

Report of the Strategic Director of Regeneration and Culture to the meeting of Full Council to be held on 10 December 2013

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Subject:

West Yorkshire Combined Authority: Government Consultation

Summary statement:

This report:

- updates members and seek approval from Council on the approach proposed to responding to the constitutional arrangements and functions of a Combined Authority for the area of West Yorkshire as set out in the Government consultation.
 - seeks to authorise the Chief Executive (in consultation with the City Solicitor and Leader) to make a formal response to DCLG and to take such steps as are considered appropriate to facilitate the preparation of the Order to create a Combined Authority.
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Overview & Scrutiny Area:

Regeneration and Economy



1. SUMMARY

This report:

- updates members and seek approval from Council on the approach proposed to responding to the constitutional arrangements and functions of a Combined Authority for the area of West Yorkshire as set out in the Government consultation.
- seeks to authorise the Chief Executive (in consultation with the City Solicitor and Leader) to make a formal response to the Department of Communities and Local Government (DCLG) and to take such steps as are considered appropriate to facilitate the preparation of the Order to create a Combined Authority.

2. BACKGROUND

2.1 In June 2013, the Council endorsed the final Scheme for a Combined Authority for the area of West Yorkshire. The council of the City of York will be part of the joint-working arrangements as a “non-constituent council”. The Scheme was published at www.awya.gov.uk/combinedauthority. The Scheme was agreed by the five West Yorkshire Councils (Bradford, Calderdale, Kirklees, Leeds and Wakefield), the West Yorkshire Integrated Transport Authority (ITA), the council of the City of York, and the Local Enterprise Partnership. It was submitted to the Secretaries of State for Communities and Local Government and Transport on 31 July 2013.

2.2 The Chief Executive was authorised in consultation with the Leader, and the Chief Executives and Leaders of the other West Yorkshire Councils, to undertake such steps as were necessary to facilitate the submission of the Scheme and the preparation of the draft Order.

2.3 In authorising such an approach the case for the Combined Authority was acknowledged. The Combined Authority will support economic growth and job creation in West Yorkshire and York. It will help West Yorkshire and York secure devolution of powers and funding from Whitehall to invest in transport, infrastructure, economic development and regeneration. It will enable the creation of the West Yorkshire and York Transport Fund, which will invest up to £1 billion in transport improvements over the next ten years.

2.4 The Combined Authority will be an efficient way of taking decisions and managing investments. It will not cost more than existing arrangements. The focus will be on devolving powers down from Whitehall, not pooling them up from individual Local Authorities. The Combined Authority will only lead on matters where there is a clear strategic rationale for it to do so.

3. OTHER CONSIDERATIONS

3.1 DCLG preparation of draft Order and consultation

3.1.1 In response to the publication of the Review and Scheme, the Secretary of State has indicated that where Councils come forward with such proposals which command wide local support, if he considers that the statutory conditions are met, he will invite Parliament to approve the Order establishing the proposed Combined Authority to enable the Councils to give full effect to their ambitions for joint working.

3.1.2 Before making such an Order the Secretary of State must consult the five West Yorkshire Councils and the ITA. The Secretary of State has also indicated that he considers it appropriate to consult with the Leeds City Region Local Enterprise Partnership (LCR LEP), Sheffield City Region LEP, York, North Yorkshire and East Riding LEP, City of York Council and those Councils neighbouring the proposed Combined Authority area.

3.1.3 DCLG launched a consultation and published a consultation paper on 7 November 2013. The consultation invites comments on the proposal to establish a Combined Authority for the area of West Yorkshire.

3.2 Government consultation document

3.2.1 The Government consultation runs for 8 weeks with the deadline set for submission of views on 2 January 2014. A copy of the consultation paper is attached to this report as Annex A. This includes details of the proposed constitution and functions for the Combined Authority together with a draft Order. The views of the following stakeholders are requested:

- The five West Yorkshire district local authorities
- City of York Council
- The West Yorkshire Integrated Transport Authority
- The West Yorkshire Passenger Transport Executive
- The Leeds City Region Local Enterprise Partnership
- Neighbouring local authorities
- Other interested parties including members of the public, local businesses and their representative bodies and representatives of the voluntary sector.

3.2.2 The consultation paper also describes the background, including the legislative context to the proposals, and then sets out the basis of the Secretary of State's consideration of the Scheme. It sets out that through the delivery of the City Deal, West Yorkshire's economy has significant potential, however "...the disparate governance structures that currently exist present a challenge to the delivery of this. Without a single accountable body to take strategic decisions in regard to economic development, regeneration and transport, the opportunities identified will continue to be missed."

3.2.3 The consultation notes the findings of the governance Review conducted in West Yorkshire which conclude that a Combined Authority would enable West Yorkshire and York to deliver more effectively on the investment commitments contained in the Leeds City Region City Deal.

3.2.4 Responses are invited by the Government on the proposal to establish a combined authority for the area of West Yorkshire – Bradford, Calderdale, Kirklees, Leeds and Wakefield, and in particular:

- on whether establishing the proposed combined authority would be likely to improve the provision of transport in the area and its effectiveness and efficiency, the provision of economic development and regeneration in the area, and the economic conditions in the area.

- on how establishing such an authority may impact on the identities and interests of local communities and on securing effective and convenient local government.
- on the proposed constitutional arrangements (including the formal name of the combined authority) and functions for a combined authority as set out in the Annex to the consultation paper.
- on how such an authority and the local enterprise partnership can work in a seamless manner to ensure the private sector is 'hardwired' into the leadership and decision making for the functional economic area.

3.2.5 The Council's position in respect of the matters raised in the Government's consultation questions has been set out previously in detail within the submitted Review and Scheme following endorsement of the same by Council in July. The proposals for the establishment of the Combined Authority set out in the consultation document, including the constitutional arrangements and functions, are consistent with the contents of the Review and submitted Scheme.

3.2.6 The Government's consultation is welcomed as a positive response to the intention of the five West Yorkshire Councils and the council of the City of York to align more closely decision making, where appropriate, in relation to economic development, regeneration and transport. It is recommended that the Council resolves to respond positively to the consultation and also approves the following approach to responding to the Government's specific consultation questions.

3.3 Next steps and timetable

3.3.1 It is proposed that the Chief Executive, in consultation with the City Solicitor and Leader is authorised to make a formal response to DCLG confirming the Council's support for the establishment of a Combined Authority as proposed in the consultation and draft order and to take such other steps as are considered appropriate to facilitate the preparation of the Order. The other West Yorkshire Councils and the City of York Council will also be considering their response to the consultation and it is intended that the Chief Executives for each Council liaise with regard to the response.

3.3.2 After the completion of the consultation, the Government will consider any comments received and decide whether to proceed with the laying of the Order before both Houses of Parliament. Based on discussions with DCLG officials, the assumption is that this will be done early in the New Year. This timetable would be consistent with the implementation date for the creation of the Combined Authority proposed in the City Deal of 1 April 2014.

3.3.3 It will be important therefore to ensure there is strong support within Government for the proposals contained within the consultation paper.

3.3.4 In parallel to the consultation process, a report on the detail of the development of the governance arrangements to be created as part of the Combined Authority will be taken to the Bradford Governance and Audit committee in January 2014. This will assist in ensuring that the Council is satisfied that the governance framework ensures that its interests in the Combined Authority are being met.

4. OPTIONS

- 4.1 Option one: respond as recommended above to the government consultation, positively and in liaison with other Chief Executives across West Yorkshire and York. Recommended as a joint response ensures a clear, consistent line which helps demonstrate that the proposals command wide local support.
- 4.2 Option two: provide a separate response to the consultation from Bradford, without liaising with other West Yorkshire and York local authorities. Not recommended as it misses the opportunity to demonstrate a joined up response across West Yorkshire.
- 4.3 Option three: provide no response to the government consultation. Not recommended as since the Scheme proposals agreed by CBMDC in June, and the submission of the Scheme in July, there have been no local material changes, and the Order reflects the Scheme submitted.

5. FINANCIAL & RESOURCE APPRAISAL

- 5.1 There are no specific implications regarding resources and value for money arising from this report.
- 5.2 As a strategic decision making and delivery body for WY, Leaders have agreed that the running costs of a West Yorkshire Combined Authority should be no more than the arrangements that it will replace, based on the creation of no significant new staffing structures and by utilising existing capacity currently within the constituent district authorities and the PTE.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 6.1 The process for establishing a Combined Authority is not fully under this Council's control.
- 6.2 Its establishment by April 2014 in line with the City Deal implementation plan is subject to:
- Government being satisfied our proposals command wide local support.
 - how our proposals are considered to impact on the identities and interests of local communities and on securing effective and convenient local government.
 - that the proposals meet the required statutory conditions.
- The Order then needs to be approved by both Houses of Parliament and will therefore require support within Government.

7. LEGAL APPRAISAL

- 7.1 There are no specific legal implications arising from this report. If a Combined Authority is established this will have a separate legal identity from the Council and the other constituent authorities and will have separate statutory powers and duties.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

- 8.1.1 It is proposed that the Combined Authority will build on the policies, services and functions, including the organisations equality and diversity policies, used and developed in the Integrated Transport Authority and Passenger Transport

Executive. An audit of key Metro policies was undertaken and included Metro's Equality and Diversity Policy, Procurement Policy and Metro Equality Objectives. The audit provided confidence that due regard have been given in the policies involving employees, service users and the wider community.

- 8.1.2 Post establishment, it is anticipated that the Combined Authority will undertake a review of these transferred policies and practices to ensure they are aligned with the new authority's objectives and that its equality and diversity policies are fit for the future functions of the organisation.

8.2 SUSTAINABILITY IMPLICATIONS

- 8.2.1 In acting as accountable body for devolved funding and setting and reviewing objectives for strategic investment through the West Yorkshire Plus Transport Fund and Economic Investment Fund, it will ensure resources are deployed to achieve sustainable outcomes.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

- 8.3.1 The Combined Authority will bring powers and resources that will support the LCR Transport Strategy and West Yorkshire Local Transport Plan, and in so doing support the reduction of greenhouse gas emissions.

8.4 COMMUNITY SAFETY IMPLICATIONS

- 8.4.1 No specific community safety implications.

8.5 HUMAN RIGHTS ACT

- 8.5.1 No specific human rights act implications.

8.6 TRADE UNION

- 8.6.1 No specific staffing implications for City of Bradford MDC.

- 8.6.2 The transfer of the Integrated Transport Authority and Passenger Transport Executive staff to the new Combined Authority will require consultation on the transfer of their terms and conditions. The transfer human resources work stream will work to provide advice and undertake the consultation and communicate with staff so they are aware of the developments and feel comfortable with the transfer. The transfer of staff does not involve a physical move of staff or change of premises.

8.7 WARD IMPLICATIONS

- 8.7.1 No specific ward level implications.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

Council is recommended to:

- 10.1 Welcome the publication of the Government consultation paper which invites the submission of views by Thursday 2 January 2014.

- 10.2 Endorse the proposed constitutional arrangements and functions of the Combined Authority as set out in the consultation paper.
- 10.3 Approve the proposed approach to responding to the consultation.
- 10.4 Authorise the Chief Executive (in consultation with the City Solicitor and Leader) to make a formal response to DCLG confirming the Council's support for the establishment of the Combined Authority and to take such other steps as are considered appropriate to facilitate the preparation of the Order.
- 10.5 Note the next steps and timetable, and in particular that providing Government is satisfied that the proposals for a Combined Authority for West Yorkshire command wide local support and also meet the required statutory conditions, the Secretary of State will invite Parliament to approve the Order establishing the Combined Authority.

11. APPENDICES

Annex A: Proposal to establish a combined authority for the area of West Yorkshire Consultation, Department of Communities and Local Government, 7 November 2013 (including draft Order).

12. BACKGROUND DOCUMENTS

October 2012 Executive report: Review of Governance Arrangements in West Yorkshire

April 2013 Executive report: West Yorkshire Governance Review and Combined Authority

June 2013 Executive report: West Yorkshire Combined Authority