

# Report of the Chief Executive to the meeting of Executive to be held on 8th September 2020

Subject: BZ

# **West Yorkshire Devolution Consultation and Next Steps**

# **Summary statement:**

On the 11<sup>th</sup> March 2020, the Chancellor announced a "minded to" Mayoral Devolution Deal for the West Yorkshire area (which covers the Local Authority areas of Bradford, Leeds, Wakefield, Kirklees and Calderdale). A report went to Executive on the 24<sup>th</sup> March which outlined the details of the devolution deal, its benefits for Bradford District, its people and its businesses and set out the required next steps.

This devolution deal unlocks revenue and capital funding worth £1.8 billion over the next 30 years. It follows similar deals in metropolitan areas including Greater Manchester and the West Midlands and will be the largest per person deal to date. The deal includes commitments on transport, business support, skills, innovation and tackling climate emergency.

Specific commitments for Bradford District include:

- An additional £500,000 in direct funding to help Bradford Council develop a masterplan for Bradford city centre, maximising regeneration opportunities from Northern Powerhouse Rail.
- A package of measures to transform Bradford City Centre through pedestrianisation, new cycle infrastructure and better access to Bradford Interchange
- A new park-and-ride for South Bradford providing alternative access to the city centre and key employment sites
- Support for an ActEarly research hub (building on the Born in Bradford work at Bradford Royal Infirmary) which focuses on early interventions in childhood health to improve lives and opportunities for children and their families. We are currently working with Born in Bradford to look at how we might reshape this proposal in light of the response to the Coronavirus pandemic.

In addition to this, we are working with the Combined Authority on developing these commitments in the context of the impact of the recent COVID pandemic.

The proposed deal we have secured from the Government requires a number of governance changes. It is required that there will be a directly elected Mayor for West Yorkshire to be elected by May 2021. It will also unlock a number of central Government powers and funding to allow more local and accountable decision making.

The reports which went to Executive in March and May 2020:

- endorsed the "minded to" deal on behalf of Bradford District,
- approved a statutory review to be undertaken jointly with the other West Yorkshire Councils and the Combined Authority,
- provided a draft Governance scheme to be produced for consideration, and
- agreed a consultation to take place in June and July 2020 on the devolution proposals and its governance.

The consultation has now completed and a summary of this is attached to the report in appendix one. Due consideration has been given to the comments and suggestions made and at this time it is not proposed that anything raised requires representations to be made for significant changes to the proposals. The next steps are that all constituent authorities (including Bradford Metropolitan District Council) need to agree in principle to submit a summary of the responses to the Secretary of State for Communities in order to progress the West Yorkshire Mayoral Combined Authority Devolution Deal.

Kersten England, Chief Executive Portfolio: Leader

Report Contact: Phil Witcherley Head of Policy and Performance

**Overview & Scrutiny Area: Corporate** 

#### 1. SUMMARY

This report provides an update on devolution for West Yorkshire and the progress towards a Mayoral Combined Authority. It considers the outcomes of the recent Devolution consultation managed through West Yorkshire Combined Authority, including responses from across Bradford District. This follows the recent Executive report "Devolution Deal for West Yorkshire – Review of Governance Arrangements (and which proposed the Consultation process) considered on 19<sup>th</sup> May 2020

#### 2. BACKGROUND

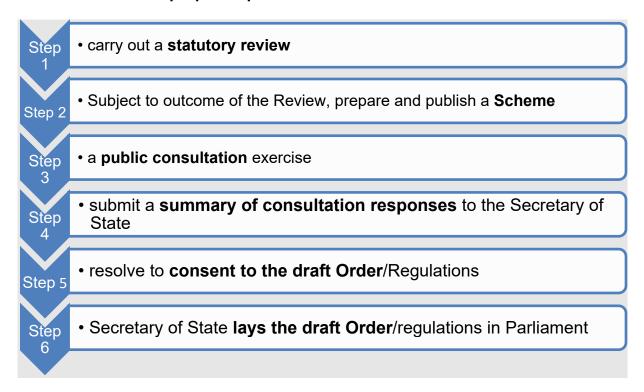
- 2.1 The West Yorkshire "minded-to" Devolution Deal was announced as part of the Budget on 11 March 2020. Subject to statutory processes, this will lead ultimately to the adoption of a mayoral combined authority model with additional functions, and will require an Order of the Secretary of State.
- 2.2 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.
- 2.3 Following these approvals this report seeks to:
  - 2.3.1 Consider the outcome of the public consultation on the Scheme, which has been undertaken jointly by the Constituent Councils and the Combined Authority:
  - 2.3.2 Resolve to submit a summary of responses to the Secretary of State.
- 2.4 Subject to authorisation of Combined Authority and each Constituent Council, it is proposed that the report detailing the summary of the consultation responses attached as Appendix 1 are submitted to the Secretary of State.

# Information and process for enacting the deal

- 2.5 As previously reported, the Deal will devolve a range of powers and responsibilities to West Yorkshire Combined Authority, supporting the region to drive economic growth and prosperity within its communities and across the north. In addition, it will unlock significant long-term funding and give the region greater freedom to decide how best to meet local needs and create new opportunity for the people who live and work here.
- 2.6 The initial gainshare funding for the financial year 2020/2021 will be available prior to the first Mayoral election, but subject to: the establishing legislation being in place; and a revised Assurance Framework being approved.

- 2.7 The Local Democracy, Economic Development and Construction Act 2009 sets out statutory processes to be followed before any Order is made. Each aspect has a specific statutory procedure to be followed. In addition, the consent of each Constituent Council and the Combined Authority is required to any Regulations giving the Combined Authority powers to borrow for non-transport functions. These are to be progressed separately and at a later date to the making of the Order as they will encompass a number of other combined authorities.
- 2.8 It was previously agreed that the process set out in the flow chart below be followed. This process addresses all statutory procedural requirements, facilitates an understanding of the overall impact of the changes, and maximises engagement with stakeholders including the public.

# 2.9 Flow chart of proposed process:



2.10 Stages 1-3 are now complete. The following sections of the report provide a summary of the consultation process and responses. Full documents are available in the appendices to this paper.

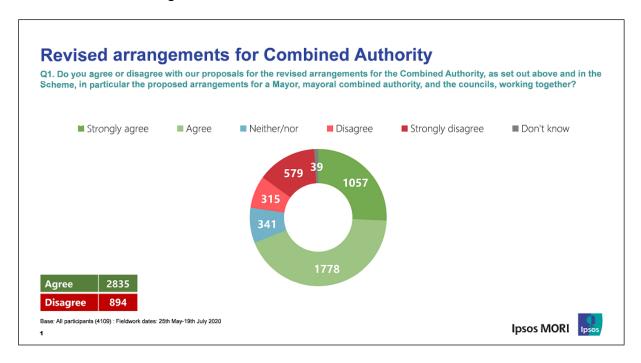
# 3 **Consultation**

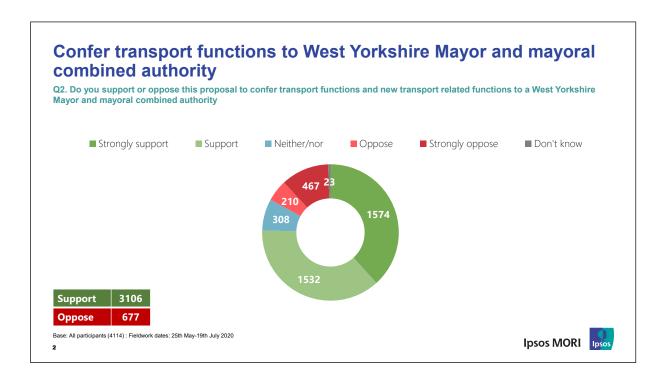
3.1 Following the approval of the draft Scheme by Constituent Councils and the Combined Authority, the Scheme was finalised and published. A public consultation with business and other stakeholders was then undertaken. The consultation exercise was co-ordinated by the Combined Authority, but led by each council in relation to their Local Authority area.

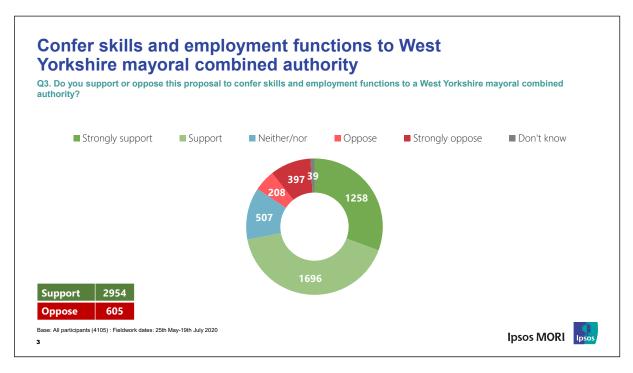
- 3.2 A comprehensive communications plan was implemented by the Combined Authority, working in partnership with each council, to promote the consultation exercise. This has included:
  - Clear simple messages about the benefits of devolution that flow through all communications, focusing on "More decisions made locally; more investment for the things that matter to you; more opportunities for our region"
  - The Combined Authority hosted a web page of the proposed devolution deal on its Your Voice consultation and engagement website. It included:
    - The devolution Scheme;
    - A summary of the proposed deal;
    - A West Yorkshire Authorities 'Governance Review' document, which was undertaken in accordance with Section 111 of the Local Democracy Economic Development and Construction Act 2009; and
    - An initial <u>Equality Impact Assessment</u>, which covered the implementation of the mayoral order overall and the functions that will be conferred on the Mayoral Combined Authority as a result.
    - The website included a number of other pages, including associated background information and a detailed FAQ section. Questions asked by members of the public during the consultation were also published along with responses.
  - Development of a toolkit containing communications messages, content, graphics and other material that partner councils and other stakeholders could use to promote the consultation to their members
  - Print and digital media advertising in all local newspapers across West Yorkshire and on business websites targeting a SME audience (local radio advertising was also considered but has not been progressed for budget reasons). This has created an estimated 1.79 million opportunities for people to see information about the consultation and consider participating.
  - Direct email communications with a wide range of stakeholders including businesses representative organisations, education institutions, third sector groups, and all councillors and MPs across West Yorkshire – encouraging them to respond to the consultation and share information with their networks.
  - Media activity including a joint article in the Yorkshire Post by the five West Yorkshire Leaders, an appearance on Look North by the Chair of the Combined Authority, and media interviews generated by local authority communications teams.
  - Social media activity at a regional level.
- 3.3 The consultation opened on Monday 25 May 2020 and closed on Monday 20 July 2020. There were a number of formal channels through which individuals and stakeholder organisations could give their views on the proposals:
  - Online through the Your Voice platform, which could be accessed through the Combined Authority's devolution web pages;
  - Hard copy response form, which was available to print out from the website and on request. Materials were also available in another format, such as large print, braille, or another language on request.

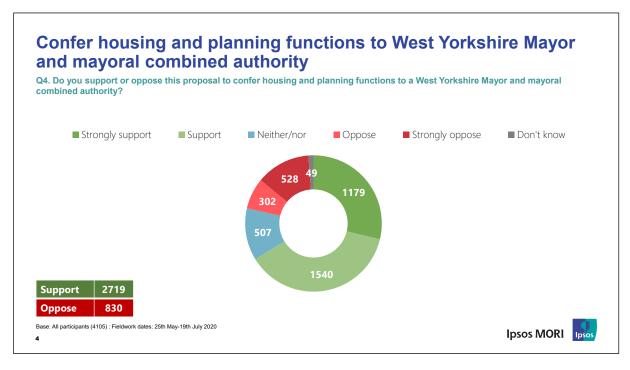
- A written letter, sent via the Freepost address listed on the paper response form:
- By email, via a dedicated consultation email address; or
- Via informal channels such as Freephone number
- 3.4 Bradford Metropolitan District Council has supplemented the above activity from West Yorkshire Combined Authority in the following ways:
  - Two news releases to all local media including Telegraph and Argus, Keighley News, Ilkley Gazette, Asian Sunday, Asian Express and Sunrise Radio.
  - The consultation section of our website included a link to the WYCA public consultation
  - Through 19 separate social media posts between the 1<sup>st</sup> June and the 19<sup>th</sup> July on Twitter, Linked in and Facebook. On Twitter, over 20,000 accounts saw the tweet and around 500 accounts engaged with the content through sharing, commenting and retweeting. On Facebook, around 200 accounts reacted and/or shared the material.
  - Three "Stay Connected" bulletin articles were sent around the consultation (on the 9<sup>th</sup> and 29<sup>th</sup> June and the 19<sup>th</sup> July) all with around 5,000 unique views from recipients.
  - The survey link was sent to area offices and VCS contacts in order to reach a wider audience particularly those who may not be online.
  - It was also circulated to the Women's Health Network for district wide distribution and shared via People Can, Safer Bradford and Women's Health Network social media channels.
  - The consultation was signposted to People Can ambassadors and a wider network made up of 134 residents for further circulation.
  - We published two internal news articles on the staff portal "Bradnet" and the West Yorkshire Devolution Consultation featured on our intranet for one week.
- 3.5 The initial strategy was to encourage as many people as possible across West Yorkshire to take part in the consultation. A target of 1,000 responses to the open consultation was set, on the basis of responses to other English regional devolution consultations elsewhere (the Sheffield City Region consultation received 664 responses and the West Midlands around 1,300 responses). This target has been exceeded more than fourfold, making the West Yorkshire consultation the largest ever public consultation on English regional devolution.
- 3.6 Due to the social distancing guidelines that were in place when the consultation commenced, face-to-face consultation channels were not available. In order to enhance the accessibility of the consultation for groups and individuals who may not be able to access digital channels, a specialist consultant Ipsos Mori were procured. They have undertaken a direct postal mailshot to 2,000 households across West Yorkshire that have been identified as "digitally disadvantaged".
- 3.7 In total 4413 people responded to the consultation, 4317 through the channels detailed above at 3.2, 3.3 and 3.4. This was four times over the target. 96 responded to the mail out to a representative sample of digitally disconnected communities.

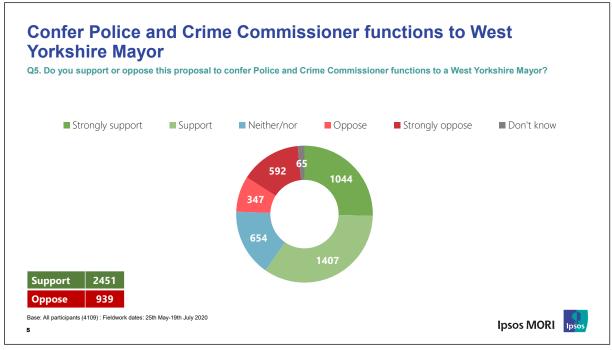
- 3.8 In addition, Ipsos Mori have provided independent analysis of the consultation responses. The report they produced is included as Appendix 1 to this report.
- 3.9 Across all questions asked and all key themes within the consultation, there is overall support for the proposals set out in the Scheme, with the positive responses outweighing the negative.
- 3.10 An overview of the consultation results is set out below, with the full detail contained in the report at Appendix 1. Please note the diagrams below do not include the responses from the digitally disconnected communities. Due to the different methodologies used these results have been reported separately. However, the results of the representative sample of digitally disconnected communities survey broadly follow those of the main survey.
- 3.11 The majority of responses are positive for each of the six questions in the survey, as set out in the diagrams below:

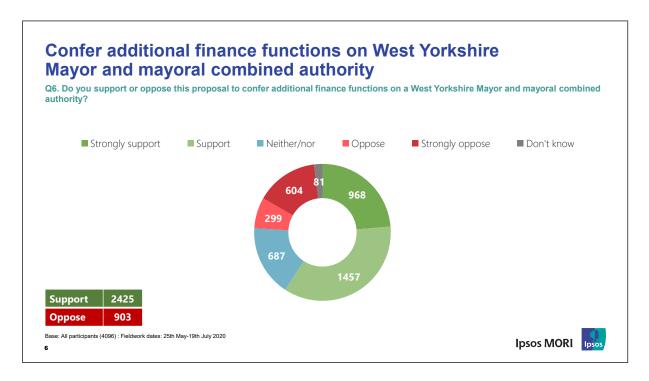












- 3.12 These positive responses have demonstrated strong support for:
  - The opportunities devolution will bring to the region, including a stronger voice for the region.
  - The devolution of money and power from central government.
  - Greater local autonomy, coordination, decision making and control over finances.
  - The proposals regarding employment and skills.
  - The cohesion and co-ordination the transfer of the PCC functions offers.
  - The housing and planning proposals, and how they will improve the supply and quality of housing.
  - The transport proposals and the opportunity to improve public transport and increased connectivity
- 3.13 There were some areas of disagreement raised by the minority of respondents, who did not support the proposals. These are set out below along with a clear response to each of them. None of the areas raised represent any fundamental issue of concern in terms of moving forward to the next stage of the process. The areas raised are:
  - a perception by some that the governance proposals would lead to greater bureaucracy and cost. It is believed that to some extent, this may be based on the view that there will be another layer of local government, which is not the case.

- on the powers of the elected Mayor. It will be important to clearly communicate these proposals to the public and other stakeholders.
- objection to the proposal relating to the mayoral precept with some not wishing to see any tax rises as a result of the proposals. No decisions have been taken yet regarding whether or not the precept function will be used. Again, it will be important to clearly communicate any proposals relating to a precept to the public.
- a concern by some that policing needs political independence and as such the PCC functions should not transfer to the Mayor. Maintaining the current PCC model was also considered as part of the Governance Review. Which concluded that the transfer of the PCC functions offered improved functional effectiveness by strengthening links.
- Some suggested that devolution should be Yorkshire wide, rather than just West Yorkshire. Options relating to geography were fully considered in the Governance Review, which concluded that in order to achieve the policy aims and objectives and the benefits of the "minded to" devolution deal it was appropriate to create a Mayoral Combined Authority for West Yorkshire. This will enable West Yorkshire to pursue its economic policy agenda at greater pace, while continuing to collaborate with the wider Leeds City Region, Yorkshire and the North in pursuit of shared economic objectives.
- 3.14 Further detail of the comments and suggestions provided by individuals and stakeholders are detailed in the report at Appendix 1. Consideration has been given to the comments and suggestions made. Although many will be helpful to the implementation and delivery of the 'minded to' devolution deal, at this time it is not proposed that anything raised requires representations to be made for significant changes to the proposals. The Combined Authority will reflect on all views expressed in this consultation and will continue to communicate with residents and partners on the development and implementation of devolution. As an early action, it plans to respond to these comments through 'you said, we did' communications.
- 3.15 The following stakeholder responses were received:
  - City of York Council
  - Environment Agency and Natural England (joint response)
  - Leeds City Council (scrutiny board)
  - Northern (OLR)
  - North Yorkshire County Council
  - The Office of the Police and Crime Commissioner
  - Transdev
  - TUC Yorkshire and the Humber
  - TUC Yorkshire and the Humber Creative and Leisure Industries Committee
  - University of Bradford
  - University of Leeds
  - West and North Yorkshire Chamber, Mid Yorks Chamber, CBI and FSB (joint response)
  - West Yorkshire Police Chief Constable
  - Yorkshire Universities

- 3.16 To ensure independence of process, The Consultation Institute were also procured to provide independent quality assurance and recommendations on the process adopted. The outcome of their final report was that the consultation is deemed as good practice.
- 3.17 The Police and Crime Commissioner and West Yorkshire Police Chief Constable, although overall supportive of a Mayoral Model, raised queries about the proposed PCC governance model. Home Office officials have since confirmed that the only viable governance model for a 2021 transfer is the Mayoral Combined Authority model. A letter jointly signed by the PCC and the five West Yorkshire Leaders has been sent to the Policing Minister setting out that there are no insurmountable barriers to a 2021 transition based on the Mayoral Combined Authority Model. Transition planning for the transfer of the PCC functions to the Mayor in 2021 therefore continues on this basis.

# **Next Steps**

- 3.18 It is proposed that the summary of the consultation responses (attached at appendix 1) be submitted to the Secretary of State. It is not proposed that any representations are to be made for significant changes to the proposals. 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.
- 3.19 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 the 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.
- 3.20 A part of the parliamentary process and potentially in parallel with the 'consent stage' set out in paragraph 4.5 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
- 3.21 Appendix 2 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.

#### Police and Crime Commissioner PCC Functions

3.22 To support understanding of the degree of work required to meet a potential transfer date of May 2021, an external due diligence exercise has been commissioned by the Combined Authority through a competitive tender process. The scope of this critical exercise includes an understanding of the scale of the transfer, the mechanisms necessary to transfer PCC functions, as well as the instruments and resourcing required to enable this. The final report will comprise a comprehensive risk assessment of the transfer and a critical path if a May 2021 transfer is to be achieved. Consultants have been appointed to carry out this work, and a final report is anticipated in early September 2020. If any issues arise from this due diligence work that require further action, this will be progressed with a view to resolution prior to the 'consent stage' for Constituent Councils and the Combined Authority which is due to take place in November.

#### 4 FINANCIAL & RESOURCE APPRAISAL

- 4.1 The Deal includes a number of flagship funding arrangements including £38m for 30 years into the West Yorkshire Investment Fund, £317m from the Transforming Cities Fund and control over the £63m annual Adult Education budget. The implications of these and the other funding provisions contained within the Deal will be subject to future reports.
- 4.2 As per 2.6 above, the initial gainshare funding for the financial year 2020/2021 will be available prior to the first Mayoral election, but subject to: the establishing legislation being in place; and a revised Assurance Framework being approved.

## 5 LEGAL IMPLICATIONS

- 5.1 It is proposed that this decision is exempt from call-in on the grounds of urgency as any delay caused by the call-in process would prejudice the Combined Authority's and Constituent Councils' interests as delaying the submission to the Secretary of State, would have a significant detrimental impact on the proposed timeline set out in Appendix 2.
- 5.2 Statutory processes need to be followed, before any Order or regulations may be made to implement the Deal.

5.3 S101(5) Local Government Act 1972 provides that two or more local authorities (defined to include a Combined Authority) may discharge any of their functions jointly and may arrange for the discharge of those functions by an officer of one of the authorities.

## 6. RISK MANAGEMENT AND GOVERNANCE ISSUES

6.1 The Mayoral Combined Authority programme is risk managed through the WYCA corporate risk procedures and reported in public to the Combined Authority (CA) Governance and Audit Committee. Bradford Council elected members, through Executive and nominated positions on CA bodies provide local democratic leadership, scrutiny and representation for the best interests of Bradford District, its citizens and communities.

# 7. OTHER IMPLICATIONS

#### 7.1 EQUALITY & DIVERSITY

Equalities Impact Assessments have been undertaken for both the consultation process and the overall implementation of the deal. These assessments have taken account of the obligations under section 149 of the Equality Act 2010 (i.e. the public sector equality duty). It is not expected that the proposals described in this report will have any adverse impacts on people with protected characteristics. The Combined Authority will ensure that the equality impact assessments are reviewed throughout the devolution implementation process.

#### 7.2 SUSTAINABILITY IMPLICATIONS

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 sustainability arising as a direct result of the report.

#### 7.3 GREENHOUSE GAS EMISSIONS IMPACTS

N/a

#### 7.4 COMMUNITY SAFETY IMPLICATIONS

No direct issues arising from this report.

## 7.5 HUMAN RIGHTS ACT

No direct issues arising from this report.

#### 7.6 TRADE UNION

There will be staffing implications arising from the need to move at pace to undertake the necessary statutory process and to move to a mayoral model for governance, partnership working and delivery

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, with Trade Union and Trade Union membership involvement, at the appropriate point to ensure operational effectiveness and efficiency of the Combined Authority and Local Authority partnership working and local service provision.

#### 7.7 WARD IMPLICATIONS

No direct issues arising from the report.

## 7.8 IMPLICATIONS FOR CORPORATE PARENTING

No direct issues arising from the report.

#### 8. ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

No direct issues arising from the report.

#### 9. NOT FOR PUBLICATION DOCUMENTS

None

#### 10. OPTIONS

- 10.1 Members have the option of rejecting or accepting the conclusions of the Summary of Consultation Responses.
- 10.2 Members are asked to support the view that due consideration has been given to the comments and suggestions made and at this time it is not proposed that anything raised requires representations to be made for significant changes to the proposals.
- 10.3 Members may agree or disagree with the responses being submitted to the Secretary of State to the given deadline.
- 10.4 Members have the option to delegate authority to the Managing Director of the Combined Authority in order to finalise and submit the required information to Government and continue to progress the legal steps towards devolution in West Yorkshire.

## 11. RECOMMENDATIONS

- 11.1 To consider the Summary of Consultation Responses attached as Appendix 1 to this report and endorse its conclusions.
- 11.2 To agree in principle to the Summary of Consultation Responses and representations set out in Appendix one being submitted to the Secretary of State by 11 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 these documents.
- 11.3 To note the updated timetable set out in Appendix 2 to this report and the next steps which are subject to the consent being given by the Constituent Councils and 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 Deal.
- 11.4 To refer this report and appendices to Council to consider, provide any comments and endorse the Executive decisions taken.
- 11.5 To resolve that this decision is exempt from call-in on the grounds of urgency, for the reasons set out in paragraph 6.1 of this report.

#### 12. APPENDICES

Appendix 1 – Summary of Consultation Responses

Appendix 2 – Timetable for implementation

#### 13. BACKGROUND DOCUMENTS

The Devolution <u>Deal</u> is referenced as a background document within this report.

Bradford Council Executive report "Devolution Deal for West Yorkshire – Review of Governance Arrangements", 19<sup>th</sup> May 2020

Bradford Council Executive Minutes and Decisions, 19th May 2020

Bradford Council Executive report "Devolution Deal for West Yorkshire – Review of Governance Arrangements", 24<sup>th</sup> March 2020

Bradford Council Executive Minutes and Decisions, 24th March 2020