



EXECUTIVE BOARD

Meeting to be held remotely on
Tuesday, 19th May, 2020 at 11.00 am

MEMBERSHIP

Councillors

J Blake (Chair)	A Carter	S Golton
R Charlwood		
D Coupar		
J Lewis		
J Pryor		
M Rafique		
F Venner		
L Mulherin		

Note to observers of the meeting:

To remotely observe this meeting, please click on the 'View the Webcast' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

<https://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=102&MId=9969&Ver=4>

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

A G E N D A

Item No K=Key Decision	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2		Item 9 Appendix 1 10.4(3)	<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information within the meaning of Section 100I of the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If the recommendation is accepted, to formally pass the following resolution:-</p> <p>RESOLVED – That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.</p>	

Item No K=Key Decision	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>MINUTES</p> <p>To confirm as a correct record the minutes of the meeting held on 22 April 2020.</p> <p><u>INCLUSIVE GROWTH AND CULTURE</u></p>	9 - 18
6 K			<p>DEVOLUTION DEAL FOR WEST YORKSHIRE - REVIEW, SCHEME AND CONSULTATION</p> <p>To consider the report of the Chief Executive providing an update on the latest stage of the process to implement the West Yorkshire Devolution Deal, as agreed between the region and Government in March 2020. The report also includes information on the outcome of the statutory governance review which has been undertaken and seeks approval to progress to the next phase involving public consultation on the draft Scheme.</p>	19 - 126

Item No K=Key Decision	Ward	Item Not Open		Page No
7			<p>UPDATE ON CORONAVIRUS (COVID19) PANDEMIC – RESPONSE AND RECOVERY PLAN</p> <p>To consider the report of the Chief Executive providing an update on the actions of the Leeds Health and Social Care system and Leeds City Council, working with broader partners, in response to and facilitating the recovery from the Coronavirus (COVID-19) pandemic.</p> <p><u>(Report to follow)</u></p> <p><u>RESOURCES</u></p>	
8			<p>CORONAVIRUS (COVID-19) - IMPACT UPON THE COUNCIL'S 2020/21 REVENUE BUDGET</p> <p>To consider the report of the Chief Officer Financial Services which provides an update on the current position regarding the impact of the Coronavirus pandemic upon the Council's 2020/21 Revenue Budget.</p> <p><u>(Report to follow)</u></p> <p><u>LEARNING, SKILLS AND EMPLOYMENT</u></p>	

Item No K=Key Decision	Ward	Item Not Open		Page No
9 K	Burmantofts and Richmond Hill	Appendix 1 10.4(3)	<p>EAST LEEDS SECONDARY PLACE PROVISION - PROPOSED PURCHASE OF LAND AT TORRE/TRENT ROAD FROM ARCADIA</p> <p>To consider the joint report of the Director of City Development and the Director of Children and Families that brings together three interconnected and complementary workstreams that have been progressed following Executive Board approval to enter into negotiations with the Arcadia Group Ltd, for the potential acquisition of part of their site at Torre Road for the creation of the new east Leeds secondary school.</p> <p>(Please note that Appendix 1 to this report is designated as being exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3))</p>	127 - 152

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

Webcasting

Please note – the publically accessible parts of this meeting will be filmed for live or subsequent broadcast via the City Council’s website. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed.

REMOTE MEETING OF EXECUTIVE BOARD

WEDNESDAY, 22ND APRIL, 2020

PRESENT: Councillor J Blake in the Chair
(REMOTELY) Councillors A Carter, R Charlwood,
D Coupar, S Golton, J Lewis, L Mulherin,
J Pryor, M Rafique and F Venner

155 Chair's Opening Remarks

The Chair welcomed everyone to the first remote meeting of the Executive Board, which was being held as a result of the current social distancing measures established in response to the Coronavirus pandemic.

On behalf of the Board, the Chair extended her thanks and appreciation to Council employees, together with all partner organisations and sectors across the city and the wider region for the extraordinary co-ordinated efforts being taken to continue to safeguard and serve communities during these unprecedented times.

Also, the Chair extended her condolences to all those across the city who had lost loved ones as a result of the pandemic.

156 Late Items

Agenda Item 8 (Update on Coronavirus (COVID-19) Pandemic)

With the agreement of the Chair, a late item of business was admitted to the agenda entitled, 'Update on Coronavirus (COVID-19) Pandemic'

Given the unprecedented scale and significance of this issue, it was deemed appropriate that a report be submitted to the first remote meeting of the Board. However, due to the fast paced nature of this issue, and in order to ensure that Board Members received the most up to date information as possible the report was not included within the agenda as originally published on 14th April 2020. (Minute No. 161 refers).

Agenda Item 9 (Decision Making Arrangements during Coronavirus (COVID-19) Pandemic)

Although not a formal late item of business, the Chair also agreed to accept updated information for incorporation into Appendix D to the report entitled, 'Decision Making Arrangements during Coronavirus Pandemic', which listed for the purposes of the Board's retrospective endorsement decisions which had been taken during the period between 16th March and 6th April 2020 (Minute No. 162 refers).

157 Declaration of Disclosable Pecuniary Interests

There were no Disclosable Pecuniary Interests declared at the meeting, however, during the consideration of Item 7 (Approval to Spend Request for the Learning Places Programme Rebuild and Expansion of Benton Park

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School) Councillor Golton drew to the Board's attention the fact that he is a Governor at Royds School. (Minute No. 160 refers).

158 Minutes of the Previous Executive Board Meeting and Notes of the Remote Executive Consultative Meetings

RESOLVED –

- (a) That the minutes of the previous meeting held on 12th February 2020 be approved as a correct record;
- (b) That the notes of the remote, private consultative meetings of the Executive, as held on 18th and 25th March 2020 be noted.

CLIMATE CHANGE, TRANSPORT AND SUSTAINABLE DEVELOPMENT

159 Regent Street Flyover Essential Maintenance Funding

The Director of City Development submitted a report which sought approval to authorise the procurement of the design and build contract via the Scape Civil Engineering contract, to authorise expenditure of £31m for the Regent Street Flyover Maintenance Scheme, and which requested the Leader of Council to write to the Secretary of State to express concerns regarding the delay of the bid decision from the Department for Transport and to seek clarification on timescales.

In introducing the report, the Executive Member for Climate Change, Transport and Sustainable Development extended her thanks to those involved in the continued running of essential services in line with Government guidance in the field of highways maintenance and the delivery of schemes promoting public transport. With regard to the proposal in the submitted report, it was highlighted that public safety in respect of the flyover had been maintained via a rigorous monitoring process, however, although a funding decision was awaited from Government, the replacement of the flyover could not be delayed any further.

Responding to a Member's enquires, it was acknowledged that although there were challenges in having a number of key schemes being progressed concurrently in the city, actions would continue to be taken to minimise disruption and overlap as much as possible, and a key reason for submitting this report to this meeting was to progress the proposal, maximise the benefit from the current window of opportunity and to phase in the proposed scheme with other developments. Also, in acknowledging Member comments regarding contractors, emphasis was placed upon the importance of striking the correct balance between maintaining positive relationships with contractors during such challenging times, whilst also ensuring that developments kept within agreed timeframes wherever possible.

Members also discussed the ongoing dialogue taking place with Government around a decision from the Department for Transport on the submitted funding bid in relation to this scheme, and also with regard to the potential flexibility around the existing timeframe for committing Leeds Public Transport Investment Programme (LPTIP) funding, given current circumstances, which it

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was highlighted would be welcomed. The Board considered the nature of the dialogue taking place and officers undertook to continue to liaise with the Department for Transport on such matters, which would complement any separate political discussions taking place.

RESOLVED –

- (a) That the decision by Full Council in February 2020 to inject Leeds City Council borrowing into the capital programme of £23.0m for the Regent Street Flyover Maintenance Scheme alongside the existing £8.0m within the Highways Bridges & Structures Programme giving a total funding package of £31m, be noted;
- (b) That the procurement of the design and build contract via the Scape Civil Engineering Framework, be authorised;
- (c) That the Leader of Council be requested to write to the Secretary of State to express concerns with the delay of the bid decision and to seek clarification regarding associated timescales;
- (d) That agreement be given that the Director of City Development proposes to inject external bid funds into the Capital Programme upon receipt of the relevant approvals in accordance with his existing delegated authority;
- (e) That the total expenditure of £31.0m for the design and implementation of the Regent Street Flyover Essential Maintenance Scheme which is funded from £26.4m Leeds City Council borrowing and £4.6m Local Transport Plan funding, be authorised;
- (f) That it be noted that the Chief Officer Highways and Transportation will be responsible for the implementation of these works.

LEARNING, SKILLS AND EMPLOYMENT

160 Approval to spend request for the Learning Places programme rebuild & expansion of Benton Park School

The Director of Children and Families submitted a report that provided an update on the first phase of the Benton Park School redevelopment tender process, and which sought approval to set the holistic project budget at £28.5m and to provide 'authority to spend' on this figure, subject to submission of future design and cost reports. The report also sought delegation of future approvals to the Director of Children and Families, in conjunction with the School Places Programme Board and in consultation with the Executive Member for Learning, Skills and Employment.

In introducing the report, the Executive Member for Learning, Skills and Employment extended his thanks to those involved in the continued running of essential services in the field of learning and education during this difficult time, including the online provision of learning materials and the continued opening of a number of schools for the children of key workers.

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Members welcomed the proposals within the submitted report.

Responding to Member enquiries, the Board received information on the recent announcement regarding the further provision of Basic Needs funding that Leeds was to receive for new places. In acknowledging the need for investment in both Royds School and Wetherby High School, it was highlighted that consideration needed to be given to how that funding would be allocated, and that further information would be provided to Board Members in due course. Also, it was confirmed that the Council would continue to make representations to Government about additional resource that was required for refurbishment and expansion of capacity across the school estate. Discussion was also had on the level of resource which was needed in Leeds to meet the demands that the city faced.

Given the current circumstances, it was requested that monitoring continued on the school expansions programme, particularly in respect of those expansions scheduled to be operational in September 2020.

RESOLVED –

- (a) That approval be given to set the overall project budget for the redevelopment of Benton Park School at £28.5m, and that ‘approval to spend’ on this figure be agreed, subject to future design and cost reports being submitted and approvals being sought at the appropriate juncture, with it also being noted that the figure of £28.5m is inclusive of all aspects of the project, including: the construction contract figure, off-site highways works, client held contingency, furniture and equipment, decant costs, service connections etc.;
- (b) That the necessary authority be delegated to the Director of Children and Families to enable the Director to approve future design and cost reports associated with the redevelopment of Benton Park School, in conjunction with the School Places Programme Board and in consultation with the Executive Member for Learning, Skills and Employment;
- (c) That it be noted that the programme dates identified in section 3.2 of the submitted report, in relation to the implementation of this resolution, represents the critical path for project success and must be adhered to where possible;
- (d) That it be noted that the officer responsible for implementation of such matters is the Head of Service Learning Systems.

(During the consideration of this item, Councillor Golton drew the Board’s attention to the fact that he was a governor at Royds School)

INCLUSIVE GROWTH AND CULTURE

161 Update on Coronavirus (COVID-19) Pandemic

Further to Note No. 9 of the consultative meeting of the Executive held on 18th March 2020, the Chief Executive submitted a report providing an update on the Coronavirus (COVID-19) work within the city's health and social care system, undertaken across all Council services and with a broad range of partners to mitigate the effects of the pandemic on the city. The report noted that Leeds' response was set within the national context, Government guidance, the resilience and health resilience arrangements at a West Yorkshire level, and the city's multi-agency command and control arrangements.

With the agreement of the Chair, the submitted report had been circulated to Board Members as a late item of business prior to the meeting for the reasons as set out in section 15.1 of the submitted report, and as detailed in Minute No. 156.

Members welcomed the comprehensive report submitted and in introducing the report the Leader of Council conveyed her thanks on behalf of the Board to all Council employees and to all of partners across West Yorkshire for their continued efforts and the co-ordinated approach being taken to continue to safeguard and serve communities during these unprecedented times. The Leader also provided a detailed summary of actions being taken across all Council directorates in response to the challenges faced.

On behalf of the Board, the Chair also extended her condolences to all those across the city who had lost loved ones as a result of the pandemic, highlighting the recent death of former Leeds United footballer, Norman Hunter, who she emphasised had made an enormous contribution to the club and the city over many years, with it being noted that arrangements would be made at the appropriate time to mark his sad passing and to provide an opportunity to say thank you.

In addition, the Board also received a specific update from the Executive Member for Health, Wellbeing and Adults regarding the critical work being undertaken by health and care partners across the city and also from the Executive Member for Resources on the current position regarding the financial implications for the Council arising from the pandemic, with it being undertaken that Board Members would be kept informed of such matters.

The Board also received an update from the Chief Executive regarding the planning that continued to be undertaken with regard to the response and recovery phase and the challenges which would be faced as such planning developed.

The vital role being played by Local Government during this period was emphasised, with the recognition that had been received from national Government being highlighted. Further to this, it was hoped that the key role

which was undertaken by Local Government would continue to be acknowledged at a national level moving forward.

In considering the report, Members highlighted how the use of well-established partnerships, such as the Health and Wellbeing Board, relationships with the business and voluntary sectors, together with infrastructure such as Neighbourhood Networks was all proving crucial in helping to continue to serve communities, especially those most vulnerable, such as those individuals which were being 'shielded'.

Members also received updated information for Leeds regarding the number of Coronavirus cases and also the number of hospital deaths caused by Coronavirus. In addition, the Board also received information, via death registration data, on the number of deaths both inside and outside of a hospital setting which had been registered as being COVID-19 related. In response to the data received, Members emphasised the importance of a consistency of approach being taken with respect to the data being compiled, with further information on the progress being made on a regional and national basis being provided. An update regarding the testing of patients in a care setting was also provided.

Members also placed emphasis upon the importance for the city to continue to follow the Government guidance in order to continue to protect the NHS and safeguard people and emphasised their appreciation for the vital role being played by the public in following the guidance to stay at home, with the Board seeking the public's continued support on this.

In conclusion, the Leader asked all Directors to write to their respective teams to thank them for their continued efforts throughout such challenging circumstances.

RESOLVED -

- (a) That the updated national context and local response to the coronavirus (COVID-19) outbreak, as detailed within the submitted report, be noted;
- (b) That the updated Response and Recovery Plan and governance, as detailed within the submitted report and appendices, be agreed;
- (c) That the contents of this submitted report be used as context for the consideration of the more detailed report on decision making arrangements during the Coronavirus pandemic, as detailed at Minute No. 162;
- (d) That all Directors be requested to write to their respective teams to thank them for their continued efforts throughout such challenging circumstances.

RESOURCES

162 Decision Making Arrangements During Coronavirus Pandemic

The City Solicitor submitted a report setting out the arrangements which had been made regarding the publication and recording of officer decisions during the Coronavirus pandemic, in order for the Council to adapt to the urgency and scale of the decision making required in response to the pandemic. In addition, the report also sought the Board's retrospective endorsement of the officer decisions taken during the period 16th March – 6th April 2020, as detailed within Appendix D.

Regarding Appendix D and with the agreement of the Chair, updated information for inclusion within the appendix had been circulated to Board Members and published prior to the meeting to enable its consideration as part of this agenda item.

The Executive Member for Resources highlighted that actions were being taken with the aim of looking to enable Scrutiny Boards and potentially Community Committees to become operational on a remote basis, with an update being provided on the informal remote discussions which had been held with Community Committee Chairs and between some Community Committee Members. In addition, a suggestion was made for further consideration to be given to ways in which selected aspects of full Council meetings could become operational moving forward.

Also, it was highlighted that the collective agreement which had been made with Scrutiny Chairs for key decisions taken in relation to the emergency response to be treated under the 'Special Urgency' provisions was time limited and that a review date of 4th May 2020 or before had been set, with it being noted that if circumstances required, then a further agreement for a short period was likely to be sought by that date, with such matters continuing to be reviewed on a regular basis.

In response to a Member's comments, assurance was provided that such measures had been established to ensure that the agility required around decision making was in place, however, it was emphasised that robust governance and decision making arrangements would remain during this period.

RESOLVED

- (a) That the arrangements, as set out within the submitted report for officer decision making during the course of the coronavirus pandemic, be noted;
- (b) That the decisions taken during the period between 16th March and 6th April 2020, as set out within Appendix D to the submitted report and as included within the additional information subsequently submitted, be retrospectively endorsed;

- (c) That it be agreed that the resolutions within this minute be exempted from the Call In process for the reasons outlined within section 4.5.4 of the submitted report.

(The Council's Executive and Decision Making Procedure Rules state that a decision may be declared as being exempt from the Call In process by the decision taker if it is considered that the matter is urgent and any delay would seriously prejudice the Council's, or the public's interests. In line with this, the resolutions contained within this minute were exempted from the Call In process, as per resolution (c) above, and for the reasons as detailed within sections 4.5.4 of the submitted report)

163 Financial Health Monitoring 2019/20 - Provisional Outturn

The Chief Officer (Financial Services) submitted a report which presented the Council's provisional financial outturn position for the 2019/20 financial year and which sought approval to use the Council's General Reserve to fund any overspend when compared to budgeted assumptions once the final position is known.

The Executive Member for Resources provided an update on the current position regarding the financial outturn for 2019/20, and with regard to 2020/21, it was emphasised that actions were being taken to record the financial impact of the pandemic, to manage the Council's resources during this period and in the longer term the Council would seek to recover and receive as much of the resource it required as possible.

Members highlighted that the report which will cover the beginning of the 2020/21 financial year would begin to illustrate the true extent of the financial implications of the pandemic on the Council.

A Member welcomed the intention to submit proposals to address the currently projected overspend against the Children Looked After budget for 2020/21 to the June Board meeting.

Responding to a Member's comments regarding the potential provision of information to the Executive on the relevant budgetary impact for partner organisations arising from the pandemic and the implications arising for the Council, the comments made were acknowledged and it was highlighted that this analysis would form part of the Council's 'response and recovery' processes.

RESOLVED –

- (a) That the projected provisional 2019/20 outturn for the Authority, as detailed within the submitted report, be noted;
- (b) That, in regard to the projected outturn position projected in the submitted report, approval be given for the use of the Council's general reserve to fund any overspend when compared to budgeted assumptions once the final position is known, with any amount required from the general reserve being confirmed in the final outturn Financial

Health report, which is timetabled to be received at June's Executive Board. It was noted that the officer responsible for the implementation of this resolution is the Chief Officer, Financial Services;

- (c) That it be noted that financial pressures arising as a consequence of Coronavirus (COVID-19) will be met from the Government's COVID-19 support grant allocation to the authority;
- (d) That, noting that the Children and Families directorate projects a variance of £3.8m against the Children Looked After (CLA) budget for 2020/21 based on projections of CLA numbers, the Director of Children and Families be requested to identify proposals to address the projected overspend and that these proposals be incorporated into the next Financial Health Monitoring report to be received at Executive Board.

DATE OF PUBLICATION: FRIDAY, 24TH APRIL 2020

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00 P.M., FRIDAY, 1ST MAY 2020

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Report of Chief Executive

Report to Executive Board

Date: 19 May 2020

Subject: Devolution Deal for West Yorkshire – Review, Scheme and Consultation

Are specific electoral wards affected? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name(s) of ward(s):
Has consultation been carried out? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the decision be open for call-in? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If relevant, access to information procedure rule number: Appendix number:

Summary

1. Main issues

- Agreement of the minded-to West Yorkshire Devolution Deal in March was a landmark moment for Leeds and the wider region. The deal offers the opportunity to bring a significant transfer of power and funding from central government to West Yorkshire to further boost our already strong economy, help to transform infrastructure and tackle some of the most pressing challenges including the impact of climate change on Leeds communities.
- Given the challenges everyone in the UK and around the world are currently facing, strong and effective partnerships at a regional and local level are perhaps more important than ever. The proposed deal will help West Yorkshire to build on its already well-established and effective network, bringing councils and the combined authority closer together and more able to respond to the needs and ambitions of people, businesses and others in our cities, towns and villages.
- Following the council’s endorsement of the minded-to devolution deal for West Yorkshire, this paper sets out the next stage of the implementation process.
- The paper presents the findings of the statutory governance review to which the council has been party, and details the draft Scheme which has been produced. Executive Board is asked to agree that the Scheme should now be put forward for public consultation.
- The paper also outlines the range of work beginning locally to prepare for devolution in Leeds. This is all geared towards creating an environment in which the council and city can maximise every possible benefit of devolution. The work includes ensuring

proper elected member oversight of devolution, considering potential implications for the council as an organisation, and exploring how councils and the combined authority can work differently to make the most of the new powers and freedoms adopted through the deal.

2. Best Council Plan Implications

- The information and recommendations in this report continue to move the council closer towards achieving its long term objective of securing a good devolution deal for Leeds and the wider region.
- If adopted the deal will play a central role in enhancing the council's ability to respond, working in partnership with others, to the three key pillars which underpin the Best Council Plan – inclusive growth, health and wellbeing, and climate emergency.

3. Resource Implications

- The Deal contains significant levels of new funding for West Yorkshire, including a £38m per year, 30 year gainshare agreement.

Recommendations

Executive Board is asked:

- 1) To consider the Governance Review attached as Appendix 1 to this report and endorse its conclusions, including that an Order under S104 and S105 in relation to the changes to constitutional arrangements considered in the Review and the delegation of additional functions to the Combined Authority, would be likely to improve the exercise of statutory functions in relation to the Combined Authority's area.
- 2) To consider and comment on the draft Scheme for the establishment of the Mayoral Combined Authority, attached as Appendix 2.
- 3) To agree that a public consultation exercise is undertaken on the proposals contained in the Scheme and comment on the draft consultation questions, which are attached as Appendix 3.
- 4) To agree that engagement with the Combined Authority and other constituent councils should progress as described in this report and to agree that the Managing Director of the Combined Authority shall, in consultation with the Leader and Chief Executive of this council, be authorised to take any steps to finalise the preparation and publication of the Scheme and progress the public consultation exercise as set out in this report.
- 5) To note the updated timetable set out in Appendix 4 and the next steps including, subject to the approval by constituent councils and the Combined Authority, the submission of a summary of the consultation responses to the Secretary of State in August / September 2020, and to subsequently consent to any draft Order in September 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.
- 6) To agree the proposals outlined in 3.49 around political engagement throughout the devolution process.
- 7) To approve that all decisions taken by Executive Board from this report are exempt from call-in on the grounds of urgency, for the reasons set out in paragraph 4.5.3.

1. Purpose of this report

- 1.1 This report updates Executive Board on the latest stage of the process to implement the West Yorkshire Devolution Deal, agreed between the region and Government in March 2020. It includes information on the outcome of the statutory governance review undertaken (Appendix 1) and asks Executive Board to approve progression to the next phase involving public consultation on the draft Scheme (Appendix 2).

2. Background information

- 2.1 The West Yorkshire “minded-to” Devolution Deal was announced as part of the Budget on 11 March 2020. Subject to consultation and statutory process, 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 Subsequent to the Budget announcement, each of the five West Yorkshire councils and the West Yorkshire Combined Authority (WYCA):
- Endorsed the “minded to” Deal agreed.
 - Agreed to be party to a Review of the Combined Authority’s constitutional arrangements and of the functions carried out by the Combined Authority of its area pursuant to S111 of the Local Democracy, Economic Development and Construction Act 2009.
 - Authorised the Combined Authority’s Managing Director, in consultation with the Chief Executive of each constituent council, to carry out the Review on behalf of each constituent council and the Combined Authority.
 - Authorised the Combined Authority’s Managing Director, in consultation with the Chief Executive of each constituent council and on behalf of each constituent council and the Combined Authority, to prepare a draft Scheme for consideration by the five constituent councils and the Combined Authority, subject to the outcome of the Review.
- 2.3 In Leeds the decisions noted above were taken on a delegated basis by the Chief Executive following recommendations made by a meeting of the Executive Board, which includes the leaders of the council’s two largest opposition groups. Unfortunately it was not possible to make this a formal meeting, open to the public, at the time as new government regulations surrounding councils’ ability to hold formal public meetings remotely were introduced afterwards. However, the paper considered by board members and the draft minutes were published on the council’s website prior to the Chief Executive formally taking the decisions.
- 2.4 The relevant report and decision notification are [available here](#). This was as a result of Executive Board being unable to meet due to the suspension of meetings in response to the COVID-19 pandemic.

3. Main issues

- 3.1 The Deal will devolve a range of powers and responsibilities from central government to WYCA, supporting the region to drive economic growth and prosperity within its communities and across the north. It will build upon the area’s history of collaboration to maximise this investment and increase its contribution to the national economy.
- 3.2 The Deal 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. This agreement is the first step in a process of further devolution. The Government has committed to continuing to work with West Yorkshire on important areas of public service reform and infrastructure investment, to support inclusive economic growth in towns, cities and rural areas whilst tackling the climate emergency.

3.3 The initial funding for the financial year 2020/2021 will be available prior to the first mayoral election, subject to: the establishing legislation being in place; and a revised Assurance Framework being approved. The revised Assurance Framework will consider opportunities to accelerate decision making at times when a more agile approach is required, including through the officer delegation scheme.

3.4 **Process for enacting the Deal**

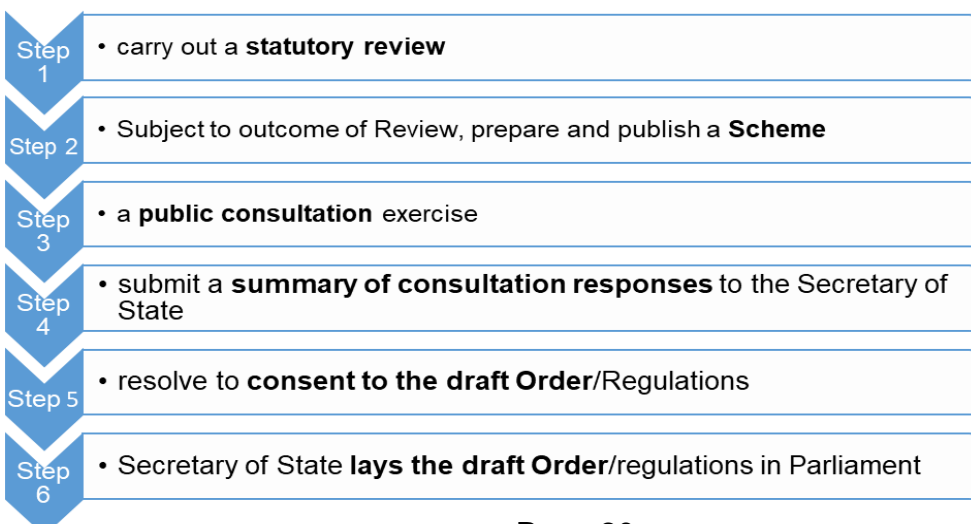
3.5 The Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) sets out statutory processes to be followed before an Order is made to provide for:

- a) adopting a mayoral combined authority model (S107A/B)
- b) the Mayor to carry out and delegate mayoral general functions (S107D)
- c) the joint exercise of general functions by the Mayor (S107E)
- d) changes to the constitutional arrangements of a Combined Authority (including voting, membership, funding arrangements) (S104)
- e) delegation of transport-related functions to the Combined Authority (S104)
- f) delegation of some general local authority functions concurrently to the Combined Authority (S105)
- g) delegation of public authority functions to the Combined Authority (S105A), and
- h) the Mayor to exercise functions currently carried out by a police and crime commissioner (S107F).

3.6 Each aspect listed above 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.

3.7 As part of the decisions noted in 2.3 / 2.4, 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.

3.8 Flow chart of proposed process:



- 3.9 The following sections of the report provide: a summary of the Governance Review; a summary of the Scheme, and detail of the proposed consultation exercise. Full documents are available in the appendices to this paper.
- 3.10 **Governance Review**
- 3.11 Section 112 of the 2009 Act provides that where one or more of the authorities which undertook the Review conclude that the exercise of the power to make an Order under S104 or S105 would be likely to improve the exercise of statutory functions in West Yorkshire, they may prepare and publish a scheme relating to the exercise of the power in question – that is, the making of an order in relation to new transport-related functions, concurrent functions with local authorities, and changed constitutional arrangements (including those changes related to adopting a directly elected mayoral model). A summary is provided here, with the full Governance Review available at Appendix 1.
- 3.12 The Secretary of State may only make an order under S104 or S105 if they consider that to do so is likely to improve the exercise of statutory functions in the Combined Authority’s area. In making any such order, the Secretary of State must have regard to the need:
- To secure more effective and convenient local government for the area; and
 - To reflect the identities and interests of our local communities.
- 3.13 The Review has found that the economic evidence provides a rationale to continue to work across the West Yorkshire area, recognising that it continues to operate as a strong and coherent functional geography in its own right. It has a strong and diverse sectoral mix with significant growth potential, underpinned by notable economic assets and infrastructure, and through its links with the wider Leeds City Region, Yorkshire and the Northern Powerhouse.
- 3.14 Despite its economic successes, West Yorkshire is still a net spender of UK tax revenues, and there are significant challenges in relation to securing its ambitions to promote faster and more inclusive growth, achieving a zero-carbon economy and delivering a 21st century transport system for the area. And there is not enough local control over the policies which affect our economy.
- 3.15 The idea of West Yorkshire authorities working together on a range of transport and economic activities is not new. Leeds City Region was a pilot forerunner city region, the City Deal was secured in 2012 and £1bn Growth Deal was agreed in July 2014. However, even before these developments there was already a strong record of collaboration between councils in the region over many years. The success of the deals noted above has enabled the Combined Authority (established in 2014), the five West Yorkshire councils, and the Leeds City Region Enterprise Partnership (‘the LEP’) to make a strong start and lay the groundwork for this devolution deal.
- 3.16 The minded-to devolution deal represents a significant step forward in delivering more and better jobs to the area. It delivers significant new responsibilities and investment that will benefit our communities and businesses across the region. It means that decisions previously taken centrally can now be taken closer to the people affected and gives the area greater financial freedom and flexibility to manage our investment choices according to local priorities. The MCA will promote local democracy through direct democratic accountability in exercising locally more of the levers of change that will drive economic growth. The review notes that the devolution deal is dependent on the establishment of an MCA and concludes that this is the appropriate mechanism by which the powers and funding proposed can be devolved to West Yorkshire.

3.17 The Review concludes that:

- Current regional governance arrangements – based on a non-mayoral combined authority – do not represent the best model in terms of delivering the long-term ambitions of the authorities within the area for economic growth and delivery of public services;
- There is a limited practical scope for the existing governance arrangements to be meaningfully strengthened, short of creating a mayoral combined authority;
- A change is required to enable the West Yorkshire authorities to pursue their 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; and
- The statutory criteria for preparing and publishing a Scheme are met, i.e. that making an Order under S104 and S105 will likely:
 - Improve the exercise of statutory function in that area.
- In addition, establishing an MCA model of governance for West Yorkshire will:
 - Have a positive impact on the interests and identities of local communities – these proposals build on established regional governance arrangements which cover a coherent functional economic area and which represent the views and interests of local communities; and
 - Secure more effective and convenient local government by reducing complexity and streamlining the delivery of public services within the area.

3.18 The Review proposed that a Scheme is published that confirms:

- Any MCA should cover the area of West Yorkshire;
- A West Yorkshire Mayor would be elected in May 2021;
- The Mayor would become a member of the Combined Authority, and chair meetings of the authority;
- Each council will continue to appoint a member to the new MCA, along with political representatives from opposition groups, and non-constituent members from the LEP and City of York Council would be appointed; and
- The Mayor and MCA will exercise specific statutory functions, and hold some powers concurrently with West Yorkshire local authorities. No functions are being removed from those councils. Where existing functions currently held by West Yorkshire local authorities are to be shared with the Mayor or the MCA, this must be agreed by the constituent councils.

3.19 This final point regarding councils not losing any of their existing powers has been a clear principle from council leaders throughout the process to date, and is clearly set out in paragraph 20 of the Deal itself:

“No constituent council functions are being removed from those councils. Where existing functions or resources currently held by the constituent authorities are to be shared with the Mayor and the Combined Authority, this must be agreed by the constituent councils.”

3.20 The Scheme – outlined below and attached at Appendix 2 – outlines this point in more detail. However as an example, the MCA will be granted powers to compulsorily

acquire land for development and other planning purposes. These powers currently reside with local authorities. Under the proposed new arrangements both organisations will hold the powers concurrently, but in order for the MCA to exercise them it must seek the agreement of the relevant council. Councils will be able to continue to utilise the powers as previously. This principle applies across a range of powers – including on Transport - contained in the Deal, and each is further explained in the draft Scheme attached.

3.21 **Preparing a draft Scheme**

3.22 As proposed within the Review, a draft Scheme has been prepared. The Scheme will form the basis for a revised Order establishing the Mayoral Combined Authority. A summary is provided below with the full Scheme available at Appendix 2.

3.23 In addition to proposals relating to constitutional changes, the delegation of transport related functions and general local authority functions, the Scheme contains proposals relating to the adoption of a mayoral model, and the transfer of functions of a public authority to the Combined Authority, in accordance with S107B(2) and S105B(4) respectively. It contains information on:

- Proposed membership, voting and any other constitutional arrangements;
- Functions to be conferred on the mayoral combined authority and how they are exercised, that is, by the Combined Authority, currently with constituent councils, or by the Mayor (including any constraints or limitations to the Mayor's powers);
- Any changes to the way in which the Combined Authority will be funded, including power for the Mayor to issue a precept, or prudential borrowing powers for functions other than transport;
- Practical arrangements, including and property transfers and ensuring transparency via enhanced scrutiny arrangements.

3.24 It will be important to ensure that any revised sub-regional arrangements secure and enhance effective working arrangements between the MCA and the constituent councils and their democratic arrangements, to facilitate a joined-up and collaborative approach to policy, delivery and decision-making. In addition, local protocols may be established to ensure wider engagement and support for decisions and council approvals.

3.25 The use of additional local protocols to enhance engagement and decision making processes in an MCA model is under active consideration as the devolution process moves forward. It may be possible for the Full Council of constituent local authorities, rather than the respective Leader through their role on the MCA, to take certain decisions – such as approving the annual mayoral budget and approving a regional spatial strategy should one be agreed. While further work is needed to secure these protocols, Executive Board is asked to note that the council will be proposing this approach on those two decisions in question.

3.26 The 'minded to' deal set out that responsibility for West Yorkshire Police and Crime Commissioner (PCC) functions would be taken by the Mayor from 2024. Because the PCC elections have subsequently been delayed until May 2021, there is now an opportunity for any newly elected Mayor to potentially exercise PCC functions in the period after May 2021, rather than from May 2024 as originally proposed.

3.27 **Public consultation**

3.28 It is proposed that once the draft Scheme has been considered by constituent councils and the Combined Authority, and the Scheme is published, a wider public

consultation with business and other stakeholders is undertaken. It is proposed that there is one consultation exercise co-ordinated by the Combined Authority, but that this is led by each council in relation to their district. In addition to the proposals outlined below which will be consistent across the region, the council may also undertake further localised consultation activity in Leeds, dependent on what is possible due to restrictions imposed in order to tackle COVID-19.

- 3.29 Following this, a summary of consultation responses will be brought back to the constituent councils and the Combined Authority to approve before the Scheme is submitted to the Secretary of State.
- 3.30 In line with other Mayoral Order consultations undertaken elsewhere in England, the primary consultation channel used will be an online survey asking respondents their views on the Scheme. The link to the survey and all associated documents will be hosted on the Combined Authority's Your Voice consultation and engagement website, plus West Yorkshire councils' websites and will be co-branded by all partners.
- 3.31 Given the current COVID-19 situation a communications plan will be developed, between the Combined Authority and local councils, to promote the consultation to the widest possible audiences using a range of digital and non-digital channels. These will include a combination of:
- Social media – including paid Facebook content
 - Press releases targeting local and regional media
 - Development of a toolkit so that councils and other partners can promote the consultation via their channels
 - Potential local radio advertising and / or interviews
 - Direct engagement with community networks and equalities groups to improve accessibility
 - Development of an animation and associated assets explaining what devolution means in simple, accessible language
 - Mailshots to target postcodes
 - Direct e-shots to an extensive stakeholder list
- 3.32 Due to the current social distancing guidelines face-to-face consultation channels are not possible. 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 has been procured to support effective targeting of particular postcode areas and equality groups. Contact has also been made with community and equalities groups and business representative organisations to be sure they have an opportunity to respond and share the consultation with their members to gather their views.
- 3.33 To ensure independence of process, specialist consultants have been commissioned to analyse the results and produce the final report. The Consultation Institute have also been asked to provide independent quality assurance and recommendations on the process adopted.
- 3.34 It is proposed that the consultation will launch on 25 May for eight weeks, closing on 19 July.
- 3.35 The proposed consultation questions are available at Appendix 3.
- 3.36 Following the consultation exercise, it is proposed that Executive Board, along with the Combined Authority and four other West Yorkshire councils, receives a report in

August / September 2020 to consider the outcome of the consultation and resolves whether to submit a summary of responses to the Secretary of State.

3.37 **Next steps**

3.38 With regard to next steps, it is proposed that the public consultation on the Scheme is launched on 25 May. Following this, a summary of consultation responses will be brought back to the constituent councils and the Combined Authority for consideration and approval. Once approved the Scheme, along with the summary of the consultation responses and any representations made on behalf of constituent councils will be submitted to the Secretary of State.

3.39 Details of the Scheme would then be embodied in the draft statutory Order to establish a mayoral combined authority, and consents sought in due course from each of the constituent councils and the Combined Authority in respect of the draft Order and any related Regulations.

3.40 **Further considerations**

3.41 **Combined Authority overview and scrutiny**

3.42 On 22 May the Combined Authority's Overview and Scrutiny Committee will hold a briefing session to consider a report which outlines the devolution deal along with the draft scheme, and draft consultation questions. As part of the session, consideration will also be given to future opportunities for overview and scrutiny during the devolution implementation process. In addition, the committee is considering the design of the scrutiny structure in the Mayoral Combined Authority based on lessons learned in West Yorkshire since 2014 and in other MCAs to date.

3.43 **Future of the Yorkshire Leaders Board**

3.44 Throughout the devolution process to date, West Yorkshire Leaders have been clear that while securing a strong devolution deal for West Yorkshire is their immediate priority, it is vital to maintain a collective vision for devolution across the whole of Yorkshire.

3.45 The Yorkshire Leaders Board has been a key vehicle through which the entire region has been able to collaborate over recent months and years. As part of the Deal, Government has committed to continuing to work with all parts of Yorkshire to achieve shared ambitions on devolution, including exploring opportunities for developments beyond the current Deal in the future.

3.46 In order to support this work, and reflecting the strong Yorkshire brand and its cultural heritage, Government will provide £200,000 in 2020/21 to support the more formal establishment of the Yorkshire Leaders Board as a means of facilitating greater collaboration on a Yorkshire-wide basis. This is a positive step in ensuring continued dialogue with Government on the future of the region, and will enable councils and combined authorities to build upon the already excellent cross-border partnership work being undertaken.

3.47 **Preparing for devolution in Leeds**

3.48 The council is working in partnership with the other four West Yorkshire councils and the Combined Authority to undertake the steps needed to implement the devolution deal, as detailed above. However there is also a range of work ongoing locally to prepare for devolution, in particular examining its potential impact on the council and its regional relationships, as well as ensuring rigorous elected member oversight and scrutiny of the implementation process.

- 3.49 Strengthening political engagement and oversight of the devolution process
- 3.50 The agreement of the minded-to Deal is a significant moment for Leeds and West Yorkshire which, if implemented, will bring about meaningful constitutional change in the region. As a result it is clear that both the Deal itself, the ongoing process to implement it, and the wider work ongoing to prepare locally should all be subject to extensive oversight, input and scrutiny from elected representatives.
- 3.51 The fact that this process is ongoing at the same time as Leeds, like the rest of the world, is facing the COVID-19 pandemic has presented an unexpected challenge to ensuring that proper oversight takes place. It is not possible to simply approach this matter in the normal way given the large degree of disruption that has been caused to council meetings and activities.
- 3.52 As a result a series of proposals are outlined below aimed at enhancing political engagement throughout the process to ensure elected members are able to make their voices, and those of their constituents, heard.
- 3.53 *a) Role of Full Council*
- 3.54 Executive Board will be aware that in normal circumstances the full council would be expected to play a leading role in debating the devolution deal and its implementation in Leeds. Indeed some months ago it was anticipated that full council would hold a meeting to debate each stage of the decision making process. Unfortunately, however, given the current circumstances in which a physical meeting is not possible it will take some time before the technology is in place to facilitate a meeting of all 99 elected members.
- 3.55 That said, the council giving its consent to the final Order – expected to take place in September – is a momentous decision which will affect the city for years to come. As such it is important that full council has the opportunity to debate and vote on that matter most of all. Every effort is being made to ensure the technology, integrated between the remote meeting software and the council chamber, is in place to enable that meeting to take place with all 99 members participating in some way. Further updates will be provided to board members on this over the coming weeks.
- 3.56 *b) Formal scrutiny function*
- 3.57 In the absence of complete meetings of the full council taking place, the role of the council's scrutiny function is crucial in ensuring there is a formal, public-facing channel through which the Deal and associated issues can be fully considered by elected members.
- 3.58 With this in mind proposals have been put together and approved by Scrutiny Chairs to accelerate the resumption of remote meeting of the Strategy and Resources Scrutiny Board so that devolution can be properly scrutinised. In addition, to provide for the broadest possible considerations to be made it has been agreed that the chairs of each of the other scrutiny boards will join these meetings as co-opted additional members. This setup will provide a clear link and opportunity for members of all scrutiny board to feed into the process via their respective chairs.
- 3.59 The first meeting of this Strategy and Resources (Devolution) Scrutiny Board is pencilled in to take place on 10 June. Following that board members will have the opportunity to convene further meetings or working groups to examine specific issues in more detail. All of scrutiny's comments and recommendations will be submitted by the close of the public consultation on 19 July so they can be considered ahead of any submission which may be made to the Secretary of State.

3.60 *c) Engagement with political groups*

- 3.61 While the council's formal process to consider devolution will take place through scrutiny as outlined above, Executive Board will appreciate that there is strong desire amongst both group leaders and backbench members for a wider opportunity for discussion about the deal.
- 3.62 Therefore it is proposed that political groups on the council are offered a session with relevant officers for this to take place. These sessions will need to take place remotely, but the nature of each discussion can be agreed with group leaders / others. As an example it might include a presentation on the key issues, Q and A, and opportunity for discussion and debate between elected members.
- 3.63 Any comments made by elected members can then be taken back and fed into the post-public consultation considerations.
- 3.64 Understanding the impact of devolution on Leeds City Council
- 3.65 Since the beginning of the year a small working group of senior officers has begun to support work led by the Leader of Council to consider the potential implications of the adoption of a devolution deal on the council itself. There is no consistent model of mayoral devolution across the country with each area largely maintaining the flexibility to adopt structures and working practices which are appropriate for their circumstances. For example, the minded-to Deal includes provision for opposition member representation on the MCA, something unique to West Yorkshire. Across the country MCAs also undertake their functions in different ways, with some holding a large amount of direct delivery capacity at a regional level, with others operating more as a commissioning body with delivery functions sitting at local authority level.
- 3.66 As a result of this there are a range of different ways in which the West Yorkshire MCA could be organised. The working group has been considering, from a Leeds perspective, the areas in which there may be an opportunity to strengthen the collective work of both the council and the Combined Authority by fostering closer or more effective joint working between the two organisations. As the implementation process moves forward these discussions will continue and proposals will be brought forward for consideration by elected members at the appropriate time. Elected members will also be contributing directly to these considerations through the channels outlined in the previous section. The thinking being done in Leeds is also being shared with partner councils through the forum outlined in the paragraphs below.
- 3.67 Strengthening regional partnership working
- 3.68 As noted above the nature of partnership working between councils and the Combined Authority is a key aspect of how successful devolution will be in communities across West Yorkshire. Therefore the council is keen to support a deeper understanding across the region of where strengths exist to be built upon and where there are opportunities for councils and the MCA to work differently in order to maximise the benefits of the devolution deal.
- 3.69 With this in mind, Leeds has taken up a role supporting work led by the five council leaders to examine the issue in further detail and produce some options and proposals to be considered, drawing on lessons and best practice from those areas which have been operating an MCA model for a number of years already.
- 3.70 This work is still at an early stage but has had good engagement from all partners so far. Each council has appointed a Director lead to contribute on their behalf, alongside their Leader and Chief Executive, and the Managing Director is involved for WYCA. The Director of Resources and Housing is the officer lead for Leeds.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 Details of the proposed public consultation are outlined in paragraphs 3.27 to 3.35, and the proposed questions for this exercise are contained in Appendix 3.

4.2 Equality and diversity / cohesion and integration

4.2.1 As outlined in paragraphs 3.31 and 3.32, the Combined Authority has ensured that due regard is given to equality in consideration of the proposals in this paper. Through those considerations it has been recognised that there are potential EDCI implications around the proposed public consultation. This stems from the effects of the ongoing response to the COVID-19 pandemic exacerbating challenges for some individuals and groups in accessing consultation materials.

4.2.2 The additional measures taken to respond to this issue and support all those who wish to contribute to the consultation exercise are noted in 3.32. The council will continue to work proactively with the Combined Authority – and the consultant – to ensure the widest possible reach for the consultation.

4.3 Council policies and the Best Council Plan

4.3.1 Securing a devolution deal for Leeds and the wider region has been a significant priority for the local authority for a number of years, as set out in the current and previous versions of the Best Council Plan. The Governance Review attached as Appendix 1 outlines the existing economic strengths of West Yorkshire and notes the opportunities that the minded-to deal presents for Leeds. Once implemented the powers, funding and freedoms to be devolved from Government to the region will enhance the council's ability to achieve the strong economy and a compassionate city set out as its vision.

4.3.2 Devolution continues to be a highly complex and dynamic policy agenda with a number of potential short, medium and long term implications for citizens, communities and businesses in Leeds. As set out from 3.47 onwards consideration will continue to be given, by both elected members and officers, to the potential impacts of the devolution deal on the council, its functions and policies.

Climate Emergency

4.3.3 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. Locally, the council remains committed to achieving net zero carbon emissions by 2020, as set out in the March 2019 climate emergency declaration.

4.3.4 Although there are no immediate climate emergency implications arising as a direct result of this report, the Review and Scheme consider the potential for MCA governance arrangements to deliver West Yorkshire's clean growth ambitions.

4.4 Resources, procurement and value for money

4.4.1 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 are considered as part of the Review and subject to future reports.

- 4.4.2 It remains a possibility that the establishment of the MCA may have some limited staffing implications for the council. At the current time it is not clear what, if any, these implications may be, but further consideration is being given to this matter as part of the work outlined in 3.47. Any future changes would be subject to discussions with elected members in the normal way.

4.5 Legal implications, access to information, and call-in

- 4.5.1 Statutory processes need to be followed before any Order or Regulations may be made to implement the Deal.
- 4.5.2 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.
- 4.5.3 It is recommended that this report be exempt from the Call In process on the grounds of urgency. Any delay caused by the Call In process would delay the start of the public consultation outlined above, which would in turn have a detrimental impact on the timeline (as set out in Appendix 4) which would need to be achieved for the successful implementation of a devolution deal for the region. It was not possible for the decisions recommended in this paper to be taken earlier due to the time required to undertake the Review and produce the draft Scheme following the previous decisions of constituent councils and the Combined Authority to be party to those activities.

4.6 Risk management

- 4.6.1 The council maintains a risk regarding devolution on the corporate risk register. This takes account of the need to secure a good deal and the opportunities this presents for the city. The risk ensures that any deal to be considered is in the best interests of the people of Leeds.
- 4.6.2 This risk will remain under review as the deal implementation process moves forward to provide assurance that any new or emerging opportunities are effectively assessed and acted upon.

5. Conclusions

- 5.1 The agreement of a devolution deal for West Yorkshire presents a significant opportunity for Leeds and the wider region to use new powers, funding and freedoms to make progress on some of our long-term shared priorities.
- 5.2 The Governance Review that has been undertaken clearly demonstrates that the statutory conditions for the minded-to proposal are met and describes how the adoption of a mayoral combined authority model will benefit West Yorkshire. In the next stage, the proposed consultation exercise provides a meaningful chance for Leeds citizens and other organisations to consider the details of the proposed Scheme and express their views on the future governance of the region.

6. Recommendations

6.1 Executive Board is asked:

- 1) To consider the Governance Review attached as Appendix 1 to this report and endorse its conclusions, including that an Order under S104 and S105 in relation to the changes to constitutional arrangements considered in the Review and the delegation of additional functions to the Combined Authority, would be likely to improve the exercise of statutory functions in relation to the Combined Authority's area.
- 2) To consider and comment on the draft Scheme for the establishment of the Mayoral Combined Authority, attached as Appendix 2.
- 3) To agree that a public consultation exercise is undertaken on the proposals contained in the Scheme and comment on the draft consultation questions, which are attached as Appendix 3.
- 4) To agree that engagement with the Combined Authority and other constituent councils should progress as described in this report and to agree that the Managing Director of the Combined Authority shall, in consultation with the Leader and Chief Executive of this council, be authorised to take any steps to finalise the preparation and publication of the Scheme and progress the public consultation exercise as set out in this report.
- 5) To note the updated timetable set out in Appendix 4 and the next steps including, subject to the approval by constituent councils and the Combined Authority, the submission of a summary of the consultation responses to the Secretary of State in August / September 2020, and to subsequently consent to any draft Order in September 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.
- 6) To agree the proposals outlined in 3.49 around political engagement throughout the devolution process.
- 7) To approve that all decisions taken by Executive Board from this report are exempt from call-in on the grounds of urgency, for the reasons set out in paragraph 4.5.3.

7. Background documents¹

7.1 None.

8. Additional information

8.1 The West Yorkshire Devolution Deal (the Deal) referenced throughout the report is [available here](#).

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

West Yorkshire Authorities

Governance Review

Undertaken in accordance with Section 111 of the Local Democracy Economic Development and Construction Act 2009

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Executive Summary

On 11 March 2020, a ‘minded-to’ Devolution Deal was agreed between government and local authority Leaders of West Yorkshire, comprising Bradford, Calderdale, Kirklees, Leeds, and Wakefield Councils, and West Yorkshire Combined Authority (‘the Combined Authority’). The deal agrees a significant shift of powers, funding and responsibility from Whitehall to the region in return for establishing the role of a directly elected Mayor for the area of West Yorkshire.

The additional powers and funding afforded through the deal, including £1.14 billion of additional investment over 30 years, would help to drive productivity by enabling additional investment in our towns, cities and rural areas in their infrastructure, skills, business, housing & regeneration, and in cultural and heritage assets, and by boosting trade, innovation, and inward investment.

The purpose of this governance review, undertaken in accordance with Section 111 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) is to look at the exercise of statutory functions in West Yorkshire with a view to deciding whether to prepare and publish a scheme with new functions and changed constitutional arrangements, including a directly elected mayor. A public consultation would then be carried out on the proposals set out in the scheme. The Secretary of State would be provided with a summary of consultation responses and would need to consider whether an order should be made under the 2009 Act to establish a Mayoral Combined Authority (MCA) for the area.

Under section 112 of the 2009 Act, the review needs to conclude that the exercise of the power to make an order to establish an MCA for the West Yorkshire area would be likely to improve the exercise of statutory functions in relation to the West Yorkshire area.

The review has found that the economic evidence provides a rationale to continue to work across the West Yorkshire area, recognising that it operates as a coherent functional geography. It has a strong and diverse sectoral mix with significant growth potential, underpinned by notable economic assets and infrastructure, and through its links with the wider Leeds City Region, Yorkshire and the Northern Powerhouse.

Despite its economic successes, West Yorkshire is still a net spender of UK tax revenues, and there are significant challenges in relation to securing its ambitions to promote faster and more inclusive growth, tackle the climate emergency and deliver a 21st century transport system for the area. And there is not enough local control over the policies that affect our economy.

The idea of West Yorkshire authorities working together on a range of transport and economic activities is not new. Leeds City Region was a pilot forerunner city region, the City Deal was secured in 2012 and £1 billion Growth Deal was agreed in July 2014. This success has enabled the Combined Authority (established in 2014), the five West Yorkshire councils, and the Leeds City Region Enterprise Partnership (‘the LEP’) to make a strong start.

The ‘minded-to’ devolution deal represents a significant step forward in delivering more and better jobs to the area. It delivers significant new responsibilities and investment that will benefit our communities and businesses across the region. It means that decisions previously taken centrally can now be taken closer to the people affected and gives the area greater financial freedom and flexibility to manage our investment choices according to local priorities. Establishing an MCA for the area will promote local democracy through direct democratic accountability in exercising locally more of the levers of change that will drive economic growth. The review notes that the devolution deal is dependent on the adoption of an MCA model of governance and finds that this is the most appropriate mechanism by which the powers and funding proposed can be devolved to West Yorkshire.

The review concludes that:

- current regional governance arrangements - based on a non-mayoral West Yorkshire Combined Authority - do not represent the best model in terms of delivering the long-term ambitions of the authorities within the area for economic growth and delivery of public services;
- there is limited practical scope for the existing governance arrangements to be meaningfully strengthened, short of adopting an MCA model of governance;
- a change is required to enable the West Yorkshire authorities to pursue their 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;
- the statutory criteria for preparing and publishing a scheme are met, i.e., the making of an order under S104 and S105 to enable the adoption of an MCA model of governance for the area of West Yorkshire will likely **improve the exercise of statutory functions in that area**;
- in addition, establishing an MCA model of governance for West Yorkshire will:
 - **have a positive impact on the interests and identities of local communities** – these proposals build on established regional governance arrangements which cover a coherent functional economic area and which represent the views and interests of local communities; and
 - **secure more effective and convenient local government** by reducing complexity and streamlining the delivery of public services within the area.

It is therefore proposed that a scheme is published (a draft scheme is included at Appendix A) that confirms:

- an MCA should cover the area of West Yorkshire;
- a West Yorkshire Mayor would be elected in May 2021;
- the mayor would become a member of the Combined Authority, and Chair meetings of the authority.
- each council will continue to appoint a member to the new MCA, along with political representatives from opposition groups, and non-constituent members from the LEP and City of York Council would continue to be appointed; and
- the Mayor and MCA will exercise specific statutory functions, and hold some powers concurrently with West Yorkshire local authorities. No functions are being removed from those councils. Where existing functions currently held by West Yorkshire local authorities are to be shared with the Mayor or the MCA, this must be agreed by the constituent councils.

Purpose of Review

West Yorkshire Leaders have agreed with Government that fulfilling the local economic priorities and drawing down significant additional powers and funding through the West Yorkshire Devolution Deal raises the question about the on-going appropriateness of regional governance arrangements which are currently based on the (non-Mayoral) Combined Authority, the LEP, and West Yorkshire's Police and Crime Commissioner (PCC). As part of the Deal, Leaders have therefore committed to consider the creation of a new, directly elected West Yorkshire Mayor, acting as Chair to West Yorkshire Combined Authority by May 2021 (and in addition ex officio PCC by 2024).

West Yorkshire's councils, along with the Combined Authority, have therefore commissioned this review to look at whether strengthening existing collaboration arrangements by adopting an MCA model of governance would be the best way of improving delivery of a 21st century transport system, and more inclusive and cleaner growth across the City Region, and exercising PCC functions. Because the PCC elections have subsequently been delayed until May 2021, there is now an opportunity for any Mayor to exercise PCC functions from May 2021, rather than from May 2024 (as originally proposed in the West Yorkshire Devolution Deal).

To ensure compliance with the relevant legislation contained in the 2009 Act, the Review considers whether an MCA is the best governance model and would be likely to:

- Improve the **exercise of statutory functions** in the area of West Yorkshire;
- Secure **more effective and convenient local government** for the area; and
- have a positive or neutral impact on the **identities and interests of our local communities**

Methodology for the Governance Review

The governance review has comprised the following:

- West Yorkshire’s ambition and context, covering the area’s devolution journey and the devolution deal
- Economic assessment of:
 - a) the existence of a Functional Economic Market Area across West Yorkshire; and
 - b) the region’s economic strengths, challenges and opportunities
- Assessment of the current governance arrangements across West Yorkshire
- The case for change
- The devolved functions in scope
- An options appraisal that considers the alternative governance structures which could be pursued in the light of the above evidence
- Consideration of whether the preferred option meets the statutory tests
- Conclusions

Ambition

West Yorkshire local authorities, the Combined Authority and the LEP want our region to be recognised globally as a place with a strong, successful economy where everyone can build great businesses, careers and lives supported by world-class transport, housing and digital connectivity.

Securing more devolved powers and funding is a central enabler and we will deliver our ambitions by:

- Tackling the climate emergency
- Boosting productivity
- Enabling inclusive growth; and
- Delivering 21st century transport

West Yorkshire, a core part of the wider Leeds City Region, and located at the heart of the Northern Powerhouse, is an internationally significant economy in its own right comprising the five metropolitan areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield, and which has:

- a £55.4 billion economy – bigger than 9 EU countries
- 2.3 million people
- 1.1 million jobs and nearly 92,000 businesses – West Yorkshire is the second largest LEP area by employment outside of the South East
- 1.6% of the land area of England
- a predominantly urban character but with 9% of the population living in the 38% of the geography defined as a DEFRA Rural Area.

Whilst overall, West Yorkshire - and the wider Leeds City Region - has been relatively successful in making the transition from a predominantly industrial to a more diverse economy there remain significant challenges, including in terms of labour market participation, skills and levels of economic activity. Well-co-ordinated, targeted, and locally determined investment and interventions are needed to address these issues.

West Yorkshire authorities are of the view that a radical devolution of powers and funding to local areas is needed to respond to our opportunities and address these challenges. Greater local control of the levers of growth, productivity and inclusion would enable West Yorkshire communities and businesses to be better served.

West Yorkshire Context

West Yorkshire has been on a considerable devolution journey to date and the following significant steps have already been taken in securing devolved powers and funding to the area:

- 2004 to 2009: Leeds City Region Concordat, expressing the shared local commitment to working together differently in the interests of the economy of the whole city region and all its diverse communities; establishment of the Leeds City Region Leaders Board, empowered to discharge, on behalf of the member Councils, the promotion and improvement of the economic wellbeing and competitiveness of the City Region; and the adoption of a City Region Development Plan to deliver Leeds City Region Leaders' shared ambition.
- Multi-Area Agreement (2008) – Leeds City Region was one of the first wave partnerships to agree freedoms and flexibilities with government around transport and skills.
- City Region Forerunner Pilot status (2009) - recognised the importance of the Leeds City Region economy to the North and that, without an ambitious package of devolution and local governance reform with particular reference to transport, skills and economic development, its full potential would not be realised.
- 2012 Leeds City Region City Deal – was a step change for the devolution of powers and funding from Government to the City Region, including initial funding and freedoms to build, manage and sustain a local £1 billion West Yorkshire Plus Transport Fund, and Leeds City Region to deliver a 'NEET free' City Region.
- 2014 - Following the establishment of the Combined Authority (a key condition of the City Deal), the first Leeds City Region Growth Deal - the largest secured in the country - which fully capitalised the £1 billion West Yorkshire Plus Transport Fund.
- 2015 – an initial, first stage Leeds City Region and West Yorkshire devolution deal with a focus on flexibilities including around skills, transport, employment and business support.

Building on these achievements, the 2020 West Yorkshire Devolution Deal provides the region with the opportunity to accelerate the delivery of local ambitions for a 21st century transport system and for faster, cleaner and more inclusive economic growth, provided it can be shown that the way it is all managed is fit for purpose.

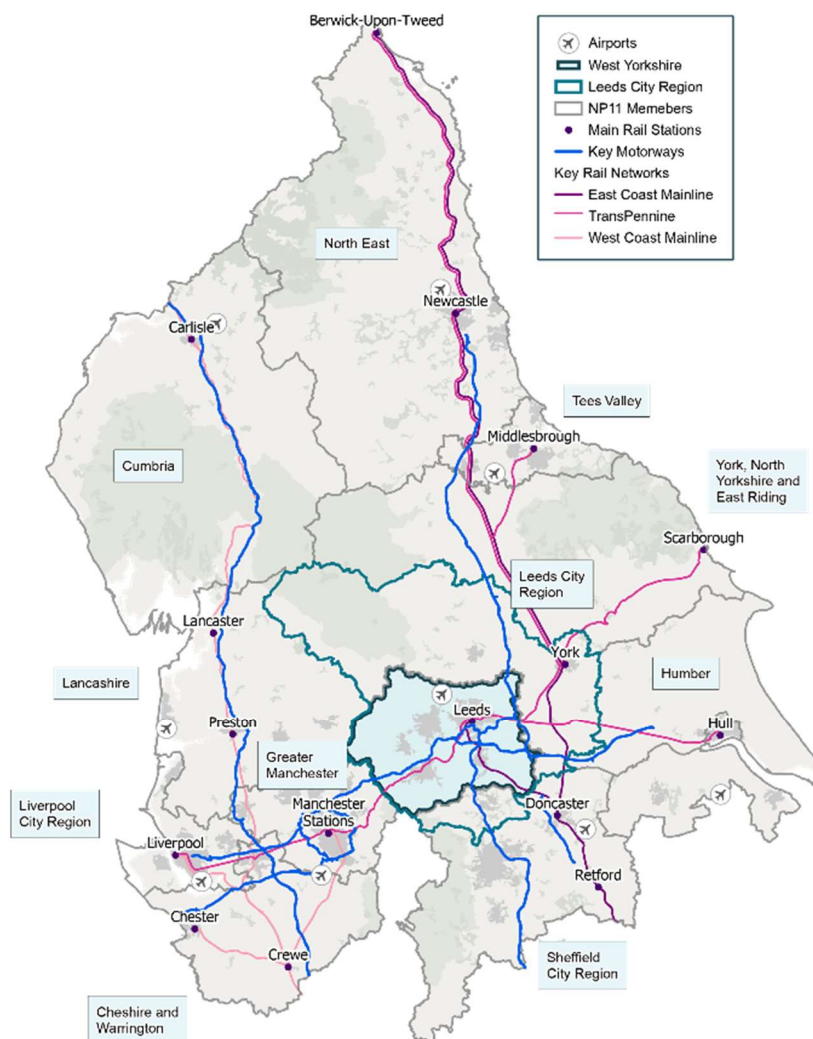
West Yorkshire Economy

This section provides an assessment of:

- the existence of a Functional Economic Market Area across West Yorkshire; and
- the region’s economic strengths, challenges and opportunities

Like all areas, the West Yorkshire economy also faces significant challenges as well as strengths in terms of achieving our full growth potential.

The following economic assessment is drawn from a broad survey of available data and intelligence, primarily analysis of published data from the Office for National Statistics and other official sources to provide an understanding of economic performance on a range of indicators.



A coherent, diverse and resilient region

West Yorkshire has an economically coherent, diverse and resilient economy that possesses a unique combination of economic strengths, assets and opportunities, including the following:

- An economy that values diversity, talent, and youth as the key to our future, exemplified by:
 - these distinctive strengths cited as a key reason for Channel 4 choosing Leeds as its new home;
 - Kirklees' Outstanding rated Huddersfield New College, which is ranked number one in England for Equality and Diversity; and
 - the University of Bradford, which has been identified as the best in the country for Social Inclusion.
- Home to substantial renewable and low-carbon energy capacity in on-shore wind, biomass, energy-from-waste and micro-generation; leading manufacturers in the low-carbon supply chain and strong environmental consultancy expertise, which will contribute towards our ambition to become a net-zero carbon city region by 2038, with significant progress by 2030, in order to play our part in limiting average global temperature rise to between 1.5 and 2.0 degrees Celsius.
- A thriving digital and tech hub cluster - employment in the digital sector in West Yorkshire has increased by 48% between 2015-18, faster than any other LEP area and six times the rate of growth seen in London since 2015 (8%). The cluster has the capability and potential to pioneer the next generation of technological change to transform outcomes for society, business and individuals across the region, including to become the most digitally connected and inclusive region in country.
- An economy that is focused on the future – for example the city of Bradford is the youngest city in the UK, with almost a quarter of the population under the age of 18. The City Region has the highest concentration of Higher Education institutions outside of London with some 7 universities, producing 30,000 graduates annually, of which 13,000 are in STEAM subjects.
- Leading business clusters e.g. Health-Tech, Fin-Tech and Digital Health. Also, in terms of sectors, the UK's largest regional finance centre, 140,000 jobs in the health economy, and more manufacturing jobs than anywhere in the North (with 13.5% of output vs 10.1% nationally), notably in textiles, food & drink, aerospace components, automotive engineering, printing & publishing and construction fabrication, and based on a core of precision engineering.
- Associated key assets that will enable the formation of the next wave of leading knowledge-based industries, clusters and businesses, including:
 - Leeds University's NEXUS;
 - Huddersfield University's 3M Buckley Innovation Centre;
 - the Wolfson Institute for Applied Health Research at Bradford Royal Infirmary; and
- At the centre of the UK, within one hour's drive of 7 million people, and at the heart of national railway and motorway networks, which provides easy access to global markets and means that Leeds City Region is ideally placed as a location for the logistics industry. Moreover, the City Region is a major connectivity hub for the Northern Powerhouse, with Leeds alone typically having more train passengers than anywhere else in the North (100,000 per day), equivalent to London Kings Cross.
- Outstanding historic and cultural assets enhancing both quality of life and economic growth (by £565m p.a.), including:

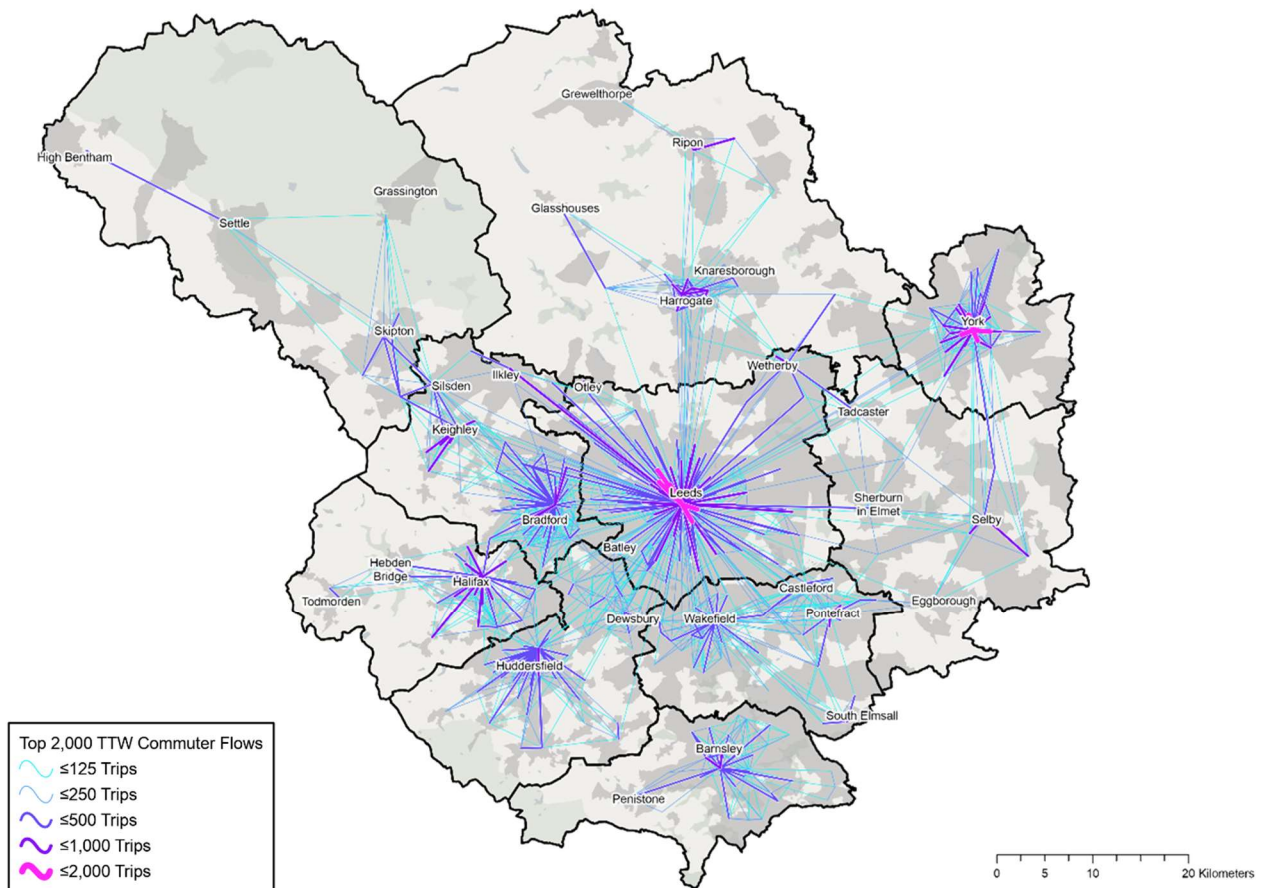
- the Sculpture Triangle which includes the internationally renowned Hepworth in Wakefield;
- Calderdale’s historic, recently restored Halifax Piece Hall, which attracted 5 million visitors since reopening in 2017;
- Bradford’s bid for 2025 City of Culture status, and Leeds 2023; and
- the role of sport and heritage across the region as distinctive economic drivers and the key to the identity of the place.

A functional economic market area

To improve productivity and jobs in those urban areas with several centres, such as West Yorkshire, and the wider Northern Powerhouse, there is a well-established evidence base which demonstrates the need to better connect the key towns and cities to reduce congestion, reduce journey times (shrink distances) between places, and improve freight transfer¹.

Although Leeds City Region is the area’s recognised functional economic market area, West Yorkshire represents its core, and in its own right evidences strong elements of economic self-containment but with clear linkages and interdependency with the wider City Region economic footprint in terms of a wider labour and housing market area.

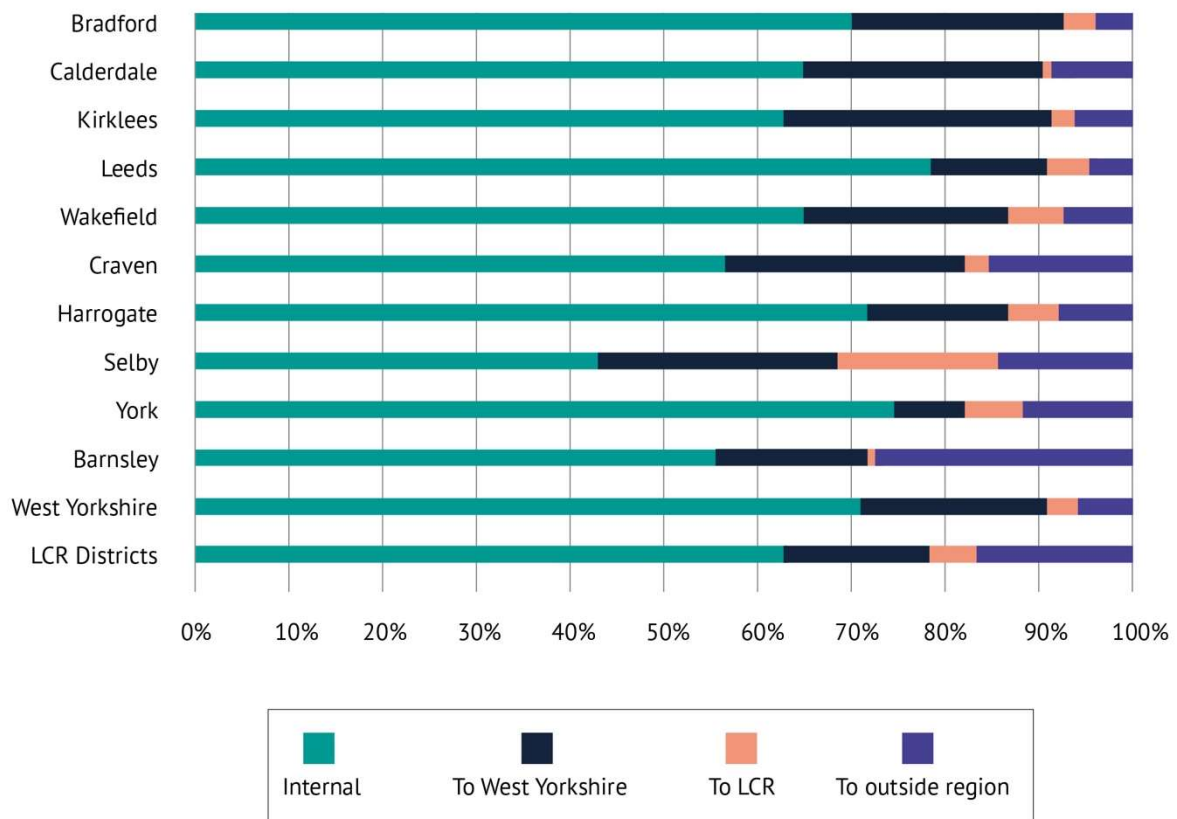
The map below reveals the economic context of West Yorkshire and the wider City Region via commuter flows. It highlights the top 2,000 travel to work-flows originating and terminating within the City Region (with colour, from blue to purple, representing strength of the flow) against a background of ‘urban’ areas. Flows are based on 2011 Census data and include all modes of transport.



¹ EU DG for Regional Policy (2012). Also SERC for the Northern Way (2009) found that a 20 minute reduction in journey times between Leeds and Manchester would generate productivity benefits (using wages as a proxy) in the region of 1.5% for West Yorkshire districts, after controlling for the skill, age, gender, and occupational mix of places.

The table below shows that a large proportion (70%) of West Yorkshire residents in work live and work in their home district, and that over 90% of West Yorkshire residents in work live and work in West Yorkshire. Only 5% of West Yorkshire commuters work outside the City Region compared to 17% of commuters in the remaining Leeds City Region Districts.

West Yorkshire and Leeds City Region commuting destinations

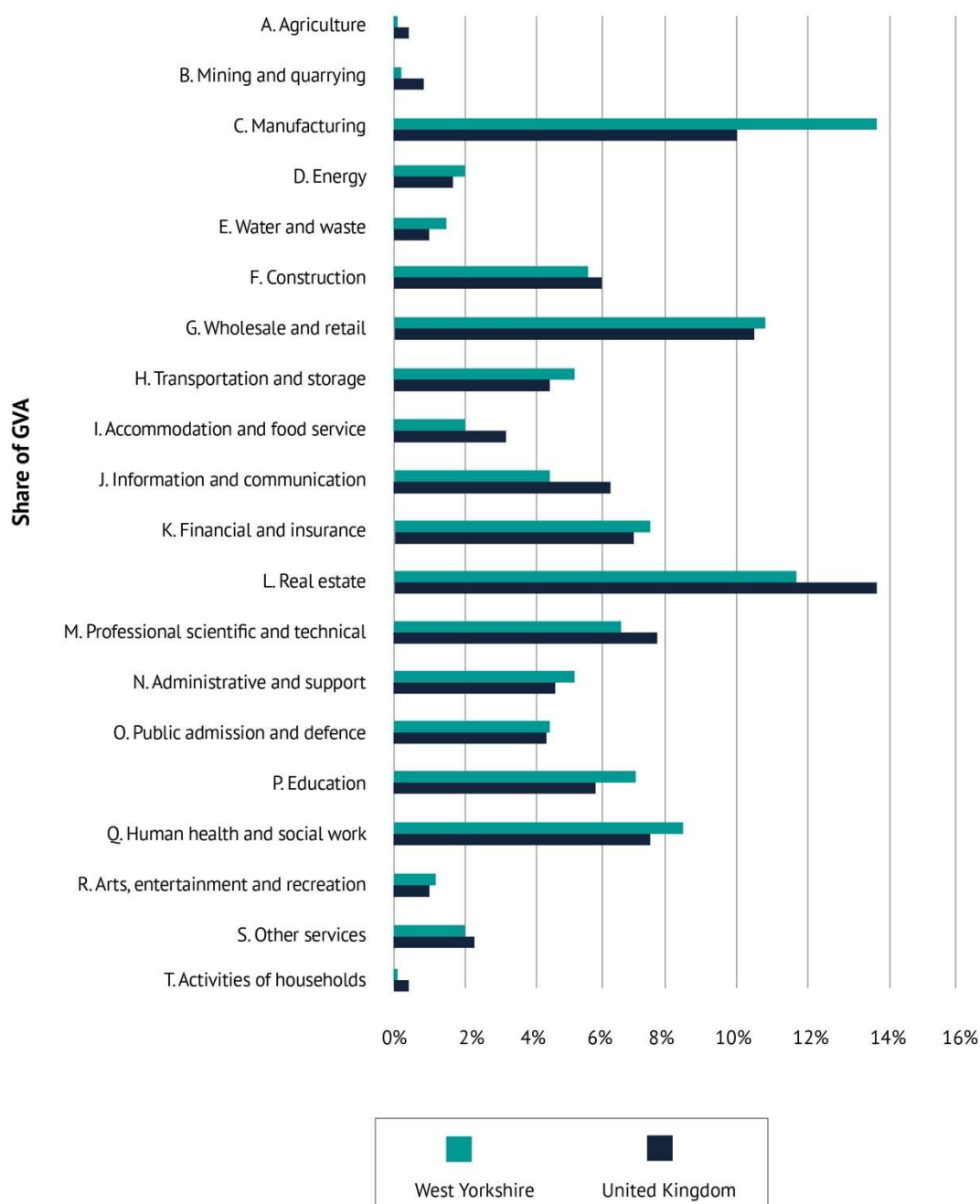


Economic Profile

(a) Structure

West Yorkshire’s diverse economic structure closely resembles that of the UK:

GVA by broad sector, 2017



Source: Office for National Statistics, 2018

However, this masks a broad range of specialisms across districts as illustrated by the table below. The prevalence of machinery & transport component manufacturers in multiple districts

emphasises the region's importance in supply chains. In many districts, this often higher-value activity sits alongside sectors where lower skilled jobs often dominate such as food production and more basic manufacturing industries. Knowledge intensive services are more prevalent in Leeds, though Bradford and Calderdale have at least some degree of specialism here.

Top 5 location quotients for West Yorkshire districts (district employment share >0.9%)

Rank	Bradford	Calderdale	Kirklees	Leeds	Wakefield
1	Water collection, treatment and supply	Insurance & pension funds	Manufacture of textiles	Advertising and market research	Warehousing and support activities for transportation
2	Printing and reproduction of recorded media	Manufacture of machinery and equipment	Manufacture of furniture	Auxiliary financial services activity	Manufacture of other non-metallic mineral products
3	Manufacture of machinery and equipment	Manufacture of furniture	Manufacture of machinery and equipment	Financial services	Manufacture of food products
4	Manufacture of food products	Manufacture of other non-metallic mineral products	Manufacture of fabricated metal products	Computer programming & consultancy	Manufacture of rubber and plastic products
5	Financial services	Financial services	Wholesale trade	Landscaping & building services	Wholesale trade

Source: Business Register & Employment Survey, Office for National Statistics, 2019

West Yorkshire is home to almost 92,000 businesses. In line with the UK as a whole, 99.5% of these are SMEs.

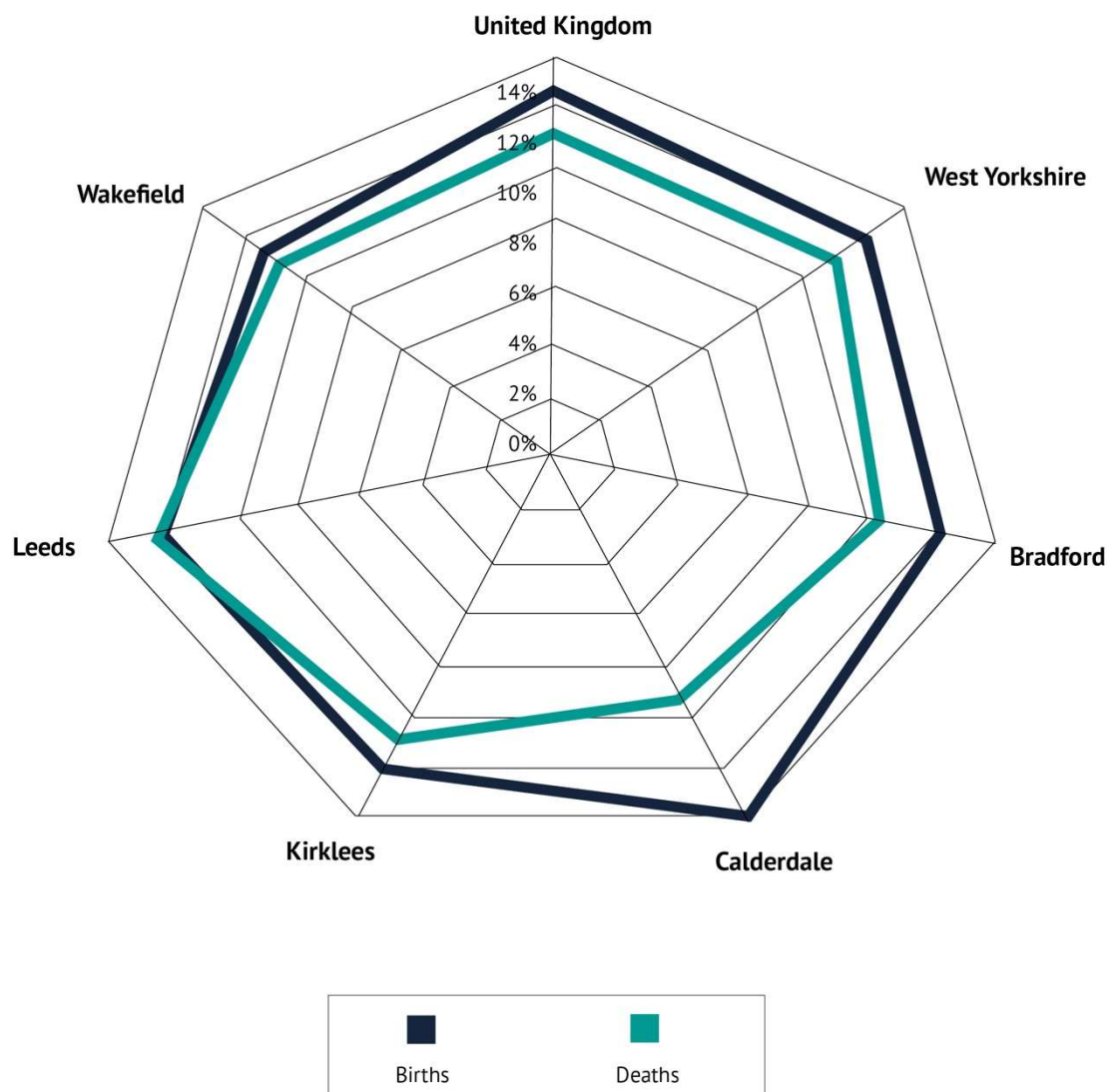
However, the area has relatively fewer micro businesses and more small and medium size firms. Businesses with 10-249 staff constitute 16.9% of our business base, compared to 15.2% nationally. This pattern is more pronounced among the manufacturing base. 30% of 5,800 manufacturers employ 10-249 staff, compared to 22% nationally.

The number of businesses in West Yorkshire has increased by 18.5% since 2014, ahead of national growth (17%). Transport & storage has increased from 3,000 in 2014 to 5,000 in 2018, an increase of 69%, compared to a 44% increase nationally. Both the UK and our region have seen a substantial increase in businesses in the energy sector in recent years, though the number of businesses in the sector remains small in absolute terms (200 in West Yorkshire as of 2019).

The area's business base is relatively stable with the combined business birth and failure rate, (or churn rate) at 23.6% in West Yorkshire and 24.4% in the UK. (A higher churn rate can indicate a more dynamic business base).

Within West Yorkshire, Leeds is the only district where the churn rate is higher than the national rate, albeit only marginally, at 24.9%, suggesting a relatively high degree of dynamism in the economy despite low net growth in the business base. Away from Leeds, business failures were generally below the UK average in most districts suggesting a relatively stable business base.

Business births and death rates



Source: *Business Demography, ONS 2018*

(b) Employment

The number of jobs in West Yorkshire rose to 1.1 million in 2018, an increase of 40,000 (3.8%) on 2015. This is faster than the 3.5% growth across England and 3.3% across Great Britain over this period. Within West Yorkshire, Leeds (8%) and Wakefield (5%) have seen the strongest growth with a more mixed picture elsewhere.

(c) The role of public transport

Within this area, the quality of public transport, and in particular local bus networks, have multiple impacts on the regional economy, amongst them:

- They join up our towns, cities and rural areas and allow people to access jobs, services and learning and leisure opportunities across the area, therefore affecting productive activities. In metropolitan areas, bus networks are estimated to generate £2.5 billion in economic benefits against public funding of £0.50 billion. More than 50% of this benefit is attributable to user benefits from access to jobs, training, shopping and leisure activities².
- They can increase participation in economic activity by providing affordable access to jobs and education. This is particularly important for our most deprived areas.
- Conversely, the effect of service cuts may have dramatic consequences in terms of labour market participation; research suggest that 11% of those who use bus as their means of travel to work would either change jobs or leave the labour market if there was no bus service available.

In addition the rail network offers the following economic benefits:

- Labour market mobility;
- Facilitating housing development;
- Social mobility; and
- Easing road congestion.

². PTEG (2013). *The Case for the Urban Bus. The Economic and Social Value of Bus Networks in Metropolitan Areas*: "...around £1.3bn reflect user benefits from access to jobs, training, shopping and leisure opportunities. The remaining benefits accrue to other transport users and society at large, through decongestion, reduced pollution, lower accident rates, improved productivity and the stand-by value of bus

Challenges

The headline economic data summarised below indicates that for a sub region of its scale and demographic composition, and despite its strengths and assets, West Yorkshire is not punching at its weight and is falling behind.

1. Growth

In recent years, West Yorkshire's economic growth has outpaced that seen in all other core city LEP areas, with the exception of Greater Birmingham & Solihull, at an average of 3.5%. Despite this, average annual growth has remained below UK levels since 2012. In the years preceding the recession, its GVA growth rate of 4.6% was below the national average, and lower than other northern core city LEP areas.

Within the area, GVA growth was at, or above, national levels in only Leeds and Calderdale prior to the financial crisis of 2008, though across West Yorkshire as a whole growth was a little below the national average. This gap has widened since the recession, with growth averaging 2.8% per year since 2009 compared to 3.3% nationally. Wakefield has seen growth outpace UK levels over that period, however.

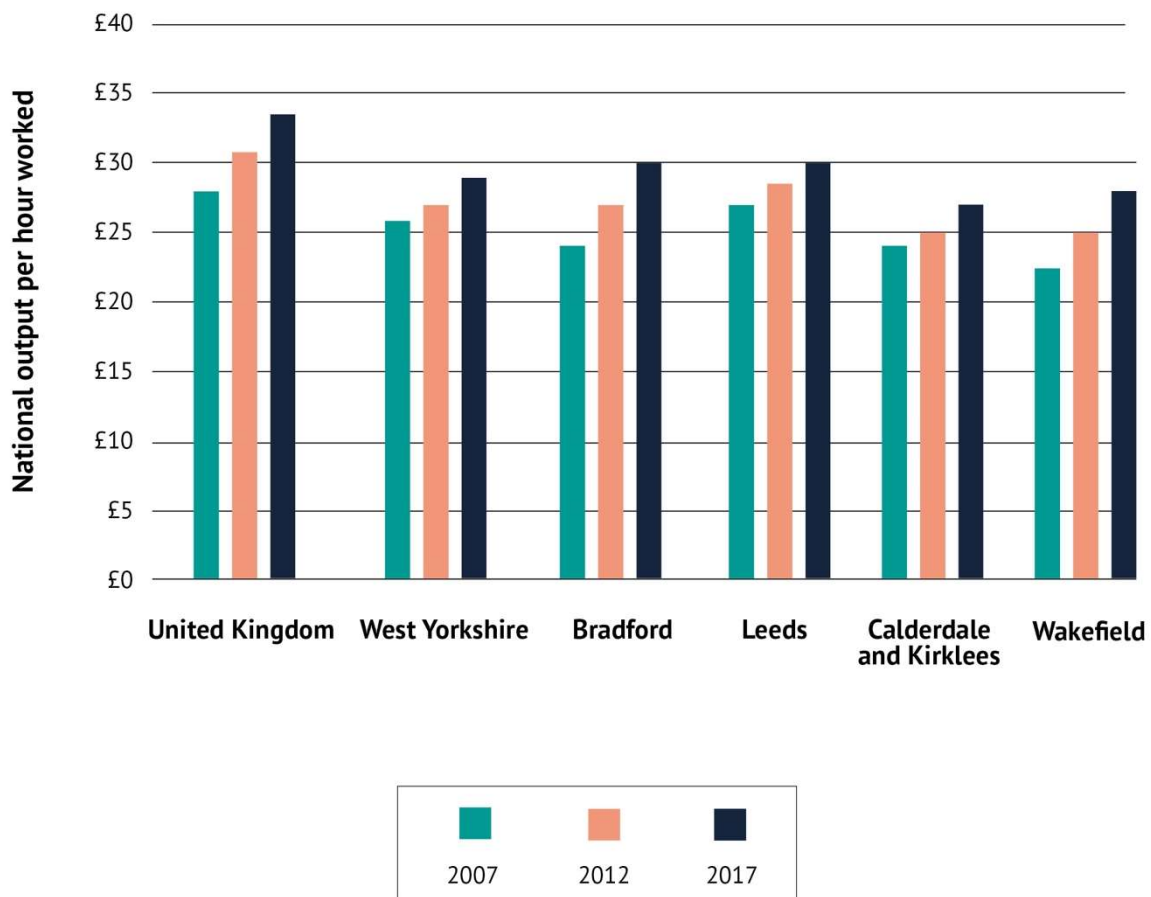
Area	GVA (£m), 2017	Compound annual growth rate, 2000-8	Compound annual growth rate, 2009-17	Share of West Yorkshire GVA
Bradford	10,031	4.0%	2.3%	18.9%
Calderdale	4,774	4.9%	3.3%	9.0%
Kirklees	7,650	3.6%	3.0%	14.4%
Leeds	23,252	5.4%	2.7%	43.8%
Wakefield	7,326	4.0%	3.5%	13.8%
West Yorkshire	53,033	4.6%	2.8%	-
England	1,562,694	4.9%	3.5%	-
UK	1,819,754	4.9%	3.3%	-

2. Productivity

Whilst UK productivity growth has been below trend since the recession, local productivity has persistently lagged behind UK levels. In 2008, output per hour in West Yorkshire was £25.65, about 89.6% of UK output. In 2017, output per hour in West Yorkshire had risen to £29.29, though is just 87% of UK levels. In value added terms, if productivity in West Yorkshire matched UK levels the economy would be £7.9 billion larger.

Although in absolute terms productivity is increasing in all parts of West Yorkshire, all areas have productivity levels below the UK average. In Leeds and Bradford it is now close to 90% of the UK average, but this falls to around 83% elsewhere in the area.

A range of factors influence this relative productivity underperformance. ONS research suggests that West Yorkshire has a higher proportion of firms with relatively low productivity compared to the country as a whole, and London in particular. This creates a long tail of underproductive firms.



Source: Office for National Statistics, 2019

3. Diversity and Inclusion

18.2% of the population are Black, Asian, Minority Ethnic (BAME), compared to 14.6% in England. One in nine (11%) business owners/directors is from a minority background in West Yorkshire. Whilst this is similar to England as a whole, the region has a higher share of business

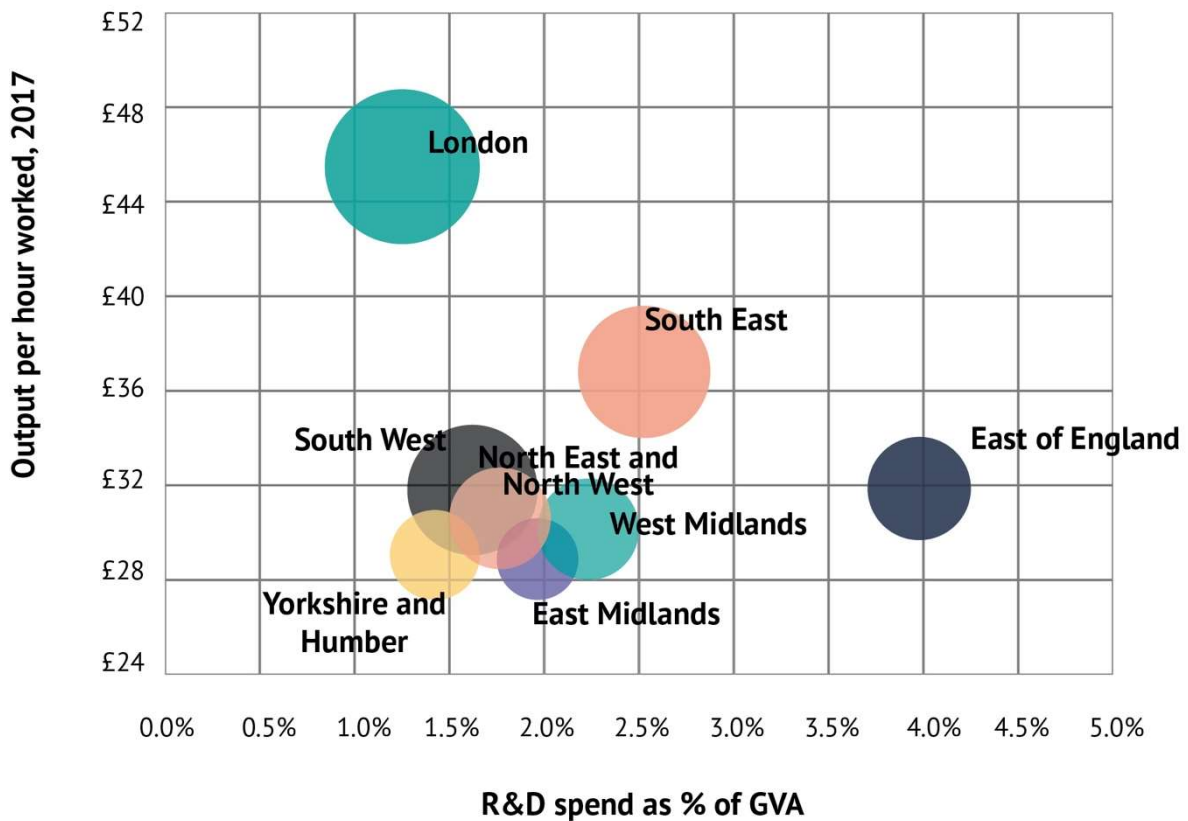
leaders from Asian backgrounds (8.7% compared to 6.8%). This is particularly true in Bradford and Kirklees, where 17% and 10% respectively of businesses owners are Asian.

The proportion of business leaders from ethnic minority backgrounds is therefore lower than the share of all workers from those backgrounds. Whilst this is true in most similar LEP areas, it does suggest that people from such backgrounds are under-represented in senior business positions.

A number of additional inclusion and deprivation related issues are identified in the Place challenge below.

4. Innovation

The national industrial strategy sets out the ambition for the UK to spend 2.4% of GDP on research and development (R&D). Although the 2014 Research Excellence Framework (REF) identified 23% of West Yorkshire HEI research as world leading, and 42% as internationally excellent, Yorkshire & Humber as a whole spends only 1.4% of GVA on R&D - less than any other English region. This is economically significant, and the chart below shows the generally positive correlation between R&D spend and productivity, though London is an outlier in this regard.



Source: Gross Expenditure on R&D, 2017 Office for National Statistics, 2019

5. Trade

The Yorkshire & Humber region accounts for 7.7% of UK goods exported in 2018, broadly in line with its 7% share of UK businesses. However, whilst the number of exporters has increased by 25% since 2013, it has remained relatively stable since 2016.

On average, Yorkshire & Humber goods exporters exported goods worth £1.49m in 2018, up from 1.25m in 2016. However, the value of goods exports per exporter remains lower than in other English regions other than London.

In total, West Yorkshire exported goods worth £6.17 billion in 2018. 10.6% of West Yorkshire goods went to the US compared to 15% across other core city areas and over 20% in the West Midlands. West Yorkshire is similarly underexposed to other key markets such as China, Germany and Singapore, though has a higher share of trade with Ireland and Canada.

6. Place

More than one in five people living in West Yorkshire (22% or almost 517k) live in areas defined as being amongst the most deprived 10% in England, and within the region there is considerable spatial variation. Relative levels of deprivation - and wider place-based challenges - in West Yorkshire have increased in recent years, which can be characterised as follows:

- 13% of West Yorkshire households are in fuel poverty.
- People born in Yorkshire & the Humber have significantly shorter life expectancies at birth compared to England average. The social gradient in life expectancy is steeper in Yorkshire & the Humber; people who live in more deprived neighbourhoods have shorter lives than those in less deprived areas and the difference is more pronounced here compared to the England average.
- West Yorkshire contains 162km of canals and 734km of statutory main rivers. 17k residential properties in West Yorkshire face a 1 in 100 year flood risk (Flood Zone 3) and a further 17,000 properties are in an area with a 1 in 1,000 year risk. Over 5,000 businesses are located in Flood Zone 3 with an additional 5,000 located in Flood Zone 2.
- Between 2001 and 2011, West Yorkshire (similar to national trends) has seen a decrease in the proportion of owned (outright & mortgage) and social rented properties, and near 5.2% increase in the number of privately rented properties.
- Housing sales in West Yorkshire are still recovering from the 2008/09 recession and prices in the areas lag behind the England average (£160,000 vs £240,000) - although this is skewed by the high prices in London and the South-East - and over the last 20 years the gap between house prices in Yorkshire and the Humber and England has widened. Locally there is considerable spatial variation in average house prices, and house price growth, even at sub-district level. These factors correlate with deprivation, which in turn means inequality of the wealth effect.
- Rates of active travel (walking and cycling) - important for public health, quality of life, the environment, and with implications for productivity - are lower than the England average.
- Gross median hourly pay for full-time jobs in West Yorkshire is 92% of the national average. All districts in West Yorkshire pay below the England average. The figure for Leeds is close to parity (96% of the national average) with the remaining districts occupying a fairly consistent level at 88 to 89% of the national average.
- 24% of jobs in West Yorkshire pay less than the Living Wage Foundation's Living Wage rate, which is intended to reflect the level of pay people need to get by. In contrast, for Oxfordshire LEP it is 13%. The largest number of low-paid people is in Leeds but Kirklees and Wakefield have higher proportions of low-paid people.
- West Yorkshire has more than its fair share of skills-based deprivation. Based on the Index of Multiple Deprivation 2019, 22% of neighbourhoods in the region are among the 10% most deprived nationally in relation to skills, with Bradford (33%), and Wakefield

(28%) the worst affected. However, all districts have more than their fair share of skills deprivation

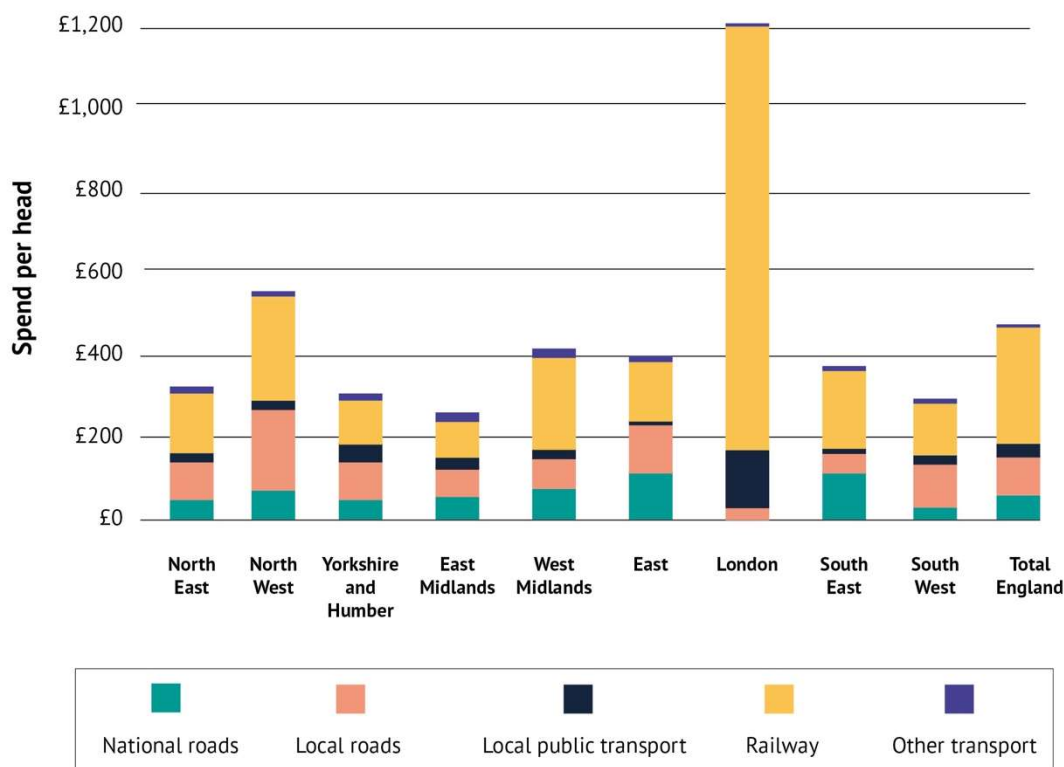
7. People

- West Yorkshire generally performs poorly in terms of skills supply - the proportion qualified at level 4 and above is 6 points lower than the national average – 33% of people aged 16-64 are qualified to NVQ4+ locally, compared to 39% nationally. Meanwhile the proportion qualified below level 2 is 5 points higher (27% in West Yorkshire and 22% nationally).
- The qualification profile at district level is quite disparate within West Yorkshire. For example, only 25% of the population in Wakefield is qualified to level 4. In Bradford there are significantly more people qualified below level 2 than qualified at level 4 and above. Leeds and Calderdale perform significantly better. The proportion of people qualified at level 4+ in Leeds is 13 points higher than in Wakefield. Nonetheless, all districts underperform against the national average on higher level qualifications. This helps explain why despite the area having a large HE sector, the extent to which it currently addresses local skills needs is limited, with graduate retention rates low relative to some comparable areas.
- The area has seen a strong recent improvement in its labour market performance but still has a significant number of people who are excluded from the labour market, with disadvantaged groups most at risk: employment in manual roles (semi-skilled operatives, labourers) saw decline in recession and also shows signs of further contraction following a period of recovery.
- Although West Yorkshire has a deficit of higher skilled employment, recent employment growth has nonetheless been driven by expansion of higher skilled occupations: the number of people employed in these roles has grown by 98,000, or 28%, over the last 15 years, four times the overall rate of employment growth.
- 44% of people working in the region are employed in higher skilled roles, versus a national average of 48%. Only in Leeds is the skills profile similar to the national average. Employment in professional roles is particularly low at 20% of the total compared with national average of 23%. Employment in middle-skilled, service-intensive and manual roles are all proportionately higher in the region than nationally.

8. Infrastructure

- Low levels of public sector investment have left the supply of infrastructure lagging behind what is needed to support a world-leading economy. For example, transport investment totalled £315 per head in Yorkshire & Humber in 2017/18, below the average for England of £475. This is skewed by London (£1,019 per head), but only the East Midlands had lower investment levels than Yorkshire & Humber.

Transport investment per head- English regions, 2017-18



Source: *Country and Regional Analysis, HM Treasury, 2018*

- The volume of traffic is increasing and infrastructure improvements are not keeping pace which means congestion continues to be a problem (with longer journey times and reduced averaged speeds). This has both economic and environmental impacts; it disrupts or delays the movement of people and goods, and it contributes to increased pollution and carbon emissions.
- Public transport is a key opportunity to reduce congestion, however only around 1 in 10 residents of West and North Yorkshire commute by bus, and bus passenger journeys in the area have declined by 13% since 2009/10. This trend is similar for other regions outside London, except the South East and South West. One reason for the decline in bus usage is the reduction in services. The number of bus miles operated in the Yorkshire and Humber Region has reduced by 14% between 2009/10 and 2017/18. This is one and a half times the England average.
- Almost 1 in 5 residents of West Yorkshire live within 1km of one of the area's 69 rail stations, however data from the last census revealed that rails modal share of commuters is just 4% (less than the national average). Rail use, both nationally and locally is growing, despite recent poor performance indicators (Transport Focus survey results).

reveal that passengers perceptions of rail journeys, stations, and services in West Yorkshire are below average for similar metropolitan areas). Station usage data reveals that growth has been less strong in West Yorkshire compared to England overall. Leeds station accounts for 43% of all station entries and exits in West Yorkshire.

- Access to Superfast Broadband falls to 69% in the 20% most deprived areas and only 3% of properties have access to Full Fibre Broadband (FFBB). Access to FFBB improves as the deprivation decile improves with 7% of properties in the 5th decile and above being connected.

Understanding current governance arrangements

The Combined Authority and the LEP work in partnership with one another - and with local councils and business - to seek to ensure everyone in our region benefits from a strong, successful economy and a modern accessible transport network. These ambitions will be driven by a forthcoming Local Industrial Strategy and Strategic Economic Framework which will capture and align economic policy making across the city region.

Combined Authorities, LEPs and PCCs

(a) Combined Authorities

Because the geographic areas covered by functional economic market areas (illustrated by, for example, travel to work areas) are typically significantly larger than the areas of individual local authorities, there is considered likely to be scope for improvements to be made to the exercise of some statutory functions and economic outcomes through joint decision making and close co-ordination of delivery activity across these economic areas.

All combined authorities are statutory ‘bodies corporate’ with legal personality and exercise functions as set out in orders and primary legislation. CAs may be made as either non-mayoral or mayoral – the mayoral variant has a directly elected mayor that personally exercises and/or delegates specific (“mayoral”) functions, in addition to being a voting member, and Chair, of the Combined Authority.

The constituent district authorities need not cede any of their functions to their combined authority, although they may choose to do so, or to share appropriate functions with the combined authority, where this would demonstrably improve the exercise of those functions. The combined authority model provides a way to take on powers and funding which would otherwise be managed from Whitehall.

The combined authority model therefore allows groups of relevant authorities to work closely together on a voluntary basis to create a strategic economic framework and policies to deliver, for example, improvements in transport and other infrastructure across their sub-regions and economic investment activity. It is intended to support improved strategic decision making and leadership on these and other issues.

As a combined authority has a separate legal identity from its constituent authorities it is able to hold budgets, employ staff and enter into contracts (e.g. to act as accountable body for funding distributed by government) and, in the case of West Yorkshire Combined Authority, to collaborate with local authorities within the wider Leeds City Region functional economy. The activities of a combined authority are governed by its members, a majority of whom must be elected members of the constituent local authorities, ensuring its local democratic mandate. A combined authority makes the delivery of strategic decisions more streamlined and efficient, e.g. by removing the requirement for each district authority to ratify the same decision separately.

(b) LEPs

From 2011, local enterprise partnerships (LEPs) were established as a public-private sector partnership. There are 38 LEPs across England. They are business led partnerships between local authorities and local private sector businesses. Each is tasked to play a central role in

determining local economic priorities and undertaking activities to drive economic growth and job creation, improve infrastructure and raise workforce skills within the local area. LEP boards are led by a business Chair and board members are local leaders of industry, educational institutions and the public and third sectors.

(c) Police and Crime Commissioners

PCCs were elected for the second time in May 2016 in 40 force areas across England and Wales. Every force area, including West Yorkshire, is represented by a PCC, except Greater Manchester and London, where PCC responsibilities lie with the Mayor.

The PCC does not run operational policing, that is the role of the Chief Constable; the role of the Commissioner is to be the voice of the people for the area, hold the police to account, set the policing budget and produce a Police and Crime Plan for the area.

Under the terms of the Police Reform and Social Responsibility Act 2011, PCCs will:

- appoint (and will be able to dismiss) the Chief Constable. The Chief Constable will appoint all other officers within the Force;
- set out a five-year police and crime plan (the Plan), although it may be refreshed each year and may be fully revised at the Commissioner's discretion;
- determine local policing priorities, publish the plan, set a local precept and set the annual Force budget (including contingency reserves) in consultation with the Chief Constable. The Plan will need to take account of national policing challenges, set out in the national 'Strategic Policing Requirement';
- receive the policing grant from the Home Office, various grants from the Ministry for Housing Communities and Local Government and the local precept (as well as any other funding streams);
- commission policing services from the Chief Constable (or other providers - in consultation with the Chief Constable). These services shall be set out in the Plan where the Commissioner's objectives and funding will be publicly disclosed;
- publish the Plan, which will remain a public document, including any updates or amendments made, during the five-year period;
- publish an annual report at the end of the financial year, which will set out progress made by the Commissioner against the objectives set out in the Plan;
- publish annual financial accounts alongside the annual report, including showing how resources were used to address priorities and how value for money was secured;
- have a general duty to regularly consult and involve the public and have regard to the local authority priorities; and
- be able to require a report from the Chief Constable at any time about the execution of their functions

West Yorkshire Combined Authority

The 2013 Review of West Yorkshire governance arrangements relating to transport, economic development and regeneration concluded that West Yorkshire Integrated Transport Authority and West Yorkshire Passenger Transport Executive should be abolished and a combined authority for the area created, both as the best option for the area going forward in terms of delivering the 2012 City Deal, and because it would be likely to improve:

- the exercise of statutory functions relating to economic development, regeneration and transport in the area;
- the effectiveness and efficiency of transport; and
- the economic conditions in the area.

In making the order to create the Combined Authority, the Secretary of State also had regard to the need to: secure more effective and convenient local government for the area; and to reflect the identities and interests of the area's local communities. On that basis, West Yorkshire Combined Authority was created in April 2014. Membership is comprised of elected members of the West Yorkshire partner councils of Bradford, Calderdale, Kirklees, Leeds and Wakefield, plus York and the Chair of the LEP. Voting members are: five elected members, one appointed by each of the five constituent West Yorkshire councils, and three elected members agreed by the constituent councils to reflect the balance of political parties across the Combined Authority area.

In addition there is: an elected member appointed by City of York Council (which is a non-constituent member of the Combined Authority) and the Chair of the LEP (these members are non-voting except where the Combined Authority has resolved to give them a vote on any issues).

Currently, West Yorkshire has a non-mayoral combined authority. The West Yorkshire Devolution Deal commits, subject to a statutory review, to the Combined Authority being made Mayoral with a directly elected Mayor to be elected by the voters of West Yorkshire by May 2021.

Supporting structures

The work of the Combined Authority (and the LEP) is supported through an integrated officer body and various Committees and advisory panels (comprising council members and private, other public, and third sector representation) including:

- Transport Committee, with supporting joint and district consultation sub-committees;
- West Yorkshire and York Investment Committee;
- Overview and Scrutiny and Governance and Audit Committees; and
- Advisory Panels: Business, Innovation and Growth; Employment and Skills; Green Economy; Inclusive Growth and Public Policy; and Place.

Functions

The Combined Authority exercises a combined range of specific statutory duties, powers and functions for economic development & regeneration and transport.

It works closely with the LEP to develop, shape and deliver policies that meet the needs of employers in the region, and this is enabled through the General Power of Competence which the Combined Authority exercises in respect of promoting economic development and regeneration.

The Combined Authority is the statutory body created under the Transport Act 1968 to secure public transport services and facilities required for the sub region. The five District authorities currently exercise local highways functions, including highways maintenance and traffic management. Under the Transport Act 1985, the Combined Authority is also responsible for procuring public passenger transport services following the de-regulation of the bus market. The Combined Authority has a duty as the Local Transport Authority to 'secure or promote the provision of a system of public transport which meets the needs of the area' and delivers public

services to the people of West Yorkshire via the Metro branded network of bus stations, travel centres and public transport information.

Amongst its other transport duties, the Combined Authority also:

- prepares the Statutory Local Transport Plan for the area, and other related plans and strategies (including for bus, rail and freight) and manages the local transport allocation from Department for Transport
- is responsible for administering the English National Concessionary Travel Scheme for subsidising public transport;
- is party to rail franchise agreements;
- is responsible for reviewing rail passenger services and advising Department for Transport under the Railways Acts.

Combined Authority transport functions are funded by:

- the transport levy placed on the District Authorities
- Department for Transport rail and other grants
- Devolved funds, e.g. Department for Transport major scheme grant funds, Growth Deal funding (until 2021), West Yorkshire+ Transport Fund gainshare funding (post 2021), enabling significant delivery including:
 - an additional 2,000 park and ride spaces at 14 West Yorkshire rail stations bringing the total to around 7,000, encouraging rail use and reducing car journeys into our town and city centres
 - rail stations at Apperley Bridge, Kirkstall Forge and Low Moor, opened with almost £27 million of investment from the Combined Authority, and which people used to make almost ¾ million journeys in 2018/19.
 - £60 million of investment in cycling and walking schemes across the region over the past five years. 67km of new and improved cycling and walking with more than 2.3 million trips made on the infrastructure to date.
 - £79 million invested in building eight new college facilities and refurbishing two further facilities, expected to deliver a £600m impact over the next five years
 - £45 million from the Growth Deal invested into creating ten Enterprise Zone sites across the Leeds City Region deliver over 1.5 million square feet of new commercial space
 - £4 million invested into creating a district heat network in Leeds City Centre providing low cost, low carbon heating to almost 2,000 homes as well as a number of businesses

Leeds City Region LEP

In 2011, the LEP was established as one of the first in the country as a public-private sector partnership.

The LEP brings together business and council leaders to ensure that services and investment are well co-ordinated across the City Region and support businesses to grow, eg through the Growing Places Fund, Inward Investment, Skills, Low Carbon and Inclusive Growth.

From March 2020, in order to comply with Government's requirement that LEP areas can no longer be partly overlapping, the geography of the LEP was changed to cover the West Yorkshire

district areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield only and membership of the LEP Board now reflects that change whilst continuing to be known as Leeds City Region LEP.

West Yorkshire PCC

The West Yorkshire PCC was first elected in 2012 and again 2016 and his term of office is now due to end in May 2021 following the cancellation of the May 2020 elections. The PCC is supported by a Deputy PCC and an Office of the PCC (OPCC). The OPCC employs a number of statutory and core staff in addition to other staff that support wider service provision under the direction and control of the PCC.

The West Yorkshire Police and Crime Plan 2016-21 is built around delivering the following four key outcomes:

- tackle crime and anti-social behaviour;
- safeguard vulnerable people;
- make sure criminal justice works for communities; and
- support victims and witnesses.

The Plan also sets out 16 priorities for the OPCC, West Yorkshire Police and partners, identified by people and partners from across West Yorkshire through the consultation exercise 'Your Plan, Your Priorities'. The Plan priorities are shown in the following table:

Burglary	Domestic Abuse	Human Trafficking and Modern Slavery	Radicalisation
Child Sexual Abuse	Drugs and Alcohol Misuse	Major Threats	Road Safety
Community Cohesion	Hate Crime	Mental Health	Sexual Abuse
Cyber Crime	"Honour" Based Violence	Missing People	Strategic Policing Requirement

Case for change

The Combined Authority arrangements within West Yorkshire provide a framework for collaboration that is currently limited to economic development and transport, and available funding streams which are similarly constrained. West Yorkshire authorities have undertaken an assessment of the opportunities and challenges existing across the region demonstrating that access to a broader range of powers and devolved funding is needed to achieve the area's full growth potential.

The 'minded-to' West Yorkshire devolution deal

Government and West Yorkshire authorities have agreed an ambitious 'minded-to' devolution deal that will provide the area with significant new powers and funding to increase opportunities and living standards through inclusive growth and productivity improvements. The content of this deal expands on the model seen in other areas with a clear focus on clean and inclusive growth and driving increased productivity.

The deal is described as 'minded-to' as the proposals are subject to formal consent by the individual councils and parliamentary approval of the relevant legislation to implement the proposals over the coming months.

Governance

The economic and social challenges facing the region need to be addressed and opportunities maximised if the area is to grow and prosper. The powers and funding available through existing membership of the Combined Authority do not provide sufficient scope to tackle the key long-term, entrenched issues facing the West Yorkshire identified above in relation to growth, productivity, diversity and inclusion, innovation, trade, place, people and infrastructure. There is strong evidence that strengthened governance arrangements in the West Yorkshire area, with additional powers and funding, will deliver significant economic outcomes locally and improve the contribution of the area to the Northern Powerhouse and national economy.

For example, a compelling headline case for governance reform in the City Region has been made by the OECD³ which recognises that: "Institutional factors are crucial in ensuring successful consultation and co-ordinating among stakeholders within regions, with other regions and central government...thus, governance matters."

The OECD further concluded that in Leeds City Region - which was seen to be particularly affected by its polycentricity, geographic dispersion, and institutional complexity - it was challenging to generate effective communication, strong co-ordination and a shared sense of purpose in response to the challenges it then faced. Therefore, it was recommended that the City Region would benefit from strengthened and more established regional governance arrangements.

Moreover, the West Yorkshire authorities have an opportunity through the 'minded-to' devolution deal to take on a greater level of local control and responsibility for a number of key drivers of economic growth with an unprecedented range of additional powers and funding. This opportunity does not exist within the existing the Combined Authority arrangements as Government has been clear that strong, accountable governance exercised through a mayoral combined authority is an essential prerequisite of any further devolution of powers and functions to a city region.

³ Promoting Growth in All Regions, OECD, 2012

Under the terms of the deal a Mayoral West Yorkshire Combined Authority with a new directly elected mayor for the area will provide a stable and directly accountable platform for devolution of resources and a wider range of powers from central government. The MCA will exercise a broader range of functions as detailed below, with the Mayor exercising certain powers with personal accountability to the electorate, devolved from central Government and set out in legislation. The Mayor may choose to delegate function(s) to members of the Combined Authority. No constituent council functions will be removed from those councils.

The Mayor will chair Combined Authority meetings within which each of the five constituent authorities will appoint one member. Three elected members will continue to be agreed by the constituent councils to reflect the balance of political parties across the Combined Authority area.

The MCA will be able to explore opportunities for further collaboration with its neighbouring councils, including Harrogate, Craven, Selby, York and North Yorkshire County Council, and across the whole of Yorkshire through the Yorkshire Leaders Board. York will remain as a non-constituent member and the Mayoral Combined Authority may invite representatives from other partner councils to attend (and speak) at any Mayoral Combined Authority meeting

The relationship with business is integral to the proposed arrangements, with the LEP represented on the Combined Authority through a non-voting member, and the Mayor represented on the LEP Board.

It is anticipated that decision making will generally be by way of consensus and with clear voting arrangements set out in the constitution for the occasions where it is not possible for all constituent members to agree.

In addition, for the following decisions, the majority of members must include the consent of three of the five members for the constituent councils (but not that of the three additional constituent council members appointed for political balance):

- Approving the Combined Authority's budget (excluding decisions which relate to the Mayor's budget); and
- Setting a levy.

The Mayor will be required to consult the Combined Authority on Mayoral strategies, and this will be subject to the following specific conditions:

- The spatial development strategy will require the consent of the members of each of the five constituent councils (but not that of the three additional constituent council members appointed for political balance);
- The Combined Authority will be able to amend the Mayor's budget if five eighths of the members agree to do so; and
- The Combined Authority will be able to amend the Mayor's transport strategy if a majority of members agree to do so.

The following decisions by the Mayor will require the consent of the Combined Authority member (but not the member appointed for political balance), or substitute member acting in that member's place, appointed by the constituent council in whose area the decision will apply:

- the designation of any area of land as a Mayoral development area leading to the establishment, by order, of a Corporation (the consent of the relevant national park authority is also required if the land falls within the designated national park area);
- the compulsory purchase of land or buildings by the Mayor;

- any decision that could lead to a financial liability falling directly upon that constituent council; and
- such other matters as may be contained in the Combined Authority constitution and agreed with the Mayor.

The Mayor and the Combined Authority will be scrutinised and held to account by the Combined Authority's Overview and Scrutiny and Governance and Audit Committees. The arrangements currently established for the Combined Authority will be retained, subject to any amendments required to reflect the introduction of the Mayor and any new statutory provisions. The Mayor and the Combined Authority may also seek to enhance scrutiny and develop wider conference with all elected members in the Combined Authority's area to engage on key issues.

Functions

The deal specifies that the new MCA would continue to exercise the range of current Combined Authority functions in relation to economic development regeneration and transport - outlined elsewhere in this review (save for the Mayor taking responsibility for preparing the transport plan and strategies).

The new MCA and Mayor would exercise distinct new functions. These would be devolved from central Government and set out in legislation and draw down from Whitehall significant new funding streams. No transfer would be required of statutory responsibility from local authorities to the MCA or Mayor as a result of the deal.

The various powers in scope, and their rationale, are considered in the grid below and encompass a broad set of ambitions covering:

- Finance and Investment
- Transport
- Skills and Employment
- Innovation
- Trade and Regional Business Support
- Housing and Planning
- Culture Heritage and Digital
- Climate, flooding and the environment
- Public Service Reform

Functions – Finance and Investment	Economic Challenge Addressed	Rationale
<p>Power for the Mayor to:</p> <ul style="list-style-type: none"> charge business rate supplement (subject to ballot); and set a precept on council tax to fund Mayoral functions <p>Power for the Combined Authority to borrow up to an agreed cap for non-transport functions</p>	<p>1,2,3,4,5,6,7,8</p>	<p>The Mayoral Combined Authority will be able to utilise the new functions (and existing Combined Authority powers and devolved funding, eg borrowing for transport functions) in relation to charging a business rates supplement and borrowing powers to create a fully devolved, flexible single pot to be named the West Yorkshire Investment Fund (WYIF), covering all devolved budgets, and in line with an agreed assurance framework to ensure that all funded interventions are aligned to the balanced economic outcomes for the area. This will transform the region’s capacity to drive its ambitions of faster, more inclusive and greener growth and delivery of a 21st century transport system. The WYIF would comprise a number of devolved income streams, including from the following funds agreed in the deal:</p> <ul style="list-style-type: none"> £38m per annum to the Combined Authority for 30 years (25% capital and 75% revenue), to capitalise the WYIF, subject to five-yearly gateway assessments to confirm that the investment has contributed to economic growth; The Combined Authority will be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives; Combined Authority powers to borrow (within limits agreed with HMT) for its new functions will allow the Combined Authority to invest in economically productive infrastructure; Powers to raise a Strategic Infrastructure Tariff would enable the Combined Authority to raise funding for strategic infrastructure and would operate alongside any local forms of developer contributions; and Mayoral power to introduce a supplement on business rates for expenditure on a project or projects that will promote economic development in the area, subject to a ballot of affected businesses. Flood risk management schemes worth at least £101m will be taken forward in West Yorkshire over the course of the six-year programme, as a result of the announcement by the Chancellor at Budget of a £5.2bn envelope; and A £25 million Heritage Fund to support the British Library in establishing a potential ‘British Library North’. In addition, the Mayoral power to set a precept on local council tax bills would help pay for the Mayor’s work (and no other Combined Authority functions). A precept would offer greater transparency to West Yorkshire residents in relation to the funding of Mayoral functions.

Functions - Transport	Economic Challenge Addressed	Rationale
<p>Power for the Mayor to:</p> <ul style="list-style-type: none"> draw up a local transport plan and strategies request local regulations requiring large fuel retailers to provide Electric Vehicle charging points implement bus franchising in the area; and pay grants to bus service operators <p>Combined Authority transport powers to set up and coordinate a Key Route Network (KRN) on behalf of the Mayor, along with:</p> <ul style="list-style-type: none"> powers to collect contributions from utility companies for diversionary works needed as a result of highways works carried out on the Key Route Network; and powers to operate a permit scheme designed to control the carrying out of works on the Key Route Network 	<p>2,6,8</p>	<ul style="list-style-type: none"> The additional powers devolved to the Mayoral Combined Authority will unlock the devolution of the following transport related funds and funding flexibilities: A consolidated local transport budget, devolved to the Mayor, including all relevant devolved highways funding, starting with a five-year, integrated transport settlement beginning in 2022/23 from a wider £4.2bn envelope. £317m to the Combined Authority from the Transforming Cities Fund to deliver the projects included in the Leeds City Region bid; to take forward the next stage of development of the Outline Business Case for the redevelopment of Leeds station, subject to endorsement of the current business case, which will deliver improvements both in track and services and in the station's accessibility and environment; and up to £500,000 to support Bradford's master planning work to explore the regeneration opportunities of potential NPR services. <p>In addition to the ability to pay grants to bus service operators, access to franchising powers under the Bus Services Act 2017 will provide the opportunity for the Mayor to specify bus services in West Yorkshire as part of an integrated local transport system and help to facilitate the delivery of smart, simple integrated ticketing across the city region.</p> <p>Through the Automated and Electric Vehicles Act, the Mayor's power to request from the Secretary of State local regulations requiring large fuel retailers to provide Electric Vehicle charging points within the Combined Authority area will be beneficial in terms of promoting lower carbon transport modes.</p> <p>The establishment of a statutory Key Route Network (KRN) would build on existing local arrangements to enable better collaborative decision-making on major strategic transport issues. The identified KRN will be collaboratively managed at the West Yorkshire level by the respective local highway authorities in partnership with the Combined Authority on behalf of the Mayor (who would be responsible for the overall coordination of the collaborative arrangements). There will be no transfer of statutory responsibility for such roads from the existing highway authorities. Responsibility for resourcing maintenance and operational management of the network would remain the responsibility of the respective local highway authorities.</p>

Functions - Economic development and Skills	Economic Challenge Addressed	Rationale
<ul style="list-style-type: none"> • Mayor to have the functional power of competence • Combined Authority duty to prepare an assessment of economic conditions • Combined Authority adult education and skills functions 	2,3,7	<p>The Mayor will not have the general power of competence, however the Mayor will have, as an ancillary power, a functional power of competence which complements the Combined Authority’s existing powers and enables the Mayoral CA to do things appropriate or incidental to, or connected with, the Mayor’s and Combined Authority’s functions. It will also aid the delivery of the comprehensive programme of collaboration with Government departments and national agencies which is envisaged in the deal, in order to build on West Yorkshire’s economic strengths and assets and address its weaknesses, including in relation to: transport; skills and employment; innovation; trade and regional business support; housing and planning; culture, heritage and digital; climate, flooding and the environment; and public service reform (for example to explore the feasibility and opportunities around an ‘Act Early’ Health Institute).</p> <p>The Combined Authority’s powers to prepare an assessment of economic conditions will underpin the pending Local Industrial Strategy and ensure that regional policy making is evidence based and takes account of current and emerging economic conditions, including for example in respect of providing business support.</p> <p>By devolving the annual Adult Education Budget and conferring the relevant powers on the Combined Authority, the provision of adult skills in West Yorkshire will be better aligned with locally determined priorities to ensure the skills system is demand led so that all our residents have the skills required to help businesses to grow, innovate and diversify. A workforce that has transferable and relevant skills is a prerequisite to delivering inclusive growth within the region.</p>

Functions - Housing and planning and regeneration	Economic Challenge Addressed	Rationale
<p>Mayoral powers:</p> <ul style="list-style-type: none"> statutory spatial planning powers to produce a West Yorkshire Spatial Development Strategy (SDS) - exercisable with the unanimous consent of the constituent authorities power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation (subject to the consent of the constituent council affected by the exercise of the function) housing and land acquisition powers to support housing, regeneration, infrastructure and community development and wellbeing. <p>Combined Authority housing and regeneration powers in relation to:</p> <ul style="list-style-type: none"> compulsory purchase (subject to the consent of the constituent council affected by the exercise of the function), plus provision of housing and land, land acquisition and disposal, and development and regeneration of land seeking consent to raise a Strategic Infrastructure Tariff 	<p>6,7,8</p>	<p>An SDS for West Yorkshire (supported by the proposed additional Mayoral and Combined Authority housing and development powers) would enable a common strategic vision for spatial planning across the area to be agreed and implemented, ensuring policy decisions are made more effective by reducing the impact of administrative boundaries. This enhanced coordination would also allow the individual local planning authorities to develop their individual local plans with a common base in evidence and strategy.</p> <p>SDSs in particular are considered effective in cementing this joint-working as the local plans of constituent members have to be in general conformity with them, whilst democratically accountable governance arrangements (such as requiring unanimous agreement from districts) can help ensure that the SDS is truly a common vision.</p> <p>The scope and preferred approach to developing any West Yorkshire SDS is a matter for local agreement, in line with the National Planning Policy Framework. Because the MCA would be given powers over other areas of strategic policy, such as strategic transport powers, an SDS could help ensure that there is a corresponding land-use policy tool to prevent coordination failure between land-use policy and these other policy areas.</p> <p>In the context of climate crisis, it is a regional SDS's ability to coordinate key strategic policies to tackle the pressing issues in a cross-boundary way that provides significant value added when compared to a local plan, including by providing strategic co-ordination on: energy policy; regeneration; renewal and retrofitting; modal shift; utilising broadband infrastructure; strategic waste management; flood risk management; developing and enhancing blue and green infrastructure; and ensuring policies deliver biodiversity net gains.</p> <p>In addition, £3.2m will be devolved to the MCA to support development of a pipeline of strategic housing sites across the region. Government will explore the potential for investment into housing propositions that emerge from development of this pipeline, including through the Brownfield Housing Fund, with a national £400m envelope, and future funding streams. If successful, this funding will support the Combined Authority in bringing more land into development for delivery of housing on brownfield sites beyond existing local plans.</p>

Functions – Police and Crime Commissioner (PCC)	Economic Challenge Addressed	Rationale
PCC functions to be exercised by the Mayor or the Mayor's appointed Deputy Mayor for Policing	3,6,7	<p>Would enable opportunities to be explored for efficiencies through wider strategic public service integration.</p> <p>Improved functional effectiveness by strengthening links such as between inclusive growth and community safety and cohesion, eg by diverting vulnerable people (for example care-leavers) away from the criminal justice system by ensuring they have a structured pathway towards personal wellbeing, relevant and transferable skills, and access to good work and building on West Yorkshire OPCC strategies around reducing reoffending and victims already developed and in place.</p>

Criteria

This section sets out the local and legislative criteria against which possible regional governance options are then considered.

Local requirements

- Add value to West Yorkshire’s delivery of outcomes **through clear, transparent and accountable regional decision making**;
- **Enable control over additional funding and powers** which would otherwise be managed from Whitehall (such as in the current Devolution Deal, and future Deals);
- **Work more effectively in partnership** with others, such as:
 - with local authorities at West Yorkshire / Leeds City Region and Yorkshire level, e.g. in delivering a comprehensive approach to delivering faster, greener and more inclusive growth; and
 - across the North of England, for example on the Transport for the North agenda, including HS2, Northern Powerhouse Rail and rail franchising.
- Ensure strategic decisions eg on economic investment, planning and transport are made at the **most appropriate administrative level, and as locally as possible**; and
- **Enable efficiency savings to be realised**, either financial savings from devolved project and programme delivery, also co-ordination, time and transaction cost savings through reduced fragmentation of decision making and strategic planning.

Statutory tests

Section 112 of the 2009 Act provides that where one or more of the authorities which undertook the review conclude that the exercise of the power to make an order under S104 or 105 would be likely to improve the exercise of statutory functions in West Yorkshire, they may prepare and publish a scheme relating to the exercise of those functions. The Secretary of State may only make an order (under S104 or S105) if they also consider that to do so is likely to **improve the exercise of statutory functions** in the Combined Authority’s area. In making any such order, the Secretary of State must have regard to the need:

- To secure **more effective and convenient local government** for the area; and
- To reflect the **identities and interests of our local communities**

Governance options

This Section examines the effectiveness of existing governance structures at the West Yorkshire level and considers their appropriateness against that of other possible governance models. An assessment of the following three options is provided below:

- Option 1 - Do nothing / business as usual
- Option 2 - Strengthen existing arrangements
- Option 3 – An MCA

Option 1 - Do nothing / business as usual

The (non-mayoral) combined authority model in West Yorkshire has demonstrated several strengths:

- Enabled the historic fragmentation of previous regional governance arrangements to be addressed by establishing a single, integrated regional authority bringing together statutory economic development and transport functions;
- Created the opportunity for various types of collaborative effort, including a stronger shared sense of strategic purpose between partners on the challenges of promoting faster, cleaner and more inclusive growth and the delivery of a 21st century transport system;
- Been able to effectively and efficiently discharge significant devolved powers and funding, including those agreed the 2012 City Deal, and to fulfil ambitions set out in the Leeds City Region Strategic Economic Plan (SEP) , such as proposals for a £1 billion West Yorkshire Plus Transport Fund; and has
- Provided a visible, stable and streamlined body corporate to which Government has been demonstrably confident in devolving significant further powers and funding, such as via the £1 billion 2014 Growth Deal, which would otherwise have been controlled by Whitehall.

The PCC model and West Yorkshire PCC have delivered various benefits:

- Provided stronger and more transparent local accountability of the police, e.g., the West Yorkshire PCC has been directly elected by the public to hold the Chief Constable to account, making the police answerable to the communities they serve.
- Ensuring community needs are met as effectively as possible and improving local relationships through building confidence and restoring trust, which is a key aspect of promoting social cohesion and maintaining public order.
- Working in partnership across a range of agencies at local and national level to ensure there is a unified approach to preventing and reducing crime, including sharing learning and best practice.

The following are however considered to be drawbacks of maintaining the status quo / business as usual:

- Foregoes co-ordination benefits of having strategic powers on skills, planning, housing, economic development transport within a single streamlined authority, and in some instances West Yorkshire may not be able to take forward strategic infrastructure schemes;
- Retaining existing separate Combined Authority and PCC governance arrangements potentially hinders further exploring opportunities for efficiencies and collaboration through more alignment and integration, e.g. in terms of links between inclusive growth and community cohesion.
- The powers and funding on offer through the West Yorkshire Devolution Deal are conditional upon the adoption of a directly elected Mayor.

Option 2 – Strengthen existing arrangements

Under this option, the existing non-mayoral Combined Authority would be further strengthened through the exercise of additional powers, duties and functions, including for example the following:

- Power to borrow up to an agreed cap for non-transport functions;
- Adult education and skills functions;
- Duty to prepare an assessment of economic conditions;
- Housing functions relating to compulsory purchase, plus provision of housing and land, land acquisition and disposal, and development and regeneration of land; and
- Ability to seek consent to raise a Strategic Infrastructure Tariff.

The above functions would need to be devolved to the Combined Authority via secondary legislation, and therefore would require Government (and local) approvals to make the relevant order. Moreover, a number of the functions are only meaningful if accompanied by devolved funds, for example the Adult Education Budget needs in practice to be devolved to the area to give effect to the related functions. There is however currently no evidence that Government is either likely to consent to the transfer of these additional functions to the Combined Authority or provide additional devolved funding in order to make these functions meaningful, outside of a Mayoral devolution deal.

Under this option, the benefits of promoting collaboration with - and potentially integrating the Combined Authority and PCC staffing structures - could be also explored, e.g., in order to seek to secure some overall efficiency savings. However, the main governance reform driver in terms of streamlining public decision-making arrangements would not be deliverable because the Combined Authority would first need to have in place a directly elected Mayor in order to take on and exercise PCC powers on an ex officio basis.

Option 3 - A Mayoral Combined Authority

This option would require the existing Combined Authority to become an MCA.

The adoption of an MCA model of governance with an elected Mayor for West Yorkshire will enable the area to unlock the additional benefits of the 'minded-to' devolution deal through the

additional powers and funding from government, as described above. An MCA is the government's preferred governance mechanism for the greater transfer of powers and funding, and in line with other devolution deals the West Yorkshire deal is dependent on adopting an MCA model of governance.

In addition to the Combined Authority's existing joint governance arrangements for key growth levers such as transport, skills, economic development and regeneration - which allow for strategic prioritisation across its area and integrated policy development - the following value is added from West Yorkshire moving to a mayoral combined authority model:

- the 30-year gainshare funding mechanism agreed in the deal provides the basis for the long term approach needed to address the long standing economic challenges facing the region, as well as building on the area's significant assets and strengths;
- an opportunity to draw together a range of devolved and other funding sources into a flexible West Yorkshire Investment Fund programme to enable a holistic approach to tackling shared priorities and driving growth;
- greater local accountability and decision-making power, working in partnership with the Government, constituent councils and the LEP;
- a unified and influential voice to strengthen conversations with government, national agencies and business leaders in the development of local growth policy, strategic interventions, securing a greater share of national resources and influencing national decision making;
- greater visibility and influence as part of the group of mayoral combined authorities with an increasing level of national influence and access to important initiatives only available to these authorities;
- alignment of decision-making at a strategic level across a broader range of statutory functions, including skills, planning, housing, economic development transport and under a coherent strategy, appraisal framework and investment programme;
- consistency in the governance arrangements for strategic transport and other infrastructure assets that span across a wider geography;
- an important role and voice across the Northern Powerhouse, by working with partners across the North of England to promote opportunities for pan-Northern collaboration, including the Yorkshire Leaders Board, Transport for the North and the NP11, to drive productivity and build the Northern Powerhouse;
- closer working across the wider public sector on integrating functions and services, including PCC powers, and providing innovative solutions to the challenges of reducing financial resources and new and improved ways of working; and
- a stable and accountable platform underpinned by statutory powers to access greater devolved powers and funding delegated from government as part of future deals to enable locally devised interventions.

Conclusions

To ensure the effective exercise of statutory functions across the area of West Yorkshire, adopting an MCA model of governance for the area (Option 3) is considered optimal. An MCA for the area offers greater flexibility and accountability, and moreover devolved powers and funding, than can be provided through either continuing with the existing arrangements (Option 1) or strengthening existing arrangements (Option 2).

The new MCA governance model, along with the additional devolved powers and funding resulting from the 'minded-to' deal, would better enable the area to pursue its objectives of promoting faster, more inclusive and cleaner growth and delivering a 21st century transport system.

It is therefore concluded that:

- current regional governance arrangements - based on a non-mayoral Combined Authority for West Yorkshire - do not represent the best model in terms of delivering the long-term ambitions of the authorities within the area for economic growth and delivery of public services;
- there is limited practical scope for the existing governance arrangements to be meaningfully strengthened, short of adopting a mayoral combined authority model;
- a change is required to enable the West Yorkshire authorities to pursue their 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;
- the statutory criteria for preparing and publishing a scheme are met, i.e., the making of an order under S104 and S105 to enable the adoption of an MCA model of governance for the area of West Yorkshire is the best option and will be likely to **improve the exercise of statutory functions in that area**;
- in addition, establishing an MCA model for West Yorkshire will:
 - **have a positive impact on the interests and identities of local communities** – these proposals build on established regional governance arrangements which cover a coherent functional economic area and which represent the views and interests of local communities ; and
 - **secure more effective and convenient local government** by reducing complexity and streamlining the delivery of public services within the area.

It is therefore proposed that a governance scheme is published (a draft scheme is included at Appendix A) that confirms:

- A mayoral combined authority should cover area of West Yorkshire;
- A West Yorkshire Mayor would be elected in May 2021;
- The Mayor would become a member of the Combined Authority, and chair meetings of the authority;
- Each constituent council will continue to appoint a member to the new mayoral combined authority, along with political representatives from opposition groups, and non-constituent members from the LEP and City of York Council would be appointed; and

- the Mayor and MCA will exercise specific statutory functions, and hold some powers concurrently with West Yorkshire local authorities. No functions are being removed from those councils. Where existing functions currently held by West Yorkshire local authorities are to be shared with the Mayor or the MCA, this must be agreed by the constituent councils.



Find out more

westyorks-ca.gov.uk

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All information correct at time of writing (May 20)

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Scheme setting out proposals for changes to the governance and functions of the West Yorkshire Combined Authority

Section 112 Local Democracy, Economic Development and Construction Act 2009

Preamble

This scheme has been jointly prepared by:

- City of Bradford Metropolitan District Council,
- Borough Council of Calderdale,
- Council of the Borough of Kirklees,
- Leeds City Council,
- Council of the City of Wakefield, and
- West Yorkshire Combined Authority

This Scheme sets out proposals to change the governance arrangements of the West Yorkshire Combined Authority (the Combined Authority), by adopting a mayoral model (with the Mayor exercising the functions currently exercised by the Police and Crime Commissioner for West Yorkshire) and making related changes to constitutional arrangements.

It also sets out proposals for the Combined Authority to be delegated additional functions.

Interpretation

In this Scheme:

“the 2008 Act” means the Housing and Regeneration Act 2008,

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009,

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011,

“the 2014 Order” means the West Yorkshire Combined Authority Order 2014 (SI 2014/864),

“the Combined Authority” means the West Yorkshire Combined Authority,

“Constituent Councils” means

- City of Bradford Metropolitan District Council,
- Borough Council of Calderdale,

- Council of the Borough of Kirklees,
- Leeds City Council,
- Council of the City of Wakefield

“Deputy Mayor for Policing and Crime” means the deputy mayor for policing and crime for the Combined Area,

“Combined Area” means the area consisting of the areas of the Constituent Councils,

“LEP” means the Leeds City Region Enterprise Partnership,

“Mayor” means the mayor for the Combined Area,

“Mayoral Function” means any function which is the responsibility of the Mayor, other than a PCC Function,

“PCC Function” means any function carried out by a PCC, which is exercisable by the Mayor,

“MCA” means the mayoral combined authority,

“Non-Mayoral Function” means any function of the Combined Authority which is not a Mayoral Function or a PCC Function,

“PCC” means police and crime commissioner,

“Review” means the review carried out the West Yorkshire Authorities under section 111 of the 2009 Act in 2020, and

“West Yorkshire Authorities” means the Constituent Councils and the Combined Authority.

Introduction

- 1.1 On 11th March 2020, the West Yorkshire Authorities agreed a “minded to” devolution deal with HM Government. The deal details £1.8bn of government investment (including £1.14bn over 30 years), which will be subject to local influence and decision making, enabling spend on local priorities, together with a range of devolved functions. This devolution deal is subject to adopting the model of a directly elected mayor (Mayor) over the Combined Area (West Yorkshire) that is, becoming a mayoral combined authority (MCA).
- 1.2 The West Yorkshire Authorities must also follow relevant statutory procedures to adopt the model of a directly elected mayor, and secure changes to the constitutional arrangements set out in the 2014 Order (which established the Combined Authority) and the additional functions set out in the deal.
- 1.3 The West Yorkshire Authorities therefore conducted a review under section 111 of the 2009 Act (the Review) in relation to:
 - changing constitutional arrangements of the Combined Authority, and
 - the delegation to the Combined Authority of additional functions under section 104 and section 105 of the 2009 Act (transport-related functions of the Secretary of State and functions concurrent to local authorities).
- 1.4 Having considered the findings of the Review, the West Yorkshire Authorities concluded that an Order by the Secretary of State to make the changes considered in the Review, including delegating additional functions to the Combined Authority, would be likely to improve the exercise of statutory functions in relation to the Combined Area. The West Yorkshire Authorities have therefore resolved to prepare and publish this Scheme under section 112 of the 2009 Act.
- 1.5 In addition, to secure the devolution of new government investment and the range of additional functions set out in the devolution deal, the West Yorkshire Authorities have included the following proposals in this Scheme:
 - to adopt the model of an MCA for the Combined Authority, and
 - for the Combined Authority to be delegated functions under section 105A of the 2009 Act (functions of a public authority).
- 1.6 It is also proposed that the functions currently exercised by the PCC for West Yorkshire (the PCC Functions) will be exercised by the Mayor from 2021. The postponement of the PCC elections to May 2021 has created a potential opportunity to transfer those functions to the Mayor by that time, subject to feasibility.
- 1.7 Proposals contained in the Scheme will be subject to public consultation from 25 May 2020 to 19 July 2020.

-
- 1.8 As set out below, it is proposed that the Combined Authority will continue to exercise the functions conferred on the Combined Authority by the 2014 Order, as well as the new additional functions described in this Scheme.
 - 1.9 Any transfer to the Combined Authority, or to the Mayor, of existing functions or resources currently held by any Constituent Council must be by agreement with the Constituent Council.

2 Proposed MCA for West Yorkshire

- 2.0.1 The following part of the Scheme sets out how it is proposed that the Combined Authority will operate and discharge its functions as an MCA.

2.1 Geography

- 2.1.1 The area of the Combined Authority as MCA shall remain the Combined Area, as defined by the 2014 Order - that is, the area consisting of the areas of the Constituent Councils (West Yorkshire).

2.2 Name

- 2.2.1 It is proposed that the name of the Combined Authority as an MCA remains West Yorkshire Combined Authority.

2.3 Election of Mayor

- 2.3.1 It is proposed that the first Mayor will be elected in May 2021. The Mayor will be elected by the local government electors for the Combined Area (West Yorkshire).
- 2.3.2 As set out in the 2009 Act, the Mayor is to be returned under the simple majority system ('first past the post'), unless there are three or more candidates. If there are three or more candidates, the Mayor is to be returned under the supplementary vote system.
- 2.3.3 It is proposed that the initial term of the Mayor will be 3 years. Each subsequent mayoral term will be 4 years.
- 2.3.4 The 2009 Act provides that the Mayor will be entitled to the style of "Mayor" and the title of the Mayor will be the West Yorkshire Combined Authority Mayor.

2.4 Membership

- 2.4.1 It is proposed that the current membership arrangements for the Combined Authority are retained as set out in the 2014 Order, with the addition of the Mayor who by virtue of their office will be a member of the Combined Authority. The Combined Authority as MCA shall therefore comprise the following eleven members:
- the Mayor,
 - 5 elected members from Constituent Councils (one appointed by each Constituent Council),
 - 3 additional elected members for political balance jointly appointed by the Constituent Councils,
 - 1 elected member appointed by the City of York Council (the Non-Constituent Council), and
 - 1 person nominated by the Leeds City Region Enterprise Partnership (the LEP Member).
- 2.4.2 Of these, the elected member appointed by the City of York Council and the LEP Member are required by statute to be non-voting – see further below.
- 2.4.3 Other than in relation to the Mayor, no changes are proposed to the membership arrangements set out in the 2014 Order. These shall continue to apply to members of the Combined Authority other than the Mayor, in relation to:
- substitute arrangements (one for each member)
 - appointment arrangements and
 - terms of office.

2.5 Role of the Mayor

- 2.5.1 As provided by the 2009 Act, the Mayor by virtue of their office will be the Chair of the Combined Authority.
- 2.5.2 The Mayor will be responsible for functions of the Combined Authority which are Mayoral Functions, as set out below, and also exercise the PCC Functions.

Deputy Mayor

2.5.3 The 2009 Act requires the Mayor to appoint one of the members of the Combined Authority as a Deputy Mayor, who will act in place of the Mayor if for any reason the Mayor is unable to act or the office of Mayor is vacant. Provisions within the 2014 Order relating to the appointment of a Chair and Vice Chair of the Combined Authority from amongst its members will therefore no longer apply, and will be omitted; the Deputy Mayor will chair meetings of the Combined Authority in the absence of the Mayor.

Deputy Mayor for Policing and Crime

2.5.4 Where an Order provides for the Mayor to exercise PCC Functions, the Secretary of State must by Order authorise the Mayor to appoint a Deputy Mayor for Policing and Crime – see further paragraph 3.6 (PCC Functions).

2.6 Partnership Arrangements

2.6.1 As an MCA, the Combined Authority will continue to explore opportunities for further collaboration with partner councils, including Harrogate Borough Council, Craven District Council, Selby District Council, City of York Council and North Yorkshire County Council, and across the whole of Yorkshire through the Yorkshire Leaders' Board. The Combined Authority may invite representatives from any partner council to attend (and speak) at any meeting of the Combined Authority.

2.6.2 The Combined Authority may enter into joint arrangements with other local authorities in respect of Non-Mayoral Functions, under S101(5) Local Government Act 1972 and, it is proposed that arrangements for the Combined Authority as MCA provide that Mayoral Functions may also be carried out under joint arrangements – see paragraph 2.7.2.5.

2.6.3 It is proposed that the current governance arrangements of the Leeds City Region Enterprise Partnership (“the LEP”) will be revised to include the Mayor as a member of the LEP Board to ensure continued recognition of the LEP’s importance in the design and delivery of local economic strategies.

2.7 Decision-making arrangements

2.7.1 Decisions of the Combined Authority

2.7.1.1 The Combined Authority will be responsible for any function of the Combined Authority which is not the responsibility of the Mayor (any Non-Mayoral Function). Decisions on Non-Mayoral Functions will be taken by the Combined Authority, (that is, at a meeting of the members of the Combined Authority acting collectively), or taken in accordance with arrangements agreed by the Combined Authority, including:

- by a committee or sub-committee of the Combined Authority which has delegated authority for the function, or
- under joint arrangements agreed by the Combined Authority, or
- by an officer with delegated authority.

2.7.1.2 No business of the Combined Authority will be transacted at a meeting unless the Mayor (or the Deputy Mayor acting in place of the Mayor) and at least three members of the Combined Authority appointed by a Constituent Council who are not members appointed for political balance, are present at the meeting.

2.7.1.3 The following voting arrangements will apply at meetings of the Combined Authority:

- Un-weighted voting based on one member one vote,
- The Non-Constituent Member and the LEP Member must be non-voting (a requirement of section 85(4) of the Local Transport Act 2008) but could individually be given a vote on some or all issues voted upon, subject to agreement of the Voting Members (in accordance with section 85(5) of the Local Transport Act 2008),and
- The Mayor (or Deputy Mayor acting in their place) will not have a second or casting vote.

2.7.1.4 The Combined Authority aims to reach decisions by consensus. If it is not possible to reach a consensus on a matter that requires a decision, the matter will be put to the vote.

2.7.1.5 Any matter that comes before the Combined Authority will be decided by a simple majority of the members of the Combined Authority present and voting (whether a motion or an amendment), unless otherwise provided for in legislation or as set out below.

2.7.1.6 Where the decision relates to any new Non-Mayoral Function which the Combined Authority acquires pursuant to the Deal, or where otherwise

required by the Combined Authority's constitutional arrangements, that majority must include the vote of the Mayor.

2.7.1.7 For the following decisions, the simple majority of members must include three of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance):

- approving the Combined Authority's budget (other than any decision which relates to the Mayor's budget, which is subject to the statutory provisions referred to in paragraph 4.3), and
- setting a levy.

2.7.2 Decisions of the Mayor

2.7.2.1 In accordance with the 2009 Act, any Mayoral Function will be exercisable only by the Mayor except where the Mayor delegates such a function to:

- the Deputy Mayor,
- another Member of the Combined Authority,
- an officer of the Combined Authority,
- under joint arrangements – see paragraph 2.7.2.4, or
- the Deputy Mayor for Policing and Crime, where provided for by Order.

2.7.2.2 It is proposed that any member or officer of the Combined Authority may assist the Mayor in the exercise of Mayoral Functions, but that the Mayor cannot delegate to their political advisor.

2.7.2.3 It is proposed that some decisions in respect of Mayoral Functions will require the consent of the member appointed by any Constituent Council directly affected by the decision, (who is not appointed for political balance). This consent requirement applies to the following:

- a) The designation of any area of land as a Mayoral Development Area leading to the establishment, by Order, of a Mayoral Development Corporation (the consent of the relevant national park authority is also required if the land falls within the designated national park area) (see paragraph 3.5.2);
- b) The compulsory purchase of land or buildings by the Mayor (see paragraph 3.5);
- c) Any decision that could lead to a financial liability falling directly upon that Constituent Council; and

- d) Such other matters as may be contained in the Combined Authority’s constitutional arrangements and agreed with the Mayor.

2.7.2.4 The Mayor will be required to consult the Combined Authority on any policy or strategy, relating to the exercise of a Mayoral Function, and this will be subject to the following specific conditions:

- a) The Spatial Development Strategy will require the consent of each of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance)
- b) The Combined Authority will be able to amend the Mayor’s transport strategy if a majority of members agree to do so.

2.7.2.5 It is proposed that in relation to the Mayoral Functions, joint arrangements under S101(5) of the Local Government Act 1972 are provided for by Order, in accordance with S107E of the 2009 Act.

2.7.2.6 Decision-making arrangements in respect of the Mayor’s budget for Mayoral Functions are set out in paragraph 4.3 of this Scheme.

2.7.3 PCC Functions

2.7.3.1 Decision-making arrangements in respect of PCC Functions are set out in paragraph 3.6.

2.8 Scrutiny Arrangements

2.8.1 The Mayor and the Combined Authority will be scrutinised and held to account by the Combined Authority’s Overview and Scrutiny Committee(s).

2.8.2 In accordance with the 2009 Act, the Combined Authority ensures that the Overview and Scrutiny Committee has power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with the any functions which are the responsibility of the Combined Authority;
- (b) make reports or recommendations to the Combined Authority with respect to the functions that are the responsibility of the Combined Authority;

- (c) make reports or recommendations to the Combined Authority on matters that affect the Combined Area or the inhabitants of the Combined Area.
- 2.8.3 As an MCA, the Combined Authority’s arrangements must also ensure that the Overview and Scrutiny Committee has power to:
- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the Mayor of any Mayoral Functions,
 - (b) to make reports or recommendations to the Mayor with respect to the discharge of any Mayoral Functions,
 - (c) to make reports or recommendations to the Mayor on matters that affect the Combined Authority's Area or the inhabitants of the Combined Area.
- 2.8.4 The Committee’s power to “call-in” a decision (that is, direct that a decision is not to be implemented while it is under review or scrutiny by the Committee, and recommend that the decision be reconsidered) extends to decisions taken by the Mayor in connection with Mayoral Functions.
- 2.8.5 The overview and scrutiny arrangements currently established for the Combined Authority will be retained, subject to any amendments to reflect:
- the introduction of the Mayor (such as a requirement for the Mayor to respond to reports or recommendations made by any Overview and Scrutiny Committee);
 - the scrutiny of additional Mayoral and Non-Mayoral Functions; and
 - any statutory provisions
- 2.8.6 The Mayor and the Combined Authority may also seek to enhance scrutiny and develop wider conference with all elected members in the Combined Area (West Yorkshire) to engage on key issues.
- 2.8.7 There will be separate oversight and scrutiny arrangements in respect of PCC Functions, which will be carried out by a Police and Crime Panel – see further paragraph 3.6.

2.9 Audit

- 2.9.1 The Combined Authority will retain its current Governance and Audit Committee, which carries out the statutory functions of an audit committee in accordance with the 2009 Act, which include:
- reviewing and scrutinising the Combined Authority's financial affairs,

- reviewing and assessing the Combined Authority's risk management, internal control and corporate governance arrangements,
- reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions, and
- making reports and recommendations to the Combined Authority in relation to reviews the Committee has conducted.

2.9.2 It is proposed that membership of any audit committee may include co-opted members.

2.10 Appointments - political advisors

2.10.1 It is proposed that the Mayor may appoint one person as the Mayor's political adviser.

2.11 Standing Orders

2.11.1 It is proposed that the Combined Authority will continue to make standing orders for the regulation of its proceedings and business and may vary or revoke any such standing orders.

2.12 Remuneration

2.12.1 It is proposed to amend the arrangements in the 2014 Order (which provides that no remuneration is to be paid by the Combined Authority to members of the Combined Authority, other than for travel and subsistence) to provide that an allowance may be paid to:

- the Mayor,
- the Deputy Mayor, (provided that they are not a Leader of a Constituent or Non-Constituent Council, or the Chair of the LEP)
- the Deputy Mayor for Policing and Crime.

The Combined Authority shall approve a scheme for allowances, following consideration of a report from an Independent Remuneration Panel, which the Combined Authority may appoint.

3 Functions of the Combined Authority as MCA

- 3.0.1 The prime purpose of conferring functions on the Combined Authority is to improve the exercise of statutory functions in relation to the Combined Area. In pursuit of this prime purpose, the Combined Authority will take on those functions set out in the “minded to” Devolution Deal (and retain those functions which were previously exercised by the Combined Authority in respect of the Combined Area).
- 3.0.2 Mayoral Functions and PCC Functions will be the responsibility of the Mayor, and are exercisable only by the Mayor, unless delegated by the Mayor. Mayoral Functions are listed in paragraph 3.1, and PCC Functions addressed in paragraph 3.6.
- 3.0.3 All other functions of the Combined Authority will be Non-Mayoral Functions – see further paragraph 3.2.
- 3.0.4 Where any Mayoral or Non-Mayoral Function is concurrent with any Constituent Council, (that is, where Constituent Councils share any function), arrangements for their exercise will be a matter for agreement between the Combined Authority and a Constituent Council.
- 3.0.5 It is proposed that the Constituent Councils, Public Authorities and the Combined Authority will agree operating protocols for the exercise of concurrent functions by the Combined Authority where considered appropriate. These protocols will recognise the strategic role of the Combined Authority and safeguard the role of Constituent Councils in local decision making and delivery.

3.1 Functions exercised by the Mayor - overview

3.1.1 It is proposed that the Mayoral Functions will be:

a) **Transport**

- I. Power to draw up a local transport plan and strategies

- II. Power to request local regulations requiring large fuel retailers to provide Electric Vehicle charging points
- III. Bus franchising powers
- IV. Ability to pay grants to operators.

b) Housing and planning (see further paragraph 3.5 below)

- I. Housing and land acquisition powers to support housing, regeneration, infrastructure and community development and wellbeing
- II. Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation
- III. Statutory spatial planning powers to produce a Spatial Development Strategy

c) Finance (see further paragraphs 4.2 and 4.5 (Finance))

- I. Power for the Mayor to set a **precept** on council tax to fund Mayoral functions (resulting from the setting of the Mayoral budget)
- II. Power to charge **business rate supplement** (subject to ballot)

3.1.2 For the purposes of the discharge of Mayoral Functions it is also proposed that the Mayor may exercise the ancillary power set out under section 113A of the 2009 Act (general power of combined authority). By law, the Mayor may not exercise this power to borrow money.

3.1.3 As stated above, it is also proposed that the Mayor exercises **PCC Functions** – see paragraph 3.6.

3.2 Non-Mayoral Functions - overview

3.2.1 Non-Mayoral Functions to be exercised by the Combined Authority include any function conferred on the Combined Authority by the 2014 Order, with the exception of specified functions relating to the local transport plan only (see paragraph 3.3.1).

3.2.2 In addition to the functions of the Combined Authority conferred by the 2014 Order, it is proposed that the Combined Authority exercise the following additional Non-Mayoral Functions:

- a) **Transport-related powers** to set up and coordinate a Key Route Network on behalf of the Mayor (unless otherwise agreed locally, all operational responsibility for Key Route Network roads will remain with the Constituent Councils) (see further paragraph 3.3.3)
 - b) **Transport-related powers** to collect contributions from utility companies for diversionary works needed as a result of highways works carried out on the Key Route Network (see further paragraph 3.3.3)
 - c) Powers to operate a permit scheme designed to control the carrying out of works on the Key Route Network (see further paragraph 3.3.3)
 - d) **Adult education and skills functions** (see further paragraph 3.4)
 - e) **Housing functions** relating to compulsory purchase, plus provision of housing and land, land acquisition and disposal, and development and regeneration of land. (see further paragraph 3.5)
 - f) **Economic development** – duty to prepare an assessment of economic conditions (see further paragraph 3.5.3.2)
 - g) **Finance** – power to borrow up to an agreed cap for non-transport functions (see further paragraph 4.4).
 - h) The power to seek consent to raise a **Strategic Infrastructure Tariff** (see further paragraph 4.6).
- 3.2.3 Notwithstanding the above, any Constituent Council and the Combined Authority may, enter into arrangements under Section 101 of the Local Government Act 1972 and/or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 to allow the delegation of functions from a Constituent Council to the Combined Authority. Any such delegation arrangement will require the agreement of the Combined Authority and the relevant Constituent Council.
- 3.2.4 The Combined Authority may also enter into joint arrangements with any Constituent Council or other local authority, in respect of Non-Mayoral Functions, in accordance with S101(5) of the Local Government Act 1972.

3.3 Transport

3.3.1 The Mayor will be given the functions in Part 2 of the Transport Act 2000 to produce a Local Transport plan and strategies. Members of the Combined Authority will be able to amend the Local Transport Plan and strategies if a majority of members agree to do so.

3.3.2 Consolidated Transport Budget

3.3.2.1 The Mayor will be responsible for a devolved and consolidated multi-year local transport budget for the Combined Area (West Yorkshire) including all relevant devolved highways funding, to enable greater surety of funding, more effective and efficient long-term asset management and procurement arrangements. This budget will be fully devolved and provide a firm funding settlement for a five-year period starting in 2022/23. This Mayoral budget is separate from the existing 20-year transport funding (West Yorkshire plus Transport Fund) that has already been agreed with Government.

3.3.2.2 It is proposed that the Combined Authority will be able to exercise the functions of a minister of the Crown contained in Section 31 of the Local Government Act 2003 to pay grants to the Constituent Councils for exercising highway functions. This function is a Mayoral Function exercisable concurrently with a Minister of the Crown.

3.3.3 Roads

3.3.3.1 The Combined Authority will take on highways powers to set up and coordinate a Key Route Network (KRN) on behalf of the Mayor. The strategy for the KRN will be developed, agreed and coordinated by the Combined Authority on behalf of the Mayor. The Combined Authority will be the Highway Authority for the KRN for the purposes of exercising the powers of the Highways Act 1980 and the relevant other primary and secondary legislation.

3.3.3.2 In partnership with Constituent Councils, the Combined Authority and the Mayor will develop a single strategic asset management plan, and where practical, work towards streamlined contractual and delivery arrangements across the Combined Area (West Yorkshire).

3.3.3.3 It is proposed to grant the Combined Authority functions in relation to the KRN as more particularly set out below. These will enable the KRN to be defined and allow the KRN roads to be strategically managed and

coordinated at the West Yorkshire level by the Combined Authority on behalf of the Mayor. However, unless otherwise agreed locally, all operational responsibility for highways will remain with the Constituent Councils. As such the specific functions of the Combined Authority which relate to operational management of the roads within the KRN will only be exercised with the unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).

3.3.3.4 The Combined Authority will be granted the following powers:

- a) Powers equivalent to those contained within the Road Traffic Regulation Act 1984 in relation to traffic orders (including sections 1, 2(4), 9, 23 and 65) and the power to enter into agreements as if it were a traffic authority pursuant to section 121A. The Combined Authority will only exercise such functions with the unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance);
- b) Powers contained in the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 to enable the Combined Authority to manage street works and issue permit schemes to manage disruption and bid to the Secretary of State for Transport to seek approval to operate a lane rental scheme in relation to KRN roads, including seeking contributions from utility companies through lane rental and exercising the power to create an updated lane rental scheme as needed (subject to the Secretary of State's agreement) together with powers relating to moving traffic offences. The Combined Authority will only exercise such functions with the unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).
- c) The Combined Authority will be granted, in respect of the KRN, powers in relation to the enforcement of bus lane contraventions pursuant to the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. The Combined Authority will only exercise such functions with the approval of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance). The outcome will be to ensure a consistent approach to the enforcement, application of penalty charges etc. of bus lanes.

3.3.3.5 The Combined Authority will be granted functions equivalent to the below, concurrently with the relevant Constituent Council, unless otherwise stated:

- a) Section 6 of the Highways Act 1980 (enabling the Secretary of State or Highways England to delegate or enter into an agreement with a county council, metropolitan district council or London borough council in relation to the construction, improvement or maintenance of trunk roads). It is proposed that the section should be modified to include the Combined Authority amongst the authorities to which such functions may be delegated, to support better integration between local and national networks, or the equivalent legislative provision in order to achieve the aim of better integration.

- b) Section 8 of the Highways Act 1980 (enabling local highway authorities and Highways England to enter into agreements with other such authorities in relation to the construction, improvement, maintenance etc. of a highway for which any party to the agreement is the highway authority). It is proposed that the section be modified to allow the Combined Authority to be a party to such agreement as if it were a local highway authority, with the consent of any affected highway authority, or the equivalent legislative provisions in order to allow the Combined Authority to be party to such agreements.

3.3.3.6 Under the Automated and Electric Vehicles Act 2018, the Mayor will have the power to request from the Secretary of State local regulations requiring large fuel retailers to provide electric vehicle charging points within the Combined Area.

3.3.4 Buses

3.3.4.1 The Combined Authority will be granted powers under section 154 of the Transport Act 2000 to make grants to bus operators.

3.3.4.2 As an MCA, the Combined Authority will become a franchising authority under the Transport Act 2000. This Act provides for the Mayor to carry out functions in relation to making, varying or revoking a franchising scheme.

3.4 Adult Education / Skills and Employment

3.4.1 It is proposed that the Combined Authority will be given devolved functions in respect of Adult Education and will control the Adult Education Budget (AEB) from the academic year 2021/2022 subject to readiness conditions and successful passage through Parliament.

- a) These functions include those set out in the following sections of the Apprenticeships, Skills, Children and Learning Act 2009: section 86 (education and training for persons aged 19 or over and others subject to adult detention);
 - b) section 87 (learning aims for persons aged 19 or over: provision of facilities);
 - c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees);
 - d) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention);
 - e) section 100 (provision of financial resources)
- 3.4.2 The Combined Authority will also have the responsibilities and functions under sections 15ZA, 15ZB, 15ZC, 18A(1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age)
- 3.4.3 In addition, the Combined Authority will also have the following authority functions to be held concurrently with Constituent Councils:
- a) sections 10 and 12 of the Education and Skills Act 2008 to ensure that its functions are exercised so as to promote the effective participation in education and training of relevant persons in its area aged 16 and 17, and to make arrangements to enable it to establish (so far as possible) the identities of such relevant persons.
 - b) sections 68, 70, 71 and 85 of the Education and Skills Act 2008 to make available to young persons and relevant young adults such support services as it considers appropriate to encourage, enable and assist the effective participation of such persons in education and training.
 - c) section 13A of the Education Act 1996 to ensure that their education and training functions are exercised with a view to promoting high standards, fair access to opportunity for education and training, and the fulfilment of learning potential.
 - d) section 51A of the Further and Higher Education Act 1992 to require relevant institutions in the further education sector to provide appropriate education to specified individuals aged between 16 and 18 years.

3.5 Housing and Planning Functions

3.5.1 Housing

3.5.1.1 In order to exercise the functions outlined in the “minded to” Devolution Deal, it is proposed that the Combined Authority will be granted the following powers concurrently with the Constituent Councils or Homes England as appropriate.

3.5.1.2 It is proposed that the Combined Authority will be granted devolution of the objectives and functions of Homes England under section 2(1) of the Housing and Regeneration Act 2008 (to be exercised only in respect of the Combined Area) and the following powers contained in the 2008 Act will be exercised by the Combined Authority concurrently with Homes England:

- a) Section 3 (principal power);
- b) Section 4 (general powers);
- c) Section 5 (powers to provide housing or other land);
- d) Section 6 (powers for regeneration, development or effective use of land);
- e) Section 7 (powers in relation to infrastructure);
- f) Section 8 (powers to deal with land etc);
- g) Section 9 (acquisition of land);
- h) Section 10 (restrictions on disposal of land);
- i) Section 11 (main powers in relation to acquired land);
- j) Section 12 (powers in relation to, and for, statutory undertakers);
- k) Section 19 (power to give financial assistance);
- l) Paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.)
- m) Paragraphs 1,2,3,4,6,10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA)

3.5.1.3 These functions will be Non-Mayoral with the exception of the specific Homes England compulsory purchase powers in section 9 of the 2008 Act (see below).

3.5.1.4 The objectives in section 2(1) of the 2008 Act are to provide the Combined Authority with the necessary powers:

- a) to improve the supply and quality of housing;
- b) to secure the regeneration or development of land or infrastructure;
- c) to support in other ways the creation, regeneration and development of communities or their continued well-being; and

- d) to contribute to the achievement of sustainable development and good design.

3.5.1.5 The functions in this section include powers enabling the achievement of the above objectives. Such powers include the power of compulsory purchase contained in section 9 of the 2008 Act (subject to the authorisation of the Secretary of State). In order to achieve the objectives above, it is proposed that the Combined Authority should also have the benefit of exemption from section 23 of the Land Compensation Act 1961, which is enjoyed by Homes England under section 23(3)(d) of that Act.

3.5.1.6 As set out above, it is proposed that the exercise of the compulsory purchase power contained in section 9 of the 2008 Act, will only be exercisable by the Mayor with the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) for the area(s) of land to be compulsorily acquired and the Secretary of State.

3.5.1.7 It is proposed that the Combined Authority should be granted the power to acquire land for the development of housing under section 17 of the Housing Act 1985 and the associated section 18. It is proposed that the power to acquire land compulsorily under Section 17(3) of the Housing Act 1985 will be a Mayoral Function but will require the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) for the area(s) of land to be compulsorily acquired and the Secretary of State.

3.5.1.8 The conferral of such powers on the Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers concurrently.

3.5.2 Mayoral Development Corporation

3.5.2.1 It is proposed that the Mayor will have the power to designate an area a Mayoral Development Area (“MDA”) and so create a Mayoral Development Corporation (“MDC”) to help drive regeneration and expedite housing delivery on complex schemes in the area. The advantage of MDCs is that they have most of the powers of an Urban Development Corporation but are controlled locally rather than by the Secretary of State.

3.5.2.2 It is proposed that Part 8, Chapter 2 of the Localism Act 2011 be modified so that references to the GLA, Greater London and the London Mayor would include the Combined Authority and the Mayor. This would enable the Combined Authority to have functions for the Combined Area corresponding

to the following functions contained in the Localism Act 2011 that the Mayor of London has:

- a) Section 197 (designation of Mayoral development areas);
- b) Section 199 (exclusion of land from Mayoral development areas);
- c) Section 200 (transfers of property etc. to a Mayoral development corporation);
- d) Section 202 (functions in relation to town and country planning);
- e) Section 204 (removal or restriction of planning functions);
- f) Section 214 (powers in relation to discretionary relief from non-domestic rates);
- g) Section 215 (reviews);
- h) Section 216 (transfers of property, rights and liabilities);
- i) Section 217 (dissolution: final steps);
- j) Section 219 (guidance by the Mayor);
- k) Section 220 (directions by the Mayor);
- l) Section 221 (consents);
- m) Paragraph 1 of Schedule 21 (membership);
- n) Paragraph 2 of Schedule 21 (terms of appointment of members);
- o) Paragraph 3 of Schedule 21 (staff);
- p) Paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- q) Paragraph 6 of Schedule 21 (committees); and
- r) Paragraph 8 of Schedule 21 (proceedings and meetings).

3.5.2.3 It is proposed that the Mayor's power to designate an area a MDA under Section 197 of the Localism Act 2011 will require the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) whose local government area contains any part of the MDA.

3.5.2.4 It is further proposed that the Mayor's power to exclude land from a MDA under Section 199 of the Localism Act 2011 will require the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) whose local government area contains any part of the area to be excluded from the MDA.

3.5.2.5 It is also proposed that the London Mayor's power under section 202 of the Localism Act 2011 to decide that a MDC should have certain planning functions in relation to the whole or part of a MDA should be modified in

relation to the Mayor so that the Mayor can only exercise this power with the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) whose local government area contains any part of the MDA concerned.

3.5.3 Economic Development and Regeneration

- 3.5.3.1 For the avoidance of doubt, the Combined Authority currently has the general power of competence pursuant to Section 1 of the localism Act 2011 exercisable for the purposes of economic development and regeneration which it will retain as an MCA.
- 3.5.3.2 It is proposed that the Combined Authority will have a duty to prepare an assessment of economic conditions under section 69 of the 2009 Act, concurrently with the Constituent Councils.
- 3.5.3.3 The Combined Authority will be granted the power to exercise concurrently with the Constituent Councils the functions of the Constituent Councils to compulsorily acquire land for development and other planning purposes under section 226 of the Town and Country Planning Act 1990 and the associated powers under sections 227, 229, 230, 232, 233, 235-241 of the Town and Country Planning Act 1990. The Combined Authority's exercise of such powers will in each instance be subject to the consent of the member of the Combined Authority appointed by the Constituent Council (who is not appointed for political balance) in whose area the property is located.
- 3.5.3.4 The conferral of such powers on the Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers as previously.

3.5.4 Strategic Place Partnership

- 3.5.4.1 It is proposed that the Combined Authority and Homes England will establish a Strategic Place Partnership to work together to identify and develop key opportunities for housing delivery. The creation of the partnership does not require any new statutory provision.

3.5.5 Planning

- 3.5.5.1 It is proposed that the Mayor will have the power to create a statutory Spatial Development Strategy for the Combined Area (West Yorkshire). This will coordinate strategic land-use planning with strategic transport planning

providing a framework to achieve a strategic level change in environmental planning policy to reduce carbon emissions and tackle the climate emergency.

3.5.5.2 The development of the scope and preferred approach to a Spatial Development Strategy will require an inclusive and collaborative approach to be taken by the Mayor together with other members of the Combined Authority and the Constituent Councils. Its approval will require the consent of each of the five members of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).

3.5.5.3 It is proposed that the Mayor will have the functions for the Combined Area corresponding to the following functions contained in the Greater London Authority Act 1999 (“the 1999 Act”) which the Mayor of London exercises in relation to Greater London or where appropriate such sections will apply subject to appropriate modifications:

- a) Section 334 (the spatial development strategy);
- b) Section 335 (public participation);
- c) Section 336 (withdrawal);
- d) Section 337 (publication);
- e) Section 338 (examination in public);
- f) Section 339 (review of matters affecting the strategy);
- g) Section 340 (review of the strategy);
- h) Section 341 (alteration or replacement);
- i) Section 342 (matters to which the Mayor is to have regard);
- j) Section 343 (ability of the Secretary of State to make regulations);
- k) Section 344 (amendments to the Town & Country Planning Act 1990);
- l) Section 346 (monitoring and data collection);
- m) Section 347 (constituent councils to have regard to the strategy); and
- n) Section 348 (Mayor’s functions as to planning around Greater London)

3.5.5.4 The exercise of any of the functions corresponding to the functions in sections 33(public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act by the Mayor will require the consent of each member of the Combined Authority appointed by a Constituent Council (who are not appointed for political balance).

3.6 PCC Functions

3.6.1 Legislative Context

3.6.1.1 The Police Reform and Social Responsibility Act 2011 (the 2011 Act) established the position of PCC for West Yorkshire and specifies the core functions of a PCC. By Order under the 2009 Act these may be exercised by the Mayor.

3.6.1.2 An order providing for the Mayor to exercise the functions of a PCC must provide that there is to be no directly elected PCC in the Combined Authority area from a specified date.

3.6.2 Proposals

3.6.2.1 The Mayor will carry out the functions conferred on the PCC for West Yorkshire under Part 1 of the 2011 Act or any other Act (whenever passed) (the PCC Functions) in relation to the Combined Area, which corresponds to the West Yorkshire police area. This will provide for a single directly accountable individual responsible for the discharge of the PCC's functions, which will be consistent with the current PCC model and ambition for local people to have a single point direct accountability. Key PCC Functions are:

- securing the maintenance of an efficient and effective police force and holding the chief constable to account,
- issuing a police and crime plan, and
- appointing, suspending or calling on a chief constable to retire or resign.

3.6.2.2 In accordance with the 2009 Act, any PCC Function is to be taken to be a function of the Combined Authority exercisable by the Mayor acting individually, or by a person acting under arrangements with the Mayor in accordance Schedule 5C of the 2009 Act – see further below.

3.6.2.3 Under the 2011 Act, the PCC for West Yorkshire is a Corporation Sole carrying out the functions provided for in the 2011 Act. As set out above, it is proposed that the PCC Functions will be exercised by the Mayor who will have the sole responsibility for the PCC Functions. However, the following will transfer to the Combined Authority as legal entity although the decision-making in respect of these functions, after the transfer, will remain with the Mayor:

- Properties, Rights and Liabilities
- Appointments
- Borrowing
- Contracts

3.6.3 Deputy Mayor for Policing and Crime

3.6.3.1 Where an Order provides for the Mayor to exercise PCC Functions, the Secretary of State must by order authorise the Mayor to appoint a Deputy Mayor for Policing and Crime. The 2009 Act precludes the appointment as Deputy Mayor for Policing and Crime of:

- the Deputy Mayor;
- any person listed in section 18(6) of the 2011 Act; or
- any other person of a description specified by order.

3.6.4 PCC Functions

3.6.4.1 A Mayor may delegate any PCC Function to a Deputy Mayor for Policing and Crime, with the exception of functions reserved by Order in accordance with the 2009 Act as exercisable only by the Mayor, as follows:

- issuing a police and crime plan;
- calculating a council tax or budget requirement;
- appointing, suspending or calling on a chief constable to retire or resign; and
- any other function specified by Order.

3.6.4.2 PCC Functions that may only be exercised by the Mayor and/or the Deputy Mayor for Policing and Crime are:

- determining police and crime objectives;
- attendance at a meeting of a Police and Crime Panel in compliance with a requirement by the panel to do so;
- preparing an annual report;
- appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (“the 2014 Act”); and
- deciding whether to enter into a liability limitation agreement under section 14

3.6.4.3 In addition, the Mayor, must by order be authorised to arrange for any other person to exercise any PCC Functions, such as an officer of the Combined Authority, but such an order must prevent the Mayor from arranging for a person to exercise:

- Any PCC Function if the person is listed in section 18(6) of the 2011 Act
- Any PCC Function listed in section 18(7) of the 2011 Act, or
- Any other PCC Function specified by order.

3.6.4.4 The Deputy Mayor for Policing and Crime must also by order be authorised to arrange for any other person to exercise any PCC Functions exercisable by the Deputy Mayor for Policing and Crime, but such an order must prevent the Deputy Mayor for Policing and Crime from arranging for a person to exercise

- Any PCC Function if the person is listed in section 18(6) of the 2011 Act,
- Any PCC Function of a kind listed in section 18(7)(b),(c) or (d) of the 2011 Act, (determining police and crime objectives, attending at a meeting of the Police and Crime Panel in compliance with a requirement, or preparing an annual report to a Policing and Crime Panel), or
- Any other kind of PCC Function specified by order.

3.6.5 Transfer of properties, rights and liabilities

3.6.5.1 All property, rights and liabilities which are property, rights and liabilities of the PCC for West Yorkshire will transfer and vest in the Combined Authority, subject to any exceptions to be agreed. However, all decisions relating to PCC Functions (and relating to assets and liabilities etc.) will be for the Mayor unless delegated as set out above. The Order will also provide for:

- all functions in relation to such property, rights and liabilities to be exercised by the Mayor;
- all decisions relating to such property, rights and liabilities to be made by the Mayor;
- any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the Police Fund kept by the Mayor by virtue of section 21 of the 2011 Act.

3.6.6 Continuity

3.6.6.1 The transfer of the functions of the PCC of West Yorkshire, and the transfer of property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

3.6.6.2 The Combined Authority is to be substituted for the PCC for West Yorkshire in any instruments, contracts or legal proceedings which relate to any of the functions, property rights or liabilities transferred and which were made and commenced before the transfer and anything which was made or done by the PCC for West Yorkshire in connection with any of the functions, property rights or liabilities transferred before the transfer has effect as if made or done by the Combined Authority, subject to any exceptions to be agreed.

3.6.7 Staff of the Police and Crime Commissioner

3.6.7.1 The staff of the PCC of West Yorkshire will transfer under a statutory transfer order which will replicate the characteristics of a TUPE transfer.

3.6.8 Police and Crime Panel

3.6.8.1 Scrutiny of the discharge of PCC Functions will be performed by a Police and Crime Panel established in relation to the Combined Area by order in accordance with the 2008 Act, which carries out functions of a police and crime panel (as set out in section 28 and section 29 of the 2011 Act) to effectively scrutinise the actions and decisions of the Mayor and Deputy Mayor for Policing and Crime, and enable them to be held to account in public.

3.6.8.2 These functions include reviewing:

- a draft police and crime plan,
- an annual report,
- proposed senior appointments,
- any proposed precept for PCC Functions, (including a power of veto), and
- the appointment, suspension or removal of the chief constable.

3.6.8.3 In accordance with the 2011 Act, the Secretary of State must also by order provide for the Police and Crime Panel to have power to suspend the Mayor, so far as acting in the exercise of PCC Functions, in circumstances corresponding to those mentioned in section 30(1) of the 2011 in relation to a PCC.

3.6.8.4 In accordance with section 29 of the 2011 Act, the Police and Crime Panel may require the Mayor and members of staff to attend before the Panel to answer any question which appears to the Panel to be necessary in order for

it to carry out its functions. If the Panel requires the Mayor to attend, it may also request the chief constable to attend on the same occasion. The Panel may also require the Mayor to respond in writing to any report or recommendation the Panel makes to the Mayor.

3.6.8.5 The Police and Crime Panel will exercise the same functions under sections 28 and 29 of the 2011 Act, as police and crime panels under the PCC model, but with some minor modifications, such as reflecting that the Panel only scrutinises the policing component of the precept, which forms a separately identifiable component of a wider Combined Authority precept, rather than the whole precept.

3.6.8.6 The Police and Crime Panel may by order have oversight functions in relation to any Mayoral Function that is exercised by the Deputy Mayor for Policing and Crime. Any such order may disapply or modify provisions relating to the Overview and Scrutiny Committee, in relation to any Mayoral Function coming within the remit of the Panel.

3.6.9 Police Fund

3.6.9.1 The Mayor will be required to maintain a separate fund in relation to receipts arising and liabilities incurred in the exercise of PCC Functions (the Police Fund). The Police Fund will be kept separate to the Mayor's General Fund (see paragraph 4 below) and all receipts arising will be paid into it, and liabilities incurred in the exercise of PCC Functions must be paid out of it.

3.6.9.2 Money paid into the Police Fund will be reserved for policing. For example, receipts from the sale of police assets would have to be spent on matters relating to policing. In line with statutory guidance for PCCs, as set out in the 'Revised Financial Management Code of Practice' for policing, the Mayor would have to publicly account for expenditure from the Police Fund.

3.6.9.4 The Police Fund, which will include precept income, will also include reserves maintained for policing and crime reduction. The Local Government Finance Act 1992 requires billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Police reserves should be maintained in accordance with the relevant guidance, agreed accounting principles and locally agreed financial regulations and schemes of governance.

3.6.9.5 The Mayor is responsible for expenditure on PCC Functions. Money in the Police Fund can only be spent on PCC Functions and matters that are incidental to the PCC Functions.

3.6.9.6 Decisions on the sale of police assets and reinvestment of receipts must be made by the Mayor and money paid into Police Fund.

3.6.10 Borrowing

3.6.10.1 The Mayor will be ultimately responsible for decisions relating to borrowing in relation to PCC Functions, (as laid out in the ‘Revised Financial Management Code of Practice’ for Policing), but may delegate them in practice. The cost of such borrowing will be met from the Police Fund and as above kept separate to the discharge of other Combined Authority functions, which are not PCC Functions. This does not detract from the legal status of the Combined Authority as the borrowing party.

3.6.11 Contracts

3.6.11.1 Decisions on entering into contracts regarding police matters are functions of a PCC under the PCC model (with scope for some delegation to the Chief Constable). As such and in keeping with the PCC model the Mayor will have ultimate responsibility for all contracts relating to police matters, although they may provide consent for contracts to be entered into by the chief constable or another to whom the Mayor personally delegates responsibility in accordance with statutory provisions, any agreements and protocols.

3.6.11.2 Decisions on the issuing of policing-related grants would also rest with the Mayor or anyone to whom they delegate responsibility.

3.6.12 Police and Crime Plan

3.6.12.1 The Police and Crime Plan which involves consideration of the strategic policing requirement is a key public facing deliverable. The provisions on police and crime plans as set out in the 2011 Act will still apply to the Mayor carrying out PCC Functions.

3.6.13 Policing Protocol

3.2.13.1 The Mayor will be required by order to have regard to the Policing Protocol issued by the Secretary of State under section 79 of the 2011 Act.

3.2.13.2 The Policing Protocol sets out ways in which relevant persons should, in the Secretary of State's view, exercise or refrain from exercising functions so as to encourage maintain or improve working relationships (including co-operative working) between relevant persons, and limit or prevent the overlapping or conflicting exercise of functions.

3.6.14 West Yorkshire Police

3.6.14.1 West Yorkshire Police will remain a distinct and separate organisation as set out in legislation.

3.6.15 Complaints about Conduct

3.6.15.1 The 2011 Act provides that the Secretary of State must by order make provision about the procedures for making, handling and investigating complaints about the conduct of the Mayor and Deputy Mayor for Policing and Crime.

3.6.16 Consequential amendment and modification requirements

3.6.16.1 The following consequential amendment and modification requirements of enactments may be required in their application to the Combined Authority with PCC Functions:

3.6.17 Primary Legislation

- Amendments to the Police Reform and Social Responsibility Act 2011
- Modifications to the Local Government Act 1972
- Police (Property) Act 1897
- Trustee Investments Act 1961
- Pensions (Increase) Act 1971
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government, Planning and Land Act 1980
- Local Government Finance Act 1988
- Road Traffic Act 1988
- Local Government and Housing Act 1989
- Police Act 1996

- Police Reform Act 2002
- Proceeds of Crime Act 2002
- Railways and Transport Safety Act 2003
- Local Government Act 2003
- Local Government and Public Involvement in Health Act 2007
- Local Democracy, Economic Development and Construction Act 2009
- Police Reform and Social Responsibility Act 2011
- Local Audit and Accountability Act 2014

3.6.18 Secondary legislation

- Motor Vehicles (Third Party Risks) Regulations 1972
- Official Secrets Act 1989(Prescription) Order 1990
- Police (Disposal of Sound Equipment) Regulations 1995
- Police (Property) Regulations 1997
- Health and Safety (Enforcing Authority) Regulations 1998
- Motor Vehicles (Driving Licences) Regulations 1999
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- Motor Vehicles (Access to Driver Licensing Records) Regulations 2001
- Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001
- Police Regulations 2003
- Docking of Working Dogs' Tails (England) Regulations 2007
- REACH Enforcement Regulations 2008
- Elected Local Policing Bodies (Specified Information) Order 2011
- Policing Protocol Order 2011
- Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
- Police Appeals Tribunals Rules 2012
- Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012
- Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
- Local Government Pension Scheme Regulations 2013

- Local Audit (Auditor Resignation and Removal) Regulations 2014
- Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

3.7 Miscellaneous

- 3.7.1 For the avoidance of doubt, the Combined Authority will be a body specified for the purposes of Section 33 of the Value Added Tax Act 1994. This will entitle the Combined Authority to claim refunds of Value Added Tax charged on supplies to, and acquisitions or importations by the Combined Authority.

3.8 Information Sharing

- 3.8.1 It is proposed that sections 17A and 115 of the Crime and Disorder Act 1998 should be amended to give the Combined Authority the same standing as a Local or Public Authority for the purpose of information sharing, given that the Mayor will be exercising PCC Functions.

Finance and Investment

4.1 Levy

- 4.1.1 The Combined Authority will continue to have the power to issue a levy to its Constituent Councils in respect of transport functions under section 74 of the Local Government Finance Act 1988 (levies) and in accordance with the Transport Levying Bodies Regulations 1992.

4.2 Precept

- 4.2.1 It is proposed that the Secretary of State makes an Order to provide for the costs of the Mayor for the Combined Area that are incurred in, or in connection with, the exercise of Mayoral Functions to be met from precepts issued by the Combined Authority under section 40 of the Local Government Finance Act 1992, and also provide for a precept for PCC Functions exercised by the Mayor, subject to any transitional provisions.
- 4.2.2 That is, the Mayor will have the power to issue a Council Tax Precept on behalf of the Combined Authority in relation to Mayoral Functions and PCC Functions.
- 4.2.3 The council tax requirement calculated under S42A of the Local Government Finance Act 1992 will consist of separate components for the Mayoral Functions and PCC Functions. The components will appear separately on council tax bills, and any monies paid to the Mayor by a billing authority in respect of the PCC Functions component of a precept must be paid by the Mayor into the Police Fund – see paragraph 3.6 above.
- 4.2.4 Any precept in relation to Mayoral Functions will be subject to scrutiny and amendment under the procedure relating to the Mayor's budget, as set out below.
- 4.2.5 The precept in relation to PCC Functions will be subject to scrutiny by the Police and Crime Panel – see paragraph 3.6.

4.3 Mayor's budget

- 4.3.1 The Combined Authority will follow the procedure set out in the Combine Authorities (Finance) Order (SI 2017/611) (the Finance Order) to approve the Mayor's budget. The Finance Order provides that each year, the Mayor must prepare a draft budget in respect of Mayoral Functions by 1 February, setting out the Mayor's spending plans and how the Mayor intends to meet the costs of Mayoral Functions, and including the relevant amounts and calculations to be used for the purpose of determining the precept.
- 4.3.2 In accordance with the Finance Order, if the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations. The Mayor is not excluded from voting on this decision, which would be decided by a 2/3 majority.
- 4.3.3 The Combined Authority must review any draft budget, and may make a report on it, to include any changes the Combined Authority thinks the Mayor should make to the draft budget. The Mayor does not vote on this decision, and the default simple majority voting arrangement would apply. (If the Combined Authority does not make a report before 8 February, the Mayor's draft budget shall be deemed to be approved).
- 4.3.4 Where the Combined Authority makes a report, the Mayor will then decide whether to make any changes to the draft budget and notify the Combined Authority of the reasons for their decision, and where changes are made, the revised draft budget.
- 4.3.5 The Combined Authority may then:
- approve the Mayor's draft budget, containing any revisions the Mayor has chosen to make, (default simple majority voting arrangement applies) or
 - veto the draft budget, and approve a budget incorporating the Combined Authority's recommendations set out in its report to the Mayor (it is proposed that a 5/8 majority of the members of the Combined Authority excluding the Mayor would be required for this.)
- 4.3.6 The Mayor's budget will also be scrutinised by the Combined Authority's Overview and Scrutiny Committee. The Mayor may change their draft budget further to any recommendations received from the Overview and Scrutiny Committee, and in accordance with the procedure set out in the Finance Order.

4.4 Borrowing

- 4.4.1 It is proposed that West Yorkshire Authorities will consent to Regulations being made pursuant to section 23(5) of the Local Government Act 2003 to extend the Combined Authority’s existing borrowing powers (for transport functions) to other priority infrastructure projects, including but not limited to: highways, housing, investment and economic regeneration, as relevant to the exercise of the Combined Authority’s functions, both Mayoral and Non-Mayoral, within agreed limits.

4.5 Business Rate Supplement

- 4.5.1 It is proposed that the Mayor will have the power, with the agreement of the Combined Authority and in consultation with the business community, to raise a Business Rate Supplement to fund infrastructure investment. The Combined Authority will be a levying authority for the purposes of the Business Rates Supplement Act 2009 and the Constituent Councils shall be deemed to be acting jointly through the Combined Authority in accordance with Section 2(3) of the Business Rates Supplement Act 2009.

4.6 Strategic Infrastructure Tariff

- 4.6.1 The Combined Authority will be able to seek consent to raise a Strategic Infrastructure Tariff to enable it to raise funding for strategic infrastructure.

4.7 Mayor’s General Fund

- 4.7.1 The Finance Order will require the Mayor to keep a fund (to be known as the Mayor’s “General Fund”) in relation to receipts arising, and liabilities incurred, in the exercise of the Mayor’s Mayoral Functions. All of the Mayor’s receipts in respect of the exercise of the Mayoral Functions must be paid into the General Fund, and the Mayor’s expenditure in respect of Mayoral Functions must be paid out of the General Fund. The Mayor must keep accounts of payments made into or out of the General Fund.



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All information correct at time of writing (May 20)

West Yorkshire Devolution - Public Consultation

What will a devolution deal mean for West Yorkshire?

On 11 March 2020, a 'minded to' devolution deal was agreed between HM Government and West Yorkshire. Implementation of this deal is being done jointly between Bradford, Calderdale, Kirklees, Leeds and Wakefield Councils, West Yorkshire Combined Authority and the Leeds City Region Enterprise Partnership (LEP).

Devolution is the transferring of money and powers from central Government. This will enable decisions that are a priority for West Yorkshire to be made locally. These decisions will be made by a mayoral combined authority and Mayor, who will be elected to serve local people, communities and businesses.

Each Local Authority in West Yorkshire and the Combined Authority have carefully considered the 'minded to' devolution deal along with the proposals for implementation and have decided that the introduction of a mayoral combined authority and election of a Mayor would benefit the whole area.

Public consultation

Subject to the West Yorkshire Devolution Deal being implemented, work has begun to set out how it will help meet the priorities related to the economic and infrastructure development of the region: transport, education and skills, planning and housing, and, potentially, Police and Crime Commissioner functions.

Structures will be put in place to give each of the five West Yorkshire councils representation, to work with the Mayor and exercise these new functions as a mayoral combined authority.

It is proposed that the mayoral combined authority will continue to be called the West Yorkshire Combined Authority. The West Yorkshire Combined Authority will retain its current functions and powers, and these will be complemented by the devolution deal.

We have set out the detail of how this will work, our proposals and ambitions. We want to know what you think.

To include: governance information and paper/form completion instructions inc. closing date

How will it work?

To implement the deal we are proposing the following:

- The first Mayor for West Yorkshire will be elected in May 2021 by the residents of the five West Yorkshire council areas: Bradford, Calderdale, Kirklees, Leeds and Wakefield
- The initial term of the Mayoral will be for 3 years, to 2024. Then each mayoral term will last for 4 years to align with other mayoral combined authority elections in England
- The Mayor will be supported in their operations and functions by the West Yorkshire Combined Authority as a mayoral combined authority
- The deal will provide control and influence of £1.8bn funding and a range of devolved powers to focus and invest in our towns, cities and rural areas, for: infrastructure, skills, business, housing and regeneration, cultural and heritage assets.
- Decisions on funding, operations and functions of the mayoral combined authority will be made in agreement by the five councils of West Yorkshire working together with the Mayor
- The mayoral combined authority will have a total of 11 Members:
 - eight voting members from the constituent councils expected to include the five leaders of each council (Bradford, Calderdale, Kirklees, Leeds and Wakefield), and three members chosen in collective agreement to reflect as far as practical the political parties among the constituent councils
 - the Mayor
 - plus, two non-voting additional members which will include an elected member from City of York Council and a member of the Leeds City Region Enterprise Partnership (LEP) board
- Police and Crime Commissioner functions will be passed to the mayor who will be able to appoint a Deputy Mayor for Policing and Crime to delegate some functions
- The mayor will also have functions relating to transport, housing and planning and finance
- The mayoral combined authority will have non-mayoral functions of transport-related powers, adult education and skills functions, housing functions, economic development and finance
- The mayoral combined authority will exercise responsibility for overview and scrutiny of its, and the Mayor's, functions, as well as exercises to audit. The Mayor's Police and Crime Commissioner functions will be scrutinised by a Police and Crime Panel.

Detail of the governance, scrutiny and auditing arrangements are set out in the scheme [\[hyperlink\]](#).

Q1a. Do you agree or disagree with our proposals for the devolution arrangements of the Mayor, mayoral combined authority, and the councils, working together?

Strongly agree

Agree

Neither agree
nor disagree

Disagree

Strongly
disagree

Don't know

Q1b. Please use the space below to tell us more about your answer:

DRAFT

Transport

The deal will give the Mayor and mayoral combined authority responsibilities for significant investment in transport infrastructure and services, including public transport. This will help create effective and efficient long-term asset management and procurement to deliver a 21st century transport system for West Yorkshire.

It is proposed that this will be done by:

Devolving powers to the Mayor to:

- produce a Local Transport Plan and strategies
- manage a multi-year local transport budget
- have access to franchising powers for bus services that would enable the Mayor to decide what bus services are provided (routes, timetables and fares) which would have many benefits including smart, simple, integrated ticketing across West Yorkshire. There will be a separate process and consultation if the Mayor decides to consider franchising.
- request the provision of electric vehicle charging points that are beneficial to promoting lower carbon transport

Devolving powers to the mayoral combined authority to:

- set up a Key Route Network across West Yorkshire on behalf of the Mayor to enable a consistent approach to the management of that network, building on the existing Key Route Network of local roads.
- mitigate disruption on the Key Route Network with a permit scheme to help plan and manage utility and highway works.
- enter into agreements with local highway authorities for construction, improvement and maintenance. The expectation is that all operational responsibility for highways will remain with the constituent Councils. So, the use of these powers will need to be agreed with constituent authorities.
- make grants to bus operators

These powers will unlock transport funds and funding flexibilities that will build on successful funding bids in the region that include the £317m Transforming Cities Fund recently awarded to the Leeds City Region.

Q2a. Do you support or oppose this proposal to devolve transport powers to a West Yorkshire Mayor and mayoral combined authority?

Strongly support

Support

Neither support nor oppose

Oppose

Strongly oppose

Don't know

Q2b. Please use the space below to tell us more about your answer:

Skills and employment

The deal will give the mayoral combined authority powers to help people and businesses in West Yorkshire access the skills and support necessary to reach their ambitions and opportunities for our economy, through control of £63 million annually from the government's Adult Education Budget.

The proposal is for:

- promoting better access to adult education
- better business support that ensures the provision of skills meets demand
- giving our residents the skills our businesses need to grow, innovate, diversify, and be productive

Devolved control of the Adult Education Budget will give us greater influence over the adult skills and training to better meet the needs of the economy. It will also help deliver inclusive growth in the region by unlocking potential and progression, allowing as many people as possible to contribute to our region's prosperity.

Please note: a separate public consultation on the Adult Education Budget is planned for [date].

Q3a. Do you support or oppose this proposal to devolve skills and employment powers to a West Yorkshire mayoral combined authority?					
Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3b. Please use the space below to tell us more about your answer:
--

Housing and planning

The deal will give the Mayor and mayoral combined authority powers to look at planning across the West Yorkshire area to ensure that: there is enhanced coordination in decisions; decisions are not impacted by council boundaries; and add value by addressing cross-boundary issues.

The proposal is that this will be done by granting powers to the Mayor and mayoral combined authority to exercise functions alongside the West Yorkshire Councils or Homes England, as appropriate.

Devolved powers and funding to the Mayor that include:

- compulsory purchase powers
- powers to produce a spatial development strategy for West Yorkshire
- designate an area of land as a mayoral development area and set up a mayoral development corporation to focus on that area's community regeneration and sustainability

Devolved powers to the mayoral combined authority to:

- improve the supply and quality of housing
- secure regeneration or development of land or infrastructure
- support in other ways the creation, regeneration and development of communities
- contribute to the achievement of sustainable development and good design

The mayoral combined authority will provide a pipeline plan of housing sites in West Yorkshire, to bring more land into development for the delivery of housing on brownfield sites. Regeneration powers will allow compulsory purchase and land acquisition and disposal to support infrastructure and community development and wellbeing.

This includes providing coordination to infrastructure planning such as broadband and utilities management, and energy and risk planning, which includes flood risk management.

Q4a. Do you support or oppose this proposal to devolve housing and planning powers to a West Yorkshire Mayor and mayoral combined authority?

Strongly support

Support

Neither support nor oppose

Oppose

Strongly oppose

Don't know

Q4b. Please use the space below to tell us more about your answer:

Police and Crime Commissioner Functions

The 'minded to' devolution deal announcement included the transfer of Police and Crime Commissioner functions and powers to the Mayor in 2024.

Currently we are exploring the potential to transfer the functions and powers of the Police and Crime Commissioner to the Mayor ahead of the agreed 2024 timeline, possibly as early as 2021. This will deliver enhanced outcomes for the public by strengthening joined up working across public services, for example between inclusive growth and community safety and cohesion. Joining police and crime functions with oversight of other public services in the mayoral combined authority should also promote further collaboration within the area. A mayor exercising police and crime functions will continue to provide a single, directly accountable individual who is responsible for securing an efficient and effective police force in West Yorkshire, in the same way the Police and Crime Commissioner does currently.

It is proposed that the Mayor will have Police and Crime Commissioner functions to:

- issue a police and crime plan
- set the police budget including the council tax requirements
- undertake Chief Constable dismissals, suspensions and appointments

The Mayor will appoint a Deputy Mayor for Policing and Crime to delegate functions like:

- determining police and crime objectives
- attending meetings of a Police and Crime Panel
- preparing an annual report
- decisions for auditing and liability limitations

These functions will be transferred from the existing West Yorkshire Police and Crime Commissioner and Office of the Police and Crime Commissioner, to the Mayor. A Police and Crime Panel will scrutinise the actions and decisions of the Mayor/Deputy Mayor for Policing and enable the public to hold them to account.

Q5a. Do you support or oppose this proposal to transfer Police and Crime Commissioner functions to a West Yorkshire Mayor and mayoral combined authority?					
Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q5b. Please use the space below to tell us more about your answer:

The devolution deal agrees a significant shift of powers, funding and responsibility from central government to West Yorkshire. The additional powers and funding would help to drive productivity by enabling additional investment in our towns, cities and rural areas such as infrastructure, skills, business, housing and regeneration, cultural and heritage assets, and by boosting trade, innovation and inward investment. The scheme proposes the full details of how the new functions and changed arrangements will be carried out by the West Yorkshire Mayor and mayoral combined authority.

Are there any comments you would like to make that you do not feel you have addressed in this consultation survey? Please provide detail:

To include: about you information – business and individual applicable

Appendix 4: Indictive timeline

Step	Action/Decision	When – proposed timescales	Who
1	Carry out statutory Review	April - May 2020	Each Constituent Council and the Combined Authority jointly
	Consider Review outcome and resolve: <ul style="list-style-type: none"> that an Order would be likely to improve statutory functions agree Scheme for publication agree to consult public on the Scheme 	W/c 18 May 2020	Each Constituent Council, and the Combined Authority
2	Publish Scheme	25 May 2020	Constituent Councils and the Combined Authority jointly
3	Consultation	25 May 2020 - 19 July 2020	Constituent Councils and the Combined Authority jointly
4	Consider outcome of consultation and resolve to submit a summary of responses to the Secretary of State	August/September 2020	Each Constituent Council and the Combined Authority
5	Secretary of State approves proposals set out in Scheme and decides to lay draft Order/Regulations	September 2020	Secretary of State
5	Consent to Order/Regulations	End of September 2020	Each Constituent Council and the Combined Authority
6	Order/Regulations laid	October 2020	Secretary of State
	Order/Regulations made and final deal published	December 2020/January 2021	Secretary of State
-	Notice of Mayoral Election	March 2021	Mayoral Combined Authority
-	Election of Mayor	May 2021	-

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**Report of Director of Childrens and Families and the Director of City Development
Report to Executive Board**

Date: 19th May 2020

Subject: East Leeds Secondary Place Provision – Proposed completion of Purchase of land at Torre/Trent Road from Arcadia

Are specific electoral wards affected? If yes, name(s) of ward(s): Burmantofts and Richmond Hill	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: 10.4(3) Appendix number: 1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary

1. Main issues

- This report provides Executive Board with an update on the current position with the potential purchase of the unused playing field land that forms part of the Arcadia site at Torre Road (2.77ha) and the design development undertaken to date that has informed the potential layout and positioning of a 8 form of entry (8Fe) school on the unused playing field land. The report also updates on the works undertaken to date following the approval to commence a free school presumption under the terms set out in the Education and Inspections Act 2006 (section 6A), allowing the local authority to launch a competition seeking to identify a preferred sponsor to run the new free school.
- In addition, this report sets out the revised Heads of Terms as part of a confidential appendix associated for the proposed purchase of the unused playing field land that forms part of the Arcadia site from Redcastle (Freeholds) Ltd who are part of the Arcadia Group Ltd and seeks Executive Board approval to the Heads of Terms and seeks permission to exchange and complete contracts for the acquisition of the land by the 31st July 2020.
- Since 2009, Leeds City Council has created over 11,500 primary school places across the city in response to rising birth rates which increased from 7,500 per year

in 2001 to a peak of 10,350 in 2012. For the academic year starting in September 2018, a total of 1,600 new primary learning places were created to meet the continued demand.

- As children move through from primary into secondary school, the demand for secondary places is starting to rise. In east Leeds a combination of population growth and extra demand generated by planned new housing means that a new 8-form-entry secondary school is required to ensure that the additional demand for places can be met.
- As expected, over the last 2 years these increasing pupil numbers have begun to move through primary into secondary school with 8,881 Year 7 places initially allocated for the year 2018/19 (a rise of over 500 children in 3 years) and 9151 children initially allocated a place in 2019/20, with projections indicating that this trend will continue. In addition the gradual move away from Outer North East schools as the preferred option for some inner east Leeds families is adding further pressure on the need for school places in this area, as these schools become more popular. This has in part been addressed by schools admitting pupils over their Pupil Admission Numbers (PAN) or through expansion, however current projections for east Leeds and other districts that have a close association with this area of the city, such as central inner city residential zones and the Inner North, identify the requirement for 17.5Fe by 2023/24, of which this scheme will deliver 8Fe.
- A shortage of education provision for young people with a Special Educational Need and Disability (SEND) has also been identified in this area. Therefore, included in this proposal is a 30 place Resourced Provision for children with complex communication and moderate learning difficulties, who may also have a diagnosis of Autism Spectrum Condition. A dedicated resource base would provide one to one support/development and access to specialist teaching methods, however, pupils could access mainstream education as appropriate to their individual needs. This proposal is in line with the local authority's wider strategic plan for SEND provision and the aim to increase opportunities for inclusion within mainstream education.
- In March 2019 Executive Board approved the recommendation for the Council entering into negotiations with the Arcadia Group Ltd for the purchase of unused playing field land at Torre Road (with the final Heads of Terms being presented back to Executive Board at a future point in time once a mutually agreed position has been reached) for the delivery of a new 8Fe secondary school in East Leeds from September 2021. Negotiations with Arcadia have progressed to the point where an agreed position between both parties has been agreed and the Heads of Terms have been signed off by Arcadia's Board. Legal instructions have been given and both parties are progressing with the relevant paperwork to allow the purchase to complete by 31st July 2020.
- The consultation on a proposal to establish a new 8Fe (1200 place - 240 per year group) secondary free school for pupils aged 11-16, within the boundary of the 2.77 hectare parcel of unused playing field land at Torre Road and Trent Road, took place between 10 June and 7 July 2019. The outcome of the consultation was reported to Executive Board on the 18th September 2019 and approval to commence a free school presumption was secured.

- Alongside both the Heads of Terms negotiations and the free school presumption, a viability study for the layout of the proposed school was produced by the Leeds Local Education Partnership provider (LLEP) who have an exclusivity agreement in place with the Council for the delivery of secondary school provision. The viability study alongside site surveys and ground investigation have been further developed into concept and detailed design proposals which are now in a position to be submitted for planning approval before the final design layout can be finalised and design freeze reached.
- All of the above workstreams around the Heads of Terms, free school presumption and design development are complex and challenging within their own right, however all are complementary and an essential element of the delivery of the new 8Fe secondary school for East Leeds. In order to maintain the delivery programme to open the new secondary school for September 2021, the approval to the Heads of Terms and exchange and completion of the contracts for purchase are now required to ensure the school opens for the start of the 2021 academic year.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- By providing new high quality school places through a competitive process, designed to identify the best available sponsor to run the proposed new school, this proposal would support the achievement of the Best City Priority to help 'young people into adulthood, to develop life skills and be ready for work'
- This proposal would establish high quality mainstream and Resourced Provision SEND School places, actively contributing towards achievement of the Child Friendly City aspiration to 'improve educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes'

3. Resource Implications

- The delivery of the new east Leeds secondary school on the Arcadia site requires the Council to purchase the land in order to ensure that the new school delivered in time for the school opening in September 2021. The site is located in the area of high demand for the provision of new secondary school places and no other sites were identified – private or Council owned that could meet the criteria for a secondary school site in terms of its size.
- To date a significant amount of design and site investigation time and fees (all totalling c£400k) has been invested to ensure that a scheme is developed and detailed to the point where it is now capable of securing planning approval and being delivered from a technical viewpoint. It is essential to move forward utilising the progress made to date and secure the site, following the submission of the planning application on the 1st May.
- The recently announced Basic Need funding provided by Central Government for secondary school places is £17,564.21. For an 8Fe secondary school this equates to just under £21.1m. The construction cost estimate, which excludes the cost of site acquisition, of the proposed scheme is anticipated to be circa £25-30m and will be funded primarily through Basic Need Grant in addition to a combination of other funding streams including: Community Infrastructure Levy; and additional Central Government grant funding secured for this proposal (Free School Presumption

Grant funding of £3.82m based on £3.82k per pupil. However, the precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).

- The risk of not progressing would risk the Council's Free School Presumption Grant allocation of £3.82m, which is realised upon the conclusion of the free school presumption and opening of the site for September 2021. In addition, further extension to the programme will almost certainly result in the requirement for temporary accommodation for a period of at least one (potentially two) year at a significant cost (potentially circa of £3m/year) to the Council.

Recommendations

Executive Board is recommended to:

- i) Note the progress made to date regarding: the negotiations with Arcadia Group Ltd for the purchase of part of their site for a new secondary school in East Leeds; the free school presumption under the terms set out in the Education and Inspections Act 2006 (section 6A) and the design development of the scheme to date;
- ii) Approve the Council entering into the final Heads of Terms for the acquisition of 2.77ha of the unused playing field land at Torre Road owned by Arcadia Group Ltd from REDCASTLE (FREEHOLDS) LIMITED who are part of the Arcadia Group Ltd., for the new east Leeds secondary school, and authorise the Director of City Development use his delegated powers to approve the exchange and completion of the contract for the land purchase by the 31st July 2020;
- iii) Approve 'authority to spend the amount detailed in the confidential appendix on the purchase of the playing field land at Torre Road owned by Arcadia Group Ltd.

1. Purpose of this report

- 1.1 The purpose of this report is to bring together three interconnected and complementary workstreams that have been progressed following Executive Board approval to enter into negotiations with the Arcadia Group Ltd, for the potential acquisition of part of their site at Torre Road for the creation of the new east Leeds secondary school.
- 1.2 The report sets out the current position with regards to each workstream, which are:-
 - The outcome of the negotiations with Arcadia Group Ltd resulting in approval from Arcadia Board to enter in to the final Heads of Terms and to seek to exchange and complete contracts by the 31st July 2020;
 - The free school presumption and the current position around the competition to seek a sponsor to operate the school and
 - The design development undertaken to date including site surveys, ground investigations and proposed layouts leading to the development of scheme proposals in preparation for a planning submission at the beginning of May and the high level programme associated with the delivery of the scheme.
- 1.3 The report then sets out the rationale for the requirement for the Council to enter into the final Heads of Terms with Arcadia Group Ltd for the purchase of the 2.77ha of unused playing field land at Torre Road, to ensure the delivery of the new East Leeds secondary school opens for September 2021.

2. Background information

- 2.1 There is a need for additional secondary school places arising from population growth in East Leeds and other districts that have a close association with this area of the city, such as central inner city residential zones and the Inner North. Current projections indicate that up to 17.5 forms of entry (525 places) of additional places are likely to be required across these combined areas by 2023-24. There is also an identified shortage of SEND places in East Leeds. This demand cannot be fully addressed by expanding

existing secondary schools, therefore, it was proposed to establish a new 8 form entry (FE) (1,200 place – 240 pupils per year group) secondary free school for pupils aged 11-16, including a Resourced Provision for approximately 30 pupils who may also have a diagnosis of Autism Spectrum Condition, in inner East Leeds from September 2021.

- 2.2 In recognition of this requirement and following on from a detailed site search across East Leeds, part of the 17.6ha Arcadia site was identified as the preferred site due to its mixed-use allocation in the Site Allocations Plan, its location in relation to the area of demand, its location close to several local primary schools, its location in relation to the number of allocated housing sites within a 3 mile radius of the site and its potential to accommodate a new 8Fe secondary school alongside the potential for Specialist Education Provision (SEN).
- 2.3 In March 2019, Executive Board approved the commencement of negotiations with the Arcadia Group for the acquisition of the 2.77ha of playing field at their Torre Road/Burton Road site to address part of the 17.5Fe requirement across inner east Leeds identified up to 2023/24.
- 2.4 The approval to commence negotiations with Arcadia regarding the purchase of 2.77ha of their land led to Children & Families Directorate publishing the Statutory Notice and a consultation for the opening of a new 8Fe school on the Arcadia site. The outcome of the consultation was reported to Executive Board on the 18th September 2019 and at that Board the recommendation to run a free school presumption was approved.
- 2.5 The remaining projected shortfall in capacity is expected to be met through smaller scale temporary and permanent expansion of some existing schools. The proposal does not include post-16 provision as no need has been identified.

3.0 Main issues

3.1 Development of Final Heads of Terms

- 3.1.1 Following Executive Board approval to commence negotiations with Arcadia for the purchase of the 2.77ha identified for the new east Leeds secondary school, a regular dialogue with Arcadia Group Ltd was established. Members will recall that there are limited site options that have been identified to deliver a school requirement in the local area. Alternative options (over 20 sites) that have been considered and discounted on the basis of excessive land assembly costs, location close to area of demand and site capacity include :
 - The former Seacroft Hospital site
 - Land adjacent to Fearnville leisure centre
 - The former Killingbeck Police Station site
 - Wades Dog and Gun site
- 3.1.2 In order to establish clear parameters around which the negotiations could take place and an appropriate purchase price for the land to be established, two independent valuations were undertaken, using the draft Heads of Terms as the starting point. Our valuation advice is required in respect of potential alternative uses. The valuation advice was required specifically on the assumption that the site can be developed as per its allocation for mixed-use in the Site Allocations Plan. In

addition two potential considerations for that development was considered as follows:-

1. Market Value of the site assuming residential use on normal terms and at normal densities.
 2. Market Value of the site assuming any other reasonably achievable alternative use.
- 3.1.3 The outcome of the valuations gave both parties a starting point in trying to negotiate the potential purchase price for the land and has subsequently resulted in the drafting of the new Heads of Terms, which have been presented to and signed off by the Arcadia Group Board. The new Heads of Terms are attached as part of the Confidential Appendix (Appendix A).

3.2 Free School Presumption

- 3.2.1 Under section 6A of the Education and Inspections Act 2006 (the 'free school presumption') where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish an academy. Leeds City Council has identified the need to establish a new secondary school in East Leeds to open in September 2021 and must seek applications to open the school from high quality sponsors who have a proven track record of improving educational attainment for children and young people, including those vulnerable to poor learning outcomes, within a fully inclusive environment.
- 3.2.2 Following Executive Board approval to run a free school presumption, in September 2019, the Council prepared its School Specification Document for the 'Proposed New Secondary Free School in East Leeds' in October 2019. The document was uploaded on to the Council website to advertise the free school presumption to potential sponsors.
- 3.2.3 Bids to run the new free school were submitted and assessed by the Council on a points based scoring system. The outcome of this was reported to the Regional School Commissioner (RSC) for Lancashire and West Yorkshire, on behalf of the Secretary of State, who considers the local authority assessments and recommendations before deciding which proposer is in the best position to take forward the new school. The RSC will inform the local authority and the successful proposer of its decision, and the local authority will inform any unsuccessful proposers.
- 3.2.4 The current position to date is that the unsuccessful bidders have been informed by the Council.
- 3.2.5 The successful bidder has yet to be formally announced by the Regional Schools Commissioner however the Council have announced the winning bidder via its website as Trinity MAT – a Wakefield based multi academy trust.

3.3 Design Development

- 3.3.1 Following confirmation of the Arcadia site as the proposed location of the 'East Leeds Free School' in January 2020 a design and contractor team was assembled via the Leeds Local Education Partnership (LLEP), under the terms of their exclusivity arrangements detailed within the Strategic Partnering Agreement (SPA). Utilising competitive tender data Galliford Try Plc were identified as principal

contractor with Watson Batty Architects acting as principal designer. All parties were briefed on the requirement to deliver a 1,200 place 11 to 16 secondary school with a dedicated 30 place SEN resource provision. The accommodation for which was defined by the area schedules within 'Building Bulletin 103 – Area Guidelines for Mainstream Schools' and 'BB104 - Area guidelines for SEND and alternative provision'. To accelerate design development, and streamline the design period, the proposed school was to be based on a variant of the Department for Education (DfE) baseline school designs adapted to reflect the specific site parameters and topography.

3.3.2 Following completion of the initial ground investigation and survey package in February 2020 it became apparent that a number of site restrictions existed that would critically inform the design process. The critical considerations were as follows, which have been addressed within the design as it has developed:

- Site topography. The site is set across two large plateaus constituting the former Arcadia works playing pitches, with the areas adjacent banking up and around them. Careful positioning of the building and supporting facilities was critical to minimise bulk earth works, necessity for retaining structures and removal of spoil from site.
- Mine workings. Half of the site, running parallel with Trent Road, is defined as a Coal Authority 'development high risk area'. As such the building and core facilities have been planned to ensure that the complex works, foundations for the main building, are located on the northern plateau. Which avoids the bulk of the high risk zone as possible, which predominantly covers the southern plateau. This has reduced the requirement for ground stabilisation and complex foundation design. The proposed 3G artificial turf pitch has been located on the mine workings zone, as this facility has a low impact on the ground conditions.
- Highways access limitations. The site is bordered on two sites by Torre Road and Trent Road, with the latter being a private road utilised principally for the Arcadia Group's haulage traffic. As such access into site is only possible at the bottom right position where the levels are acceptable. Extensive consultation has taken place with LCC Highways to determine the best solution to delivering an access point in this locality, and this is reflect in the current proposals.

3.3.3 The project will deliver a 1,200 place secondary school with a 30 place SEN resource provision, included within the main building footprint, based on the DfE 'fingerblock' design. This provides a U-shaped building with teaching accommodation split across two multi-storey wings connected by a hall, dining and admin function at the base of the 'u-shape'. Externally the site layout will take advantage of the constraints noted above to provide a long boulevard up to the main building at the rear of the site. This will be tree-lined and flanked by the car and bus parking and the FA standard 3G all-weather pitch, with the latter provided to mitigate the lack of sports pitch availability. Additionally, to meet the Council's 'climate change' mandate the building will be connected to the 'Leeds Pipes' district heating network. The proposed high level scheme for the new 8Fe secondary school is attached at Appendix B.

- 3.3.4 In response to the critical path opening date of September 2021 for the first cohort of 240 pupils the proposed design is to be delivered in two phases. The first of which is intended to provide critical teaching, administration, welfare and supporting facilities necessary to enable the school to open for its first cohort. Which effectively requires the delivery of 60% of the building. The remainder, which equates to the three storey wing, will follow as part of phase two which will be required to be complete for the commencement of the 2022/23 academic year.
- 3.3.5 The programme for delivery of the 'East Leeds Free School' at Arcadia is being delivered within a tight timescale alongside the site development issues identified above. However, the project team are fully aware of these challenges and the scheme has been specifically tailored from the outset to respond and meet these targets. Critical to the delivery is the approval of the planning application, this is scheduled for submission on the 1st May 2020 and must be determined within the statutory period in order for the project to meet its critical path delivery dates. Extensive consultation has taken place with planning, and their statutory consultees, throughout the development phase and the project has directly responded to all the concerns raised, where practical.
- 3.4 The delivery timeline for the new school in time for September 2021 was always extremely challenging, from the original identification of the Arcadia site and the presentation of the draft Heads of Terms to Executive Board in March 2019. As such the workstreams below around the free school presumption and the design development have been progressed simultaneously to ensure that the high level programme for the school opening in September 2021 can be achieved.
- 3.5 The recently announced Basic Need funding provided by Central Government for secondary school places is £17,564.21. For an 8Fe secondary school this equates to just under £21.1m. The construction cost estimate, which excludes the cost of site acquisition, of the proposed scheme is anticipated to be circa £25-30m and will be funded primarily through Basic Need Grant in addition to a combination of other funding streams including: Community Infrastructure Levy; and additional Central Government grant funding secured for this proposal (Free School Presumption Grant funding of £3.82m based on £3.82k per pupil. However, the precise funding packages would be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).
- 3.6 The risk of not progressing would risk the Council's Free School Presumption Grant allocation of £3.82m, which is realised upon the conclusion of the free school presumption and opening of the site for September 2021. In addition, further extension to the programme will almost certainly result in the requirement for temporary accommodation for a period of at least one (potentially two) year at a significant cost (potentially circa of £3m/year) to the Council. Hence the critical nature of the approval to the Heads of Terms and completion of the purchase by the 1st July 2020, as set out in the Confidential Appendix.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 A report to Executive Board on the 18th September 2019 summarised the outcome of the consultation process associated with the creation of a new 8Fe secondary school on the 2.77ha of the Arcadia site at Torre Road. An extensive consultation on this proposal was

facilitated by the Sufficiency & Participation Team and is summarised in the 'Outcome of Statutory Notice associated with this proposal.

- 4.1.2 The proposed scheme has been subject to consultation with key stakeholders including; Childrens & Families officers, Burmantofts and Richmond Hill Ward Members and the Executive Member for Learning, Skills and Employment.
- 4.1.3 Consultation with statutory consultees, namely Planning, Landscape, Highways and Urban Design, has been ongoing since early project inception and will continue following award of the project to the appointed contractor.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The recommendations contained in this report do not have any direct nor specific impact on any of the groups falling under equality legislation and the need to eliminate discrimination and promote equality. A screening document has been prepared for this scheme (attached at Appendix C) and the outcome of the screening is that an independent impact assessment is not required for the proposals set out in this report.

4.3 Council policies and the Best Council Plan

- 4.3.1 This scheme is due to be delivered under the City Council's Learning Places Programme and is required to fulfil the Local Authority's statutory responsibility to provide sufficient school places. In providing places close to where the children live the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.
- 4.3.2 This contributes to the 2019/2020 Best Council Plan outcomes for everyone in Leeds to 'Do well at all levels of learning and have the skills they need for life'; 'Be safe and feel safe' and 'Enjoy happy, healthy, active lives'. It also supports the vision in the supporting Children and Young People's Plan 2018-23. , 'Leeds to be the best city in the UK and the best city for children and young people to grow up in. We want Leeds to be a child friendly city'. The programme seeks to deliver a supply of good quality accessible local school places which can contribute to these outcomes.

Climate Emergency

- 4.3.3 There will be some unavoidable negative effects during construction, such as embedded carbon involved with materials, construction traffic etc. Leeds City Council will work with the Contractor to explore opportunities to reduce carbon emissions in line with the Council's climate emergency targets and will advise on this and the details of any measures they take to minimise carbon emissions, including effectively managing waste and transporting plant and goods through recycling of materials.
- 4.3.4 Full sustainability proposals will be developed in detail as part of the next stage of design and, ultimately, included within the planning application in order to meet the requirements of the associated planning policies, such as EN1 and EN2.
- 4.3.5 Requirements to meet the following planning policy requirements were included as part of the Authority's tender requirements.
 - a) Policy EN1 – Climate Change – Carbon Dioxide Reduction
In the expectation that the development will exceed 1,000m² of floor space the following will be required:

- i. Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and
- ii. Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Carbon dioxide reductions achieved through criteria (ii) will contribute to meeting criteria (i).

Criteria (ii) will be calculated against the emissions rate predicted by criteria (i) so reducing overall energy demand by taking a fabric first approach will reduce the amount of renewable capacity required.

b) Policy EN2 – Sustainable Design & Construction

Adhere to the Leeds BREEAM standard of 'Excellent' for non-residential buildings. A BREEAM pre-assessment is to be undertaken at the earliest available opportunity to determine the most cost effective solutions to this requirement.

c) Policy EN8 – Electric Vehicle Charging Infrastructure

All applications for new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires:

- ii. Office / Retail / Industrial / Education: charging points for 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later stage.

d) The project should respond to the sustainable travel policies outlined in the 'Leeds Core Strategy', particularly in reference to the following:

- i. Policy T1 – Transport Management
- ii. Policy T2 – Accessibility requirements and new developments
- iii. Policy P10 – Design

Noting the requirements outlined in the 'Parking SPD', 'Travel Plan SPD' and 'Sustainable Educational Travel Strategy for Schools and Colleges 2017 – 2021'.

4.3.6 Further opportunities to exceed the requirements noted within Planning Policy EN1 are being sought in partnership with the Authorities Climate Change Team.

4.3.7 A sustainable approach to design will continue into the next phase of development to ensure a cost effective and resource efficient facility is delivered. The following elements will be considered as the proposals and logistical plans developed:

- o Optimises passive design measures, including fabric first principles.
- o Minimises the use of all resources.
- o Reducing the demand for energy and water use during the 'Works Period' and in use.
- o Minimises construction waste and CO₂ emissions during the 'Works Period'.

- Allows opportunities for recycling during the 'Works Period'.
- 4.3.8 The contractor for the proposed development will need to demonstrate a robust Waste Management Plan, be registered with the 'Considerate Constructors Scheme', of which, the main consideration of the scheme falls into three categories: The general public, the workforce and the environment. Contractors will also need to be sympathetic to the 'Leeds Talent and Skills Plan' by seeking to employ local trades where possible thus reducing the impact of extended travel.
- 4.3.9 The following standard planning conditions will be addressed as the project develops:
- Development of the school 'Travel Plan' to seek sustainable travel options, the project will respond to the requirements of the Travelwise Team and colleagues from Highways to ensure appropriate pedestrian and cycle provisions are allowed for.
 - To protect and enhance the visual amenity approved plans will need to include a programme of replacement tree planting at a 3:1 ratio. Tree loss will be kept to a minimum with any replacement anticipated to be 'extra heavy standard'.
 - In the interests of promoting sustainable travel opportunities electrical vehicle charging points will be provided as part of the scheme at the appropriate ratio.
- 4.3.10 Consultation will be sought at the earliest opportunity with the Leeds Climate Commission to assess opportunities for meeting the aforementioned policies, and ensuring a sustainable project is developed.

4.4 Resources, procurement and value for money

- 4.4.1 The purchase of the Arcadia site will ensure that the Council meets its statutory duty to provide a sufficiency of school places, within the locality of the identified pressure for September 2021. Maintaining this programme will ensure that works undertaken to date are not abortive and there will be no requirement for temporary accommodation.
- 4.4.2 The scheme brought forward will be tendered competitively and market tested according to the Council's procurement rules.
- 4.4.3 The Council's specification for the delivery of school places is aligned to the Education Skills Funding Agency (ESFA) specification plus the Council's insurance requirements which will deliver close to the DfE's cost per pupil rate. This specification is now used as the standard specification for all school expansions and new build schemes.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The processes that have been and will be followed are in accordance with the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 4.5.2 This is a key decision and is eligible for call-in.
- 4.5.3 The information contained in the Confidential Appendix attached to this report relates to the financial or business affairs of the Council and/or another organisation. It is considered that the release of such information would or would

be likely to prejudice the Council's commercial interests in relation to other similar transactions. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4(3) of the Access to Information Procedure Rules.

- 4.5.4 The Council may complete the acquisition by virtue of Section 120 of the Local Government Act 1972 which covers acquiring land for "benefit, improvement or development" of the Council's area, or for the purposes of any of the Council's functions

4.6 Risk management

- 4.6.1 The outbreak of the Covid-19 pandemic and imposition of lockdown measures on the 23rd March 2020 remain an escalating risk to the project, whilst it is too early to assess the full impact of this virus on project success every endeavour is being made by the Project Team to manage this risk and ensure the scheme remains within the tolerances outlined herein.
- 4.6.2 Risk has been managed through application of 'best practice' project management tools and techniques via the City Council's 'PM Lite' risk methodology. Project management resource from City Development is tasked with ensuring the project remains within the predetermined risk tolerances.
- 4.6.3 A joint risk log will be developed with the appointed contractor to ensure all construction related risks for the project are identified together with the relevant owner of the risk. The Council's project risk log will continue to be maintained and updated throughout the project and escalation of any risks that sit outside of the agreed tolerances will be managed via the Head of Projects and Programme, City Development.
- 4.6.4 The key risk to the project at present remains the potential for delay. The programme relies on a planning submission on the 1st May and the exchange and completion of contracts by the 31st July 2020. Any delay in the above will have a cumulative effect at the back end of the programme and potentially impact on the Council's ability to claim the basic need grant funding and the lack of a sufficiency of school places in the area. In addition it may result in disruption to the end user and the need for temporary accommodation to cover the delay period at the Council's cost.

5 Conclusions

- 5.1 It is clear that there is a need to put in place additional secondary school places to meet the increased demand in Inner East Leeds. An additional 8Fe is required by September 2021. Agreeing the recommendations outlined in this report will enable the Council to move forward with the delivery of a new school on land purchased from Arcadia. This new provision will ultimately provide 8Fe of additional places plus SEN provision to help address the need identified.

6 Recommendations

- 6.1 Executive Board is recommended to:

- i) Note the progress made to date regarding: the negotiations with Arcadia Group Ltd for the purchase of part of their site for a new secondary school in East Leeds; the free school presumption under the terms set out in the Education and Inspections Act 2006 (section 6a) and the design development of the scheme to date;
- ii) Approve the Council entering into the final Heads of Terms for the acquisition of 2.77ha of the unused playing field land at Torre Road owned by Arcadia Group Ltd from REDCASTLE (FREEHOLDS) LIMITED who are part of the Arcadia Group Ltd., for the new east Leeds secondary school, and authorise to the Director of City Development to use his delegated powers to approve the exchange and completion of the contract for the land purchase by the 31st July 2020;
- iii) Approve 'authority to spend the amount detailed in the confidential appendix on the purchase of the playing field land at Torre Road owned by Arcadia Group Ltd.

6 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children and Families and City Development	Service area: Asset Management and Regeneration
Lead person: Jane Walne	Contact number: 77805

1. Title: Executive Board Report – East Leeds Secondary Place Provision – Proposed completion of Purchase of land at Torre/Trent Road from Arcadia

Is this a:

Strategy / Policy

Service / Function

Other

2. Please provide a brief description of what you are screening

- **Main aim**
- This report provides Executive Board with an update on the current position with the potential purchase of the unused playing field land that forms part of the Arcadia site at Torre Road (2.77ha) and the design development undertaken to date that has informed the potential layout and positioning of a 8 form of entry (8Fe) school on the unused playing field land. The report also updates on the works undertaken to date following the approval to commence a free school presumption under the terms set out in the Education and Inspections Act 2006 (section 6a), allowing the local authority to launch a competition seeking to identify a preferred sponsor to run the new free school.
- **Purpose**
A screening exercise has been carried out to determine whether the proposals with this report have the potential to impact on equality, diversion, cohesion and integration.

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3. Relevance to equality, diversity, cohesion and integration

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	Yes	
Have there been or likely to be any public concerns about the policy or proposal?		No
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		No
Could the proposal affect our workforce or employment practices?		No
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	Yes	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity; cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How equality, diversity, cohesion and integration will be considered during each Basic Need project**

Consultation and Involvement

Consultation will take place with the following key stakeholders throughout the development of the scheme.

- **Public consultation sessions**
These will be held from the outset of the expansion proposal and also prior to the submission of the planning proposal when detailed plans will be presented. Local residents and parents will be targeted as part of this process.
- **Consultation with Planning & Highways Officers**
Periodic discussions will take place with colleagues at key junctures within the project development and all comments will be incorporated into the final proposals submitted for planning.
- **Councillor Briefing Sessions**
Local ward members will be kept abreast of the design proposals and their subsequent development as the scheme progresses.

Free School Operator (yet to be appointed)

The free school operator will be regularly updated on progress and allowed to feedback with comments on an ad hoc, upon request basis.

- **Key findings**

This project will be designed to comply with British building regulations, a requirement of which is the adherence to the Disability Discrimination Act (DDA) and the associated building regulations linked to this legislation. As such all aspects of the building and associated development will be designed with accessibility and inclusion in mind as a core facet.

- **Actions**

The scheme will be assessed on an individual basis to ensure compliance with current DDA regulations. Existing access issues and other DDA related issues will be addressed where possible within the overall scope of works.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment**.**

Date to scope and plan your impact assessment:

Date to complete your impact assessment:

Lead person for your impact assessment:
(Include name and job title)

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Jane Walne	Head of Projects and Programmes	28 th April 2020

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed 28th April 2020

Date sent to Equality Team 28th April 2020

Date published
(To be completed by the Equality Team)