

Report of the Chief Executive to the meeting of Governance and Audit Committee to be held on 21st January 2021

AA

Subject: West Yorkshire Devolution

Summary statement:

On 11 March 2020, the Chancellor announced a “minded to” Mayoral Devolution Deal for the West Yorkshire area. A report submitted to Executive on 24 March outlined the details of the devolution deal, its benefits for Bradford District, its people and its businesses and set out the required next steps.

The proposed changes to the governance arrangements required for implementation of the deal were reported to Executive on 19 May.

Subsequently, decisions were made which:

- 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 for a draft Governance scheme to be consulted on in June and July 2020,
- agreed to submit a summary of the responses to the Secretary of State for Communities,
- agreed in principle to the draft Order to establish a mayoral combined authority,
- delegated authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of CBMDC and the other Constituent Councils and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order.

Approval of the statutory instrument to establish the mayoral combined authority is anticipated shortly. This report concerns the Protocol to be agreed by the Combined Authority and the Constituent Councils regarding the exercise of concurrent functions and statutory consents.

Kersten England, Chief Executive

Portfolio: Leader

Report Contacts:

Overview & Scrutiny Area: Corporate

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1. SUMMARY

- 1.1 On 11 March 2020, the Chancellor announced a “minded to” Mayoral Devolution Deal for the West Yorkshire area. A report submitted to Executive on 24 March outlined the details of the devolution deal, its benefits for Bradford District, its people and its businesses and set out the required next steps.
- 1.2 The proposed changes to the governance arrangements required for implementation of the deal were reported to Executive on 19 May.
- 1.3 Subsequently, decisions were made which:
- 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 for a draft Governance scheme to be consulted on in June and July 2020,
 - agreed to submit a summary of the responses to the Secretary of State for Communities,
 - agreed in principle to the draft Order to establish a mayoral combined authority,
 - delegated authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of CBMDC and the other Constituent Councils and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order.
- 1.4 Approval of the statutory instrument to establish the Mayoral Combined Authority is anticipated shortly. This report concerns the Protocol (attached as Appendix A) to be agreed by the Combined Authority and the Constituent Councils regarding the exercise of concurrent functions and statutory consents.

2. BACKGROUND

Benefits of the Deal

- 2.1 As previously reported, the Deal will devolve a range of powers and responsibilities to West Yorkshire Mayoral Combined Authority. It will unlock significant long-term funding and give the region greater freedom to decide how best to meet local needs.
- 2.2 The devolution deal offers both investment and decision making which are crucial to fulfil West Yorkshire’s potential and meet current challenges. 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

- 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.
- 2.3 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.
- 2.4 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.

3. PROTOCOL

- 3.1 Devolution will confer concurrent powers on the MCA (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. The range of concurrent powers and those decisions requiring statutory consents are set out in Appendix 1 to this report.
- 3.2 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.
- 3.3 The Protocol seeks to establish the rules under which the MCA will exercise concurrent powers and seek statutory consents. It deals with the period of notice to be given to Constituent Councils prior to their exercise by the MCA. Appendix A is the latest MCA officer draft which has been track changed to show the amendments being sought by CBMDC. Once agreed, the draft will be submitted to the Constituent Councils for approval through their Executives prior to its consideration by the MCA.
- 3.4 The amendments suggested are as follows: –

Para 2.3 - the MCA to agree that exercise of any Concurrent Function with a

Constituent Council shall be undertaken in such a way as to be compatible with and complementary to the exercise of the Concurrent Function by any Constituent Council.

Para 3.3 – to notify the Constituent Council, regarding the seeking of a statutory consent, 10 working days prior to publication of any Key Decision notice, the date of publication of the Key Decision being too late for Constituent Councils to be able to influence what is being proposed.

Para 4.1 – it is suggested that “no significant implications” should be a joint decision.

Para 4.2 – it is suggested that Constituent Councils should have 10 working days’ notice of an intended exercise of a Concurrent Function before publication of the Key Decision notice, and 15 working days’ notice before the proposed exercise of a non-Key Decision, again to allow Constituent Councils to be able to influence what is being proposed.

4. FINANCIAL & RESOURCE APPRAISAL

None arising from this report

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The amendments sought to the Protocol are in order to allow consideration of proposed decisions prior to formal notice of the decision being given.

6. LEGAL APPRAISAL

Contained within the report above

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None arising from this report.

7.2 SUSTAINABILITY IMPLICATIONS

None arising from this report.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable

7.4 COMMUNITY SAFETY IMPLICATIONS

No issues arising from this report.

7.5 HUMAN RIGHTS ACT

No issues arising from this report.

7.6 TRADE UNION

No issues arising from this report

7.7 WARD IMPLICATIONS

No issues arising from the report.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

No issues arising from the report.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

No issues arising from the report.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

Not applicable

10. RECOMMENDATIONS

10.1 To consider and comment on the content of the Protocol and the proposed exercise by the MCA of concurrent functions and the seeking of statutory consents.

10.2 To delegate authority to the City Solicitor in consultation with the Chair to comment on any further version of the Protocol received.

10.3 To forward the Committee's and/ or City Solicitor's/Chair's views to the meeting of the Executive on 2 March when it is proposed that the Protocol will be considered.

11. APPENDICES

Appendix A – Protocol

Appendix 1 - Concurrent Powers, Decisions requiring Constituent Council consent.

12. BACKGROUND DOCUMENTS

None