

Name of meeting: Council

Date: 9th September 2020

Title of report: Devolution Deal for West Yorkshire – Consultation Outcomes

Purpose of report:

To ask Council to consider, comment and endorse the report presented at Cabinet 1st September on the consultation outcomes of the devolution deal for West Yorkshire.

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?	N/A Likely to result in expenditure and savings of greater than £250,000 and affects more than 1 ward
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	N/A Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	N/A
Date signed off by <u>Strategic Director</u> & name	Jacqui Gedman 28/08/2020
Is it also signed off by the Service Director for Finance IT and Transactional Services?	James Anderson 18/08/2020
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft 28/08/2020
Cabinet member portfolio	Cllr Pandor, Leader of the Council

Electoral wards affected: ALL

Ward councillors consulted: YES

Public or private: Public

Has GDPR been considered: YES

1. Summary and information to consider by Council to make a decision

- 1.1 The West Yorkshire “minded-to” Devolution Deal was announced as part of the Budget on 11 March 2020. Subject to completing the statutory processes, this will lead ultimately to the adoption of a mayoral combined authority model with additional functions, and will require an Order of the Secretary of State.
- 1.2 At their meetings in May, the Combined Authority and each Constituent Council:
 - Endorsed the conclusions of the Governance Review.
 - Considered and endorsed the Scheme for the establishment of the Mayoral Combined Authority.
 - Agreed that a public consultation exercise should be undertaken on the proposals contained in the Scheme.
- 1.3 Following the approval of the draft Scheme by Constituent Councils and the Combined Authority, the Scheme was finalised and published. A public consultation open to members of the public, businesses and other stakeholders was then undertaken. The consultation exercise was co-ordinated by the Combined Authority and opened on Monday 25 May 2020 and closed at 00.01 on Monday 20 July 2020.
- 1.4 A formal report (*Appendix 1*) was presented to Cabinet 1st September 2020 to seek Member agreement to submit the Summary of Consultation Responses to the Secretary of State by 11th September, and to jointly delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of each Constituent Council and the Chair of the Combined Authority, to finalise and submit the relevant documentation subject to any technical issues which may arise.
- 1.5 An update on the Council’s decision will be given verbally at the Council meeting.
- 1.6 Council should note that all Councils as well as the Combined Authority were asked to exempt the Cabinet’s decision from call in because of the timetable for an Order to be made for the Mayoral election to take place in May 2021. The Chair of Overview & Scrutiny Management Committee in Kirklees (as well as other chairs across the West Yorkshire Districts and the Combined Authority) all agreed on this occasion that the Cabinet decision be exempt from call-in on the grounds of urgency, for the reasons set out in paragraph 3.6 of the Cabinet report.
- 1.7 Although the decision is an executive one and taken by Cabinet, given the importance of the creation of a Mayoral Combined Authority for the Region as a whole it is considered that the matter should also be considered at a full meeting of Council which includes all political parties. All five West Yorkshire Districts will be considering the matter at a full council meeting. This Council is therefore asked to consider and comment on the information set out in the cabinet report and to endorse the decision of Cabinet.

2. Next Steps

- 2.1 With regard to next steps, it is proposed that the summary of the consultation responses, attached at *Appendix 2*, be submitted to the Secretary of State. It is not proposed that any representations are to be made for significant changes to the proposals. However, to ensure that the submission incorporates any issues which may be raised by any Constituent Council or the Combined Authority further to their consideration of this report, it is proposed that each Constituent Council and the Combined Authority jointly delegate authority to the Managing Director of the Combined Authority in consultation with

Leaders, Chief Executives and the Chair of the Combined Authority to finalise the documents prior to submission by 11 September 2020.

- 2.2 Following this, the Secretary of State will need to decide whether to make the Order and as part of this process must consider whether the Order is likely to improve the exercise of the statutory functions in West Yorkshire. The Secretary of State must also have regard to the need to reflect the identities and interests of local communities, and secure effective and convenient local government. Subject to the Secretary of State being so satisfied, details of the Scheme will then be embodied in a draft statutory Order to establish a mayoral combined authority. At this point the formal consent to the making of the Order will be required from each of the Constituent Councils and the Combined Authority. It is intended that these consents will be sought in November to enable sufficient parliamentary time for the Order to be made in January/February 2021. This is essential to enable a mayoral election to take place in May 2021 and further to enable the first gainshare payment to be received during this financial year.
- 2.3 As part of the parliamentary process and potentially in parallel with the 'consent stage' set out in paragraph 2.2 above, the draft Order will also be considered by Parliament's Joint Committee on Statutory Instruments (JCSI). Their role is to focus on the technical quality of the draft Order as opposed to the policy content and amendments at this point would be those required to ensure that the Order is well drafted. In order to recognise that there may be further technical amendments to the draft Order following the consent of each Constituent Council and the Combined Authority, it is proposed that at that point, Members will be asked to give delegated authority to the Managing Director of the Combined Authority, in consultation with the Chief Executive and Leader of each Constituent Council and the Chair of the Combined Authority to consent to the 'final form' of the Order. Councils will also need to authorise their Chief Executives and Leaders for this purpose.
- 2.4 Appendix 3 to this report sets out a revised timeline for implementing the deal. It should be noted that the timetable has been revised slightly since it was last considered by Constituent Councils and the Combined Authority at their respective meetings during May.
- 2.5 In response to points raised about how Councils will work with the mayoral authority and future reporting procedures, in line with the other authorities Cabinet was asked to invite 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.
- 2.6 It is noted that it may be necessary to amend the council procedure rules, as set out in the constitution, to give effect to the recommendations of Corporate Governance and Audit Committee in this regard. Therefore, any recommendations would be considered by Corporate Governance & Audit Committee prior to seeking Council's approval to the amendment.

3. Implications for the Council

3.1 Working with People

The premise of the “minded-to” Deal is on bringing funding and functions to a more local level. In due course, it is anticipated that 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.

3.2 Working with Partners

The “minded-to” 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. Although there are no immediate implications on Inclusive Growth arising as a direct result of the report.

3.3 Place Based Working

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

3.4 Climate Change

As part of the “minded-to” 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 the report.

3.5 Improving outcomes for children

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

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

- Refer to the Cabinet report attached at [Appendix 1](#).

4. Consultees and their opinions

4.1 As part of the statutory process, as set out above, public consultation has been undertaken. The summary of the results must be submitted to the Secretary of State to consider before an Order creating the West Yorkshire Mayoral Combined Authority can be made.

4.2 The Leader of the Council supports the recommendations.

4.3 The consultation was discussed by Overview & Scrutiny Management Committee formally 9th June and informally 10th July.

5. Officer recommendations and reasons

5.1 Council are asked to consider, comment and endorse the decision of Cabinet from 1st September.

5.2 To note the updated timetable set out in [Appendix 3](#) to this report and the next steps which are subject to the consent being given by the Constituent Councils and West

Yorkshire Combined Authority, to the draft Order in November 2020 so that a Mayoral Combined Authority model and associated changes may be adopted and implemented by May 2021, as set out in the “Minded -to” Deal.

6. Cabinet Portfolio Holder’s recommendations

- 6.1 The Leader of the Council supports the recommendations from *Appendix 1* which will support his vision to secure additional investment and opportunities for Kirklees and to take decisions affecting our communities within the region.
- 6.2 The Leader thanks all Kirklees councillors from across different parties in working together with us on this to deliver such a ground-breaking deal for West Yorkshire.

7. Appendices

Appendix 1 – ‘Devolution Deal for West Yorkshire – Consultation Outcomes’
Cabinet Report 1st September 2020
Appendix 2 – Summary of Consultation Responses
Appendix 3 – Timetable for implementation

8. Contact officer

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9. Background Papers and History of Decisions

The ‘minded to’ Devolution Deal is referenced as a background document within this report.

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>

10. Service Director responsible

Jacqui Gedman – Chief Executive –
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