	Rationale
<p>Power for the Mayor to:</p> <ul style="list-style-type: none"> draw up a local transport plan and strategies request local regulations requiring large fuel retailers to provide Electric Vehicle charging points implement bus franchising in the area; and pay grants to bus service operators <p>Combined Authority transport powers to set up and coordinate a Key Route Network (KRN) on behalf of the Mayor, along with:</p> <ul style="list-style-type: none"> powers to collect contributions from utility companies for diversionary works needed as a result of highways works carried out on the Key Route Network; and powers to operate a permit scheme designed to control the carrying out of works on the Key Route Network 	2,6,8	<ul style="list-style-type: none"> The additional powers devolved to the Mayoral Combined Authority will unlock the devolution of the following transport related funds and funding flexibilities: A consolidated local transport budget, devolved to the Mayor, including all relevant devolved highways funding, starting with a five-year, integrated transport settlement beginning in 2022/23 from a wider £4.2bn envelope. £317m to the Combined Authority from the Transforming Cities Fund to deliver the projects included in the Leeds City Region bid; to take forward the next stage of development of the Outline Business Case for the redevelopment of Leeds station, subject to endorsement of the current business case, which will deliver improvements both in track and services and in the station's accessibility and environment; and up to £500,000 to support Bradford's master planning work to explore the regeneration opportunities of potential NPR services. <p>In addition to the ability to pay grants to bus service operators, access to franchising powers under the Bus Services Act 2017 will provide the opportunity for the Mayor to specify bus services in West Yorkshire as part of an integrated local transport system and help to facilitate the delivery of smart, simple integrated ticketing across the city region.</p> <p>Through the Automated and Electric Vehicles Act, the Mayor's power to request from the Secretary of State local regulations requiring large fuel retailers to provide Electric Vehicle charging points within the Combined Authority area will be beneficial in terms of promoting lower carbon transport modes.</p> <p>The establishment of a statutory Key Route Network (KRN) would build on existing local arrangements to enable better collaborative decision-making on major strategic transport issues. The identified KRN will be collaboratively managed at the West Yorkshire level by the respective local highway authorities in partnership with the Combined Authority on behalf of the Mayor (who would be responsible for the overall coordination of the collaborative arrangements). There will be no transfer of statutory responsibility for such roads from the existing highway authorities. Responsibility for resourcing maintenance and operational management of the network would remain the responsibility of the respective local highway authorities.</p>

Functions - Economic development and Skills	Economic Challenge Addressed	Rationale
<ul style="list-style-type: none"> • Mayor to have the functional power of competence • Combined Authority duty to prepare an assessment of economic conditions • Combined Authority adult education and skills functions 	2,3,7	<p>The Mayor will not have the general power of competence, however the Mayor will have, as an ancillary power, a functional power of competence which complements the Combined Authority's existing powers and enables the Mayoral CA to do things appropriate or incidental to, or connected with, the Mayor's and Combined Authority's functions. It will also aid the delivery of the comprehensive programme of collaboration with Government departments and national agencies which is envisaged in the deal, in order to build on West Yorkshire's economic strengths and assets and address its weaknesses, including in relation to: transport; skills and employment; innovation; trade and regional business support; housing and planning; culture, heritage and digital; climate, flooding and the environment; and public service reform (for example to explore the feasibility and opportunities around an 'Act Early' Health Institute).</p> <p>The Combined Authority's powers to prepare an assessment of economic conditions will underpin the pending Local Industrial Strategy and ensure that regional policy making is evidence based and takes account of current and emerging economic conditions, including for example in respect of providing business support.</p> <p>By devolving the annual Adult Education Budget and conferring the relevant powers on the Combined Authority, the provision of adult skills in West Yorkshire will be better aligned with locally determined priorities to ensure the skills system is demand led so that all our residents have the skills required to help businesses to grow, innovate and diversify. A workforce that has transferable and relevant skills is a prerequisite to delivering inclusive growth within the region.</p>

Functions - Housing and planning and regeneration	Economic Challenge Addressed	Rationale
<p>Mayoral powers:</p> <ul style="list-style-type: none"> statutory spatial planning powers to produce a West Yorkshire Spatial Development Strategy (SDS) - exercisable with the unanimous consent of the constituent authorities power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation (subject to the consent of the constituent council affected by the exercise of the function) housing and land acquisition powers to support housing, regeneration, infrastructure and community development and wellbeing. <p>Combined Authority housing and regeneration powers in relation to:</p> <ul style="list-style-type: none"> compulsory purchase (subject to the consent of the constituent council affected by the exercise of the function), plus provision of housing and land, land acquisition and disposal, and development and regeneration of land seeking consent to raise a Strategic Infrastructure Tariff 	6,7,8	<p>An SDS for West Yorkshire (supported by the proposed additional Mayoral and Combined Authority housing and development powers) would enable a common strategic vision for spatial planning across the area to be agreed and implemented, ensuring policy decisions are made more effective by reducing the impact of administrative boundaries. This enhanced coordination would also allow the individual local planning authorities to develop their individual local plans with a common base in evidence and strategy.</p> <p>SDSs in particular are considered effective in cementing this joint-working as the local plans of constituent members have to be in general conformity with them, whilst democratically accountable governance arrangements (such as requiring unanimous agreement from districts) can help ensure that the SDS is truly a common vision.</p> <p>The scope and preferred approach to developing any West Yorkshire SDS is a matter for local agreement, in line with the National Planning Policy Framework. Because the MCA would be given powers over other areas of strategic policy, such as strategic transport powers, an SDS could help ensure that there is a corresponding land-use policy tool to prevent coordination failure between land-use policy and these other policy areas.</p> <p>In the context of climate crisis, it is a regional SDS's ability to coordinate key strategic policies to tackle the pressing issues in a cross-boundary way that provides significant value added when compared to a local plan, including by providing strategic co-ordination on: energy policy; regeneration; renewal and retrofitting; modal shift; utilising broadband infrastructure; strategic waste management; flood risk management; developing and enhancing blue and green infrastructure; and ensuring policies deliver biodiversity net gains.</p> <p>In addition, £3.2m will be devolved to the MCA to support development of a pipeline of strategic housing sites across the region. Government will explore the potential for investment into housing propositions that emerge from development of this pipeline, including through the Brownfield Housing Fund, with a national £400m envelope, and future funding streams. If successful, this funding will support the Combined Authority in bringing more land into development for delivery of housing on brownfield sites beyond existing local plans.</p>

Functions – Police and Crime Commissioner (PCC)	Economic Challenge Addressed	Rationale
PCC functions to be exercised by the Mayor or the Mayor's appointed Deputy Mayor for Policing	3,6,7	<p>Would enable opportunities to be explored for efficiencies through wider strategic public service integration.</p> <p>Improved functional effectiveness by strengthening links such as between inclusive growth and community safety and cohesion, eg by diverting vulnerable people (for example care-leavers) away from the criminal justice system by ensuring they have a structured pathway towards personal wellbeing, relevant and transferable skills, and access to good work and building on West Yorkshire OPCC strategies around reducing reoffending and victims already developed and in place.</p>

Criteria

This section sets out the local and legislative criteria against which possible regional governance options are then considered.

Local requirements

- Add value to West Yorkshire's delivery of outcomes **through clear, transparent and accountable regional decision making**;
- **Enable control over additional funding and powers** which would otherwise be managed from Whitehall (such as in the current Devolution Deal, and future Deals);
- **Work more effectively in partnership** with others, such as:
 - with local authorities at West Yorkshire / Leeds City Region and Yorkshire level, e.g. in delivering a comprehensive approach to delivering faster, greener and more inclusive growth; and
 - across the North of England, for example on the Transport for the North agenda, including HS2, Northern Powerhouse Rail and rail franchising.
- Ensure strategic decisions eg on economic investment, planning and transport are made at the **most appropriate administrative level, and as locally as possible**; and
- **Enable efficiency savings to be realised**, either financial savings from devolved project and programme delivery, also co-ordination, time and transaction cost savings through reduced fragmentation of decision making and strategic planning.

Statutory tests

Section 112 of the 2009 Act provides that where one or more of the authorities which undertook the review conclude that the exercise of the power to make an order under S104 or 105 would be likely to improve the exercise of statutory functions in West Yorkshire, they may prepare and publish a scheme relating to the exercise of those functions. The Secretary of State may only make an order (under S104 or S105) if they also consider that to do so is likely to **improve the exercise of statutory functions** in the Combined Authority's area. In making any such order, the Secretary of State must have regard to the need:

- To secure **more effective and convenient local government** for the area; and
- To reflect the **identities and interests of our local communities**

Governance options

This Section examines the effectiveness of existing governance structures at the West Yorkshire level and considers their appropriateness against that of other possible governance models. An assessment of the following three options is provided below:

- Option 1 - Do nothing / business as usual
- Option 2 - Strengthen existing arrangements
- Option 3 – An MCA

Option 1 - Do nothing / business as usual

The (non-mayoral) combined authority model in West Yorkshire has demonstrated several strengths:

- Enabled the historic fragmentation of previous regional governance arrangements to be addressed by establishing a single, integrated regional authority bringing together statutory economic development and transport functions;
- Created the opportunity for various types of collaborative effort, including a stronger shared sense of strategic purpose between partners on the challenges of promoting faster, cleaner and more inclusive growth and the delivery of a 21st century transport system;
- Been able to effectively and efficiently discharge significant devolved powers and funding, including those agreed the 2012 City Deal, and to fulfil ambitions set out in the Leeds City Region Strategic Economic Plan (SEP) , such as proposals for a £1 billion West Yorkshire Plus Transport Fund; and has
- Provided a visible, stable and streamlined body corporate to which Government has been demonstrably confident in devolving significant further powers and funding, such as via the £1 billion 2014 Growth Deal, which would otherwise have been controlled by Whitehall.

The PCC model and West Yorkshire PCC have delivered various benefits:

- Provided stronger and more transparent local accountability of the police, e.g., the West Yorkshire PCC has been directly elected by the public to hold the Chief Constable to account, making the police answerable to the communities they serve.
- Ensuring community needs are met as effectively as possible and improving local relationships through building confidence and restoring trust, which is a key aspect of promoting social cohesion and maintaining public order.
- Working in partnership across a range of agencies at local and national level to ensure there is a unified approach to preventing and reducing crime, including sharing learning and best practice.

The following are however considered to be drawbacks of maintaining the status quo / business as usual:

- Foregoes co-ordination benefits of having strategic powers on skills, planning, housing, economic development transport within a single streamlined authority, and in some instances West Yorkshire may not be able to take forward strategic infrastructure schemes;
- Retaining existing separate Combined Authority and PCC governance arrangements potentially hinders further exploring opportunities for efficiencies and collaboration through more alignment and integration, e.g. in terms of links between inclusive growth and community cohesion.
- The powers and funding on offer through the West Yorkshire Devolution Deal are conditional upon the adoption of a directly elected Mayor.

Option 2 – Strengthen existing arrangements

Under this option, the existing non-mayoral Combined Authority would be further strengthened through the exercise of additional powers, duties and functions, including for example the following:

- Power to borrow up to an agreed cap for non-transport functions;
- Adult education and skills functions;
- Duty to prepare an assessment of economic conditions;
- Housing functions relating to compulsory purchase, plus provision of housing and land, land acquisition and disposal, and development and regeneration of land; and
- Ability to seek consent to raise a Strategic Infrastructure Tariff.

The above functions would need to be devolved to the Combined Authority via secondary legislation, and therefore would require Government (and local) approvals to make the relevant order. Moreover, a number of the functions are only meaningful if accompanied by devolved funds, for example the Adult Education Budget needs in practice to be devolved to the area to give effect to the related functions. There is however currently no evidence that Government is either likely to consent to the transfer of these additional functions to the Combined Authority or provide additional devolved funding in order to make these functions meaningful, outside of a Mayoral devolution deal.

Under this option, the benefits of promoting collaboration with - and potentially integrating the Combined Authority and PCC staffing structures - could be also explored, e.g., in order to seek to secure some overall efficiency savings. However, the main governance reform driver in terms of streamlining public decision-making arrangements would not be deliverable because the Combined Authority would first need to have in place a directly elected Mayor in order to take on and exercise PCC powers on an ex officio basis.

Option 3 - A Mayoral Combined Authority

This option would require the existing Combined Authority to become an MCA.

The adoption of an MCA model of governance with an elected Mayor for West Yorkshire will enable the area to unlock the additional benefits of the 'minded-to' devolution deal through the

additional powers and funding from government, as described above. An MCA is the government's preferred governance mechanism for the greater transfer of powers and funding, and in line with other devolution deals the West Yorkshire deal is dependent on adopting an MCA model of governance.

In addition to the Combined Authority's existing joint governance arrangements for key growth levers such as transport, skills, economic development and regeneration - which allow for strategic prioritisation across its area and integrated policy development - the following value is added from West Yorkshire moving to a mayoral combined authority model:

- the 30-year gainshare funding mechanism agreed in the deal provides the basis for the long term approach needed to address the long standing economic challenges facing the region, as well as building on the area's significant assets and strengths;
- an opportunity to draw together a range of devolved and other funding sources into a flexible West Yorkshire Investment Fund programme to enable a holistic approach to tackling shared priorities and driving growth;
- greater local accountability and decision-making power, working in partnership with the Government, constituent councils and the LEP;
- a unified and influential voice to strengthen conversations with government, national agencies and business leaders in the development of local growth policy, strategic interventions, securing a greater share of national resources and influencing national decision making;
- greater visibility and influence as part of the group of mayoral combined authorities with an increasing level of national influence and access to important initiatives only available to these authorities;
- alignment of decision-making at a strategic level across a broader range of statutory functions, including skills, planning, housing, economic development transport and under a coherent strategy, appraisal framework and investment programme;
- consistency in the governance arrangements for strategic transport and other infrastructure assets that span across a wider geography;
- an important role and voice across the Northern Powerhouse, by working with partners across the North of England to promote opportunities for pan-Northern collaboration, including the Yorkshire Leaders Board, Transport for the North and the NP11, to drive productivity and build the Northern Powerhouse;
- closer working across the wider public sector on integrating functions and services, including PCC powers, and providing innovative solutions to the challenges of reducing financial resources and new and improved ways of working; and
- a stable and accountable platform underpinned by statutory powers to access greater devolved powers and funding delegated from government as part of future deals to enable locally devised interventions.

Conclusions

To ensure the effective exercise of statutory functions across the area of West Yorkshire, adopting an MCA model of governance for the area (Option 3) is considered optimal. An MCA for the area offers greater flexibility and accountability, and moreover devolved powers and funding, than can be provided through either continuing with the existing arrangements (Option 1) or strengthening existing arrangements (Option 2).

The new MCA governance model, along with the additional devolved powers and funding resulting from the 'minded-to' deal, would better enable the area to pursue its objectives of promoting faster, more inclusive and cleaner growth and delivering a 21st century transport system.

It is therefore concluded that:

- current regional governance arrangements - based on a non-mayoral Combined Authority for West Yorkshire - do not represent the best model in terms of delivering the long-term ambitions of the authorities within the area for economic growth and delivery of public services;
- there is limited practical scope for the existing governance arrangements to be meaningfully strengthened, short of adopting a mayoral combined authority model;
- a change is required to enable the West Yorkshire authorities to pursue their economic policy agenda at greater pace, while continuing to collaborate with the wider Leeds City Region, Yorkshire and the North in pursuit of shared economic objectives;
- the statutory criteria for preparing and publishing a scheme are met, i.e., the making of an order under S104 and S105 to enable the adoption of an MCA model of governance for the area of West Yorkshire is the best option and will be likely to **improve the exercise of statutory functions in that area**;
- in addition, establishing an MCA model for West Yorkshire will:
 - **have a positive impact on the interests and identities of local communities** – these proposals build on established regional governance arrangements which cover a coherent functional economic area and which represent the views and interests of local communities ; and
 - **secure more effective and convenient local government** by reducing complexity and streamlining the delivery of public services within the area.

It is therefore proposed that a governance scheme is published (a draft scheme is included at Appendix A) that confirms:

- A mayoral combined authority should cover area of West Yorkshire;
- A West Yorkshire Mayor would be elected in May 2021;
- The Mayor would become a member of the Combined Authority, and chair meetings of the authority;
- Each constituent council will continue to appoint a member to the new mayoral combined authority, along with political representatives from opposition groups, and non-constituent members from the LEP and City of York Council would be appointed; and

- the Mayor and MCA will exercise specific statutory functions, and hold some powers concurrently with West Yorkshire local authorities. No functions are being removed from those councils. Where existing functions currently held by West Yorkshire local authorities are to be shared with the Mayor or the MCA, this must be agreed by the constituent councils.



Find out more

westyorks-ca.gov.uk

West Yorkshire Combined Authority

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All information correct at time of writing (May 20)

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West Yorkshire Devolution

Have your say

The consultation will run from 25th May 2020 to midnight on 19th July 2020

Background

On 11 March 2020, a 'minded to' [devolution deal](#) was agreed between HM Government in Westminster and the Leaders of the councils of West Yorkshire. Implementation of this deal is being done jointly between City of **Bradford** Metropolitan District Council, Borough Council of **Calderdale**, Council of the Borough of **Kirklees**, **Leeds** City Council and Council of the City of **Wakefield**, the West Yorkshire Combined Authority, and the Leeds City Region Enterprise Partnership (LEP).

Devolution is the transferring of money and functions from central Government, to enable decisions that are a priority for West Yorkshire to be made locally. These decisions can be made by a mayoral combined authority and Mayor, who is elected to serve local people, communities and businesses. In addition, there are functions held by both the mayoral combined authority and the councils of West Yorkshire.

The deal will provide a range of devolved functions and control and influence over at least £1.8bn of funding, most of which is new money to the area, to invest in our people, towns, cities and rural areas in infrastructure, skills, business, housing and regeneration, cultural and heritage assets.

Where the Mayor or the mayoral combined authority is given a function or power, this is called "conferring". You will see this word appear several times in this document.

Why are we proposing these changes?

Each council in West Yorkshire and the Combined Authority has carefully considered the 'minded to' devolution deal. In addition, a governance review was undertaken to look at the options, which concluded that establishing a mayoral combined authority model of governance for West Yorkshire would have a positive impact on the interests and identities of local communities.

The review also proposed that a scheme is published. The scheme is a document that sets out proposed changes to the role and functions of the Combined Authority. The scheme forms the basis for an order establishing the Combined Authority as a mayoral combined authority and is a key part of the process required by law to make changes to current arrangements. The scheme forms the basis of this consultation.

The full governance review and scheme are available at www.westyorks-ca.gov.uk/devolution. You may find it useful to read these documents, and the [deal](#) document itself, before responding to this consultation.

Where the Mayor or the mayoral combined authority is given a function or power, this is called "conferring". You will see this word appear several times in this document.

What we are consulting about?

Subject to the West Yorkshire devolution deal being implemented, work has begun to set out how it would support the economic and infrastructure development of the region in areas including transport, education and skills, planning and housing, and functions currently carried out by the Police and Crime Commissioner for West Yorkshire.

It is proposed that the five West Yorkshire councils will work with the Mayor to exercise these new functions through the mayoral combined authority.

It is proposed that the mayoral combined authority will continue to be called the West Yorkshire Combined Authority. The West Yorkshire Combined Authority will retain its current functions, and these will be complemented by the devolution deal.

Further information about what is included in the deal is available at www.westyorks-ca.gov.uk/devolution. We have also developed some frequently asked questions, which you may find useful to read.

Public consultation

We have set out the detail of how we propose that devolution will work in West Yorkshire and we want to know what you think. Our consultation is open from 25 May 2020 to midnight on 19 July 2020.

You can have your say by:

- Completing our online survey at www.yourvoice.westyorks-ca.gov.uk/wydevolution
- Completing this hard copy consultation document
- Emailing us at wyconsultation@ipsos-mori.com
- Writing to us using the freepost address (you don't need a stamp) **Freepost WY Devolution Consultation**
- Sharing your views by Twitter to @WestYorkshireCA using #WestYorksDevolution

You can ask us a question using the Question and Answer (Q&A) tool on our [Your Voice consultation website](#) if you have a question that isn't covered by the Frequently Asked Questions (FAQs) that appear on the website, or if you would like us to clarify any technical terms that appear in this survey. You can also contact us with queries using any of the contact details listed above.

We will be updating our FAQs throughout the consultation with any common questions received.

Accessibility and contact information

If you are unable to take part in one of the ways we have suggested, please call **0800 141 3657** or email wyconsultation@ipsos-mori.com and we will discuss the best way for you to participate. This may include making materials available in another format, such as large print, braille, or another language.

Next steps and decision making after the consultation has concluded

Following the close of the consultation on 19 July 2020, Ipsos MORI will independently compile a report on all the responses received. The report will be considered by City of **Bradford** Metropolitan District Council, Borough Council of **Calderdale**, Council of the Borough of **Kirklees**, **Leeds** City Council, Council of the City of **Wakefield** and the West Yorkshire Combined Authority. The Secretary of State will be sent a summary of the consultation responses and will take account of the views of the public when deciding to lay an order before parliament later in the year to make changes to the Combined Authority's current arrangements and functions.

How are you responding to this consultation?

PLEASE TICK ONE BOX ONLY

- ☐ I am a member of the public, giving my views as an individual
- ☐ I am responding on behalf of, or as a representative of, a business or organisation

Please provide the first half of your postcode:
(e.g. LS1) **PLEASE WRITE IN**

This is a public consultation, and therefore anyone can have their say and all valid responses will be taken into account.

Section 1: Governance

Below is a summary of how we propose the new mayoral combined authority will work in terms of governance, scrutiny and auditing arrangements. For the full details, please refer to section 2 the scheme which is published on our website at <https://www.yourvoice.westyorks-ca.gov.uk/wydevolution>

To implement the West Yorkshire devolution deal we are proposing the following:

- The first Mayor for West Yorkshire will be elected in May 2021 by registered voters in the five West Yorkshire council areas: Bradford, Calderdale, Kirklees, Leeds and Wakefield.
- The initial term of the Mayor will be for three years, to 2024. After then, each mayoral term will last for four years to align with other mayoral combined authority elections in England.
- The mayoral combined authority will have a total of 11 members, comprising:
 - eight voting members from the constituent councils, which are expected to include the five leaders of each council (Bradford, Calderdale, Kirklees, Leeds and Wakefield). Three additional members will be chosen in collective agreement to reflect as far as practical the political make-up of the constituent councils
 - the Mayor
 - plus, two non-voting additional members: an elected member from City of York Council; and a member nominated by the Leeds City Region Enterprise Partnership (LEP)
- Police and Crime Commissioner functions will be passed to the mayor who will be able to appoint a Deputy Mayor for Policing and Crime and delegate some functions to that person.
- The Mayor will also have functions relating to transport, housing and planning and finance
- The mayoral combined authority will have responsibility for transport-related functions, adult education and skills functions, housing functions, economic development, and finance functions in addition to those exercised by the Mayor.
- The mayoral combined authority will be required to make arrangements for the overview and scrutiny of mayoral and non-mayoral functions, as well as retaining statutory arrangements in relation to audit. The Mayor's Police and Crime Commissioner functions will be scrutinised by a Police and Crime Panel.

Question 1

Do you agree or disagree with our proposals for the revised arrangements for the Combined Authority, as set out above and in the Scheme, in particular the proposed arrangements for a Mayor, mayoral combined authority, and the councils, working together?

PLEASE TICK ONE BOX ONLY

Strongly
agree

☐

Agree

☐

Neither agree
nor disagree

☐

Disagree

☐

Strongly
disagree

☐

Don't know

☐

Why do you say this?

PLEASE WRITE IN BELOW

Section 2: Transport

The West Yorkshire devolution deal will give the Mayor and mayoral combined authority responsibilities for significant investment in transport infrastructure and services, including public transport. This will help create an effective and efficient West Yorkshire transport system for the long term, and give greater certainty over future funding for transport improvements.

Below is a summary of how it is proposed that this will work. You can find full details by reading the section 3.3 of the scheme published at <https://www.yourvoice.westyorks-ca.gov.uk/wydevolution>

It is proposed that this will be done by:

Conferring functions on the Mayor to:

- produce a Local Transport Plan and related transport strategies
- have access to franchising powers for bus services that would enable the Mayor to decide what bus services are provided (routes, timetables and fares). It is expected that this would have many benefits including smart, simple, integrated ticketing across West Yorkshire. Please note that there would be a separate process and consultation if the Mayor decided to consider franchising.
- request the provision of electric vehicle charging points in order to promote lower carbon transport options

Conferring functions on the mayoral combined authority to:

- set up a Key Route Network across West Yorkshire on behalf of the Mayor. This would enable a consistent approach to the management of that network, building on the existing Key Route Network of local roads
- minimise disruption on the Key Route Network with a permit scheme to help plan and manage utility and highway works
- enter into agreements with local highway authorities for construction, improvement and maintenance. The expectation is that all operational responsibility for highways will remain with local councils, so the use of these functions will need to be agreed with constituent authorities
- make grants to bus operators

These functions will unlock transport funds and funding flexibilities that will build on successful funding bids in the region, including the recently announced £317m Transforming Cities Fund allocation for Leeds City Region.

Question 2

Do you support or oppose this proposal to confer transport functions and new transport related functions to a West Yorkshire Mayor and mayoral combined authority?

PLEASE TICK ONE BOX ONLY

Strongly
support

☐

Support

☐

Neither support
nor oppose

☐

Oppose

☐

Strongly
oppose

☐

Don't
know

☐

Why do you say this?

PLEASE WRITE IN BELOW

Section 3: Skills and employment

The deal will give the mayoral combined authority powers to help people and businesses in West Yorkshire get the skills and support necessary to reach their ambitions, as well as support the region's economy. This will be achieved through control of the government's Adult Education Budget, currently £63 million per year.

Below is a summary of how this will work. For full details please refer to section 3.4 of the scheme, available at <https://www.yourvoice.westyorks-ca.gov.uk/wydevolution>

It is proposed that this will work by conferring functions on the mayoral combined authority to:

- provide adult education and training and control the Adult Education Budget (AEB) from the academic year 2021/2022, subject to meeting readiness conditions.
- promote the effective participation in education and training of young people aged 16 and 17.
- make available to young people and relevant young adults appropriate support services to encourage, enable and help them participate in education and training.
- ensure that adult education and training in West Yorkshire promotes high standards, fair access to opportunity for education and training, and fulfils individuals' learning potential.
- require relevant institutions in the further education sector to provide appropriate education to specified individuals aged between 16 and 18 years.

Devolved control of the Adult Education Budget will give us greater influence over the adult skills and training to better meet the needs of individuals, businesses and the economy. It will also help deliver inclusive growth in the region by allowing as many people as possible to contribute to our region's prosperity.

Please note: At the same time as this devolution consultation a separate consultation will be held on the Adult Education Budget Strategy – it is a public consultation, but we are particularly keen to hear from education and training providers and other interested stakeholders. If you are interested in knowing more about this consultation, please visit our website: [yourvoice.westyorks-ca.gov.uk/aeb](https://www.yourvoice.westyorks-ca.gov.uk/aeb) or contact us by one of the methods listed at the start of this consultation document.

Question 3

Do you support or oppose this proposal to confer skills and employment functions to a West Yorkshire mayoral combined authority?

PLEASE TICK ONE BOX ONLY

Strongly
support

☐

Support

☐

Neither support
nor oppose

☐

Oppose

☐

Strongly
oppose

☐

Don't
know

☐

Why do you say this?

PLEASE WRITE IN BELOW

Section 4: Housing and planning

The deal will give the Mayor and mayoral combined authority functions to look at planning across the West Yorkshire area to improve coordination of decisions, ensure that decisions are not affected by council boundaries and address cross-boundary issues.

The proposal is that this will be done by conferring functions to the Mayor and mayoral combined authority to exercise functions alongside the five West Yorkshire councils or Homes England, as appropriate.

Below is a summary of how this will work. For full details please refer to section 3.5 of the scheme available at <https://www.yourvoice.westyorks-ca.gov.uk/wydevolution>

It is proposed that this will work by:

Conferring functions and funding to the Mayor that include:

- compulsory purchase powers
- powers to produce a spatial development strategy for West Yorkshire
- powers to designate an area of land as a mayoral development area and set up a mayoral development corporation to focus on that area's community regeneration and sustainability

Conferring functions to the mayoral combined authority to:

- improve the supply and quality of housing
- secure regeneration or development of land or infrastructure
- support in other ways the creation, regeneration and development of communities
- contribute to achieving sustainable development and good design

The mayoral combined authority will provide a pipeline plan of housing sites in West Yorkshire to bring more land into development for the delivery of housing on brownfield sites. Regeneration powers will allow compulsory purchase and land acquisition and disposal to support infrastructure and community development and wellbeing.

This includes providing coordination to infrastructure planning such as broadband and utilities management, plus energy and risk planning, which includes flood risk management.

Question 4

Do you support or oppose this proposal to confer housing and planning functions to a West Yorkshire Mayor and mayoral combined authority?

PLEASE TICK ONE BOX ONLY

Strongly
support

☐

Support

☐

Neither support
nor oppose

☐

Oppose

☐

Strongly
oppose

☐

Don't
know

☐

Why do you say this?

PLEASE WRITE IN BELOW

Section 5: Police and Crime

The 'minded to' devolution deal announced in March 2020 included the transfer of Police and Crime Commissioner functions and powers to the Mayor in 2024.

Currently we are exploring the potential to transfer the functions of the Police and Crime Commissioner to the Mayor ahead of the 2024 timeline, possibly as early as 2021. This will deliver better outcomes for the public by improving working across public services, for example between social inclusion and community safety and cohesion. Joining police and crime functions with oversight of other public services in the mayoral combined authority would also promote further collaboration within the region. A mayor exercising police and crime functions will continue to provide a single, directly accountable individual who is responsible for securing an efficient and effective police force in West Yorkshire, in the same way the Police and Crime Commissioner does currently.

Below is a summary of the proposed Police and Crime Commissioner functions that would transfer to the Mayor. Full details are available in section 3.6 of the scheme available at <https://www.yourvoice.westyorks-ca.gov.uk/wydevolution>

The Mayor's Police and Crime Commissioner functions would include:

- issuing a police and crime plan
- setting the police budget including council tax requirements
- undertaking Chief Constable dismissals, suspensions, and appointments

The Mayor will appoint a Deputy Mayor for Policing and Crime (who is not directly elected), to whom they may delegate functions like:

- determining police and crime objectives
- attending meetings of a Police and Crime Panel
- preparing an annual report

These functions will be transferred from the existing West Yorkshire Police and Crime Commissioner to the Mayor. A Police and Crime Panel will scrutinise the actions and decisions of the Mayor /Deputy Mayor for Policing and Crime and enable the public to hold them to account.

Question 5

Do you support or oppose this proposal to confer Police and Crime Commissioner functions to a West Yorkshire Mayor?

PLEASE TICK ONE BOX ONLY

Strongly
support

☐

Support

☐

Neither support
nor oppose

☐

Oppose

☐

Strongly
oppose

☐

Don't
know

☐

Why do you say this?

PLEASE WRITE IN BELOW

Section 6: Finance

The 'minded to' devolution deal announced in March 2020 proposes that the mayoral combined authority will receive control and influence over at least £1.8bn of funding from central Government in Westminster to spend on local priorities.

The Mayor would be required to prepare a draft annual budget for their areas of responsibility based on the powers devolved to them as part of this deal. The Mayor's budget is subject to the approval of the Combined Authority.

Below is a summary of the new financial responsibilities that the Mayor and mayoral combined authority would have. For full details please refer to section 4 of the scheme, which is available at <https://www.yourvoice.westyorks-ca.gov.uk/wydevolution>

It is proposed that this would work by:

Conferring functions and funding to the Mayor that include:

- the power to issue a Council Tax Precept in relation to the exercise of Mayoral functions and also provide for a precept for policing and crime functions.
- the power to charge a business rate supplement (subject to a ballot of local businesses)

Conferring functions to the mayoral combined authority to:

- extend the Combined Authority's existing borrowing powers (which are currently for transport functions) to other priority infrastructure projects, including but not limited to: highways, housing, investment and economic regeneration
- be able to seek consent to raise a Strategic Infrastructure Tariff to enable it to raise funding for strategic infrastructure.

Question 6

Do you support or oppose this proposal to confer additional finance functions on a West Yorkshire Mayor and mayoral combined authority?

PLEASE TICK ONE BOX ONLY

Strongly
support

☐

Support

☐

Neither support
nor oppose

☐

Oppose

☐

Strongly
oppose

☐

Don't
know

☐

Why do you say this?

PLEASE WRITE IN BELOW

Section 7: Final comments

The devolution deal sets out a significant shift of functions, funding, and responsibility from central government to West Yorkshire, in areas like transport, skills, and economic development. The scheme <https://www.yourvoice.westyorks-ca.gov.uk/wydevolution> proposes the full details of how the new functions and changed arrangements will be carried out by the West Yorkshire Mayor and mayoral combined authority.

Question 7

Are there any comments you would like to make that you do not feel you have addressed in your response?

PLEASE WRITE IN BELOW

About you

So that we can ensure we capture a diverse range of views through this consultation, it would be really helpful if you could provide some information about yourself.

The personal information you provide will only be used in the manner described in the privacy policy which can be found at [<https://www.yourvoice.westyorks-ca.gov.uk/wydevolution>]. In addition to the information provided in the privacy policy, any information submitted via this document will also be processed, analysed and reported by Ipsos MORI on behalf of the West Yorkshire Combined Authority. Please tick here to confirm you have read and understood this:

☐ I have read and understood the privacy policy

If you told us you are responding to the consultation with views that represent a group or organisation please complete questions 8 and 9.

If you told us you are responding as an individual, please skip ahead to question 10.

Responding on behalf of a group or organisation

Q8. Please select the sector that best describes your group or organisation:

PLEASE TICK ONE BOX ONLY

- ☐ Local government
- ☐ Voluntary and community sector
- ☐ Elected representative
- ☐ Civil service or government
- ☐ Charity
- ☐ Academic
- ☐ Action group
- ☐ Transport
- ☐ Business (please answer **Q8b**)
- ☐ Something else
- ☐ Prefer not to say

If 'something else' **PLEASE WRITE IN:**

Q8b. If you selected 'business' - please select the sector that best describes your business

PLEASE TICK ONE BOX ONLY

- ☐ Manufacturing
- ☐ Food and drink manufacturing
- ☐ Creative and digital
- ☐ Health and life sciences
- ☐ Low carbon and environmental
- ☐ Financial and professional services
- ☐ Something else
- ☐ Prefer not to say

If 'something else' **PLEASE WRITE IN:**

Q9. Please tell us about the group, organisation, or business you represent:

Name of organisation:

Your position in the organisation:

Responding as an individual

Q10. How do you describe your gender identity?

PLEASE TICK ONE BOX ONLY

- ☐ Female
- ☐ Male
- ☐ Other
- ☐ Prefer not to say

Prefer to describe as **PLEASE WRITE IN:**

Q11. Please write in your age **PLEASE WRITE IN AS A WHOLE NUMBER e.g. 43**

Q12. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

PLEASE TICK ONE BOX ONLY

- ☐ Yes, limited a lot
- ☐ Yes, limited a little
- ☐ No
- ☐ Prefer not to say

Q13. Which of the following activities best describes what you are doing at present?

PLEASE TICK ONE BOX ONLY

- ☐ Employee in full-time job (30 hours plus per week)
- ☐ Employee in part-time job (under 30 hours per week)
- ☐ Self-employed full or part-time
- ☐ Working but currently furloughed
- ☐ On a government supported training programme (e.g. modern apprenticeship/training for work)
- ☐ Full-time education at school, college or university
- ☐ Unemployed and available for work
- ☐ Permanently sick/disabled
- ☐ Wholly retired from work
- ☐ Looking after the home
- ☐ Doing something else
- ☐ Prefer not to say

If 'something else' **PLEASE WRITE IN:**

Q14. In which of these ways does your household occupy your current accommodation?

PLEASE TICK ONE BOX ONLY

- ☐ Owned outright
- ☐ Buying on mortgage
- ☐ Rent from council
- ☐ Rent from Housing Association/Trust
- ☐ Rent from private landlord
- ☐ Other
- ☐ Prefer not to say

Q15. What is your ethnic group identity?

PLEASE TICK ONE BOX ONLY

White/White British

- ☐ English/Welsh/Scottish/Northern Irish/British
- ☐ Irish
- ☐ Gypsy or Irish traveller
- ☐ Eastern European
- ☐ Any other White background

Asian/Asian British

- ☐ Indian
- ☐ Pakistani
- ☐ Bangladeshi
- ☐ Chinese
- ☐ Kashmiri
- ☐ Any other Asian background

Black/African/Caribbean/Black British

- ☐ African
- ☐ Caribbean
- ☐ Any other Black/African/Caribbean background

Mixed/multiple ethnic groups

- ☐ White and Black Caribbean
- ☐ White and Black African
- ☐ White and Asian
- ☐ Any other Mixed/multiple ethnic background

Other ethnic group

- ☐ Arab
- ☐ Other ethnic group

- ☐ Prefer not to say

Q16. What is your religion?

PLEASE TICK ONE BOX ONLY

- ☐ None
- ☐ Christian (all denominations)
- ☐ Muslim
- ☐ Sikh
- ☐ Jewish
- ☐ Hindu
- ☐ Any other religion
- ☐ Prefer not to say

Q17. Which of the following best describes your sexual orientation?

PLEASE TICK ONE BOX ONLY

- ☐ Heterosexual or straight
- ☐ Gay or lesbian
- ☐ Bisexual
- ☐ Prefer not to say

Prefer to describe as **PLEASE WRITE IN:**

Q18. What is your marital or civil partnership status?

PLEASE TICK ONE BOX ONLY

- ☐ Single (never married)
- ☐ Married or civil partnership
- ☐ Widowed
- ☐ Divorced
- ☐ Separated
- ☐ Another status
- ☐ Prefer not to say

END OF QUESTIONS

**Thank you for completing the consultation document.
Your feedback is important to us**

**Please return your completed consultation to us in an envelope (no stamp required),
to our freepost address by 19 July 2020.**

Freepost WY Devolution Consultation



Name of meeting: Overview and Scrutiny Management Committee

Date: 9 June 2020

Title of report: Request to re-establish Ad Hoc Scrutiny Panel

To consider a request to re-establish the Ad Hoc Scrutiny Panel - Future Arrangements for the Council's Residential Housing Stock

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan ?	N/A
Is it eligible for "call in" by Scrutiny ?	N/A
Date signed off by <u>Director</u> & name	Richard Parry, 28 May 2020
Is it signed off by the Director of Finance?	N/A
Is it signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft, 28 May 2020
Cabinet member portfolio	Housing and Democracy

Electoral [wards](#) affected: All

Ward councillors consulted: N/A

Public or private: Public Report

(Have you considered GDPR?)

Yes GDPR has been considered. The information in this report does not identify any individuals.

1. Information

At its' meeting on 4 November 2019, the Overview and Scrutiny Management Committee agreed to establish an Ad Hoc Scrutiny Panel to carry out a focussed piece of work to identify the best option(s) for the Council to achieve the right balance of risk and outcomes for local residents in relation to the housing stock for which it is the landlord.

In considering the request, it was emphasised that the work would need to have cognisance of the findings of the Hackitt Review and the changing risk and regulatory landscape. The work also explored the risks and benefits of different models of housing delivery and associated opportunities to maximise the contribution of the Council's housing stock to better outcomes for the borough's more vulnerable residents.

The Panel's work was progressed at pace so that a findings report could be finalised in early 2020 as requested. The subsequent report, which included an Action Plan detailing the Portfolio Holder and Directorate's responses to the Panel's recommendations was submitted as planned to Cabinet on 24 March 2020, but unfortunately the meeting was cancelled due to the COVID-19 pandemic.

The report was subsequently received by Cabinet on 21 May 2020. The recommendations were agreed, with the caveat that Cabinet would have oversight of the implementation of all recommendations and the process going forward. Cabinet welcomed the Panel's support and involvement around the process of engagement and OSMC have been requested to re-convene the Ad Hoc Panel with revised terms of reference to carry out this work.

As per the Panel's recommendation, the Chair of the Economy and Neighbourhoods Scrutiny Panel will be invited to attend any future meetings of the Ad Hoc Panel.

2. Proposed Terms of Reference

The Ad Hoc Panel will:-

- Scrutinise, advise and contribute to tenant engagement proposals, including the Communication Plan and materials during the phases of engagement;
- Consider the consultation results and scrutinise, advise and contribute to proposals for the way forward with tenant engagement; and
- Monitor progress on the responses to the Panel's recommendations outlined in the Action Plan, agreed by Cabinet on 21 March 2020;

3. Implications for the Council

There are no specific implications for the Council at this time.

4. Consultees and their opinions

No consultation was appropriate in respect of the contents of this report.

5. Next steps

Subject to approval to re-establish the Ad Hoc Panel, a schedule of Panel meetings will be drawn up.

6. Officer recommendations and reasons

That OSMC considers the request to re-establish an Ad Hoc Scrutiny Panel and agrees the revised Terms of Reference.

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer and relevant papers

Carol Tague, Democracy Manager

Tel: 01484 221000 Email: carol.tague@kirklees.gov.uk

9. Service Director responsible

Julie Muscroft, Service Director, Legal, Governance & Commissioning

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Name of meeting: Overview and Scrutiny Management Committee.

Date: 9 June 2020

Title of report: Allocation of Scrutiny Co-optees for the 2020/21 municipal year

Purpose of report: To consider the allocation of Scrutiny Co-optees within the scrutiny structure for the 2020/21 municipal year.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Not Applicable
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	N/A
Is it also signed off by the Service Director for Finance?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning?	N/A
Cabinet member portfolio	Not Applicable

Electoral wards affected: None Specific

Ward councillors consulted: Not Applicable

Public or private: Public

Has GDPR been considered? Yes. There is no personal data contained in this report.

1. Summary

- 1.1 At the beginning of each municipal year the Overview and Scrutiny Management Committee (OSMC) is required to reappoint the voluntary and statutory co-optees and allocate them to panels or the co-optee pool.
- 1.2 Voluntary co-optees normally serve a maximum term of four years. Statutory co-optees are nominated by the Diocese or apply in their role as a school governor. Where a co-optee is not involved in any work for a year, then that year does not count towards their service.

2. Information required to take a decision

- 2.1 At the start of the municipal year 2019/20 there were a total of twelve co-optees involved in scrutiny five of which were in their final year of service having previously agreed to extend their terms of service.
- 2.2 Two co-optees, David Flint and Nathan Paul, have decided to resign from their positions and will no longer continue to be involved in the work of scrutiny.
- 2.3 Plans were being considered to run a recruitment promotion early in 2020 however this clashed with a governance recruitment exercise that was taking place to boost the numbers of school appeals panel members.
- 2.4 Due to stretched resource and the danger of two concurrent recruitment campaign's undermining each other it was considered that it would be better to defer the voluntary co-optee recruitment exercise and look at a focused campaign late spring 2020.
- 2.5 However, the advent of the COVID-19 crisis has meant that it has not been feasible to run an effective or meaningful campaign.
- 2.6 To minimise the impact in the reduction in the numbers of co-optees it has been agreed with Cllr Liz Smaje Chair of OSMC that those existing co-optees whose term was due to finish at the end the municipal year 2019/20 be invited to extend their term for a further year (2020/21).
- 2.7 This initiative has resulted in all five co-optees agreeing to extend their term for a further year.
- 2.8 Set out below is a table indicating the current co-optees and the proposed allocations for the 2020/21 municipal year which are currently unchanged from 2019/20.
- 2.9 If members reach a view that allocations should be changed officers would ask that consideration is given to retaining the allocations for the Health and Adult Social Care Scrutiny Panel as continuity for this panel is especially important and wherever possible the aim is to try and carry forward the knowledge gained by co-optees in the complex area of health and adult social care.

Name of co-optee / year appointed	Allocation in 2019/20 municipal year	Proposed Allocation in 2020/21 municipal year
Andrew Bird (2018/19)	Economy and Neighbourhoods	Economy and Neighbourhoods
Peter Bradshaw (2015/16 agreed to service an additional one-year term 2019/20))	Health and Adult Social Care	Health and Adult Social Care
Toni Bromley (2019/20)	Children's scrutiny panel	Children's scrutiny panel
Phillip Chaloner (re-appointed 2017/18 for a two-year term).	Corporate Scrutiny Panel	Corporate Scrutiny Panel
Chris Friend (2019/20)	Economy and Neighbourhoods	Economy and Neighbourhoods
Lynne Keady (2018/19)	Health and Adult Social Care	Health and Adult Social Care
Eilidh Ogden (2019/20)	Economy and Neighbourhoods	Economy and Neighbourhoods
Dale O'Neil (re-appointed 2019/20 for a one-year term)	Children's Scrutiny Panel	Children's Scrutiny Panel
Dave Rigby (2015/16 agreed to service an additional one-year term 2019/20)	Health and Adult Social Care	Health and Adult Social Care
Linda Summers (re-appointed 2017/18 for a two-year term)	Statutory co-optee – Children's Scrutiny Panel	Statutory co-optee – Children's Scrutiny Panel

3. Implications for the Council

3.1 Working with People

No specific implications

3.2 Working with Partners

No specific implications

3.3 Place Based Working

No specific implications

3.4 Climate Change and Air Quality

No specific implications

3.5 Improving outcomes for children

No specific implications

3.6 Other (e.g. Legal/Financial or Human Resources)

Scrutiny co-optees are entitled to recover the costs of travel and parking expenses, however most do not take up this entitlement.

4 Consultees and their opinions

Not applicable

5 Next steps and timelines

Subject to the decision of OSMC, co-optees will be advised of their allocated panel and governance support officer.

6 Officer recommendations and reasons

6.1 That the Management Committee agree the allocation of co-optees for the 2020/21 municipal year.

6.2 That those co-optees that have decided to step down this year be thanked for their commitment and contribution the work of Scrutiny.

7 Cabinet Portfolio Holder's recommendations

Not applicable

8 Contact officer:

Richard Dunne – Principal Governance and Engagement Officer
richard.dunne@kirklees.gov.uk

9 Background Papers and History of Decisions

Not applicable

10 Service Director responsible

Julie Muscroft – Service Director, Legal, Governance and Commissioning

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE – AGENDA PLAN – 2020/21

Date of Meeting	Item / Lead Officer	Comments
9 June 2020 Virtual Meeting	<ul style="list-style-type: none">• Council Priorities and the Covid-19 Response – Cllr Peter McBride / Jacqui Gedman• Devolution – Jacqui Gedman / Julie Muscroft• Appointment / Allocation of Co-optees 2020/21• Re-establishment of Ad Hoc Scrutiny Panel• Scrutiny Work Programme 2019 /20	

MEETINGS 2019/2020

Date of Meeting	Item / Lead Officer	Comments
6 April 2020	<ul style="list-style-type: none">• Democracy Commission Update – Carl Whistlecraft• Peer Challenge Feedback Report and Action Plan – Kate McNicholas• Year End highlights Scrutiny Lead Member reports - All Lead Members <p>Informal Meeting</p> <ul style="list-style-type: none">• Ad Hoc Elective Home Education findings report - Sheila Dykes• Draft Communications Strategy – Mark McAdam	Cancelled due to Covid-19 restrictions

Date of Meeting	Item / Lead Officer	Comments
17 June 2019	<ul style="list-style-type: none"> Appointment / Allocation of Co-optees 2019/20 - Penny Bunker Re-establishment of Ad Hoc Scrutiny Panel- Penny Bunker Scrutiny Work Programme 2019 /20 - Penny Bunker Scrutiny Communications - Penny Bunker <p>Informal Meeting</p> <p>Corporate Plan Refresh – pre-decision item - Rachel Spencer-Henshall</p>	Ad Hoc Panel progress update in November committee
22 July 2019	<ul style="list-style-type: none"> Effective Regional Working - Angela Blake / Kate Nicholson Domestic Abuse Strategy 2019-21 - Saf Bhuta Kirklees Climate Emergency Declaration – Update on work of Working Party - Cllr R Murgatroyd / John Atkinson The Scrutiny Work Programme 2019 /20 - All Lead Members Scrutiny Communications - Penny Bunker Scrutiny Committee Work Programme - Penny Bunker 	
9 September 2019	<ul style="list-style-type: none"> Leader of the Council portfolio priorities 2019/20 - Councillor Shabir Pandor Place Based Working – Update Report - Rachel Spencer-Henshall Request to establish a Joint Health Scrutiny Committee - Richard Dunne Scrutiny Panel Lead Member Reports - All Lead Members 	
23 October 2019	<ul style="list-style-type: none"> Pre-decision discussion – Outcomes of Corporate Peer Review (Informal) 	
4 November 2019	<ul style="list-style-type: none"> Progress report on Ad Hoc Scrutiny Panel - Elective Home Education - Sheila Dykes Transformation Programme progress report , including milestones and timescales for work streams - Rachel Spencer Henshall/Andy Simcox Outcomes of Peer Review and Next Steps - R Spencer Henshall/Kate 	

Date of Meeting	Item / Lead Officer	Comments
	<p>McNicholas</p> <ul style="list-style-type: none"> Request to establish Ad Hoc Scrutiny Panel - Penny Bunker <p>Informal Meeting:</p> <p>Corporate Peer Challenge outcomes and proposed action plan</p>	
2 December 2019	Meeting cancelled	
13 January 2020	<ul style="list-style-type: none"> Scrutiny Lead Member Reports Cohesion Review Progress Report - Carol Gilchrist/Ali Amla Regional Update – to include Inclusive Growth and officers of the West Yorkshire Combined Authority/Leeds City Region Enterprise Partnership - Angela Blake/Nick Howe 	
4 March 2020	<p>Informal Meeting</p> <ul style="list-style-type: none"> Report of the Scrutiny Ad Hoc Panel (Future Arrangements for the Council's Residential Housing Stock) 	
9 March 2020	<ul style="list-style-type: none"> Leader of Council – Update on Priorities 2018/19 - Cllr Shabir Pandor Update on the Climate Emergency Working Party – John Atkinson Annual Review of Flood Risk Management Action Plan - Tom Ghee <p>Informal Meeting</p> <ul style="list-style-type: none"> Peer Challenge Feedback Report and Action Plan – Kate McNicholas 	

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CHILDREN'S SCRUTINY PANEL – WORK PROGRAMME 2020/21

MEMBERS: Cllr Andrew Marchington (Chair), Cllr Paul White, Cllr Amanda Pinnock, Cllr Aafaq Butt, Cllr Richard Smith, Cllr Paul Davies, Linda Summers (Education Co-Optee), Dale O'Neill (Co-Optee), Toni Bromley (Co-Optee)

SUPPORT: Helen Kilroy, Principal Governance & Democratic Engagement Officer

FULL PANEL DISCUSSION		
ISSUE	APPROACH/AREAS OF FOCUS	OUTCOMES
1. Special Educational Needs and High Needs	6 monthly reports to be considered by the Panel and visits to be arranged to some of the SEN Teams to corroborate the information in the presentations provided to Panel Meetings.	(Lead Officer: Ronnie Hartley/Jo-Anne Sanders)
2. Partnership arrangements	The Panel will continue to scrutinise partnerships and boards during the 2020/21 municipal year, for example, Corporate Parenting Board and Health and Wellbeing Board and the Panel will look at how data was collected and used to improve outcomes.	(Lead Officers: Elaine McShane/Jo Sanders/Tom Brailsford)
3. Educational Outcomes	The Panel agreed to consider future updates to learn about what the educational impact had been for the children who had transferred from Almondbury Community School to alternate schools and to ensure that the children were getting the right amount of results and opportunities. The Lead Member agreed to keep a watching brief.	(Lead Officers: Michelle Wheatcroft/Jo Sanders)
4. Review of the Improvement Journey	The Panel will continue to review the Improvement Journey of Children's Services.	(Lead Officer: Elaine McShane)
5. Youth Services and Initiatives		(Lead Officer: Elaine McShane)

FULL PANEL DISCUSSION		
ISSUE	APPROACH/AREAS OF FOCUS	OUTCOMES
6. Number of children in care	A standing item for each meeting containing details of how many children are in care, and particularly how many are placed out of area.	(Lead Officer: Julie Bragg)
7. Performance Information (Children's Services)	The Panel will continue to monitor the performance of the Learning Early Support Service and Child Protection & Family Support in the Informal meetings.	(Lead Officer: Steve Comb/Julie Bragg – reports produced by Sue Grigg and Andrew Wainwright from Performance Team)
<p style="text-align: center;">Lead Member Briefings</p> <p>(Bi-monthly LM Briefings to be arranged with Cabinet Members for Learning and Children's; and Mel Meggs/Elaine McShane and Jo-Anne Sanders during 20/21) – Actions from these meetings will be included within the Panel's Work Programme where appropriate</p>		
Exploitation Strategy	The Lead Member agreed to keep a watching brief to monitor the impact on children and young people in the borough.	(Lead Officer: Elaine McShane)

CORPORATE SCRUTINY PANEL – WORK PROGRAMME 2020/21

MEMBERS: Councillors Andrew Cooper (Lead Member), Mahmood Akhtar, James Homewood, John Lawson, Will Simpson, John Taylor
Co-optee: Philip Chaloner

SUPPORT: Leigh Webb, Principal Governance & Democratic Engagement Officer

FULL PANEL DISCUSSION		
ISSUE	APPROACH/AREAS OF FOCUS	NOTES
Financial Monitoring	<p>July End of year summary</p> <p>September Further review of MTFP – headline assumptions / financial resilience / budget risk</p> <p>November Financial Management Update - current monitoring/ budget update</p> <p>February Provisional financial settlement / Autumn Budget/Story so far</p> <p>March Financial Management Update + end of year summary /start of next year monitoring plan; include link to corporate plans and service plans & budgets</p> <ul style="list-style-type: none"> • Delivery plans and tracking of progress associated with savings programmes. • Public realm funding review, to include how the process operated, the results achieved, and the potential for future budget provision. • Future report if the Service Director, Finance considers that there is anything to be learned from the rationale and practices of those authorities identified in CIPFA's Resilience Index as having the highest or lowest levels of reserves. 	<p>Previous references:</p> <ul style="list-style-type: none"> • 20 September 2019 • 15 November 2019 • 28 February 2020 <p>Note: To be updated in light of Covid-19 crisis and to include future Council financial strategy</p>

FULL PANEL DISCUSSION		
ISSUE	APPROACH/AREAS OF FOCUS	NOTES
Council's Risk Register	<p>Regular reports to provide scrutiny of items on the Register</p> <p>Note:- to include additional and new risks as a result of the Corvid 19 pandemic</p>	Risk Register is updated on a quarterly basis
Capital Plan	Governance, re-profiling and capacity to deliver ambitions.	
Corporate Plan	<p>Corporate Plan refresh Embed and implementation</p> <p>Note:- to consider a reassessment of corporate objectives and the Corporate Plan in light of Covid-19</p>	Living in Kirklees survey to be shared with the Panel before its next distribution and Panel to incorporate a discussion on citizen engagement as part of this item;
Corporate Performance	<p>Review of performance in relation to the 'work smart and deliver efficiently and effectively' outcome.</p> <p>Items of interest identified:</p> <ul style="list-style-type: none"> • Future ambition in respect of sickness absence and benchmarking with other WY local authorities • Inclusion of good news stories in performance reports. • Explanation of the transformation work that has had an impact in reducing agency spend. • Improvements in local wealth creation, the Council's future ambition and benchmarking with other West Yorkshire Local Authorities. • Exploration of whether mental health is effectively represented in the performance data and whether it is having an impact in terms of staff absence. • Whether consultation and engagement with local businesses on performance data is possible and whether this could then influence the Council's strategies and priorities. • The volunteering offer, including details of the prospectus and volunteering opportunities and how this could be further promoted by the Council. • Panel consultation on the early development and testing of dashboards for self-service access to data. 	Previous reference: 18 October 2019

FULL PANEL DISCUSSION		
ISSUE	APPROACH/AREAS OF FOCUS	NOTES
Libraries Review (to include Access to Services)	<ul style="list-style-type: none"> • Update on progress. • Briefing in relation to work with the University of Huddersfield on the development of an archiving plan. <p>Note:- to include strategy moving forward in light of Covid-19</p>	
Procurement	<p>Procurement Strategy/Plan including:</p> <ul style="list-style-type: none"> • Understanding of the changes made to procurement and monitoring of the impacts of savings as a result. 	
Approach to Commercialisation	<p>To help to shape the Council's approach to commercialisation.</p> <p>Further report in early 2020/21; to include consideration of how the Council might implement a more systematic approach to bringing forward potential opportunities.</p>	<p>Previous references:</p> <ul style="list-style-type: none"> • 12 July 2019 (Informal) • 21 November 2019 (LGA Session) • 10 January 2020
People Strategy	<p>Refresh of the People Strategy</p> <ul style="list-style-type: none"> • Panel to regularly receive a copy of the organisation's performance dashboard; • Future reports to include information on the development and progress of the 'Workplace Wellbeing Champions' initiative; the development of work to identify and address any areas of particular pressure within the organisation; and a breakdown of the sickness figures into long term and short term absence. • Report in Autumn 2020 on the refreshed People Strategy. To include the recommendations forthcoming from the current study of the reasons for people leaving the authority. <p>(See recommendations put forward by Panel for refresh – in notes.)</p>	<p>Previous reference:</p> <p>28 February 2020</p> <ul style="list-style-type: none"> • consideration be given to using 'real-life' stories to illustrate data. • the strategy make reference to those staff who are also carers and the support available to them. • the induction process for the most senior employees, should include introductory engagement with the political groups. • the volunteering opportunity for staff and the employee benefit platform should continue to be well promoted.
Technology Strategy 2020-25	<i>Review implementation once adopted?</i>	Informal session – 12 th March 2020

FULL PANEL DISCUSSION		
ISSUE	APPROACH/AREAS OF FOCUS	NOTES
Leaving the EU preparations	<p>To maintain an overview of the work of the Council to plan for the potential implications of leaving the EU</p> <p>To include:</p> <ul style="list-style-type: none"> financial risks as part of treasury management preparation; details of critical processes within the Council that are currently dependent on partners in the EU. update on the analysis of the Kirklees level export destinations with the current position on free trade agreements; an assessment of local business confidence; evaluation of the implications for social care; update on the wider economic and social impacts of transition including those issues that extend beyond the Council's remit. 	<p>Previous references:</p> <ul style="list-style-type: none"> 12 July 2019 20 September 2019 10 January 2020 28 February 2020
Organisational Communications Strategy	<p>Overview of development of strategy/ examine the principles of managing internal/external communications</p> <p>Including:</p> <ul style="list-style-type: none"> How the Council presents itself Role of Elected Members Peer Review recommendations?? 	LM Briefing 31/1/20
Cabinet Member – Priorities Councillor Graham Turner	Next update to include some narrative to illustrate whether projects had achieved their aim, such as increased footfall or an increase in creative and digital start-up businesses, whether this was to the extent that had been anticipated and the wider impact of any achievements.	Previous reference: 12 July 2019
Inclusion and Diversity	<p><i>Review of annual report?</i></p> <ul style="list-style-type: none"> <i>Feedback on Panel recommendation that consideration be given to the integration of the workforce profile data with the work being done in terms of wellbeing, to assist in identifying any potential gaps in support for any particular group?</i> 	Previous reference: 10 January 2020

LEAD MEMBER BRIEFING/MONITORING		
ISSUE	APPROACH/AREAS OF FOCUS	NOTES
Asset Transfers/Asset Divestment	To scrutinise the revised Asset Transfer Strategy/Policy	LM Briefing - 10/12/19
Mandatory Photographic ID at Elections	Contingency plans for Kirklees residents	LM Briefing to be arranged once more detail on the proposals is available (Queens Speech October 2019)

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ECONOMY AND NEIGHBOURHOODS SCRUTINY PANEL

MEMBERS: Councillors: Harpreet Uppal (Lead Member), Martyn Bolt, Richard Eastwood, Yusra Hussain, Richard Murgatroyd and John Taylor
Co-optees: Andrew Bird, Chris Friend, Eilidh Ogden

SUPPORT: Leigh Webb, Principal Governance & Democratic Engagement Officer

POTENTIAL ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2020/21

POTENTIAL ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2020/21		
ISSUE	APPROACH AND AREAS OF FOCUS	OFFICER/PARTNER COMMENTS
FULL PANEL DISCUSSION ISSUES – CARRIED FORWARD FROM 2019/20		
1. Inward Investment Strategy	<ul style="list-style-type: none">• Inward Investment Strategy• which businesses/sectors should be targeted and what do they need to be sustainable and grow.• alternative sources of finance for environmental issues/ alternative energy use.	Originally scheduled for April 2020 (cancelled due to Covid 19)
2. Tackling Poverty	<ul style="list-style-type: none">• What organisations can do to design services which integrate and consider the impact of poverty in how people access, use and experience services;• How poverty can be considered as part of decision-making processes across the authority;• Inclusive Economy work – e.g. good work, local spend and social value;• How can employers work together to optimise the opportunities for investment in good quality pre-Apprenticeships and Apprenticeships programmes? How can we transfer good practice in health and social care to other sectors of the local economy?• What Council can do to support their own staff who may be living in poverty e.g. poverty proofing in a work-based setting.	Originally scheduled for April 2020 (cancelled due to Covid 19)

3. Active Travel	To continue to monitor current and planned infrastructure.	Originally considered at joint meeting on 28 Feb 2020 - Panel resolved to keep the issue on the work programme and arrange a half day workshop to allow for more in depth consideration. Cycling and Walking visit (29 March cancelled due to Covid 19) To be re-arranged when possible
4. Digital Strategy	<ul style="list-style-type: none"> • Progress with physical infrastructure but also in respect of the wider promotion of the advantages of the Kirklees district. • The work being undertaken relating to the development of appropriate skills (links in with Skills Strategy) • The work being done to ensure that residents within more rural areas are supported to be able to access a digital network that is fit for purpose and future proofed. 	Originally considered March 2020. Panel resolved to receive update on digital agenda after 12 months.
5. Air Quality	<p>Following introduction of 5 year Action Plan, to monitor and consider the following:</p> <ul style="list-style-type: none"> • Which measures have proven effective and which provide good value for money. • Addressing the issue of vehicles with idling engines particularly outside schools. • How the planning system can be used/will address issues in relation to infrastructure to encourage sustainable transport/active travel. • Improving infrastructure to encourage travel by public transport/cycling and walking. • Encouraging/ facilitating better options for travel to school to reduce use of private cars. 	The Panel considered the Air Quality Action Plan in Oct 19 as part of its development. A number of areas to monitor were identified following implementation of the Action Plan.

6. Planning Related Matters	Hot Food Takeaway CIL + Viability Guidance	Deferred from Jan 2020 Considered Jan 2020 – further examination prior to adoption by Council
7. Towns and Communities in Kirklees	<ul style="list-style-type: none"> Assess the objectives/delivery of plans to include the aspirations/vision for the towns, public realm and infrastructure. Consideration of the wider context of other town centres/ villages across Kirklees to include looking at the key challenges and opportunities that could influence this agenda. 	<p>July 2019 Report on the Huddersfield Blueprint – with a focus on engagement and consultation.</p> <p>Future updates/reports requested as plans develop</p>
PROPOSED NEW ISSUE	FOCUS	OFFICER/PARTNER COMMENTS
1. COVID-19	<p>To consider the impact of COVID-19 on areas falling within the remit of the Economy and Neighbourhoods Panel. Potential areas for consideration:</p> <ul style="list-style-type: none"> Waste Collection/Recycling/Fly Tipping Economic Impact including: <ul style="list-style-type: none"> Business Grants (processing and take up) Measures to support the local economy and aid economic recovery Understanding the budget implications of dealing with the crisis and the longer-term financial impact. Impact on poverty and tackling inequalities Community Response (including capacity of voluntary organisations within the community and the strengthening) <p>Housing Rents (Impact on tenants following recent increase in council housing rents ; help provided to tenants who may require financial support)</p>	

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HEALTH AND ADULT SOCIAL CARE SCRUTINY PANEL

POTENTIAL ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2020/21

ISSUE	APPROACH AND AREAS OF FOCUS	OFFICER/PARTNER COMMENTS
FULL PANEL DISCUSSION ISSUES – CARRIED FORWARD FROM 2019/20		
1. Financial position of the Kirklees Health and Adult Social Care Economy.	Maintain a focus on the finances of the health and social care system in Kirklees to include: <ul style="list-style-type: none"> • Reviewing any emerging transformation programmes and assessing their contribution to increasing efficiencies and impact on services. • Considering the various Cost Improvement Schemes (CIPs) and their impact on the delivery and commissioning of services. 	
2. Community Care Services.	To assess the progress and effectiveness of Community Care Services (CCS) in Kirklees to include: <ul style="list-style-type: none"> • Reviewing progress of the Primary Care Networks (PCNs) to include the impact in providing greater accessibility and flexibility for patients accessing primary medical services. • Looking at the work being done by the networks to assess their local population through a targeted and personalised approach to provide support to people where it is most needed. • Assessing the relationship between the key providers of CCS to include PCNs; Locala; Community Plus; and the Kirklees Wellness Service. • Assessing how well the integration agenda is being implemented through CCCS in Kirklees. • Assessing the impact of CCS in Kirklees in reducing avoidable A&E attendances; hospital admissions; delayed discharges; and reducing avoidable outpatient visits. 	

3. Kirklees Integrated Wellness Service	To continue monitoring the development of the service and receive a 12-month update on progress of the service following the last discussions with scrutiny in November 2019.	
4. Quality of Care in Kirklees	Receive an annual presentation from CQC on the State of Care across Kirklees with a focus on Adult Social Care.	
5. Suicide Prevention	<p>Receive an update on progress of the work being done on suicide prevention since the panel meeting in January 2020 to include:</p> <ul style="list-style-type: none"> • The impact that the pathfinder support workers have had in their work in providing advice, training, and support for men vulnerable to self-harm and suicide. • The impact that the preventative and educational work on mental health that is taking place in schools is having in helping to reduce self-harm and suicide. 	
6. Kirklees Safeguarding Adults Board (KSAB) 2019/20 Annual Report	To receive and consider the KSAB Annual Report.	
7. Mid Yorkshire Hospitals NHS Trust (MYHT) Ambulatory Emergency Care (AEC) Services and Services provided at Dewsbury and District Hospital (DDH)	<p>To receive an update on the closure of the AEC unit at DDH and to look at the wider range of services provided at DDH to include:</p> <ul style="list-style-type: none"> • A visit to DDH to see the provision of services that complement AEC services to include Frailty, hot clinics and partnership working with adult social care. • An overview of the range of services currently being provided at DDH to include a visit to key services selected by the Panel. 	
8. Transforming Outpatient Care at Calderdale and Huddersfield NHS Foundation Trust (CHFT) and Mid Yorkshire Hospitals NHS Trust (MYHT)	<ul style="list-style-type: none"> • Continue to monitor the programme of change at CHFT to include assessing the impact of the changes. • Reviewing the work being done by MYHT on its Outpatient Care to include a visit to its outpatients' areas. 	

9. Yorkshire Ambulance Service (YAS) Response Times	<p>To receive an update on performance and demand across all areas of Kirklees to include:</p> <ul style="list-style-type: none"> • A focus on response times for categories 1 and 2. • Looking at the variances of performance across Kirklees. 	
10. Kirklees Immunisation Programme	<p>To consider the performance of the Immunisation programmes in Kirklees to include:</p> <ul style="list-style-type: none"> • Details of the local arrangements, structures, and responsibilities for immunisation. • Looking at Kirklees performance compared to national standards. • Details of policies that are in place to ensure that those residents that are 'at-risk' and eligible for vaccination are being targeted to include the approach to engagement with the more deprived communities in Kirklees. • An overview of key challenges and/or risks to the delivery of an effective immunisation programme. 	
11. Update on Winter Planning	<p>Update on winter preparations from the Kirklees Health and Adult Social Care sector to include:</p> <ul style="list-style-type: none"> • Receiving details of the lessons learned from the winter period 2019/20 to include feedback and experiences of service users 	
PROPOSED NEW ISSUE	FOCUS	OFFICER/PARTNER COMMENTS
1. Development of a local Community Care Package (pilot)	Reviewing the outcomes of a local authority pilot initiative to develop a community care package led by Cllr Murgatroyd.	
2. Mental Health Services Workshop	To arrange a mental health services workshop with South West Yorkshire Partnership NHS Foundation Trust to look in more detail at the various support services and redesign of services. Format and structure of workshop to be developed by the panel in conjunction with the Trust.	

3. COVID-19	<p>To consider the impact of COVID-19 on the local Health and Adult Social Care Economy to include:</p> <ul style="list-style-type: none"> • Looking at the key challenges; pressures; and measures taken to mitigate them. • Assessing the impact on the workforce. • Understanding the budget implications of dealing with the crisis and the longer-term financial impact. • Assessing the work that was undertaken to safeguarding vulnerable adults. • Lessons learned. 	
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