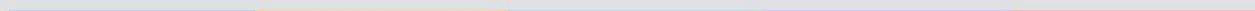




## **West Yorkshire Devolution Consultation**

### **Joint Statement of Scrutiny Board Chairs**

**July 2020**



[leeds.gov.uk/scrutiny](http://leeds.gov.uk/scrutiny)



@ScrutinyLeeds



# Joint Statement of Scrutiny Board Chairs West Yorkshire Devolution Consultation

## Introduction

1. In accordance with its remit, the Council's Strategy and Resources Scrutiny Board has previously maintained a watching brief of the Devolution agenda. At its meeting on 19th May 2020, the Council's Executive Board continued to acknowledge the important role of the Scrutiny function in ensuring there is a formal, public-facing channel through which the Deal and associated issues can be fully considered by Elected Members.
2. Following the launch of the public consultation on 25<sup>th</sup> May 2020, a public remote meeting of the Strategy and Resources Scrutiny Board was held on 10<sup>th</sup> June 2020 to consider the West Yorkshire Devolution Deal and the published Scheme setting out proposals for changes to the governance and functions of the West Yorkshire Combined Authority. However, due to technical difficulties, this meeting had to be adjourned and the Board continued its consideration of the West Yorkshire Devolution Deal at its next public remote meeting on 1st July 2020. The agenda papers and minutes relating to both meetings are accessible on the Council's website ([link to LCC website](#))
3. In view of the consultation timeframe, arrangements were put in place to provide for the broadest possible considerations to be made. The Chairs of each of the other Scrutiny Boards were invited to contribute as co-opted members to both meetings of the Strategy and Resources Scrutiny Board to provide a link and opportunity for members of all Scrutiny Boards to feed into the process via their respective Chairs. Such arrangements did not

preclude individual Scrutiny Boards to convene further meetings within the consultation timeframe to examine specific issues in more detail, if considered appropriate. However, no further Scrutiny Board meetings were held during the consultation period.

4. In preparation for the meeting held on 1<sup>st</sup> July 2020, the Scrutiny Board Members were also invited to share in advance any questions for the Council and the Combined Authority to respond to in writing. A list of the questions submitted are set out in Appendix 1 and were also published on the Council's website.
5. Many of the questions raised by Scrutiny primarily sought further clarity surrounding the information set out within the proposed published Scheme. However, in reflecting particular points and views expressed by Scrutiny on the West Yorkshire Devolution Deal and published Scheme, these have been set out within this Joint Statement of the Scrutiny Board Chairs to be considered ahead of any submission which may be made to the Secretary of State following the formal consultation process.

## Key points and views expressed by Scrutiny.

### *The need for robust and effective governance systems, including a strong scrutiny function.*

6. The 'minded to' West Yorkshire Devolution Deal acknowledges that such a 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 there.



## Joint Statement of Scrutiny Board Chairs West Yorkshire Devolution Consultation

7. It is therefore vital for the governance systems associated with the new Mayoral Combined Authority to be robust, flexible and fit for purpose, as well as being focused on the outcomes that local people need to see from the devolution process.
8. The key to achieving this successfully is by ensuring that the principles of involvement, transparency and accountability remain central to any new such governance systems and this very much includes the role of scrutiny too.
9. The published Scheme states that the overview and scrutiny arrangements currently established for the Combined Authority are to be retained, while also acknowledging the need to ensure that, as a MCA, the Overview and Scrutiny Committee will have the power to:
  - (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the Mayor of any Mayoral Functions
  - (b) make reports or recommendations to the Mayor with respect to the discharge of any Mayoral Functions
  - (c) make reports or recommendations to the Mayor on matters that affect the Combined Authority's Area or the inhabitants of the Combined Area.
10. In accordance with existing arrangements, the Mayor's budget will also be scrutinised by the Combined Authority's Overview and Scrutiny Committee. The Mayor may therefore 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 Combined Authorities (Finance) Order (SI 2017/611).
11. Linked to this, while the Combined Authority will continue to have the power to issue a levy to its Constituent Councils in respect of transport functions, we welcome that any precept in relation to Mayoral Functions will also be subject to scrutiny and amendment under the procedure relating to the Mayor's budget.
12. We also welcome that the Committee's existing 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) will be retained and extended to decisions taken by the Mayor in connection with Mayoral Functions.
13. While the published Scheme states that 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, we believe there needs to be a firmer commitment made by the Combined Authority towards ensuring that such overview and scrutiny arrangements will be effectively resourced and also supported by experienced and skilled staff.
14. With local scrutiny functions already well established and embedded in each of the West Yorkshire Local Authorities, there will also be clear benefits in strengthening the links between the MCA overview and scrutiny function and the respective scrutiny functions across the district. As such, we strongly



## Joint Statement of Scrutiny Board Chairs West Yorkshire Devolution Consultation

recommend that work is undertaken by the Combined Authority to lead on developing clear principles in terms of scrutiny engagement and lines of accountability, to be agreed collectively across the district.

### ***Transfer of the functions of the Police and Crime Commissioner.***

15. While it is proposed that the functions currently exercised by the Police and Crime Commissioner (PCC) for West Yorkshire will be exercised by the Mayor from 2021, we were informed by the Combined Authority that there remains ongoing dialogue with the Home Office seeking further clarity in this regard and we would clearly urge that such clarity is provided by the government as a matter of urgency.
16. In the meantime, we note within the published Scheme that a Mayor may delegate any PCC Function to a Deputy Mayor for Policing and Crime, as is the case in Greater Manchester, with the exception of functions reserved by Order in accordance with the 2009 Act as exercisable only by the Mayor, for example, the function of appointing, suspending or calling on a Chief Constable to retire or resign is reserved as only exercisable by the Mayor.
17. The published Scheme also states that scrutiny of the discharge of PCC Functions will be performed by a separate Police and Crime Panel. This 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.

18. Acknowledging the work previously undertaken with the Police and Crime Panel to establish a 'Principles of Engagement' agreement with the respective local authority scrutiny committees, this reinforces our earlier comments and recommendation for work to be undertaken by the Combined Authority to lead on developing clear principles in terms of scrutiny engagement and lines of accountability, to be agreed collectively across the district.

### ***Ensuring the MCA has robust treasury management and financial strategies with appropriate risk management measures.***

19. The £38 million per year allocation of gainshare investment funding over 30 years (25% capital, 75% revenue) is the biggest deal offered to a MCA by the government and this is to be invested by the West Yorkshire Combined Authority to drive growth and take forward agreed priorities.
20. The ' minded to ' Devolution Deal also states that the West Yorkshire Combined Authority will be given powers to borrow for its new functions, which will allow it to invest in economically productive infrastructure, subject to an agreed cap with HM Treasury.
21. Within the published Scheme, it is therefore proposed that West Yorkshire Authorities will consent to Regulations being made pursuant to section 23(5) of the Local Government Act 2003 to



## Joint Statement of Scrutiny Board Chairs West Yorkshire Devolution Consultation

- 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.
22. Linked to this, we heard from the Combined Authority that one of the key benefits of negotiating revenue proportion of gainshare is the ability to borrow against future gainshare payments as this provides an income stream in the same way as an asset does.
23. However, as already mentioned, such significant financial responsibility warrants a governance system that encapsulates involvement, transparency and accountability to ensure that robust treasury management and financial strategies are in being put in place, along with appropriate risk management measures too.
24. We note that the Combined Authority will follow the procedure set out in the Combined 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.
25. Linked to this, we therefore welcome that such details will be shared in the

public domain as well as being open to scrutiny, primarily through the Combined Authority's Overview and Scrutiny Committee.

### **Maintaining a watching brief.**

26. We understand that 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. 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.
27. We therefore acknowledge that at this stage, the Deal is setting a framework for how decisions are to be made and the terms of the funding available. How the Mayor and the West Yorkshire Local Authorities chooses to work together to set key priorities within that framework remains a local matter for further determination as we are not at that point yet. As such, we recognise that the role of the Council's scrutiny function needs to remain a vital part of the devolution journey as we do move forward in developing plans around the implementation, monitoring and evaluation of a West Yorkshire Devolution Deal.



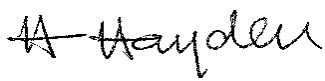
Councillor Mary Harland  
Chair Scrutiny Board (Strategy  
and Resources)



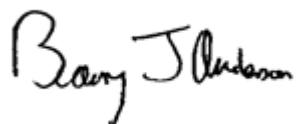
Councillor Alan Lamb  
Chair Scrutiny Board (Children  
and Families)



Councillor Paul Truswell  
Chair Scrutiny Board  
(Infrastructure, Investment and  
Inclusive Growth)



Councillor Helen Hayden  
Chair Scrutiny Board (Adults,  
Health and Active Lifestyles)



Councillor Barry Anderson  
Chair Scrutiny Board  
(Environment, Housing and  
Communities)



# Appendix 1

## Strategy and Resources Scrutiny Board West Yorkshire Devolution Deal

Summary of questions submitted in advance of the meeting on 1<sup>st</sup> July 2020

### Finance and Investment

<b>1.</b>	<b>In the light of current circumstances, and the future implications for public finances, is the £38m p.a. 30-year gainshare agreement still guaranteed? Will the figure be adjusted for inflation over the 30-year period?</b>
The gainshare agreement is a key part of the deal and Government is committed to £38m a year. The funding is not subject to inflation and will remain as £38m per year. This is in line with devolution deals made with other MCAs.	
<b>2.</b>	<b>How has the balance of the overall £1.8 billion not included in the £1.14bn gainshare of agreement been calculated?</b>
The £1.8bn figure is made up of: £1,140m gainshare £315m Adult Education Budget (5 years of funding at £63m per year) £317m Transforming Cities Fund £25m Heritage Fund £3.2m Housing Pipeline £0.5m Bradford masterplan	
<b>3.</b>	<b>Will the Tax raising powers be subject to a local referendum if the total for the Mayor plus the Local Authority (or just the Mayors) spend exceeds an agreed percentage?</b>
No, however consultation will be required for any proposed tax raising proposals. This would detail what the money is to be used for and aligned to the Authority's agreed strategies / policies for the region.  It should however be noted that Government issues rules every year as part of the local government finance settlement and could in future choose to set precept caps for mayors, which could only be exceeded with a referendum. They did not do so in the settlement for 2020-21.	
<b>4.</b>	<b>Must the money raised in one Authority be used only in that Authority?</b>
No. All of the funding raised from a precept from across the region would be allocated to the Mayor's budget in order to fund mayoral functions (e.g. bus franchising). The Mayor's budget must be agreed by the Combined Authority, including representatives from each of the five Councils.	



# Appendix 1

## 5. Will the Mayor have the power to give grants and loans to a local Council?

The Mayor would not have any specific powers to do this. The Combined Authority can already make grants / loans having followed approved processes and approvals, such as through the Assurance Framework (process for considering new projects / initiatives).

In addition, the draft scheme proposes 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.

## 6. The 'minded to' deal states that the Combined Authority will be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives. Please give examples of the types of Assets that might be available to sell and who owns these now?

The assets owned at present by the Combined Authority are predominantly operational bus stations, along with the head office in Leeds. These are all in use and unlikely to be available for sale in the short to medium term.

In addition, there is some land and property relating to the cancelled trolley bus scheme which is covered by a legal arrangement with Leeds City Council.

## 7. The 'minded to' deal states that the Mayor will have the 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. Is there an agreed definition of affected businesses?

Not at this time. The businesses affected would be dependent on the supplement introduced.

## 8. The 'minded to' deal states that the West Yorkshire Combined Authority will be able to seek consent to raise a Strategic Infrastructure Tariff. This would allow the Combined Authority to raise funding for strategic infrastructure and would operate alongside any local forms of developer contributions. Does this mean the Mayor will be responsible for the infrastructure deficits as a result of planning applications or just strategic planning applications?

No; the Local Planning Authority will be responsible for securing funding for any infrastructure requirements deemed necessary as a result of all planning applications. Strategic Infrastructure Tariffs (if implemented) are likely to be focused on regionally significant infrastructure located in the Combined Authority area and would be additional to any locally collected contribution.

The MCA does not assume a Local Planning Authority (LPA) role in respect of planning applications and therefore it will not determine planning applications. It remains the responsibility of the LPA to assess planning applications in line with the respective local authority development plans.



# Appendix 1

Section 106 agreements would continue to be made between a developer and the Local Planning Authority (LPA) and be designed to meet the concerns an LPA may have about meeting the cost of providing new infrastructure made necessary by the development. The obligations that form the agreement are discretionary while contributions are negotiable and can relate to a wide range of infrastructure including: highways, public transport, education, community and cultural facilities, green infrastructure, environmental mitigation, and affordable housing.

LPAs will continue to be able to utilise the Community Infrastructure Levy (CIL). CIL is a charge which can be levied by local authorities on new development in their area to help them deliver the infrastructure needed to support development in their area. While there are some exceptions for some types of application liable for CIL, it is a non-negotiable blanket tariff to be used on locally defined strategic infrastructure set out by the LPA in a Regulation 123 list or annual infrastructure funding statement.

The Strategic Infrastructure Tariff is a charging scheme that the Combined Authority can choose to impose on new developments to fund regionally significant strategic infrastructure such as housing or transport which would be in addition to any locally determined contributions. In the same way as CIL, if the charging scheme is in place, it is a non-negotiable blanket tariff. Discussions have not yet commenced regarding the use of Strategic Infrastructure Tariffs or the rates of the tariff. It can only be introduced once a Spatial Development Strategy has been approved, which requires unanimous consent by representatives from all five constituent councils. This is likely to be several years away due to the time it will take to develop.

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| <b>9.</b> | <b>Will the Mayor be given/transferred in all public land in their area from the NHS, Network Rail etc. to ensure a sufficient supply of land for all types of development?</b> |
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There are no plans at this time for this.

- |            |   |
|------------|---|
| <b>10.</b> | <b>As part of the development of the Leeds City Region Local Industrial Strategy the ‘minded to’ deal states that the Government will continue to work with the region on strategic priorities in relation to Business Support and Ideas, including how to provide targeted support to SMEs and supporting businesses to de-carbonise and promote positive behaviours. What does this mean in real terms and what local views will be taken into account?</b> |
|------------|---|

As part of the development of the Local Industrial Strategy for the region, a range of priorities were identified in consultation with a wide range of partners including local authorities.

During the devolution deal negotiations detailed conversations were held with a range of government departments. These conversations did not result in funding allocations in all instances, in many cases because the department does not have any funding available until the comprehensive spending review which will take place later this year. In the absence of funding, the commitments made in the deal text will lead to strengthened collaboration and partnerships with government departments, which will include consideration of how West Yorkshire can go further on devolution in the future.



# Appendix 1

11.	<b>The borrowing powers that the Mayor and Mayoral Authority have – are they going to have to set up a Treasury function or are they going to use the specialist knowledge we have accumulated in Leeds? If so, can we charge the Mayor for this service?</b>
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The Combined Authority already has borrowing powers for transport purposes and is required to have in place appropriate treasury management arrangements. It currently draws on support for this through a Service Level Agreement with Leeds City Council, for which LCC is reimbursed. Treasury needs post May 2021 will have to be assessed over the coming months along with the best way these could be met. This could be through a considered expansion to the current arrangements with LCC and a commensurate change in the fee payable for the services provided.

## Mayoral Functions

12.	<b>The ‘minded to’ deal states that the Government supports West Yorkshire in its ambition for public service reform. Could we have examples of the sort of “public service reform” envisaged by this statement?</b>
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This relates to regional ambitions regarding inclusive growth, increasing opportunity and reducing inequalities – and potentially exploring different ways of delivering services in the future. Detailed conversations have not yet taken place with Government. Because it is not part of the functions being conferred to the Mayor and Combined Authority, it is not a formal part of the current consultation.

13.	<b>Which functions might be delegated by the Mayor to members of the Combined Authority, or held concurrently with local authorities?</b>
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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, or
- the Deputy Mayor for Policing and Crime, where provided for by Order.

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.

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:



# Appendix 1

- 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.

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.

## **14. What powers or responsibilities are the Council giving to the Mayoral Authority?**

The Council are not losing any powers or functions to the Mayoral Combined Authority. Where Councils have the same functions, they will be exercised concurrently. The draft scheme sets out that the Councils 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.

## **15. What Devolution powers and responsibilities will the Council devolve to Community Committees?**

The devolution deal is concentrated on the devolution of powers to the Mayoral Authority, not of powers to devolved to Councils. The deal, however, is equally explicit that the powers of Councils will not be assumed by the Mayoral Authority. With regard to the Community Committees, it is a matter for the Council to determine which functions it wishes to assign, this is not affected by devolution.

## **16. What potential issues do you see in terms of conflict between the Council and the Mayoral Authority?**

As part of the work underway to transition to a Mayoral Combined Authority consideration is being given to engagement with members across West Yorkshire. There is an intention for a series of protocols to be developed that set out how the Councils and the MCA will work together.



# Appendix 1

Leeds will benefit substantially from access to funding and collaboration across West Yorkshire. Inevitably in a multi council arrangement there will be tensions about where investment is directed, much in the way that can happen between wards. The challenge is to manage any such disagreements in a constructive way, recognising the gains that can be made across the region as a whole.

We would be grateful for views, if Members have proposals they wish to put forward.

- 17. Certain 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. This includes the compulsory purchase of land or buildings by the Mayor or the designation of any area of land as a Mayoral development area leading to the establishment, by order, of a Corporation. However, will the land purchased in Leeds be given to the Council to develop policies to use effectively or will it be purely the Mayor?**

The functions relating to compulsory purchase give the Mayor to the same powers as councils and Homes England who also have these powers. They are held concurrently, and they can only be used by agreement of the combined authority member representing that authority where the acquisition is to take place.

Where functions, are exercised concurrently, the draft scheme sets out that the Councils and the Combined Authority will agree operating protocols for the exercise of concurrent functions by the Combined Authority where considered appropriate. We do not yet know if these protocols will include passing land purchased to the relevant constituent Council. However the protocols will recognise the strategic role of the Combined Authority and safeguard the role of Constituent Councils in local decision making and delivery.

- 18. Will Local Air Travel become a Mayoral strategy?**

No functions relating directly to air travel will be conferred as part of this devolution deal. A Mayor could choose to develop a strategy in this area if they wished.

- 19. Will the Mayor be responsible for the Road Safety Partnership?**

Currently, the promotion and delivery of road safety is a local Highway Authority function undertaken by West Yorkshire Councils. The West Yorkshire Combined Authority, as the Integrated Transport Authority for the region, works closely with the partner councils to develop road safety policy, fund programmes to improve road safety and deliver projects.

The West Yorkshire Safer Roads Partnership Executive and Steering Group currently comprises the five partner councils, Police, Fire and Rescue, ambulance service, Public Health and a representative from the Police and Crime Commissioner's office.

Operational functions for the highway will remain with the Councils, unless otherwise agreed locally. Therefore, no decisions have been taken about changing the Partnership's



# Appendix 1

membership or its responsibilities. We cannot pre-empt what a Mayor will want to do, but we would imagine the Mayor would want to consider working with the Partnership as the CA does now and may wish to review the CA's role given the new responsibilities for the Key Route Network – but that will be for a future decision with Councils.

**20. Will the Mayor be taking powers regarding speed limits and other Highways powers?**

The Combined Authority will take on highways powers to set up and coordinate a Key Route Network (KRN) on behalf of the Mayor. A non-statutory Key Route Network has already been established that is made up of important routes across the region.

Whilst the Combined Authority will be the Highway Authority for the KRN, unless otherwise agreed locally, all operational responsibility for highways will remain with the Constituent Councils.

There is no intention for the Combined Authority to set speed limits. The CA already works with WY Councils to support interventions that promote walking, cycling and public transport but the decision on speed for a road remains with each local authority area.

**21. The West Yorkshire Combined Authority has requested powers relating to moving traffic offences. Will this be extended to powers regarding pavement parking?**

This was a request to Government to enact Part 6 of the Traffic Management Act. Part 6 of the Act allows councils outside of London to enforce moving traffic offences, like making banned turns, exceeding weight limits and stopping in yellow box junctions. In order for the powers to be turned on the Department for Transport (DfT) is required to pass secondary legislation. This secondary legislation has not been introduced to parliament and moving traffic offences can only be enforced by the police under criminal law. We think it is an important power for Councils to have to enable them to carry out effective management of the network.

If these powers are enacted, we would envisage that the same principle would apply as to other highway powers that all operational responsibility for highways will remain with the Constituent Councils unless locally agreed.

**22. What affect will Devolution have on Town and Parish Councils? What access or protocols will be developed to work with Town & Parish Councils, on a similar vein to the Leeds City Council Protocol?**

Devolution will bring benefits for the whole region. As part of the work underway to transition to a Mayoral Combined Authority consideration is being given to engagement with members across West Yorkshire. There is an intention for a series of protocols to be developed that set out how the Councils and the MCA will work together, which could include Town and Parish Councils. We would be grateful for views, if Members have proposals they wish to put forward.



# Appendix 1

<b>23.</b>	<b>What percentage thresholds will any referenda when consulting residents and/or businesses need to achieve to become policy?</b>
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We are not aware of any powers or requirement to hold referenda generally in relation to setting policy. However, the Mayor could choose to consult or engage more widely as part of a policy setting process.

## Governance and accountability

<b>24</b>	<b>During its meeting on 19th May 2020, it was acknowledged by the Executive Board that, given the current COVID-19 situation, a communications plan would 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. Is this communications plan in the public domain?</b>
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Although not in the public domain, this communications plan has been developed and widely shared with local authority communications teams, other senior officers and Leaders. The detail of this plan can be shared with Scrutiny members and other groups if this would be useful but in broad terms it covers:

- Clear simple messages about the benefits of devolution that flow through all communications, focusing on “More decisions made locally; more investment for the things that matter to you; more opportunities for our region”
- Development of a toolkit containing communications messages, content, graphics and other material that partner councils and other stakeholders can use to promote the consultation to their members.
- Print and digital media advertising in all local newspapers across West Yorkshire and on business websites targeting a SME audience (local radio advertising was also considered but has not been progressed for budget reasons). This has created an estimated 1.79 million opportunities for people to see information about the consultation and consider participating.
- Direct email communications with a wide range of stakeholders – including businesses representative organisations, education institutions, third sector groups, and all councillors and MPs across West Yorkshire – encouraging them to respond to the consultation and share information with their networks.
- Media activity including a joint op ed in the Yorkshire Post by the five West Yorkshire Leaders, an appearance on Look North by the Chair of the Combined Authority, and media interviews generated by local authority communications teams.
- Social media – both paid and organic – driven by the Combined Authority and local authority communications teams. This includes targeted paid social media activity by Leeds City Council encouraging individuals from a BAME background to respond.
- A direct postal mailshot by Ipsos MORI to 2,000 households across West Yorkshire that have been identified as “digitally disadvantaged” - i.e. that are less likely to be able to participate in an online consultation during COVID-19.
- Close working with local authority communications teams to promote the consultation via their local community networks and partnerships.



# Appendix 1

The initial strategy was to encourage as many people as possible across West Yorkshire to take part in the consultation. A target of 1,000 responses to the open consultation was set, on the basis of responses to other English regional devolution consultations elsewhere (the Sheffield City Region consultation received 664 responses and the West Midlands around 1,300 responses). As this target has been exceeded more than twice over by the midway point, making the West Yorkshire consultation the largest ever public consultation on English regional devolution, the focus for the remaining four weeks is to target promotion to groups under-represented in current responses, namely people from a Black, Asian or Minority Ethnic background and young people.

As an additional measure in support of the strategy and activity described above, which is being enacted across the region, Leeds City Council is undertaking a range of additional outreach to promote the devolution consultation to the widest possible audience. This work is ongoing but to date has included:

- Direct email communication from the Leader and Chief Executive to key public, private and third sector partners in the city.
- Promotion to council staff via InSite.
- Engagement of the Leeds Citizens Panel with a direct invitation to participate.
- Inclusion in a range of council and partner newsletters – including the climate emergency and Leeds CCG newsletters.
- Email communication to the Equality Hubs and other in-house forums convened by council directorates.
- Work in partnership with Leeds Voices (Voluntary Action Leeds) to support residents in underrepresented groups to participate.
- Targeted paid social media campaign – particularly focused on Facebook.
- Presentation and Q+A session with Leeds parish and town councillors (arranged by Councillor Norma Harrington).
- Presentation and discussion with the Leeds Youth Council (led by Councillor Hannah Bithell).

25.	<p><b>The ‘minded to’ deal states that prior to the first Mayoral elections, Government will work with the West Yorkshire Combined Authority to develop and publish a guide to the deal, which will aim to give the public and stakeholders – including Parliament – a clear understanding of: the powers and funding that are being devolved to West Yorkshire; where accountability sits as a result of this deal; and how decisions are made. What is the timescale for publishing the guide to the deal, and should that not have formed the basis for public consultation on the issue?</b></p>
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The devolution deal is currently ‘minded to’ and is subject to parliamentary approval. The guide will be published once the order has been laid in parliament.

In the meantime, a wide range of documents including, frequently asked questions and a glossary have been developed to support the public consultation.



# Appendix 1

<b>26. Will a new bureaucracy need to be set up to maintain the Mayoral Authority?</b>
The West Yorkshire Combined Authority will transition into the Mayoral Combined Authority. The name will not change and no new organisations will be set up.
<b>27. Would it be possible to have examples where the Mayor could exercise a veto?</b>
The draft Scheme does not make the explicit provision for a mayoral veto, however there are occasions where the Mayor's vote is required. Where the decision relates to any new Non-Mayoral Function which the Combined Authority acquires as part of the Deal, or where otherwise required by the Combined Authority's constitutional arrangements, that majority must include the vote of the Mayor. An example of such a function would be adult education and skills functions.
<b>28. Will the Mayor be able to call a referendum to get backing for their policies if a Council has an issue?</b>
We are not aware of any powers or requirement to hold referenda generally in relation to setting policy. However, the Mayor could choose to consult or engage more widely as part of a policy setting process.
<b>29. How will the West Yorkshire Combined Authority be accountable in practice to local people for the successful implementation of the Devolution Deal?</b>
There are proposed to be the following members of the Combined Authority: <ul style="list-style-type: none"><li>o Mayor</li><li>o 5x nominees from the constituent councils</li><li>o 3x members for political balance</li><li>o 1x nominee from the City of York (non-voting)</li><li>o 1x LEP Chair (non-voting)</li></ul> All voting members are elected representatives and are therefore accountable to local people. In addition, the Combined Authority is subject to overview and scrutiny from the Overview and Scrutiny Committee.
<b>30. How many Councillors will be involved in the Mayoral Combined Authority Scrutiny process and how will the membership be determined? Will the membership include independent members?</b>
The Combined Authority includes three elected members for political balance jointly appointed by the Constituent Councils.  In addition, the Combined Authority Overview and Scrutiny Committee is considering proposals for future scrutiny arrangements. In the future, there will be at least as many places on CA committees for backbenchers as there are now, to ensure extensive Member involvement. This includes positions for which an allowance is payable. Propositions are under development, but one option under consideration is a scrutiny committee for each



# Appendix 1

portfolio (e.g. economy, skills, climate).

We would be grateful for views about the shape of scrutiny in the MCA if Members have proposals they wish to put forward.

**31. Will the Scrutiny function within Leeds City Council have the power to summon the Mayor, the Deputy Mayor and Officers of the Mayoral Combined Authority?**

The Mayor and the Combined Authority will be scrutinised and held to account by the WYCA Overview and Scrutiny Committee(s) as happens currently. These arrangements may be further developed as outlined above in Q30.

Leeds City Council's scrutiny function will continue to be able to request the attendance of key Combined Authority personnel (including the Mayor, Deputy Mayor and officers of the Combined Authority) in the way that it can do so currently.

**32. Scrutiny of the discharge of PCC Functions will continue to be performed by a Police and Crime Panel. However, what powers will the Mayor and the Mayoral Authority have for enhancing this Scrutiny role?**

The functions of the Police and Crime Panel are set down in legislation. The arrangements for the Police and Crime Panel will be considered as part of the governance of the MCA. We would welcome any feedback from members on this.

**33. How will formal complaints be dealt with? Will the Local Government Ombudsman be the ultimate body to take a complaint to?**

The Combined Authority has a robust complaints procedure, which is available at the link below. The final stage of which, is indeed for the complaint to be raised with the Local Government Ombudsman, if the complainant does not feel satisfied with the resolution.  
<https://westyorkshire.moderngov.co.uk/documents/s11367/Complaints%20Policy.pdf>

**34. Will the Mayoral Authority become a standing item on all Full Council meetings to replace the Devolution Section? If yes, will the time to debate and discuss be extended?**

This is not a matter related to the devolution public consultation, but is rather a decision the council is free to take and change at any time, subject to normal processes.

**35. Will we be able to get the Mayor to come to a Full Council Meeting for direct questions to them?**

The council will be free to request the Mayor's attendance at a Full Council Meeting, subject to this being included on the council agenda in the normal way.



# Appendix 1

36.	<b>Will an Annual Report on the Mayoral Authority be submitted to Council for debate?</b>
	<p>Again, this is not a matter directly related to the devolution deal or public consultation but is something the council if able to decide at any time, subject to normal discussion and decision making.</p>
37.	<b>What would you say are the benefits that Leeds residents will get through this deal, as opposed to the macro economy?</b>
	<p>We will collectively have access to funds which will be able to be used to benefit the whole region – although we can't say yet precisely what they will be spent on. E.g.</p> <ul style="list-style-type: none"><li>• £38m per year for 30 years, new unringfenced gainshare</li><li>• Access to a £4.2bn Transport Fund, only for MCAs</li><li>• Access to a £400m Brownfield Housing Fund</li></ul> <p>We secured the largest Transforming Cities Fund allocation in the country – both in cash and per head of population. We would not have got this without the deal. This is leading to immediate investment in infrastructure in Leeds e.g.</p> <ul style="list-style-type: none"><li>• Park and Ride in East Leeds</li><li>• Bus priority on corridors including – Leeds-East Leeds (A64), Leeds – Wakefield (A61), Leeds-Five Towns (A639), Bradford-Dewsbury (A638),</li><li>• Leeds rail station gateway improvements</li><li>• Active and sustainable travel within Leeds City Centre</li><li>• Supporting employment growth and active travel through construction of a new White Rose railway station</li></ul> <p>In addition, £25m was secured to support the work of Leeds City Council with the British Library to establish a potential 'British Library North'.</p> <p>The deal will also provide an opportunity to better tailor the resources available to the needs of the local Leeds / West Yorkshire population in a way which is not possible currently. This may perhaps be best demonstrated in relation to powers and funding devolved for adult education.</p> <p><b>38. It is expected that 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. 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.</b></p> <p><b>In view of the above, will there be a Full Council debate, with no time limit on the length of the debate, and a reasonable time limit on individual speeches or will a special Council meeting be called?</b></p>



# Appendix 1

Yes, as has been outlined in previous Executive Board reports planning is underway to enable a Full Council meeting to be held prior for elected members to debate the issues prior to the Council giving its consent to an Order. (That decision will formally be taken by Executive Board in November).

The finer details on the agenda and speaking arrangements for that meeting will be for elected members to decide in the normal way.

## Skills and Employment

- 39. The 'minded to' deal states that the Government will fully devolve the Adult Education Budget (AEB) to the West Yorkshire Combined Authority from academic year 2021/22 subject to readiness conditions and successful passage through Parliament. These arrangements do not cover apprenticeships or traineeships, even though the latter is funded through the AEB. Why not?**

Apprenticeship and Traineeship funding are not currently part of the devolution packages available from government. However, as part of the deal Government have committed to work together with the Combined Authority on a range of skills related issues, including maximising investment of apprenticeships and promoting the benefits to employers.

## Climate, Flooding and the Environment

- 40. The 'minded to' deal states that 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. Does the £101m constitute a fair and proportional allocation of funding to West Yorkshire, given the area's flooding challenges?**

This was a topic that was pursued strongly by WY Leaders during the devolution negotiations. However, the Government was not forthcoming in providing the full funding requested. The Combined Authority, working with Councils and other partners, has developed a pipeline of flooding schemes worth £125m, which has not yet been funded. This is something that we will return to in future negotiations with Government.

- 41. Will the Mayor be setting an overall Climate Change Policy? What impact will that have on the Council's Climate Emergency being declared to be complete by 2030?**

The West Yorkshire Combined Authority will transition into the Mayoral Combined Authority and will retain all the CA's existing functions and policies including the net zero carbon target (until / unless they are superseded).



# Appendix 1

42.	<b>Will the Mayor be able to tell the Council to change its Air Quality Charging Zone and decide on the vehicles that can and cannot be charged for?</b>
	See response to Q44 below.
43.	<b>The West Yorkshire Combined Authority is to work with the Government to explore the potential for an innovative Green Infrastructure Standards pilot. Does this mean that the new Mayoral Authority will assume responsibility for developing forests, tree planting and new parks similar to the National Parks?</b>
	No, the Pilot is aiming to embed new national Green Infrastructure Standards. The details are still being finalised but will also support forthcoming new biodiversity planning requirements.
44.	<b>The 'minded to' deal states that the Government agrees to work with West Yorkshire and to support progress on public sector decarbonisation. What powers will the Mayoral Combined Authority have in order to get business to change to a low-carbon economy?</b>
	No functions are being conferred to the Mayoral Combined Authority in relation to carbon reduction. This was a topic that was pursued strongly by WY Leaders during the devolution negotiations. However, the Government was not forthcoming on providing funding for specific carbon reduction measures in the deal, saying that this was something that it would be addressing in the forthcoming Spending Review, and hence that we should return to in future negotiations with Government. Because it is not part of the Mayoral powers it is not a formal part of this consultation. However, the actions being taken by WY Authorities and the Combined Authority since declaring Climate Emergencies show that addressing climate change is a major policy priority.  The Mayor will however have the power to request local regulations requiring large fuel retailers to provide Electric Vehicle charging points.

## Housing and Planning

45.	<b>As a Mayoral Combined Authority with strong spatial planning powers, the West Yorkshire Combined Authority will be eligible to bid for a newly established Brownfield Housing Fund, with a £400m envelope. 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. Will the Council have to pass their brownfield register to the Mayoral Combined Authority or will it still be a separate entity?</b>
	No. As part of the devolution deal Government have stated that West Yorkshire will be eligible to bid for the Brownfield Housing Fund. We believe that this funding will only be available for use on developments on brownfield land, but are awaiting further details. The Combined Authority will also continue to pursue other funding relating to housing, including through a Strategic Place Partnership with Homes England.



# Appendix 1

<b>46.</b>	<b>Will the Mayor be taking on the responsibility for meeting the local infrastructure needs and will they have the power to vary any Community Infrastructure Levy charge?</b>
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No; the Local Planning Authority will be responsible for securing funding for any infrastructure requirements deemed necessary as a result of all planning applications. Strategic Infrastructure Tariffs (if implemented) are likely to be focused on regionally significant infrastructure located in the Combined Authority area and would be additional to any locally collected contribution.

Section 106 agreements would continue to be made between a developer and the Local Planning Authority (LPA) and be designed to meet the concerns an LPA may have about meeting the cost of providing new infrastructure made necessary by the development. The obligations that form the agreement are discretionary while contributions are negotiable and can relate to a wide range of infrastructure including: highways, public transport, education, community and cultural facilities, green infrastructure, environmental mitigation, and affordable housing.

The Strategic Infrastructure Tariff is a charging scheme that the Combined Authority can choose to impose on new developments to fund regionally significant strategic infrastructure such as housing or transport which would be in addition to any locally determined contributions. In the same way as CIL, if the charging scheme is in place, it is a non-negotiable blanket tariff. Discussions have not yet commenced regarding the use of Strategic Infrastructure Tariffs or the rates of the tariff. It can only be introduced once a Spatial Development Strategy has been approved, which requires unanimous consent by representatives from all five constituent councils. This is likely to be several years away due to the time it will take to develop.

<b>47.</b>	<b>The Mayor will receive strategic planning powers giving them the power to create a statutory Spatial Development Strategy for West Yorkshire. How will this differ from the existing Regional Spatial Strategy and will the Mayor's new powers be subject to the same legal challenges and processes?</b>
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The Yorkshire and Humber Plan (Regional Spatial Strategy (RSS)) to 2026 was revoked on 22nd February 2013. Section 109 of the Localism Act 2011 abolished the regional planning tier by repealing Part 5 of the Local Democracy, Economic Development and Construction Act 2009. This included the removal of the responsible regional authorities. There is currently no regional spatial plan in West Yorkshire.

The Spatial Development Strategy will provide strategic policies for the development and use of land in West Yorkshire. Unlike the RSS, the scope and preferred approach to a Spatial Development Strategy is a matter for local agreement, in line with the National Planning Policy Framework.

This full scope of the SDS is not yet agreed by partner councils. It will require a unanimous vote of the five members of the Combined Authority individually appointed by the constituent



# Appendix 1

authorities. When published in its final form, the SDS will comprise part of the statutory development plan for the relevant area, along with any local plans and neighbourhood plans.

As currently written in the regulations, the SDS would be considered by a formal Examination in Public, or EiP. This is led by independent inspectors appointed by the Secretary of State. The SDS is examined to assess whether it has been prepared in accordance with legal and procedural requirements, and whether it is sound ie whether it is positively prepared, justified, effective and consistent with national policy. There is no legal requirement for public consultation to be undertaken on modifications to the draft SDS before it is finalised following the inspector's recommendations.

## **48. Will the Mayor have the power to develop and introduce New Towns?**

New Towns were phased out in the 1970's. The most recent equivalent was the 'Eco Town' initiative in 2007. The principle of these schemes was to address the demand for low cost housing.

The Mayor will receive strategic planning powers. This will give the Mayor the power to create a statutory Spatial Development Strategy for West Yorkshire, which will require the unanimous consent of all five councils. The scope and preferred approach to a Spatial Development Strategy is a matter for local agreement and will need to be approved by a unanimous vote of the five members of the Combined Authority individually appointed by the constituent authorities. The working assumption is that the approach to developing a Spatial Development Strategy would through collaboration by all Councils and based on the content of Local Plans.

## **49. Will the Mayor be setting up an infrastructure planning panel to introduce strategic plans?**

New panels will be considered as part of the governance of the MCA. This work has not yet commenced. We would welcome any feedback from members on this.

## **50. What role and potential conflicts could occur in working with Neighbourhood Planning Groups?**

The relationship between a Spatial Development Strategy (SDS) and Local Plan is such that Local Plans will be required to have 'general conformity' with the SDS, and conformity will be tested at Local Plan examinations.

However, unanimous consent of the constituent authorities is required to adopt an SDS. This means that in reality a Local Plan would never be forced to be in conformity with an SDS that the authority fundamentally opposed (as they will have consented to the SDS before it was adopted). The unanimity model ensures that the evidence base and policies developed for the SDS become the base in which local plan evidence bases are also developed. The timescale for development of the SDS will take into account the current Local Plan timescales and seek to minimise any disruption to Local Plan reviews. A bottom-up approach would be taken to the development of an SDS.