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**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

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Monday 1 March 2021

Notice of Meeting

Dear Member

Corporate Governance and Audit Committee

A meeting of **Corporate Governance and Audit Committee** will take place remotely at **10.00 am** on **Tuesday 9 March 2021**.

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', on a light-colored background.

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 Corporate Governance and Audit Committee members are:-

Member

Councillor Will Simpson (Chair)
Councillor Kath Pinnock
Councillor Steve Hall
Councillor John Taylor
Councillor Paola Antonia Davies
Councillor Susan Lee-Richards
Councillor Donald Firth

When a Corporate Governance and Audit Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
V Lees-Hamilton
N Patrick
M Thompson
R Smith

Green

K Allison

Independent

C Greaves
T Lyons

Labour

M Akhtar
M Sokhal
M Kaushik
H Uppal

Liberal Democrat

A Munro
A Pinnock
J Lawson
A Marchington

Ex Officio Members

Councillor Graham Turner - Cabinet Member (Resources)
Councillor Elizabeth Smaje – Chair of Overview and Scrutiny Management Committee
Councillor Eric Firth – Chair of Standards Committee

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to the Committee membership.

2: Minutes of Previous Meeting

1 - 4

To approve the Minutes of the meeting of the Committee held on 20 January 2021.

3: Declarations of Interest

5 - 6

Committee Members will be asked to advise if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether Cabinet will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

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 (Written Questions)

Members of the Public may submit written questions to the Committee. Any questions should be emailed to executive.governance@kirklees.gov.uk no later than 10.00am on 8 March 2021.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of questions shall not exceed 15 minutes. A maximum of 4 questions per person may be submitted.

7: Report of the Members' Allowances Independent Review Panel (MAIRP) 2021/22 (Reference to Council) 7 - 24

To consider the Members' Allowances Scheme for 2021/22.

Contact: Julie Muscroft, Service Director – Legal, Governance & Commissioning

8: Mayoral Accountability (Reference to Cabinet) 25 - 58

To consider proposals regarding mayoral accountability.

Contact: Nick Howe, Partnerships and Corporate Planning / Julie Muscroft, Service Director – Legal, Governance and Commissioning

9: Dates of Council Meetings 2021/2022 (Reference to Council) 59 - 62

To consider the schedule of Council meetings for the 2021-2022 municipal year.

Contact: Samantha Lawton, Head of Governance

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Wednesday 20th January 2021

Present: Councillor Will Simpson (Chair)
Councillor Donald Firth
Councillor Kath Pinnock
Councillor Steve Hall
Councillor John Taylor
Councillor Susan Lee-Richards

Observers: Councillor Graham Turner (Ex Officio)

Apologies: Councillor Paola Antonia Davies

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor P A Davies.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 24 November 2020 be approved as a correct record subject to the amendment of Minute No. 11 to reflect that authority is delegated to the Chair of the Committee and the Service Director (Finance) to sign off the final accounts.

3 Declarations of Interest

No interests were declared.

4 Admission of the Public

It was noted that Agenda Items 13 and 14 would be considered in private session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Questions by Members of the Public

No questions were asked.

7 Business Continuity Assurance

The Committee received an update on the Council's business continuity in terms of (i) the business continuity assurance report and (ii) the Council's response to and recovery from the pandemic.

The Business Continuity Assurance Report summarised the findings of the annual business continuity assurance survey, and provided an indication of business continuity preparedness across the organisation. The Committee noted that the results of the survey had reflected high compliance scores in areas including risk

assessment, business impact analysis, maintenance and review of business continuity plans, identification of critical and non-critical activities and content of business continuity plans. The report highlighted the areas where low compliance scores had been achieved where further work would be undertaken. In terms of the Council's response to and recovery from the pandemic, it was noted that the Corporate Business Continuity Framework had been activated, and that a Corporate Business Continuity Team had been formed with the aim of ensuring that the Council could continue to deliver its most critical services.

The report set out a summary of successful outcomes that had been achieved and learning points that had been identified. The Committee noted and discussed the content of the report, and requested that its thanks to the Business Continuity Team, along with the wider Council workforce, for its operational response to the pandemic, be recorded. It was agreed that a further report would be submitted to a future meeting regarding a progress update and an overview on how the learning points arising from the pandemic are being applied in business continuity.

RESOLVED – That the Business Continuity Assurance Report and the Council's Business Continuity Response to the pandemic be noted.

8 Treasury Management Strategy 2021/2022

The Committee received the Treasury Management Strategy 2021/2022, in accordance with the CIPFA Code of Practice on treasury management. The report provided information regarding (i) the outlook for interest rates and credit risk, and a recommended investment strategy (ii) the current and estimated future levels of Council borrowing (internal and external) and a recommended borrowing strategy (iii) methodologies adopted for providing for the repayment of debt and a recommended policy for calculating minimum revenue provision (iv) other treasury management matters including the policy on the use of financial derivatives, prudential indicators, the use of consultants and the policy on charging interest to the housing revenue account and (v) a recommended an annual investment strategy in line with MHCLG guidance.

It was noted that an amendment was required at paragraph 2.38 to read that 'the Officer recommendation is to maximise the remaining balance of MRP unwind of £49.5m, over the 2020-2024 period to support the Council's medium term budget strategy'.

The Committee were advised that the report would be submitted to the meeting of Council (Budget) on 10 February 2021.

RESOLVED – That the Treasury Management Strategy 2021/22 be noted and referred to the meeting of Council on 10 February 2021.

9 External Audit Update

The Committee received the External Audit Findings Report (Year Ended 31 March 2020) from Grant Thornton External Audit.

The report set out an update on headlines regarding (i) the impact and challenges of Covid-19 (ii) financial statement reporting, including current outstanding matters and

Corporate Governance and Audit Committee - 20 January 2021

(iii) value for money arrangements. It also set out an overview of the scope of the audit approach, significant identified audit risks and new risks and issues that were identified during the course of the audit that had not previously been communicated, key estimates and judgements, and ongoing concerns.

RESOLVED – That the External Audit update report be received and noted.

10 Risk Management Update

The Committee gave consideration to a report which provided an update on the Council's Risk Management Statement and arrangements for Corporate Risk Management.

The report advised that the Corporate Risk Matrix identified ongoing risks and issues, many of which had been affected by Brexit and the ongoing pandemic. The latest version, which was attached as an appendix to the report, had been updated in December to reflect changes regarding EU relations.

The Committee noted the information detailed within the corporate risk register and risk management action plan (appendix 1) and also the exempt information at Agenda Item 13 (Minute No. 13 refers).

RESOLVED – That the Risk Management Update report be noted.

11 Quarterly Report of Internal Audit Q3 2020/2021

The Committee received a report which set out the activities of Internal Audit in Quarter 3, 2020/2021. The Committee noted that much of the work undertaken had been unplanned rather than routine due to the ongoing pandemic but that planned audits including housing rents and service charges, business centre income, grounds maintenance income collection, vehicles maintenance and taxi licensing had been completed.

The report advised that a substantial amount of work had been undertaken in regards to supporting the implementation of the statutory and local discretionary business grant schemes, particularly in terms of control arrangements and the prevention and investigation of fraud.

The Committee noted that there had been no activity in relation to the Regulation of Investigatory Powers Act during the quarter. Exempt information was provided at Agenda Item 14 (Minute No. 14 refers) as to work undertaken and the assurance opinions provided.

RESOLVED – That the Quarterly Report of Internal Audit (Q3) 2020/2021 be noted.

12 Exclusion of the Public

RESOLVED – That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

13 Risk Management Update

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006, namely Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Committee noted the exempt information, which was an appendix to Agenda Item 10.

14 Quarterly Report of Internal Audit Q3 2020/2021

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation) Order 2006, namely Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Committee noted the exempt information, which was an appendix to Agenda Item 11.

KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Corporate Governance and Audit 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.



Name of meeting: Corporate Governance and Audit Committee

Date: Tuesday 9 March 2021

Title of report: Report of the Members' Allowances Independent Review Panel (MAIRP) 2021/22

Purpose of report:

To recommend Council to approve the Members' Allowances Scheme for 2021/22, that takes account of recommendations proposed by the Members' Allowances Independent Review Panel regarding certain allowances.

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?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall 05.01.21
Is it also signed off by the Service Director for Finance?	Eamon Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft
Cabinet member portfolio	Graham Turner (Corporate)

Electoral wards affected: All

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? Yes, there is no personal data within the report.

1. Summary

The Members' Allowances Independent Review Panel meets annually to consider and recommend the Members' Allowances Scheme to Council having regard to evidence received and associated developments that will affect the Scheme.

Due to Covid 19 restrictions, the Panel have considered the Members Allowances Scheme for 2021/22 virtually. This report captures the outcomes of those considerations and the consequential changes to the Scheme as a result.

2. Information required to take a decision

The MAIRP consider the Members' Allowances Scheme and make recommendations to the Council on certain allowances within the Scheme.

It should be noted that, in its report of June 2017, Growing a stronger local democracy, from the ground up, the Kirklees Democracy Commission recommended:

The Kirklees Members Allowances Independent Review Panel (MAIRP) should consider linking annual changes in the rate of councillors' allowances to the pay rate for local government officers. This recommendation was considered, acknowledged and accepted by the MAIRP at their meeting in November 2017. Since then all considerations in terms of any uplift has had regard to this principle.

The report of the MAIRP is attached at Appendix A and puts forward the recommendations that:

- (i) The current Basic Allowance be increased in line with the amount awarded to Kirklees Council officers (% yet to be agreed) with effect from 1 April 2021.
- (ii) Special Responsibility Allowances (SRAs) to remain at the 2020 rate pending a root and branch review of the Members' Allowances Scheme due to take place in summer 2021. Any increase to SRAs as an outcome of the review will be backdated to 1 April 2021.
- (iii) Should the amount awarded to Kirklees Council officers not be agreed by 1 April 2021, any increase to the basic allowance will be backdated to 1 April 2021.

The draft Members' Allowances Scheme for 2021/22 which takes account of the recommendations of the MAIRP, is attached at Appendix B.

Given the amount awarded to Kirklees Council officers is not yet known, we are unable to report on the additional cost to the overall Scheme should the above mentioned recommendation be agreed and implemented.

3. Implications for the Council

- **Working with People**
Not applicable.
- **Working with Partners**
Not applicable.

- **Place Based Working**
Not applicable.
- **Climate Change and Air Quality**
Not applicable.
- **Improving outcomes for children**
Not applicable.
- **Other (eg Legal/Financial or Human Resources)**
None in addition to those detailed above.

Do you need an Integrated Impact Assessment (IIA)?

Not required.

4. Consultees and their opinions

The Allowances panel have been consulted on the contents of this report and agree that it accurately reflects the outcomes of their discussion.

5. Next steps and timelines

Following consideration by Corporate Governance and Audit Committee, this report will be referred for consideration and approval by Council at its meeting on 17 March 2021.

6. Officer recommendations and reasons

That Corporate Governance and Audit Committee:

- (i) Notes the recommendations of the Members' Allowances Independent Review Panel (as set out at Appendix A);
- (ii) Recommends that Council approves and adopts the Members' Allowances Scheme for 2021/22 (as set out at Appendix B) with effect from 1 April 2021.

7. Cabinet Portfolio Holder's recommendations

That Corporate Governance and Audit Committee recommends that Council approves and adopts the Members' Allowances Scheme for 2021/22 (as set out at Appendix B) with effect from 1 April 2021.

8. Contact officer

Carl Whistlecraft
Head of Democracy and Place Based Working
carl.whistlecraft@kirklees.gov.uk
Tel: 01484 221000

9. Background Papers and History of Decisions

Report of Members' Allowances Independent Review Panel, December 2020.

10. Service Director responsible

Julie Muscroft
Service Director, Legal Governance and Commissioning

Report of The

**Kirklees Council
Members' Allowances
Independent Review
Panel**

21 December 2020

Carl Whistlecraft
Head of Democracy and Place Based Working
Civic Centre 3,
Huddersfield, HD1 2TG
01484 221000

1 Panel Membership

The Members of the Independent Review Panel are as follows:

Andrew Taylor (Chair)
Ian Brown
Chris West
Lynn Knowles
Stephen
Thornton
Fiona Weston

Due to Covid 19 restrictions, the Independent Review Panel have considered the Members Allowances Scheme for 2021/22 virtually.

2 Terms of Reference

The Panel's Terms of Reference are:

- (a) To advise the Council on what would be the appropriate level of remuneration for Councillors having regard to the:
 - Roles Councillors are expected to fulfil
 - Varying roles of different Councillors
 - Practice elsewhere and other Local Authorities.
- (b) To consider schemes of Members Allowances for Town and Parish Councils as and when required.
- (c) To make recommendations and provide advice to the Council on any other issues referred to the Panel by regulation or by the Council.
- (d) The Council retains its power to remove a discredited Panel Member.
- (e) The Panel can appoint its Chair from amongst its Members.

3 Constitutional Issues

(a) Term of Office

It was agreed that the current Panel membership be retained and that all relevant terms of office be renewed until December 2021.

(b) Election of Chair of Independent Review Panel

Andrew Taylor was re-elected Chair of the Independent Review Panel.

4 Agree the rate for the Basic Allowance and Special Responsibility Allowance for 2021/22.

The Panel considered changes to the Members allowance scheme for 2021/22.

In particular the Panel considered the following:

- (a) The Basic Allowance;
- (b) Special Responsibility Allowances (SRAs);

The Panel recommends that:

- (i) The current basic allowance be increased in line with the amount awarded to Kirklees Council officers (% yet to be agreed) with effect from 1 April 2021.
- (ii) Special responsibility allowances (SRAs) to remain at the 2020 rate pending a root and branch review of the Members' Allowances Scheme due to take place in summer 2021. Any increase to SRAs as an outcome of the review will be backdated to 1 April 2021.
- (iii) Should the amount awarded to Kirklees Council officers not be agreed by 1 April 2021, any increase to the basic allowance will be backdated to 1 April 2021.

The reasons for this are:

1. In common with many public servants, Councillors have been faced with substantial change in their working environment as a result of Covid 19;
2. There will be a root and branch review of the Members' Allowances Scheme, including SRAs, this summer. Whilst not increasing the SRAs may introduce an element of imbalance, this will be addressed in the forthcoming review;
3. The Chancellor's recent statement on public sector pay has not yet been implemented and it seems unreasonable the panel anticipate a decision not yet taken;
4. The panel's recommendations are recommendations and are for full Council to accept, reject, or amend.

The Panel's recommendation is a majority opinion and the Panel thinks it only fair and accurate that the Panel's report reflects the minority view.

A minority held that no increase in either the Basic Allowance or the SRAs should be recommended at this time. This recommendation could be revisited in the summer review by which time the implications of Covid 19 for public sector spending would be clearer.

The Panel's recommendation is for Council to accept or reject and no doubt Council will wish to consider a broad range of factors when taking its decision on the Panel's report.

5 Consequential changes to the Scheme

There are no consequential changes to be made to the scheme.

Report produced on behalf of the Members Allowances Independent Review Panel by Carl Whistlecraft, Head of Democracy and Place Based Working, December 2020.

Kirklees Council Members' Allowances Scheme 2021-2022

This Members' Allowances Scheme is made under the Local Authorities (Members' Allowances) (England) Regulations 2003, and the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003. In making this scheme the Council had regard to the recommendations of its Members' Allowances Independent Review Panel, which due to Covid 19 restrictions, corresponded via e-mail in December 2020.

1. The Members' Allowances Scheme will apply from 1 April 2021 to 31 March 2022.

2. Basic allowances for ward duties

2.1 The amount allocated per annum to each elected councillor for ward duties is £14,002 (% increase yet to be agreed).

2.2 The role of councillor is dynamic and the expectations and responsibilities associated with the role are constantly changing. This is an ongoing consideration in determining the basic allowance which recognises the level of responsibility, time devoted and expenses incurred in dealing with their constituents, political group and cross party discussions on a ward basis.

No additional payment will therefore be made for travel and subsistence costs for duties within the Kirklees district.

2.3 Basic allowances will be paid calendar monthly in arrears to each elected councillor in equal monthly instalments.

2.4 Where the term of office of a councillor begins or ends otherwise than on the 1 April 2021 or 31 March 2022 his/her entitlement to the allowance will be pro-rata.

3. Special responsibility allowances

3.1 The amounts allocated per annum to councillors of specific duties, which are additional to the basic allowance are:-

	£ per year
Leader	26,364
Deputy leader	19,772
 Band A	
Cabinet member	12,863
Band A1	
Chair of Overview and Scrutiny	11,577
Group Leader (30+ councillors)	11,577
 Band B	
Group Leader (7-29 councillors)	10,291

Business Manager (30+ councillors)	10,291
Band B1	9,004
Band C	
Business Manager (20-29 councillors)	7,719
Band C1	
Chairs of Planning Committees	6,432
Lead Members of Scrutiny Panels	6,432
Band C2	
Police and Crime Panel Members	6,288
Band D	
Business Manager (7-19 councillors)	5,147
Chair of Licensing and Safety Committee	5,147
Place Partnership Lead Members	5,147
Band D1	
Group Leader (2-6 councillors)	3,860
Deputy Group Leader (12+ councillors)	3,860
Chair of Appeals panel	3,860
Band E	
Chair of Corporate Governance and Audit committee	2,572
Chair of Standards Committee	2,572
Business Manager (3-6 councillors)	2,572
Band E1	
Adoption Panel member	1,285
Day Rate	
Fostering Panel member	119

Chairs of Overview and Scrutiny Ad-Hoc Panels will receive £40.22 day split into half day sessions (2 x 4 hours) to commence at the start of formal meetings to their conclusion. The Overview and Scrutiny Management Committee will place a time allocation on the work of the ad-hoc panel.

- 3.2 The special responsibility allowance recognises the additional time and expenses incurred by those councillors effectively performing additional special responsibilities.
- 3.3 Special responsibility allowances will be paid calendar monthly in arrears to the appropriate councillor in equal monthly instalments.
- 3.4 Where the term of office entitling a councillor to a special responsibility allowance begins or ends otherwise than on the 1 April 2021 or 31 March 2022 his/her entitlement to the allowance will be pro-rata.
- 3.5 No councillor shall receive more than one special responsibility allowance.

4. Renunciation of allowances

- 4.1 A councillor may, by giving notice in writing to the Service Director – Legal, Governance and Commissioning, elect to forego any part of his/her entitlement to an allowance payable under this scheme.

5. Travel and subsistence outside the district

- 5.1 Travel and subsistence allowances for approved duties outside the district can be paid only:
- * approved duty are those as described in paragraph 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003.
 - * any other duty approved by the body, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body, or of any of its committees or sub-committees
 - * for approved duties previously authorised by the appropriate body (Cabinet or Overview and Scrutiny Management Committee) and Service Director – Legal, Governance and Commissioning. The approval must precede the performance of the duty and not be given retrospectively.

Claims for expenses must be made and received by the Service Director – Legal, Governance and Commissioning within two months of the expense being incurred.

- 5.2 Attendance at conferences: The Head of Democracy has delegated powers to determine councillor attendance at conferences etc.
- 5.3 Attendance at training and development events: The council will reimburse a councillor for travel and subsistence costs, at the approved rates, for training and development events. The appropriate Business Manager will approve councillor attendance.
- 5.4 The council will book accommodation on behalf of councillors to a maximum of the rates given in Appendix 1, subject to availability. Councillors requiring overnight accommodation may claim daytime meal allowance(s) in the usual way.
- 5.5 The authority will pay car mileage at HMRC rates and daytime subsistence allowances at the same rates determined for officers by the National Joint Council for Local Government Officers. The allowance rates are given at Appendix 1.
- 5.6 The rate of travel by public transport shall not exceed the amount of an ordinary fare or any available cheap fare and wherever possible should be arranged through Councillor Support to maximise available discounts and concessions.

Tickets or receipts must always accompany travel and subsistence claims for over £8.

- 5.7 Councillors' use of private motor vehicles should demonstrate either a substantial saving of the councillors' time, or being in the best interests of the council.
- 5.8 The rate of travel by taxicab will not normally exceed the fare for travel by appropriate public transport. In cases of urgency or where no public transport is reasonably available, the council will reimburse the amount of the actual fare and any reasonable gratuity. Taxi receipts more than £8 must support the claim.
- 5.9 Travel by any other hired vehicle is limited to the rate applicable had the vehicle belonged to the member who hired it unless prior approval to the actual cost of hiring.
- 5.10 The rate for travel by air should not exceed the rate applicable to travel by any appropriate alternative means of transport together with the equivalent saving in subsistence allowance.

Where the saving in time is so substantial as to justify payment of the fare for air travel the amount paid will not exceed:-

- (i) the ordinary fare or any cheap fare, or
- (ii) where no such service is available or in case of urgency the fare actually paid by the councillor.

6. Pensions

With effect from 1 April 2014, any Councillor who is not an active member of the Councillors pension scheme will no longer have access to the pension scheme. Councillors who are currently contributing to the pension scheme will only be allowed to remain in it, until the end of their current term in office.

Councillors elected after April 2014 will not be entitled to access the pension scheme.

7. Parental Leave Policy

The Policy is set out at Appendix 2.

8. Dependants' carers' allowance

Councillors who need to engage carers to look after dependants whilst undertaking duties specified in regulation 7 of the Local Authorities (Members Allowances) (England) Regulations 2003 may receive a carers' allowance. The criteria are given at Appendix 3.

9. Support for a councillor with a disability

Even though local councillors are not explicitly covered by the Disability Discrimination Act Part II (employment provisions), it is an expectation on councils that they will make every reasonable effort to meet the individual

needs of disabled councillors. The council will provide support for disabled councillors, where appropriate, by actively discussing an individual's needs and putting in place the necessary support mechanisms wherever practicable.

10. Information technology

Each councillor is offered a PC or laptop to be used in their homes through a broadband link and/or a smart device to assist them in the discharge of their functions as a councillor. Use of a smart device abroad is restricted to Council business only and councillors are encouraged to connect to wifi wherever possible.

11. Publicity

- 11.1 The regulations place certain duties on local authorities in connection with publicising the recommendations made by their independent remuneration panel, their scheme of allowances and the actual allowances paid to councillors in any given year:

The regulations require, as soon as reasonably practicable after the end of a year to which the scheme relates, that local authorities must make arrangements for the publication in their area of the total sum paid by it to each recipient, in respect of each of the following:

- Basic allowance
- Special responsibility allowance
- Dependants' carers' allowance
- Travelling and subsistence allowance

12. Sickness and holiday

The scheme recognises the right of councillors to holiday and entitlement to sickness absence.

An entitlement is made for 28 days of holiday. During periods of sickness a councillor is not expected to make up any hours lost as a result of that illness.

13. Suspension of Allowance

Where a Member, since election has been convicted of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, the Council shall suspend any part of any allowance payable from the date of sentence. Such suspension shall remain in force until such time as section 80 of the Local Government Act 1972 (disqualification for election and holding office as member of a local authority) takes effect.

14. Education appeals panel members

Members of Education Appeals Panels (who are not elected councillors of Kirklees Council), will receive an allowance of £119 for a full day meeting and £68 for meetings less than four hours. Periods of adjournment will not be included in the allowance payment.

APPENDIX 1

Travel and subsistence rates from 1 April 2021 (for approved duties performed outside Kirklees only)

1. Motor mileage rates

Car

First 10,000 business miles in the tax year: 45p per mile

Each business mile over 10,000 in the tax year: 25p per mile

Bicycle or other non-motorised forms of transport: 20p per mile

Motor cycle (for journeys less than 10,000 miles per year): 24p per mile

Passenger supplements: The supplement remains unchanged; an increase in the above rates by 5p per person per mile not exceeding four passengers.

(Subject to change by HMRC)

Members of the council shall be entitled to an official parking permit for use when undertaking official council duties and otherwise used in accordance with the rules relating to their use, and specifically to take account of the contribution to parking permits in line with any residents charge as agreed by Council on 19 February 2014.

2. Day subsistence

Breakfast allowance £6.06

(more than 3 hours away from normal place of residence before 11.00 a.m.)

Lunch allowance £8.37

(more than 3 hours away from normal place of residence to include the period 12.00 noon - 2.00 p.m.)

Tea allowance £3.29

(more than 3 hours away from normal place of residence to include the period 3.00 p.m. - 6.00 p.m.)

Evening meal allowance £10.35

(more than 3 hours away from normal place of residence ending after 7.00 p.m.)

3. Overnight accommodation costs up to:

London/LGA annual conference £105.00

Outside London £90.00

(maximum room/bed-breakfast rates per person per night, but subject to availability)

4. Meals on trains

Where **main meals (i.e. breakfast, lunch or dinner) are taken on trains** during a period for which there is an entitlement for a day subsistence allowance, the reasonable cost of meals (including VAT) may be reimbursed in full. This reimbursement would replace the entitlement to the day subsistence allowance for the appropriate meal period. Councillors are asked to submit receipts for meals when claiming.

Parental Leave Policy

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis. Discussions are ongoing about changing the law to enable compulsory provision.

Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members giving birth are entitled to up to 52 weeks maternity leave.

1.2 Where the birth is premature the leave will commence the day after the birth takes place. The Member is entitled to take up to 52 weeks maternity leave.

1.3 If your baby is born prematurely and you have already started your maternity leave, there is the option for you to request extended leave at the end of the maternity leave.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to up to 52 weeks adoption leave.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members will receive:

- 6 weeks at 90% of the Basic Allowance.
- 33 weeks at half the Basic Allowance plus the equivalent weekly amount paid of Statutory Maternity/Adoption pay.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance whilst on Maternity, Paternity, Shared Parental or Adoption Leave will receive:

- 6 weeks at 90% of the Special Responsibility Allowance.
- 33 weeks at half the Special Responsibility Allowance.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of 39 weeks, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest).

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which

they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. If a Member decides not to return or does not return for 33 weeks, The Council is entitled to claim back the 33 weeks allowance paid at 50%. If a Member fails to return for a full 33 weeks a proportion of the allowance will be claimed back.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election see point 4.1.

Kirklees Council

COUNCILLORS' ALLOWANCES

Criteria for dependants' carers' allowance

1. Councillors who care for children or dependants can claim a carer's allowance paid at the rate of the national minimum wage for age 21 and above (currently £8.36 per hour), subject to paragraph 3 below.
2. Payment is claimable in respect of children aged 14 years or under. In respect of dependant relatives, payment is claimable subject to written medical or social work evidence.
3. The Corporate Governance and Audit Committee will determine any application by a councillor on the grounds of special circumstances for payment of dependants' carers' allowance at a higher rate than that of the national minimum wage for age 21 and above.
4. The carer must not be a member of the same household.
5. Councillors should submit their claims, using a claim form and supported by receipts and, if applicable, declare any other care payment received from another agency, to the Councillors' Allowances section each calendar month in arrears.
6. Councillors can only claim for the carers' allowance in respect of expenses of arranging for care of their children or dependants necessarily incurred for attendance at meetings and performance of duties specified in the regulations, and any other duties approved by the Council including training sessions held within the induction period following an election. **Approved duties do not include meetings with officers and constituents and attendance at political group meetings.**
7. Any allegations of abuse of the scheme will be investigated through the Council's Standards process.
8. The dependants' carers' allowance is subject to annual review.



Name of meeting: Corporate Governance & Audit Committee
Date: 9th March 2021
Title of report: Mayoral Accountability

Purpose of report:

This report asks Corporate Governance & Audit Committee to consider the proposals surrounding mayoral accountability and make recommendations for further consideration.

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?	Not Applicable
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	Give name and date for Cabinet / Scrutiny reports Jacqui Gedman 1 st March 2021
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Give name and date for Cabinet reports Julie Muscroft 1 st March 2021
Cabinet member portfolio	Give name of Portfolio Holder/s Cllr Graham Turner and Cllr Shabir Pandor

Electoral wards affected: ALL
Ward councillors consulted: None
Public or private: Public
Has GDPR been considered? Yes

Summary

- 1.1 The West Yorkshire “minded-to” Devolution Deal was announced as part of the Budget on 11 March 2020. A report submitted to Cabinet in May 2020 outlined the details of the devolution deal, its benefits for the region and the District, its people and its businesses and set out the required next steps.
- 1.2 At their meetings in September, the Combined Authority and each Constituent Council considered the outcome of the public consultation on the Scheme which has been undertaken throughout the summer. The consultation highlighted several issues including the governance arrangements for the new West Yorkshire Combined Authority.
- 1.3 In response to points raised about how we work with the mayoral authority and future reporting procedures, Cabinet invited Corporate Governance and Audit Committee to consider the governance arrangements in place, including those which enable the council to hold the mayoral authority to account. In particular:
 - To consider whether agreement should be sought from the Combined Authority and Mayor, when they enter office, for an annual report to be provided to Full Council for debate.
 - To consider whether arrangements should be made to invite the Mayor to Full Council to answer elected members’ questions at least once a year.
- 1.4 Subsequently the consultation summary report, along with representations from Leeds City Council and Kirklees Council were submitted to the Secretary of State.
- 1.5 During November, the Combined Authority and each Constituent Council were asked to consent in principle to the draft Order, to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal. It was discussed at Council in Kirklees 25th November and agreed by Cabinet 26th November.
- 1.6 Parliamentary approval of the statutory instrument to establish the mayoral combined authority was given on 29th January 2021.
- 1.7 The Deal will devolve a range of powers and responsibilities to West Yorkshire Mayoral Combined Authority. It offers both investment and decision making which are crucial to fulfil West Yorkshire’s (WY) potential and meet current challenges.
- 1.8 The deal includes:
 - Control of £38m per year allocation of gainshare investment funding over 30 years, to drive growth and take forward WY’s priorities.
 - A five-year integrated transport settlement starting in 2022/23, and agreement to explore West Yorkshire Mass Transit 2.
 - New powers relating to transport, including easier access to bus franchising and a regional approach to control of a Key Route Network.
 - Devolution of Adult Education powers and the Adult Education Budget to shape local skills provision to respond to local needs.
- 1.9 Devolution and Mayoral Combined Authority (MCA) preparations have already had an impact on access to funding and increased opportunities for the region. These include:
 - £317m Transforming Cities Fund, the largest allocation to any region, to deliver transformational walking and cycling schemes across West Yorkshire and the creation of jobs
 - £67m funding for new homes on Brownfield sites.

- 1.10 The initial gainshare funding for the financial year 2020/2021 will be available prior to the first Mayoral election.
- 1.11 A workshop was set up 14th January for Members of Corporate Governance & Audit Committee (CG&AG) as well as Scrutiny Chairs and representatives from other groups not already represented on the committees to inform the discussion what arrangements the Council would like to see in place and also discuss the draft protocol on concurrent powers.
- 1.12 This report concerns the proposals and suggestions arising from the workshop referred to above and requests Members comment on these and that CG&AC make a separate and independent submission to the Combined Authority on holding the Mayoral Combined Authority to account.
- 1.13 The report also concerns the draft Protocol on Concurrent Functions agreed by officers in the Combined Authority and 5 West Yorkshire Councils and attached at [Appendix 1](#). Members are invited to recommend that the Cabinet approve at their 16th March meeting. The draft is to be approved by each constituent council's Executive before being approved by the Combined Authority.

2. Information required to take a decision

- 2.1 Members of Corporate Governance & Audit Committee (CG&AG), chairs of Scrutiny and representatives from other parties attended a workshop 14th January to discuss potential arrangements the Council would like to see in place and discuss the draft protocol on concurrent powers.
- 2.2 It was a very positive session with members agreeing on numerous issues including:
- The lack of a “voice” for many councillors with the current structures at WYCA
 - Expectation the future Mayor will attend a full Council meeting annually at least
 - The Mayor to publish their plans and priorities
 - Improved relationships between the respective scrutiny functions
 - Provide independent Cllrs with the opportunity to create a group
 - MCA to accept written questions from all councillors – and scrutiny arrangements to include ‘public representations’
 - A public “Question Time” session involving the Mayor
 - Increased visibility and record of key decisions
- 2.3 It is important to stress that although the 5 constituent councils can suggest recommendations of what they would like to see in place, it will be the elected Mayor's responsibility and decision to put in place the right level of accountability and build relationships with the respective councils.
- 2.4 The notes and proposals from the workshop are captured at [Appendix 2](#).

Concurrent Powers

- 2.5 The West Yorkshire Combined Authority Order 2021 provides for the election of a mayor for the area of the Combined Authority from May 2021, the Mayor to exercise the functions of a Police and Crime Commissioner, and the following functions to be conferred on the Combined Authority:
- Adult education functions from Secretary of State

- Functions of Homes England/HCA relating to housing and regeneration
- Functions relating to grants to bus service operators
- Functions in relation to the designation of a Mayoral development area (MDA) and establishing a Mayoral development corporation (to be exercised by the Mayor)
- Functions in relation to Business Rates Supplements to be exercised by the Mayor
- Functions of the Constituent Councils to be exercised concurrently by the Combined Authority relating to:
 - education, skills and training
 - housing, regeneration and planning, and
 - transport (including in relation to highways, traffic orders, traffic signs, pedestrian crossings, street works, permit schemes and bus lane contraventions).

2.6 At Appendix 1 to this report includes a table of the functions that will be conferred on the Mayoral Combined Authority (MCA). The new functions have either been devolved or granted to the MCA by Government or are functions which shall be exercised concurrently with the Constituent Councils i.e., powers and duties which Constituent Councils hold co-extensively and which the MCA could exercise independently. In theory this could potentially cause difficulties and consequently therefore a protocol between Kirklees Council and the other West Yorkshire Councils and the MCA for dealing with concurrent functions makes sense.

2.7 The Constituent Councils have not lost any of their functions and it is important to stress that there are already existing concurrent powers between Councils and WYCA that work perfectly well. The draft Protocol for Concurrent Functions aims to establish the process for how the Combined Authority will exercise those functions concurrently with the Constituent Councils. The protocol does not apply to non-concurrent functions such as the PCC functions.

2.8 The Order confers concurrent powers on the Mayoral Combined Authority (MCA). These are powers which the Constituent Councils also hold and which the MCA could exercise independently and provides for certain decisions (termed statutory consents in the Protocol) to be made by the MCA only with the express consent of a Constituent Council.

2.9 Under the 2021 Order, there is:

- no transfer of any Concurrent Function to the MCA from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area
- no requirement for the joint exercise of any Concurrent Function by the Combined Authority with Constituent Councils – that is, that they are not required to act together, and
- no requirement for a Constituent Council to involve, consult or seek the consent of the Combined Authority in relation to the exercise of any Concurrent Function by a Constituent Council.

2.10 The Protocol is **not** intended to be legally binding and supplements the Order and any arrangements with the Constitution of the MCA. It cannot override the Order. It records the aim of the partners to co-operate and collaborate in the best interests of residents of the region, to have transparency and make best use of resources, reducing duplication. It also records the ongoing commitment of the MCA to engagement with the constituent Councils.

- 2.11 In respect of consents, it sets out that these will be sought in a formal report considered at a meeting of the MCA and that notice of the intention to seek consent will be given as early as practicable and no later than the date that a key decision notice is published (at least 28 days prior to the decision). In reality such schemes will have been discussed much earlier than 28 days prior to a formal meeting and will have passed through gateway approval processes such as outline and detailed business cases.
- 2.12 For example, the Combined Authority (CA) has the power under section 51A of the Further and Higher Education Act 1992 to give notice to the governing body of a FE college based in Kirklees requiring them to provide specified 16-19-year olds with “appropriate “education. This is an example of a non-Mayoral concurrent function in relation to Education, Skills and Training. The CA does not need “statutory consent “under the Order 2021 from Kirklees Council before deciding to issue such a notice.
- 2.13 However, when the Protocol is signed it will mean the Managing Director of the CA will notify Kirklees Council’s Chief Executive before any Key decision Notice is published, if relevant. In addition, the CA’s Managing director agrees to voluntarily consult Kirklees Council’s Chief Executive (or their nominee) about the proposal to exercise the above FE power to serve the notice (except where it is agreed that is not required) in accordance with paragraph 3.3 and 3.4 of the Protocol.
- 2.14 In respect of concurrent functions, it provides that where there are significant impacts from the proposal of the MCA to exercise concurrent functions prior notice will be given to the relevant Chief Executive so that the proposal can be considered within the relevant council.
- 2.15 As with consents it is likely that larger and significant schemes where concurrent functions are being exercised will have been discussed prior to the formal notification stage. Members will therefore note that the protocol forms a ‘fall back’ position. It is the strength of the joint working between the MCA and the Council that will ensure that the interests of the District are properly represented. To that end, the Councils and the MCA have been undertaking a piece of work to ensure that they are ‘MCA ready’ for May 2021 and that partnerships are assessed and strengthened where required.
- 2.16 The Protocol does not address the scrutiny of the Combined Authority in relation to how it exercises any Concurrent Function, this will be the subject of separate arrangements, which are also currently under consideration.

Mayoral Combined Authority Governance Arrangements

- 2.17 Over the last couple of months, colleagues and members from WYCA and the 5 constituent councils as well as scrutiny have been reviewing the proposed governance and scrutiny arrangements. A formal update is expected 9th March at the West Yorkshire Combined Authority Board meeting. The papers will be in the public domain shortly.

3. Implications for the Council

Working with People

The premise of the Devolution Deal is on bringing funding and functions to a more local level. The establishment of the Mayoral Combined Authority will have staffing implications in terms of additional resources to deliver the ambition of the Deal and these will be considered at the appropriate point to ensure operational effectiveness and efficiency of the Combined Authority.

Working with Partners

The Deal will encourage collaboration on systems, structures and procedures to support the area to make decisions, set strategy and manage delivery across a range of partners in West Yorkshire. Inclusive Growth is a key priority for West Yorkshire Combined Authority and the LEP.

Place Based Working

The Deal will put in place appropriate governance structures that reflect the needs and opportunities across the West Yorkshire area and the places within it.

Climate Change and Air Quality

As part of the Deal text, the Government welcomed West Yorkshire's commitment to becoming a net zero carbon economy by 2038, with significant progress by 2030. There are, however, no immediate implications on Clean Growth arising as a direct result of this report.

Improving outcomes for children

The Deal includes measures around funding and functions focused on skills and education, including careers advice, apprenticeships and Further Education.

Other (eg Legal/Financial or Human Resources)

None. The draft Protocol is non-legally binding.

Do you need an Integrated Impact Assessment (IIA)?

No.

4. Consultees and their opinions

- 4.1 Members of the Corporate Governance and Audit Committee as well as members of OSMC and members from other groups not represented on the committees considered mechanisms for holding the MCA to account at its workshop and received an update on the draft Protocol. All 5 WY Councils and the MCA have been engaged in negotiating and agreeing the draft Protocol. It is not recommended that further changes to the Protocol be sought at this stage. It is not legally binding and will be subject to an annual review. The wording represents a good compromise ensuring transparency and prior notice of decisions. A delay during which the draft Protocol is renegotiated would risk the MCA starting to operate without the safeguards that it provides.

5. Next steps and timelines

Following consideration by the Corporate Governance and Audit Committee, this report will be referred to Cabinet 16th March for their consideration and recommend they adopt the Concurrent Powers protocol.

6. Officer recommendations and reasons

- 6.1 Members are requested to note the suggestions made at the workshop 14th January summarised in [Appendix 2](#) and:
- Consider the proposals and agree how to take forward potential recommendations for holding the Mayor to account.
 - Delegate the Chair to submit a separate and independent submission to WYCA setting out CG&AC recommendations for mayoral accountability.
 - Refer this report and outcomes from the discussion to Cabinet 16th March for their consideration.
- 6.2 Recommend that Cabinet adopt the draft Protocol on Concurrent Functions and Associated Statutory Consents attached at [Appendix 1](#) to this report to further document the basis on which Kirklees Council, other West Yorkshire Councils and the MCA work together.
- 6.3 Delegate authority to the Chief Executive, in consultation with the Leader, to agree any subsequent changes to the Protocol.

7. Cabinet Portfolio Holder's recommendations

N/A

8. Contact Officers

Julie Muscroft – Service Director, Legal Governance and Commissioning
julie.muscroft@kirklees.gov.uk – 01484 221000

Nick Howe – Partnerships and Corporate Planning –
nick.howe@kirklees.gov.uk – 01484 221000

Karl Larrad – Legal Governance and Commissioning –
karl.larrad@kirklees.gov.uk – 01484221000

9. Background Papers and History of Decisions

West Yorkshire Devolution Deal – Review of Governance Arrangements: Cabinet 24th March 2020

<https://democracy.kirklees.gov.uk/documents/s35794/West%20Yorkshire%20Devolution%20Deal.pdf>

Devolution Deal for West Yorkshire – Review, Scheme and Consultation: Cabinet May 21st 2020

<https://democracy.kirklees.gov.uk/documents/g5962/Agenda%20frontsheet%2021st-May-2020%2015.00%20Cabinet.pdf?T=0>

Devolution Deal for West Yorkshire – Consultation Outcomes 1st September 2020

<https://democracy.kirklees.gov.uk/documents/s37197/Devolution%20Deal.pdf>

West Yorkshire Devolution – Consent to draft Order 26th November 2020

<https://democracy.kirklees.gov.uk/documents/g6606/Public%20reports%20pack%2026th-Nov-2020%2010.00%20Cabinet.pdf?T=10>

10. Service Director responsible

Julie Muscroft - Service Director, Legal Governance and Commissioning

11. Appendices

Appendix 1 - *Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents*

Appendix 2 - *Corporate Governance & Audit Committee 'Mayoral Accountability Workshop' 14th January 2021*

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APPENDIX 1 – Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

This Protocol is dated 2021

Parties

1. **WEST YORKSHIRE COMBINED AUTHORITY** of Wellington House, 40-50 Wellington Street, Leeds, LS1 2DE (“Combined Authority”).
2. **CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL** of City Hall, Centenary Square, Bradford, West Yorkshire BD1 1HY.
3. **BOROUGH COUNCIL OF CALDERDALE**, of the Town Hall, Crossley Street, Halifax, West Yorkshire, HX1 1UJ.
4. **THE COUNCIL OF THE BOROUGH OF KIRKLEES**, of the Town Hall, Ramsden Street, Huddersfield, West Yorkshire, HD1 2TA.
5. **LEEDS CITY COUNCIL** of Civic Hall, Calverley Street, Leeds, LS1 1UR.
6. **THE COUNCIL OF THE CITY OF WAKEFIELD**, Town Hall, Wood Street, Wakefield, West Yorkshire, WF1 2HQ.

Each a **party** together the **parties**, and the parties (2) to (6) above collectively the “**Constituent Councils**” of the Combined Authority.

1 Background and Introduction

1.1 The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 SI 2021/112 made on 29 January 2021 (“2021 Order”) provides for:

- the election of a mayor for the area of the Combined Authority (“Mayor”) from May 2021,
- the Mayor to exercise the functions of a Police and Crime Commissioner, and
- the following functions to be conferred on the Combined Authority:
 - adult education functions of the Secretary of State (to be exercised instead of or concurrently with the Secretary of State),
 - functions of Homes England relating to housing and regeneration (to be exercised concurrently with Homes England),
 - functions relating to grants to bus operators,
 - functions in relation to the designation of a Mayoral Development Area (MDA) and establishing a Mayoral Development Corporation (to be exercised by the Mayor)
 - functions in relation to Business Rates Supplements (to be exercised by the Mayor),

- functions of the Constituent Councils to be exercised concurrently by the Combined Authority relating to
 - education, skills and training,
 - housing, regeneration and planning, and
 - transport (including in relation to highways, traffic orders, traffic signs, pedestrian crossings, street works, permit schemes and bus lane contraventions).

Concurrent Functions

1.2 Appendix A to this protocol sets out each function (that is, power or duty) of the Combined Authority (including a function exercisable by the Mayor) conferred by the 2021 Order which is exercisable concurrently with the Constituent Councils (a “**Concurrent Function**”).

1.3 Under the 2021 Order, there is

- no transfer of any Concurrent Function to the Combined Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
- no requirement for the joint exercise of any Concurrent Function by the Combined Authority with Constituent Councils – that is, that they are not required to act together, and
- no requirement for a Constituent Council to involve, consult or seek the consent of the Combined Authority in relation to the exercise of any Concurrent Function by a Constituent Council.

1.4 That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2021 Order.

Statutory Consents

1.5 The 2021 Order provides that the Combined Authority’s exercise of specified functions is subject to a consent provision, (“**Statutory Consent**”), to safeguard the Constituent Councils’ role in local decision-making and delivery. These are detailed in Appendix A to this protocol.

Aim of this Protocol

1.6 The aim of this protocol is to promote:

- **co-operation** and **collaboration** between the Combined Authority and the Constituent Councils in a spirit of partnership,
- **transparency** of roles and processes to engender mutual trust and confidence, and
- the **best use of resources** through co-ordination and reducing duplication between the parties.

- 1.7 The Combined Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.
- 1.8 The Combined Authority is committed to on-going engagement with Constituent Councils about all aspects of its work. This includes engagement about how the Combined Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

Miscellaneous

- 1.9 For some Concurrent Functions, (as indicated in Appendix A), the 2021 Order provides that a Constituent Council's duty to exercise the Concurrent Function is met when the Combined Authority carries it out. This means that provided the Combined Authority performs the duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.
- 1.10 The 2021 Order provides for a Statutory Consent in relation to some functions of the Combined Authority which are to be exercised by the Mayor, (as indicated in Appendix A), including the power to acquire land for housing development under section 17(3) of the Housing Act 1985, which is a Concurrent Function. It is intended this protocol shall extend to the Mayor once they are in office in relation to the exercise of these functions.
- 1.11 Where the Combined Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Combined Authority and Constituent Council may agree a **bespoke protocol** to govern the way the Combined Authority exercises that Concurrent Function¹.
- 1.12 This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
- 1.13 This protocol does not address the **scrutiny** of the Combined Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

2 Concurrent Functions – Underlying Principles

- 2.1 This protocol sets out how the Combined Authority and each Constituent Council intend to **work together** to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their

¹ The Combined Authority will send a copy of any bespoke protocol to any Constituent Council which is not a party to it, for information.

mutual benefit, although the Combined Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Combined Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).

- 2.2 The Combined Authority will **consult** Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 2.3 The Combined Authority will exercise any Concurrent Function **reasonably** and after **taking all relevant factors or considerations into account**, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010².
- 2.4 The Combined Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be **compatible** with and **complementary to** the exercise of the Concurrent Function by any Constituent Council.
- 2.5 Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Combined Authority and each Constituent Council agree to **share any information** as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.
- 2.6 The parties will consult with each other before **approving, varying or revoking any strategy or plan** which is likely to determine or significantly affect how any Concurrent Function is exercised by the Combined Authority.
- 2.7 The Combined Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any **monitoring arrangements** relating to any Concurrent Function exercised by the Combined Authority.
- 2.8 The Combined Authority will so far as reasonably practicable seek to develop and share **best practice** with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Combined Authority.

3 Concurrent Functions: Consultation with Constituent Councils

- 3.1 The Combined Authority will consult the Constituent Councils about any proposal by the Combined Authority to exercise any Concurrent Function, except where the Constituent Councils have agreed that no consultation is required.

² That is, will have due regard to those matters specified in S149 Equality Act 2010.

- 3.2 The Managing Director will also notify the relevant Chief Executive (or their nominee) of any proposal to exercise a Concurrent Function which would require a Key Decision by the Combined Authority as soon as practicable, and in any event before any Key Decision notice is published by the Combined Authority in relation to exercising the Concurrent Function, and unless the Chief Executive (or their nominee) agrees that no consultation is required, the Combined Authority will then proceed to consult the relevant Constituent Council in the manner set out in 3.3 and 3.4 below about such proposal.
- 3.3 The Managing Director will consult the Chief Executive (or their nominee) of any relevant Constituent Council as soon as reasonably practicable about the proposed exercise of any Concurrent Function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 3.4 Such consultation must be fair and carried out with adequate notice for responses which must be conscientiously considered by the Combined Authority with a view to reaching agreement on the exercise of the Concurrent Function.

4 Statutory Consents: Procedure

- 4.1 The 2021 Order provides for any **Statutory Consent to be given at a meeting of the Combined Authority**³. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined Authority, and any consent will be duly recorded in the minutes of the meeting.
- 4.2 The Combined Authority will seek any Statutory Consent **in a timely way**. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined Authority's Forward Plan at least 28 clear days before the Combined Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 4.3 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Combined Authority who may provide a Statutory Consent, the Combined Authority's Managing Director will **notify the Chief Executive** of each relevant Constituent Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 4.4 In relation to any transport-related function in respect of which a Statutory Consent is required, the Combined Authority agrees that this is subject to the

³ See further the Combined Authority's Procedure Standing Orders

Combined Authority and the Constituent Councils agreeing a **Key Route Network** in respect of which the function is to be exercised.

5 Dispute Resolution

- 5.1 The Combined Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 5.2 Any dispute between the Combined Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Managing Director of the Combined Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.
- 5.3 In default of successful resolution between the parties, any dispute will be referred to the Mayor of the Combined Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required in their absolute discretion.

6 Review

- 6.1 The Combined Authority and the Constituent Councils agree to review this protocol **annually** and before any additional concurrent functions which may be conferred on the Combined Authority in future by any other Order are exercisable by the Combined Authority.
- 6.2 The Combined Authority and the Constituent Councils may revise this protocol from time to time, provided such **revisions** are **agreed in writing** by the Managing Director of the Combined Authority and the Chief Executive of each Constituent Council.

7 Signature

Signed for and on behalf of the West Yorkshire Combined Authority

Name

Date.....

Signed for and on behalf of the City of Bradford Metropolitan District Council

Name

Date.....

Signed for and on behalf of the Borough Council of Calderdale

Name

Date.....

Signed for and on behalf of the Council of the Borough of Kirklees

Name

Date.....

Signed for and on behalf of Leeds City Council

Name.....

Date.....

Signed for and on behalf of the Council of the City of Wakefield

Name

Date

Appendix

Concurrent Functions and Statutory Consents requirements

Appendix A: Functions of the Combined Authority conferred by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

Non- Mayoral functions

Note: Questions relating to the Non-Mayoral functions conferred by the 2021 Order (that is, those which are not solely exercisable by the Mayor), cannot be carried without the Mayor’s vote in favour of the question.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Education, Skills and Training Functions				
Power to give a notice to the governing body of an FE institution requiring them to provide specified individuals 16-19 with appropriate education	Section 51A Further and Higher Education Act 1992	Article 5(2)(a)	Y*	N
Duty to promote high standards and fulfilment of potential in exercising relevant education and training functions	Section 13A Education Act 1996	Article 5(2)(b)	Y*	N
Power to secure work experience/ Duty to encourage participation in work experience/ encourage employers to participate in providing	Section 560A Education Act 1996	Article 5(2)(c)	Y*	N
Duty to exercise functions so as to promote participation by persons under section 2	Section 10 Education and Skills Act 2008	Article 5(2)(d)	Y*	N

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Duty to identify people in their area who are failing to fulfil their duty under section 2 to participate in education or training.	Section 12 Education and Skills Act 2008	Article 5(2)(e)	Y*	N
Duty to provide services enabling, encouraging and assisting young people and relevant young adults to participate in education and training.	Section 68 Education and Skills Act 2008	Article 5(2)(f)	Y*	N
Power to provide services enabling, encouraging or assisting young people and relevant young adults to participate in education and training.	Section 70 Education and Skills Act 2008	Article 5(2)(g)	Y*	N
Power to provide support given to young people conditional on specified action (e.g. learning support agreement).	Section 71 Education and Skills Act 2008	Article 5(2)(h)	Y*	N
Duty - this places further requirements on arrangements made by a children's services authority in England under section 10 of the Children Act 2004 (which requires authorities to co-operate with each other).	Section 85 Education and Skills Act 2008	Article 5(2)(i)	Y*	N
Housing, Regeneration and Planning Functions				
Power to compulsorily acquire land development/planning	Section 226 Town and Country Planning Act 1990	Article 11(1)(a)	Y	Requires the consent of each member of the

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
				Combined Authority whose area contains any part of the land, or substitute members acting in place of those members.
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Article 11(1)(b)	Y	
Power to appropriate land	Section 229 Town and Country Planning Act 1990	Article 11(1)(c)	Y	
Power to acquire land for exchange	Section 230(1)a Town and Country Planning Act 1990	Article 11(1)(d)	Y	
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Article 11(1)(e)	Y	
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Article 11(1)(f)	Y	
Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Article 11(1)(g)	Y	
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Article 11(1)(h)	Y	
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Article 11(1)(i)	Y	
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Article 11(1)(j)	Y	

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Power to use and develop open spaces	Section 241 Town and Country Planning Act 1990	Article 11(1)(k)	Y	
Power to acquire land for housing development	Section 17 Housing Act 1985 except for <i>S17(3) (compulsory purchase) which is a Mayoral function (see below)</i>	Article 11(1)(l)	Y	Requires the consent of each member of the Combined Authority whose area contains any part of the land, or substitute members acting in place of those members.
Duty to secure buildings where land acquired under section 17	Section 18 Housing Act 1985	Article 11(10)(m)	Y	
Transport-related functions				
Power to be an authority to whom functions may be delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads . <i>(Enabling power of SoS/HE)</i>	Section 6 Highways Act 1980	Article 19(1)	Applies to LAs as local highway authorities	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Section 8 Highways Act 1980	Article 19(2)	Applies to LAs as local highway authorities	
Power to make a traffic order re routes for heavy commercial vehicles	Road Traffic Regulation Act 1984	Article 20(1)(a)	Y	Requires the consent of each member of the

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
	Section 1 And 2(4)	Article 20(1)(b)		Combined Authority appointed by a constituent council
Power to make an experimental traffic order	Road Traffic Regulation Act 1984 Section 9	Article 20(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council
Power to place Pedestrian crossings	Road Traffic Regulation Act 1984 Section 23	Article 21(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to place traffic signs <i>(Power of SoS to direct local authority traffic)</i>	Road Traffic Regulation Act 1984 Section 65	Article 21(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to notify of works likely to affect apparatus in street	Section 83 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to take measures where apparatus affected by major works	Section 84 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Sharing of costs of necessary measures	Section 85 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Sharing the costs of diversionary works between Combined Authority and undertakers	Street Works (Sharing of Costs of Works) (England) Regulations 2000	Article 22(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Preparation of Permit schemes	Section 33 Traffic Management Act 2004	Article 23(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Implementing Permit schemes	Section 33A Traffic Management Act 2004	Article 23(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Varying/ revoking permit schemes	Section 36 Traffic Management Act 2004	Article 23(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Permit schemes	Traffic Management Permit Scheme (England) Regs 2007	Article 23(2)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
	Part 3 of 2004 Act	Article 23(4)	Y	N
Enforce bus lane contravention	Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement (England) Regulations 2005	Article 24(3)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Assessments of Economic Conditions				

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Duty to prepare economic condition assessment	Section 69 Local Democracy, Economic Development and Construction Act 2009	Article 25(1)	Y*	N
Information Sharing				
Information sharing (crime and disorder)	Section 17A Crime and Disorder Act 1998 ⁴	Articles 26(1) and 26(2)	Y	N

Mayoral Functions

Function	Legislation	Order Reference	Concurrent with LAs	Relevant CA member(s) to consent
Housing, Regeneration and Planning functions				
Power to acquire land	Section 9(2) Housing and Regeneration Act 2008	Article 27(2)(d)	N	Requires the consent of each member of the Combined Authority whose local government area contains any part of the land, or substitute members acting in place of those members.

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

⁴ The Combined Authority is also a relevant authority for the purposes of Section 115 of the Crime and Disorder Act 1998 (disclosure of information).

<i>Function</i>	<i>Legislation</i>	<i>Order Reference</i>	<i>Concurrent with LAs</i>	<i>Relevant CA member(s) to consent</i>
Power to acquire land for housing development	Section 17(3) Housing Act 1985 - compulsory purchase	Article 27(6)	Y	Requires the consent of each member of the Combined Authority whose local government area contains any part of the land, or substitute members acting in place of those members.

Mayoral Development Area (MDA) functions				
MDA - designation	Section 197 Localism Act 2011	Article 27(2)(a)	N	Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be designated as a Mayoral development area, or substitute members acting in place of those members; and the National Park authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.
MDA - exclusion of land	Section 199 Localism Act 2011	Article 27(2)(a)	N	Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be excluded from a Mayoral development area; or substitute members acting in place of those members.

<i>Planning functions in relation to MDA</i>	<i>Section 202 Localism Act 2011</i>	<i>Article 27(2)(a)</i>	<i>N</i>	<i>Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be designated as a Mayoral development area, or substitute members acting in place of those members; and the National Park authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.</i>
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Appendix 2 - Corporate Governance & Audit Committee 'Mayoral Accountability Workshop' 14th January 2021

Corporate Governance & Audit Committee 'Mayoral Accountability Workshop' 14th January 2021

Present:

CLlr Will Simpson
CLlr Kath Pinnock
CLlr Graham Turner
CLlr Elizabeth Smaje
CLlr Andrew Cooper
CLlr Harpreet Uppal
CLlr Habiban Zaman
CLlr Charles Greaves
CLlr Aleks Lukic

Julie Muscroft	Legal, Governance and Commissioning
Karl Larrad	Legal Services
Nick Howe	Strategy, Innovation and Planning

1. Welcome and Introduction from CLlr Simpson

CLlr Will Simpson, chair of Corporate Governance & Audit Committee (CG&AC), welcomed everyone and introduced the session.

2. Background – Julie Muscroft and Nick Howe

JM provided a brief background, recap on the West Yorkshire (WY) Devolution Deal and progress to date including the recent news of the order being laid in Parliament. She also explained why this Workshop has been convened and where this work is likely to go next.

3. Concurrent powers – Karl Larrad

KL provided a detailed update on the concurrent powers work currently being undertaken by the 5 WY authorities. Concurrent Powers are statutory powers and duties that are shared between the Combined Authority (including a function exercisable by the Mayor) and the Constituent Councils. The current piece of work is developing a clear set of protocols for how the exercise of these will work once the mayoral authority is in place. KL also provided example of concurrent powers and explained how the process might work going forward. He reassured members that if and when concurrent powers were exercised in future, all authorities would have plenty of notice and time to discuss the approach being taken. The draft protocols will enhance this security.

A final version of the protocol will be presented at **CG&AC 9th March** with further discussion at **Cabinet 16th March** in line with other WY authorities.

4. Workshop Discussion

The context of the discussion was how will the 5 constituent councils interact and hold an elected mayor to account? Specifically, what would members like to see in place, what would be feasible and could be replicated across all 5 Councils? Appendix 1 to this report

Key Points

Cllr Simpson

- Pre-scrutiny is a real issue.
- We have a unique opportunity to help change the current WYCA approach and culture if we get these structures right.
- Need to build the accountability into each of the 5 constituent councils so no authorities are left behind, not just scrutiny at WYCA itself.
- In the least, the mayor to attend an additional full council each year dedicated to mayoral accountability/scrutiny (this should be a red line). It needs to be a scheduled and prepared session not just a PR exercise.
- Potential for the Deputy Mayor to attend constituent council's scrutiny sessions twice a year? Some form of engagement so there is ongoing scrutiny work with each council, not just a one-off annual event.
- Important all Cllrs get the opportunity to have their say and raise questions to be answered in a set timeframe, not just the one's on nominated panels or who are part of WYCA.

Cllr Cooper

- Would like to see a lot more detail up front i.e. what is the Mayor's skills plan, what is their economic plan etc. If these are set out up front, it will be much easier to see when decisions will need to be made and hold them to account.
- Reminded the meeting that 8% of elected Cllrs in WY are independent and not from the main groups. The LGA treat them as a group and they should be given a voice.

Cllr Smaje

- The Mayor to attend full Council when it suits Kirklees, shouldn't just be a PR exercise.
- WYCA scrutiny does not have the opportunity to accept public questions or questions from other members, this should be looked at and changed.
- More pre-decision scrutiny and far more visibility of key decisions before they are made. Its too distance at present
- Try to involve all councillors not just respective cabinets.
- Need to scrutinise 'things' that affect Cllrs.
- Need to understand the relationship with Mayoral Combined Authority (MCA) scrutiny structure once its agreed. There needs to be far more input into proposed MCA scrutiny that currently exists with WYCA.
- Internal Kirklees panel to scrutinise MCA work?

Cllr Zaman

- How much different will the newly elected mayor's plans be? What will their priorities be? These need to be shared more widely.
- Agree that the Mayor should attend Council meetings.

- Stronger links to the grassroots across the districts so members of the public have a greater understanding of the Mayor's role and responsibilities

Cllr Simpson

- Public questions should be allowed at formal meetings. A 'Question Time' session for members of the public would be good thing for the Mayor to do.

Cllr Uppal

- Public accountability is key, works well for the Manchester model.
- Full Council attendance is a no brainer and if possible, should be written into the constitution.
- Themed committee and scrutiny structures are more appropriate than existing arrangements.
- Fully support the 8% LGA Independent group proposal.

Cllr Turner

- Public accountability is key, the new Mayor must realise this from the start.
- Full Council attendance needs to be holding to account, not a PR exercise.
- Potential special meeting early in their reign to get the PR bit out of the way and set the scene? Opportunity to hold them to account after that meeting.
- Multi-themed scrutiny panels are the way forward due to the scale of the job.

Cllr Smaje

- Pleased to hear there's general agreement attendance should be more than once a year. Also, this good opportunity for everyone to get their frustrations out now!

Cllr Pinnock

- 5 constituent councils are responsible for pushing and creating accountability.
- Decision-making and accountability needs to consider the political make-up that exists across all councils.
- Public accountability links into the precept, especially if the Mayor decides to increase it!
- Power of Veto, does it exist and where? JM answered, any decision of the Mayor that gives rise to a financial liability for a constituent council requires the consent of the member appointed by that council.
- Perhaps new scrutiny arrangements should be called accountability panels?? More about accountability might make the Mayor more likely to attend.
- Important that members of the public can make representations.
- Do we need a KMC panel to focus on MCA workload and accountability?

Cllr Lukic

- Formal MCA meetings accept written questions and representations from members of the public, this is essential for credibility.
- What can we do to help inform our scrutiny of the Mayor? Collect and log public views and concerns. Build on the way we do this with the current PCC.

- Key issue in how we work with WYCA and future MCA particularly in how WYCA/MCA share information to the public, cultural shift is required.
- Tees Valley model for Independents, communicate this to our WYLAW Group (Appendix 6 of Tees Valley constitution).

Cllr Turner

- Re-emphasise the attendance at full council, but how do we demand it? Does this have to be in the MCA Constitution? JM no legal powers but all 5 councils are looking at how this can be replicated across WY. Write in the standing orders? Carrot and stick approach

Cllr Greaves

- Where do we go from here i.e. flightpath?
 - Formal route for concurrent powers (CG&AC 9th March, Cabinet 16th March)
 - WYLAW meetings (monitoring officers from all 5 cc plus WYCA) Next one is end of this month
 - In terms of scrutiny, Leaders and CXs currently engaging with WYCA on the proposed structures discussed before Xmas
- Ensure note and recommendations from this meeting are widely shared. JM to share notes and proposals from this session with our Leader and CX as well as other monitoring officers from WY which will in turn feed to the CX at WYCA
- Is there potential to share these ideas with prospective mayors?? Invite candidates to a Kirklees meeting to listen and observe our concerns and proposals? They'd get a better understanding of the issues and need for accountability

5. Next Steps and timetable

As noted above, the notes from this meeting will be shared with all attendees. There will be a more formal debate at the sessions on 9th March CG&AC looking at the proposals in more detail and how they could be progressed.

Also, JM to share with Leader, CX and the WYLAW group.

Concurrent Powers paper to CG&AC 9th March, followed by Cabinet 16th March.

Appendix 1 - Mayoral Accountability proposals

Proposal	Detail and issues	How?	By whom?
Mayor to attend scheduled full Council meetings	<ul style="list-style-type: none"> • Invite to a full Council meeting dedicated to accountability of the Mayor • Not a PR exercise, scheduled meeting(s) with planned questions and accountability • Initial early invite to give Mayor opportunity to set out priorities and initial plan • Potential to organise extraordinary meeting annually to make this happen? 	<ul style="list-style-type: none"> • Written into the MCA constitution? • Council standing orders? • Promote through WYLAW Group? 	5 LAs and WYCA
Deputy Mayor to attend Council Scrutiny sessions	<ul style="list-style-type: none"> • Frequency? 	<ul style="list-style-type: none"> • Written into the MCA constitution? • Council standing orders? 	WY Leaders Push from Scrutiny lead in each authority?
Mayor to publish their plans and priorities	<ul style="list-style-type: none"> • To ensure future accountability, MCA to publish Mayor's priorities, delivery plans and strategies. A large portion will be delivery existing strategies but needs clear communication 	<ul style="list-style-type: none"> • MCA Comms lead • Internal and local comms for LAs including 'what does it mean for us?' 	WYCA and then MCA
Provide independent Cllrs with the opportunity to create a group	<ul style="list-style-type: none"> • In line with the LGA approach, provide an opportunity for the 8% independent Cllrs across WY to form a group and have a representative voice • Use the example of the Tees Valley Model? 		WY Leaders?

MCA Scrutiny to accept written questions and written public representations	<ul style="list-style-type: none"> Currently, there is no opportunity for the public or other Cllrs to submit written questions or ask questions at formal meetings. 	<ul style="list-style-type: none"> Written into the MCA constitution? 	WY Leaders? LA Scrutiny leads
Improved relationship and working arrangements between MCA and LA scrutiny	<ul style="list-style-type: none"> Work with WYCA initially to set up formal and informal arrangements which would lead to a more effective scrutiny function of the MCA Ongoing sharing work programmes? Incorporated into the 'Strengthening Partnerships' work? 		5 LAs WYCA and MCA
Increased visibility and record of key decisions	<ul style="list-style-type: none"> Sharing of work programmes and schedules from formal meetings? 		
Internal Kirklees 'panel' to look at MCA business and decision-making	<ul style="list-style-type: none"> Create an internal scrutiny or 'accountability' panel to scrutinise and hold MCA and the Mayor's decision-making 	<ul style="list-style-type: none"> Discussion at CG&AC 	Leading members?
Public Question Time session	<ul style="list-style-type: none"> Annual public 'Question Time' type session for members of the public to ask questions of the Mayor 		WYCA/MCA
Greater understanding the Mayor's role and responsibilities	<ul style="list-style-type: none"> Provide more clear and concise information to the general public on the Mayor's role, responsibilities and priorities 	<ul style="list-style-type: none"> Increased comms form both WYCA/MCA and each authority 	WYCA/MCA Comms LA comms
Multi-themed scrutiny committees	<ul style="list-style-type: none"> In line with the proposals that were discussed before Xmas, the preferred option would be a series of themed committee/panels 		

Instead of scrutiny, call them 'accountability' panels	<ul style="list-style-type: none"> • Instead of calling them 'scrutiny' panel, use the term 'accountability' panels instead. 		
Collect and log public issues and concerns	<ul style="list-style-type: none"> • Log concerns and issues from public etc to aide pre-scrutiny and better accountability in formal meetings • Use the current PCC model 		
Invite Mayoral candidates to a CG&AC meeting to discuss accountability	<ul style="list-style-type: none"> • Invite candidates to a Kirklees meeting to listen and get a better understanding of the issues and need for accountability 		

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Name of meeting: Corporate Governance and Audit Committee

Date: 9 March 2021

Title of report: Dates of Council Meetings – 2021 to 2022 Municipal Year

Purpose of report: (Reference to Annual Council)

To determine dates and times for meetings of Council for the 2021-2022 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?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Signed off by Director	N/A
Is it also signed off by the Service Director for Financial Management, IT, Risk and Performance?	N/A
Is it also signed off by the Service Director - Legal Governance and Commissioning	25.02.21
Cabinet Member portfolio	Not applicable

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or Private Status: Public

GDPR Implications: Not applicable

1. Summary

Council Procedure Rule 2 (1) advises that the dates of ordinary Council Meetings in each Municipal Year will be determined by the Council following recommendations made by the Corporate Governance and Audit Committee.

Council Procedure Rule 5(1) states that there shall be two types of Ordinary meeting of the Council, one which focuses on Holding the Executive to Account, and the other for Key Discussions. No less than four ordinary meetings must be designated as Holding the Executive to Account.

The following dates/times are proposed, all meetings to be held at 5.30pm.

The meeting of Annual Council, scheduled for 18 May 2022, will commence (with a civic ceremony) at 12.30pm.

Date	Council Meeting
2021	
Wednesday 14 th July	Holding Executive to Account
Wednesday 8 th September	Key Discussion
Wednesday 13 th October	Holding Executive to Account
Wednesday 17 th November	Key Discussion
Wednesday 8 th December	Holding Executive to Account
2022	
Wednesday 19 th January	Key Discussion
Wednesday 16 th February	Budget Council
Wednesday 16 th March	Holding Executive to Account
Wednesday 18 th May	Annual Council

2. Information required to take a decision

Not applicable

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Not applicable

3.2 Economic Resilience (ER)

Not applicable

3.3 Improving Outcomes for Children

Not applicable

3.4 Reducing demand of services

Not applicable

4. Consultees

- Leading Members have been advised of the proposed dates.

5. Next steps

That the report be submitted to the Meeting of Annual Council on 19 May 2021 seeking approval of the proposed dates for the 2021/2022 municipal year.

6. Officer recommendation

That the schedule of Council meetings for the 2021-2022 municipal year be submitted to the meeting of Annual Council on 19 May 2021 with a recommendation of approval.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

Samantha Lawton, Head of Governance

9. Background Papers and History of Decisions

Not applicable.

10. Service Director responsible

Julie Muscroft, Service Director - Legal, Governance and Commissioning

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