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Report of Chief Executive

Report to Council

Date: 1 September 2020

Subject: Devolution Deal for West Yorkshire – Consultation Outcomes

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

Summary

1. Main issues

- This paper provides Council with an update on the implementation of the "minded to" West Yorkshire devolution deal agreed in March 2020. It discusses the outcome of public consultation exercise approved by Executive Board in May, and sets out the next steps needed to enable the region to hold its first mayoral election in May 2021. In background information, Council can find links to previous reports considered by Executive Board, detailing work at earlier stages in this process.
- The paper provides an overview of the activity and outcome concerning: the public consultation delivered across West Yorkshire, additional engagement with underrepresented groups in Leeds led by the council, and engagement with elected members in the city.
- The public consultation received over 4,300 responses online with a small number through other channels. Despite the challenges posed due to COVID-19 this is a very strong response, and the largest for any English regional devolution consultation to date.
- Responses were positive across the full range of questions posed with a consistent majority in favour, although this positive response rate was slightly less pronounced on the issues of policing and finance. The outcomes of a separate exercise to reach those considered to be 'digitally disadvantaged' broadly mirrored those of the main consultation, as did the work undertaken in Leeds to engage with often underrepresented groups including younger people and the city's BAME community.
- Through engagement with elected members the proposals received widespread support albeit this was qualified in some specific areas, as outlined in the report, where some elected members highlighted changes they would like to see to the proposals. In light of

the overall consultation response, however, and in recognition of the fact the proposals put to consultation emerged from a long and detailed negotiation with Government, the council is not proposing to make any further representations for change to the Secretary of State.

- The political engagement has though been a very helpful exercise and has highlighted a range of areas where implementation and practical arrangements regarding the deal can be strengthened at a local authority level. These particularly focus on measures which would better enable elected members in Leeds to hold the mayoral authority to account. Council should be aware that the report outlines a number of proposals which, if explored further, may necessitate changes to the council procedure rules.

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.
- Enacting the Deal in full will also provide the region with additional levers as part of efforts to achieve an inclusive economic recovery following the COVID-19 pandemic.

3. Resource Implications

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

Recommendations

Council is asked:

a) To consider and comment on the content of this report, along with the Summary of Consultation Responses attached as Appendix 1.

b) To consider the joint statement from Leeds scrutiny board chairs attached as Appendix 3, and the summary of Leeds-led engagement in 3.29 and 3.45.

c) To consider, offer comment to Executive Board, and endorse the steps necessary to achieve an effective West Yorkshire Devolution Deal.

1. Purpose of this report

1.1 This report updates Council on the latest stage of the process to implement the West Yorkshire Devolution Deal, agreed between the region and Government in March 2020. It details the outcome of the public consultation held between June and July 2020, along with a range of additional engagement undertaken including with elected members, and sets out the next steps in the implementation process.

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 statutory processes, this will lead ultimately to the adoption of a mayoral combined authority (MCA) model with additional functions, and will require an Order of the Secretary of State.

2.2 Since March, Executive Board have considered a series of report progressing the implementation of the deal. Following Council's meeting, Executive Board will also consider the issues outlined in this report.

2.3 Following the Budget announcement in March 2020 (relevant report and decisions available here), each of the five West Yorkshire councils and the West Yorkshire Combined Authority (WYCA):

- Endorsed the "minded-to" Deal.
- Agreed to be party to a Review of the combined authority's constitutional arrangements and of the functions carried out by the combined authority.
- Authorised the combined authority's Managing Director, in consultation with the five council Chief Executives, to prepare a draft Scheme for consideration by councils and the combined authority, subject to the outcome of the Review.

2.4 In May 2020 (report available here), the combined authority and each constituent council:

- Endorsed the conclusions of the Governance Review.
- Considered and endorsed the Scheme for the establishment of the mayoral combined authority.
- Agreed that a public consultation exercise should be undertaken on the proposals contained in the scheme.

3. Main issues

3.1 The Deal will devolve a range of powers and responsibilities to WYCA, supporting the region to drive economic growth and prosperity within its communities and across the north. In addition, it will unlock significant long-term funding and give the region greater freedom to decide how best to meet local needs and create new opportunity for the people who live and work here.

3.2 The initial gainshare funding for the financial year 2020/2021 will be available prior to the first mayoral election, but subject to: the establishing legislation being in place; and a revised Assurance Framework being approved.

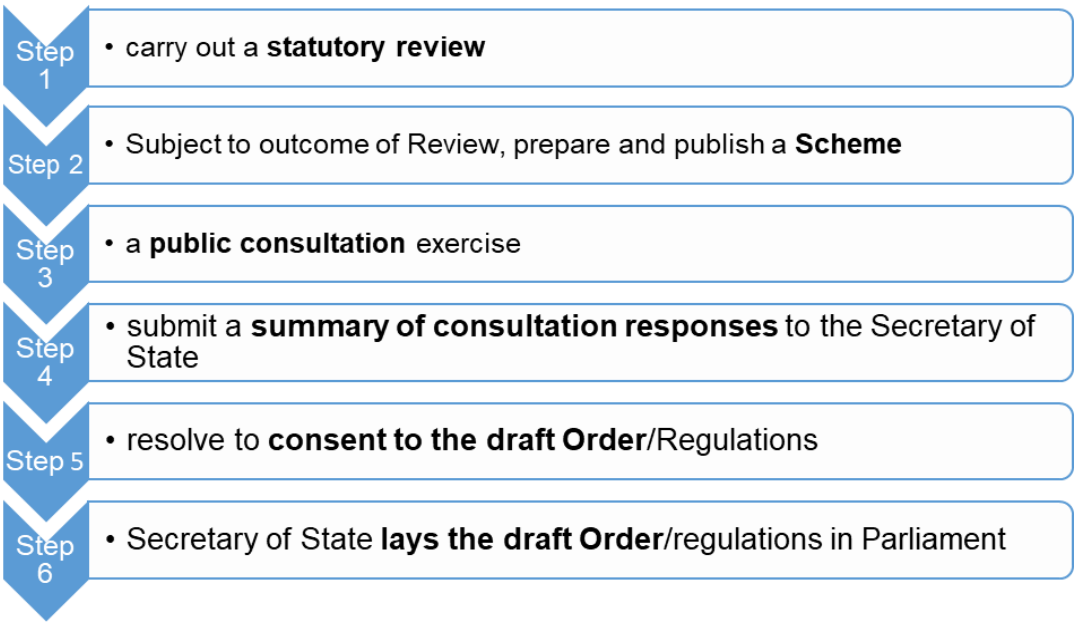
3.3 ***Process for enacting the deal***

3.4 The Local Democracy, Economic Development and Construction Act 2009 sets out statutory processes to be followed before any Order is made. Each aspect has a specific statutory procedure to be followed. In addition, the consent of each constituent council and the combined authority is required to any Regulations giving the combined authority

powers to borrow for non-transport functions, however these are to be progressed separately and at a later date to the making of the Order as they will encompass a number of other combined authorities.

3.5 Executive Board has 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.

3.6 Flow chart of proposed process:



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

3.8 ***Consultation***

3.9 Following the approval of the draft Scheme by constituent councils and the combined authority, the Scheme was finalised and published. A public consultation open to members of the public, businesses and other stakeholders was then undertaken. The consultation exercise was co-ordinated by the combined authority, alongside each council in their own local authority area.

3.10 The combined authority hosted a web page of the proposed devolution deal on its Your Voice consultation and engagement website. It included:

- The devolution Scheme;
- A summary of the proposed deal;
- A West Yorkshire Authorities 'Governance Review' document, which was undertaken in accordance with Section 111 of the Local Democracy, Economic Development and Construction Act 2009; and
- An initial Equality Impact Assessment (available here), which covered the implementation of the mayoral order overall and the functions that will be conferred to the mayoral combined authority as a result.

3.11 The website included a number of other pages, including associated background information and a detailed FAQ section. Questions asked by members of the public during the consultation were also published along with responses.

3.12 The consultation opened on Monday 25 May 2020 and closed at 00:01 on Monday 20 July 2020. There were a number of formal channels through which individuals and stakeholder organisations could give their views on the proposals:

- Online through the Your Voice platform, which could be accessed through the Combined Authority's devolution web pages;
- Hard copy response form, which was available to print out from the website and on request. Materials were also available in another format, such as large print, braille, or another language on request.
- A written letter, sent via the Freepost address listed on the paper response form;
- By email, via a dedicated consultation email address; or
- Via informal channels such as Freephone number.

3.13 Due to the social distancing guidelines that were in place when the consultation commenced face-to-face consultation channels were not available. In order to enhance the accessibility of the consultation for groups and individuals who may not be able to access digital channels, a specialist consultant – Ipsos Mori – were procured. They have undertaken direct postal mailshot to 2,000 households across West Yorkshire that have been identified as 'digitally disadvantaged'.

3.14 The combined authority, working in partnership with each council, implemented a comprehensive communications plan to promote the consultation exercise. This included:

- Clear simple messages about the benefits of devolution that flow through all communications, focusing on "More decisions made locally; more investment for the things that matter to you; more opportunities for our region."
- Development of a toolkit containing communications messages, content, graphics and other material that all stakeholders have been able to use to promote the consultation.
- Print and digital media advertising in all local newspapers across West Yorkshire and on business websites targeting a SME audience (local radio advertising was also considered but has not been progressed for budget reasons). This has created an estimated 1.79 million opportunities for people to see information about the consultation and consider participating.
- Direct email communications with a wide range of stakeholders – including businesses representative organisations, education institutions, third sector groups, and all councillors and MPs across West Yorkshire – encouraging them to respond to the consultation and share information with their networks.
- Media activity including a joint article in the Yorkshire Post by the five West Yorkshire Leaders, an appearance on Look North by the Chair of the Combined Authority, and media interviews generated by local authority communications teams.
- Social media – both paid and organic – driven by the combined authority and local authority communications teams.

3.15 In addition to this regionally co-ordinated activity, the council has promoted the consultation via its own networks and has undertaken a range of additional engagement, as detailed in 3.29 below.

3.16 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).

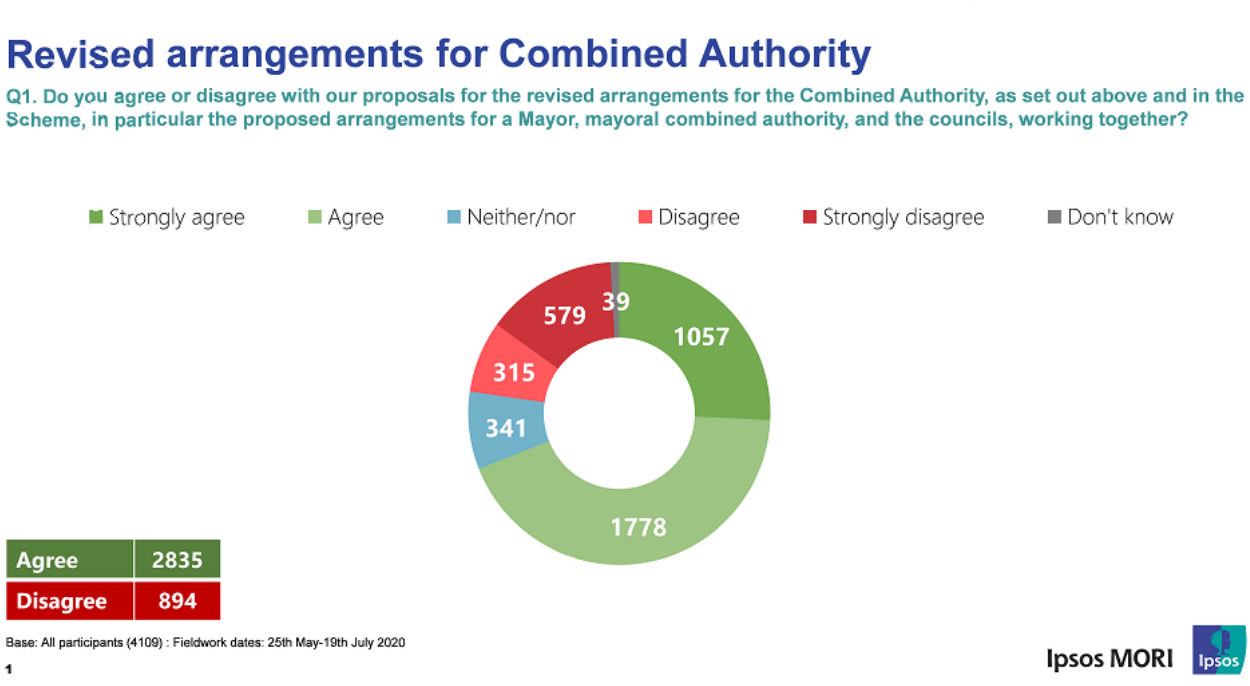
3.17 ***Consultation results***

3.18 In total 4,413 people responded to the consultation – 4,317 through the channels detailed above at 3.12 and 96 responded to the postal mailshot to a representative sample of digitally disconnected communities.

3.19 Across all questions asked and all key themes within the consultation, there is overall support for the proposals set out in the Scheme, with the positive responses outweighing the negative.

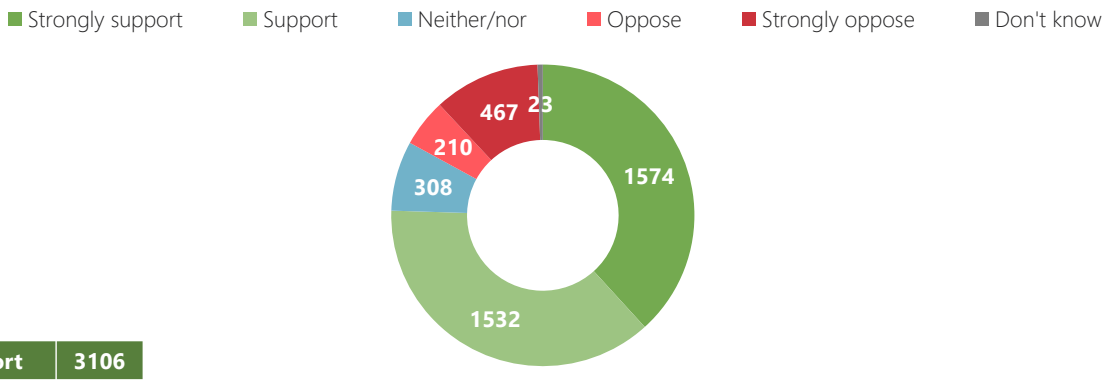
3.20 An overview of the consultation results is set out below, with the full detail contained in the report at Appendix 1. Please not the diagrams below do not include the responses from the digitally disconnected communities. Due to the different methodologies used these results have been reported separately. However, the results of the representative sample of digitally disconnected communities survey broadly follow those of the main survey.

3.21 The majority of responses are positive for each of the six questions in the survey, as set out in the diagrams below:



Confer transport functions to West Yorkshire Mayor and mayoral combined authority

Q2. Do you support or oppose this proposal to confer transport functions and new transport related functions to a West Yorkshire Mayor and mayoral combined authority



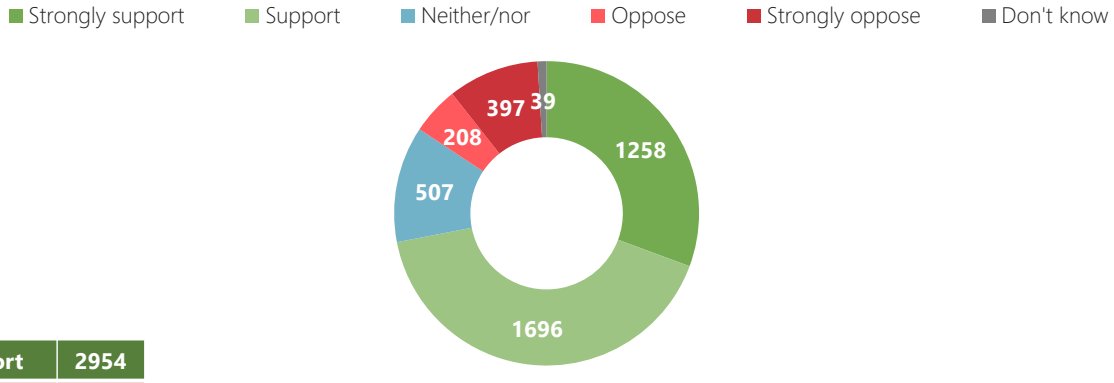
Support	3106
Oppose	677

Base: All participants (4114) : Fieldwork dates: 25th May-19th July 2020

Ipsos MORI

Confer skills and employment functions to West Yorkshire mayoral combined authority

Q3. Do you support or oppose this proposal to confer skills and employment functions to a West Yorkshire mayoral combined authority?



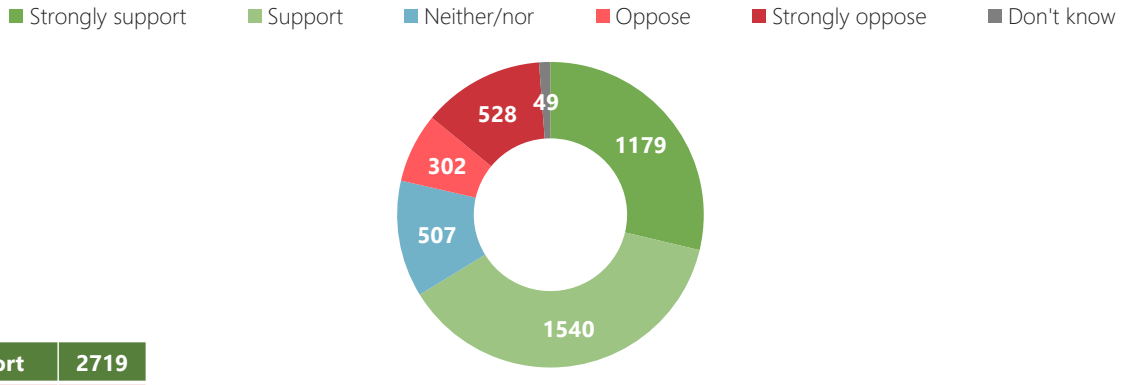
Support	2954
Oppose	605

Base: All participants (4105) : Fieldwork dates: 25th May-19th July 2020

Ipsos MORI

Confer housing and planning functions to West Yorkshire Mayor and mayoral combined authority

Q4. Do you support or oppose this proposal to confer housing and planning functions to a West Yorkshire Mayor and mayoral combined authority?



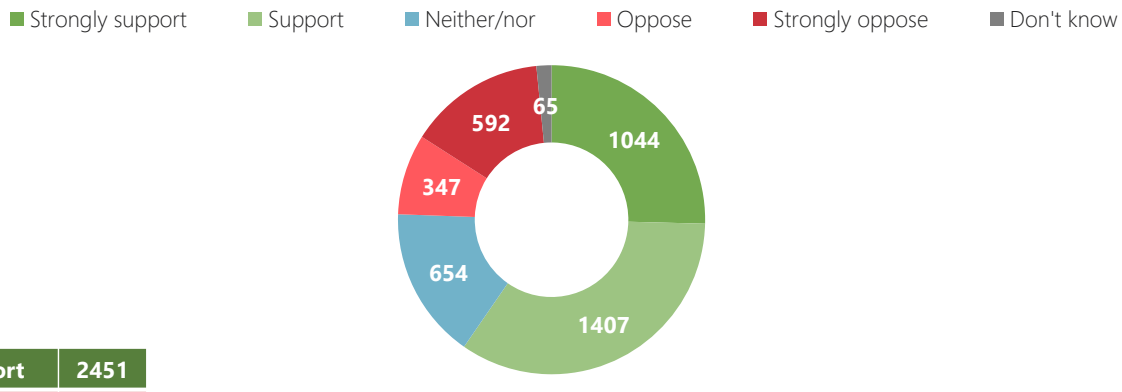
Support	2719
Oppose	830

Base: All participants (4105) : Fieldwork dates: 25th May-19th July 2020

Ipsos MORI

Confer Police and Crime Commissioner functions to West Yorkshire Mayor

Q5. Do you support or oppose this proposal to confer Police and Crime Commissioner functions to a West Yorkshire Mayor?



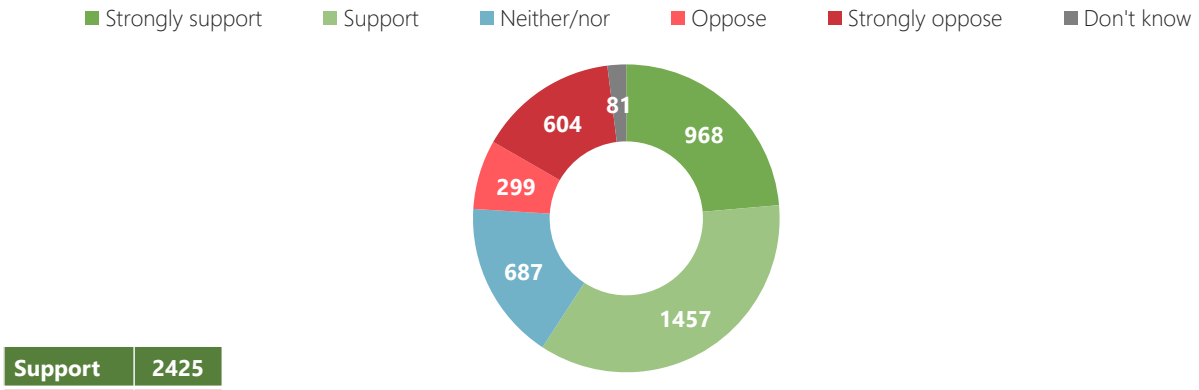
Support	2451
Oppose	939

Base: All participants (4109) : Fieldwork dates: 25th May-19th July 2020

Ipsos MORI

Confer additional finance functions on West Yorkshire Mayor and mayoral combined authority

Q6. Do you support or oppose this proposal to confer additional finance functions on a West Yorkshire Mayor and mayoral combined authority?



Support	2425
Oppose	903

Base: All participants (4096) : Fieldwork dates: 25th May-19th July 2020

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Ipsos MORI

3.22 These positive responses have demonstrated strong support for:

- The opportunities devolution will bring to the region, including a stronger voice for the region.
- The devolution of money and power from central government.
- Greater local autonomy, coordination, decision making and control over finances.
- The proposals regarding employment and skills.
- The cohesion and co-ordination the transfer of the PCC functions offers.
- The housing and planning proposals, and how they will improve the supply and quality of housing.
- The transport proposals and the opportunity to improve public transport and increased connectivity.

3.23 There were some areas of disagreement raised by the minority of respondents, who did not support the proposals. These are set out below along with a clear response to each of them. None of the areas raised represent any fundamental issue of concern in terms of moving forward to the next stage of the process. The raised areas are:

- A perception by some that the governance proposals would lead to greater bureaucracy and cost. It is believed that to some extent, this may be based on the view that there will be another layer of local government, which is not the case.
- The role of the elected Mayor, with some adding that they did not want a Mayor. This was considered in the Governance Review, which concluded that the benefits of the “minded to” deal are dependent on moving to a mayoral combined authority. The governance proposals contained with the Scheme have been designed to ensure that there are appropriate checks and balances on the powers of the elected Mayor. It will be important to clearly communicate these proposals to the public and other stakeholders.

- Objection to the proposal relating to the mayoral precept with some not wishing to see any tax rises as a result of the proposals. No decisions have been taken yet regarding whether or not the precept function will be used. Again, it will be important to clearly communicate any proposals relating to a precept to the public.
- A concern by some that policing needs political independence and as such the PCC functions should not transfer to the Mayor. Maintaining the current PCC model was also considered as part of the Governance Review. Which concluded that the transfer of the PCC functions offered improved functional effectiveness by strengthening links.
- Some suggested that devolution should be Yorkshire wide, rather than just West Yorkshire. Options relating to geography were fully considered in the Governance Review, which concluded that in order to achieve the policy aims and objectives and the benefits of the "minded to" devolution deal it was appropriate to create a mayoral combined authority for West Yorkshire. This will enable West Yorkshire to pursue its economic policy agenda at greater pace, while continuing to collaborate with the wider Leeds City Region, Yorkshire and the North in pursuit of shared economic objectives.

3.24 Further detail of the comments and suggestions provided by individuals and stakeholders are detailed in the report at Appendix 1. Consideration has been given to the comments and suggestions made. Although many will be helpful to the implementation and delivery of the 'minded to' devolution deal, at this time it is not proposed that anything raised requires representations to be made for significant changes to the proposals. The combined authority will reflect on all views expressed in this consultation and will continue to communicate with residents and partners on the development and implementation of devolution. As an early action, it plans to respond to these comments through 'you said, we did' communications.

3.25 Ipsos Mori have provided independent analysis of the consultation responses. The full report they produced is attached as Appendix 1.

3.26 To ensure independence of process, The Consultation Institute were also procured to provide independent quality assurance and recommendations on the process adopted. The outcome of their final report is deemed as good practice.

3.27 The following stakeholder responses were received:

- City of York Council
- Environment Agency and Natural England (joint response)
- First
- Leeds City Council - Strategy and Resources Scrutiny Board
- Northern (OLR)
- North Yorkshire County Council
- The Office of the Police and Crime Commissioner
- Transdev
- TUC Yorkshire and the Humber
- TUC Yorkshire and the Humber – Creative and Leisure Industries Committee
- University of Bradford
- University of Leeds

- West and North Yorkshire Chamber, Mid Yorks Chamber, CBI and FSB (joint response)
- West Yorkshire Police – Chief Constable
- Yorkshire Universities

3.28 The Police and Crime Commissioner and West Yorkshire Police Chief Constable, although overall supportive of a mayoral model, raised queries about the proposed PCC governance model. Home Office officials have since confirmed that that only viable governance model for a 2021 transfer is the mayoral combined authority model. A letter jointly signed by the PCC and the five West Yorkshire Leaders has been sent to the Policing Minister setting out that there are no insurmountable barriers to a 2021 transition based on the mayoral combined authority model. Transition planning for the transfer of the PCC functions to the Mayor in 2021 therefore continues on this basis.

3.29 *Leeds-led engagement activity*

3.30 In addition to the collaboration across a West Yorkshire geography as described above, the council has undertaken a range of additional activity in support of the consultation within Leeds. Broadly this had two objectives. The first was to use the council's extensive channels and networks to push traffic to the regional consultation website. The second was to deliver some more targeted activity aiming to strengthen representation of traditionally underrepresented groups, and in particular to support younger people and members of the city's Black, Asian and minority ethnic (BAME) community to access the consultation.

3.31 <u>General council-led consultation and engagement activity</u>

3.32 The council is able to benefit from the extensive reach of its primary communications channels, and the broad range of networks in the city to which it can connect. This has been exploited to push out key messages about the devolution consultation and to encourage as many people and businesses as possible to participate. The activity undertaken to achieve this included:

- Two-stage email promotion to the Leeds Citizens Panel.
- Direct email from the Leader of Council and Chief Executive to 300+ key partners and businesses in the city.
- Direct email from the Leader of Council to all elected members, Leeds MPs, and parish and town councils.
- Item included in the May / June edition of the Climate Emergency newsletter and the Connecting Leeds newsletter.
- Circulation via Leeds Clinical Commissioning Group (CCG) to 450 people in June and 700 people in July.
- Promotion via the BAME, disabled, older people, LGBT, Women, and Religion and belief Equalities Hub Chairs.
- Support from Leeds City College to circulate details of the consultation to their network.
- Extensive communication via in-house mailing lists, particularly through Adult Social Care.
- Inclusion in one of the Chief Executive's updates to all staff in late May.
- Promotion via the staff intranet - InSite, the external website, and the council's social media channels.

3.33 The response rate from the city detailed in Appendix 1 evidences the overall success of this localised activity the drive engagement with the consultation, alongside the work undertaken between partners regionally.

3.34 Targeted work to strengthen engagement with underrepresented groups

3.35 From the outset of planning for the public consultation the council recognised there were likely to be difficulties in fully engaging some of the people often underrepresented in similar exercises – primarily consisting of younger people and those from a BAME background. The online-only nature of consultation delivery, necessitated due to restrictions in place due to COVID-19, was likely to exacerbate this challenge.

3.36 Early feedback from community partners working with said communities, contacted through the engagement noted in 3.31 above, confirmed these concerns. This included comments about the likelihood the consultation materials would be inaccessible to some citizens and some concern about a lack of materials in alternative languages.

3.37 In response to this the council commissioned Voluntary Action Leeds (VAL) through their Leeds Voices project to undertake some additional consultation and engagement activity with BAME communities in Leeds. Leeds Voices is a partnership between VAL and other third sector organisations working with people who often struggle to have their voices heard.

3.38 The scale of this work was limited due to both budget constraints and COVID-19 impact on the small third sector organisations with which VAL sought to work, many of which either were not operating in the way they normally would or were otherwise focused entirely on pandemic response. However despite this the project was successful in engaging with 45 individuals from a BAME background, and an additional 33 respondents working with BAME communities.

3.39 This engagement was delivered through online means and respondents completed the same consultation questions as in the main regional exercise. However they were supported on an individual basis to do this, and VAL produced some additional literature to support the engagement and build greater understanding and awareness of devolution and the issues to be considered.

3.40 Due to this different methodology the results of this consultation exercise are not included in the overall regional results, but it has been undertaken to provide Executive Board / the council with additional intelligence specific to Leeds communities. It has also served a broader purpose of raising the level of awareness and engagement with devolution as an issue amongst those engaged, their networks and communities.

3.41 The headline results of this engagement, in terms of positive or negative responses expressed to each question are as follows:

- Do you agree or disagree with our proposals for the revised arrangements for the Combined Authority, as set out above and in the Scheme, in particular the proposed arrangements for a Mayor, mayoral combined authority, and the councils, working together?
    - Strongly agree / Agree: 84%
    - Strongly disagree / Disagree: 7%
    - Neither agree nor disagree: 10%

- Do you support or oppose this proposal to confer transport functions and new transport related functions to a West Yorkshire Mayor and mayoral combined authority?
    - Strongly agree / Agree: 90%
    - Strongly disagree / Disagree: 3%
    - Neither agree nor disagree: 4%

- Do you support or oppose this proposal to confer skills and employment functions to a West Yorkshire mayoral combined authority?
    - Strongly agree / Agree: 87%
    - Strongly disagree / Disagree: 0%
    - Neither agree nor disagree: 1%

- Do you support or oppose this proposal to confer housing and planning functions to a West Yorkshire Mayor and mayoral combined authority?
    - Strongly agree / Agree: 70%
    - Strongly disagree / Disagree: 4%
    - Neither agree nor disagree: 16%

- Do you support or oppose this proposal to confer Police and Crime Commissioner functions to a West Yorkshire Mayor?
    - Strongly agree / Agree: 68%
    - Strongly disagree / Disagree: 14%
    - Neither agree nor disagree: 12%

- Do you support or oppose this proposal to confer additional finance functions on a West Yorkshire Mayor and mayoral combined authority?
    - Strongly agree / Agree: 62%
    - Strongly disagree / Disagree: 17%
    - Neither agree nor disagree: 14%

3.42 In addition to the work undertaken through VAL, the council also conducted its own social media campaign to raise awareness of the consultation. This ran from 8 June until the consultation's close and was targeted primarily in those wards in the city with the lowest average household income.

3.43 As part of efforts to raise awareness of devolution amongst a younger audience the council held a workshop with the Leeds Youth Council on 29 June, led by Councillor Hannah Bithell. The session provided an opportunity for those participating to ask any questions about what devolution means, how it will work, and what it will mean for them and the city in the future.

3.44 While not a formal part of the consultation, Youth Council members were invited to express their view on each element of the Deal, and were encouraged to share information with their friends, parents and carers should they wish to. At the end of the session members were to express an opinion overall about whether they feel devolution with be "good overall" or "bad overall" for West Yorkshire. The result was 12 – 2 in favour of "good overall".

3.45 *Political engagement*

3.46 As noted above, the Leader of Council issued a range of direct communications with councillors (at all levels) and MPs in Leeds encouraging them both to directly engage in the consultation, but also to push the message out to their networks.

3.47 In addition to this a range of engagement with elected members in Leeds has been undertaken throughout the public consultation period. This is briefly summarised below:

1) Strategy and Resources Scrutiny Board

The Scrutiny Board met remotely on 1 July with a single-item agenda to discuss the devolution consultation. Due to the nature of the issue the chairs of each of the other scrutiny boards were co-opted on to the board for this meeting. The senior leadership of the combined authority, political and officer leadership of the council, and the council officer co-ordinating the Deal implementation work in Leeds were

in attendance to respond to members questions. A further follow up note was also provided to the board clarifying any issues which required further investigation and could not be answered at the meeting itself.

Following the board's discussions and receipt of the follow up information mentioned above, a joint statement from the Leeds scrutiny board chairs was produced and formally submitted to the public consultation. A copy of the full statement is attached as Appendix 3.

2) Political group briefings

In early June briefings were held with the Labour Group, Conservative Group, Green Group, Morley Borough Independents and Garforth and Swillington Independents. The sessions were an opportunity for elected members to pose any questions or queries about the Deal, the Scheme that was being put out to public consultation, or the practical elements of how devolution and new governance arrangements for the region will operate.

These sessions were held in addition to any provided by the combined authority, and were led by the Chief Executive / Director of Resources and Housing. Follow up written information and briefings were provided to members following each of the sessions.

3) Other engagement

Throughout the period since the agreement of the devolution deal in March there has been regular dialogue with elected members on an individual or small group basis, providing information and sourcing answers to queries raised. This activity increased significantly throughout the period of the public consultation.

On 30 June an engagement session was held with town and parish councillors in the Outer North East of the city.

3.48 Key issues emerging from political engagement

3.49 Through the activity noted above a diversity of issues were highlighted, from technical questions about the scope of the deal, to concern about some elements of the Scheme proposed, and queries or suggestions about what the impact might be on the council and its ways of working. In many cases factual responses were able to be provided to elected members, and in others it was agreed the most appropriate course of action was for them to submit their views through the formal consultation process or through other channels available to them. In some cases, however, officers from both the council and combined authority acknowledged there remains some detailed work to undertake in understanding how the Deal / Scheme will be implemented before clarity can be provided.

3.50 A brief overview of some of the most prominent points raised by elected members through the various forums outlined in the previous section is provided below. It is important to note that this is a high level sample of those points made by individual members or particular political groups, and should not be interpreted as the consistent view of members across the council. The list below also excludes the many important technical questions to which factual responses were able to be provided.

- Concern about the inclusion of strategic planning powers in the deal, with references made to challenges encountered under historical arrangements around the Regional Spatial Strategy prior to 2010.
- Very broad support for the Transport powers and funding contained in the Scheme.

- Widespread agreement that deal should not see powers removed from councils, but varying opinions on whether proposals in the Scheme go far enough to ensure this is the case.
- Further understanding sought about how the introduction of the Mayor might affect the region's climate change ambitions, with an acknowledgement that the council is currently working to a more ambitious 'net zero' target than the combined authority.
- Strong view from some members that the role of both the combined authority's scrutiny function and the Police and Crime Panel should be strengthened in response to the new arrangements.
- Further clarity sought on how the Mayor will be accountable to the council, and any practical changes the local authority might make to ensure this.
- Greater clarity sought around the transfer and operation of PCC powers to the Mayor and combined authority, including the future of the current Office of the Police and Crime Commissioner (OPCC) and its staff.
- Concern to ensure a broad focus for skills funding contained in the deal – encompassing lifelong learning and avoiding a narrower focus on younger cohorts. There was also disappointment expressed at the exclusion of apprenticeships from the deal.
- Concern about a potential democratic deficit concerning the role of Deputy Mayor for Policing and Crime.
- Inclusion of opposition members for political balance on the new MCA was welcomed, but dual issues of ensuring a place for independent elected members within this, and broadening the quorum to include opposition members were raised.

3.51 Responding to the outcome of political engagement

3.52 The views provided by elected members broadly fall into three categories.

3.53 Firstly, those of a technical nature relating to how the proposals in the Scheme will work in practice. In most cases factual information has been provided in response to these, and in the small number of cases where further work is needed dialogue will continue over the coming months.

3.54 Secondly, comments received or concerns raised which are seeking changes to the Scheme which has now been subject to public consultation. Having considered these submissions alongside the combined authority and other constituent councils, and with a view to the overall response to the public consultation as detailed at 3.23, the combined authority and constituent councils are not proposing to make representations to the Secretary of State for any further change to the Scheme. In reaching this conclusion it is recognised that the proposals included were subject to a long and detailed negotiation with Government, and given the broad consensus that all stakeholders including the public want devolution to happen, drawing out further negotiation at this stage is not felt to be helpful.

3.55 Thirdly, those points raised which have brought out issues about how we implement the changes, working with the mayoral authority, at a local authority level. In response to these submissions, it may be appropriate for Corporate Governance and Audit Committee to consider the governance arrangements in place, including those which enable the council to hold the mayoral authority to account. In particular:

a) To consider whether agreement should be sought from the combined authority and Mayor, when they enter office, for an annual report to be provided to Full Council for debate.

b) To consider whether arrangements should be made to invite the Mayor to Full Council to answer elected members' questions at least once a year.

3.56 It is noted that it may be necessary to amend the council procedure rules, as set out in the constitution, to give effect to any recommendations of Corporate Governance and Audit Committee in this regard. Therefore any recommendations would be considered by General Purposes Committee prior to seeking Council's approval to the amendment.

3.57 ***Next steps***

3.58 With regard to next steps, it is proposed that the summary of the consultation responses attached at Appendix 1 be submitted to the Secretary of State. It is not proposed that any representations are to be made for significant changes to the proposals. However, to ensure that the submission incorporates any issues which may be raised by any constituent council or the combined authority further to their consideration of this report, it is proposed that each organisation jointly delegate authority to the Managing Director of the combined authority in consultation with Leaders, Chief Executives and the Chair of the combined authority to finalise the documents prior to submission by 11 September 2020.

3.59 Following this, the Secretary of State will need to decide whether to make the Order and as part of this process must consider whether the Order is likely to improve the exercise of the statutory functions in West Yorkshire. The Secretary of State must also have regard to the need to reflect the identities and interests of local communities, and secure effective and convenient local government. Subject to the Secretary of State being so satisfied, details of the Scheme will then be embodied in the draft statutory Order to establish a mayoral combined authority. At this point the formal consent to the making of the Order will be required from each of the constituent councils and the combined authority. It is intended that these consents will be sought in November to enable sufficient parliamentary time for the Order to be made in January / February 2021. This is essential to enable a mayoral election to take place in May 2021 and further to enable the first gainshare payment to be received during this financial year.

3.60 As part of the parliamentary process and potentially in parallel with the 'consent stage' set out above, the draft Order will also be considered by Parliament's Joint Committee on Statutory Instruments (JCSI). Their role is to focus on the technical quality of the draft Order as opposed to the policy content and amendments at this point would be those required to ensure that the Order is well drafted. In order to recognise that there may be further technical amendments to the draft Order following the consents given in November, it is proposed that at that point Executive Board will be asked to give delegated authority to the Managing Director of the combined authority, in consultation with the Leader and Chief Executive of each constituent council and the Chair of the combined authority, to consent to the 'final form' of the Order.

3.61 Appendix 2 sets out a revised timeline for implementing the deal.

3.62 ***Police and Crime Commissioner Functions***

3.63 To support understanding of the degree of work required to meet a potential transfer date of May 2021, an external due diligence exercise has been commissioned by the combined authority through a competitive tender process. The scope of this critical exercise includes an understanding of the scale of the transfer, the mechanisms necessary to transfer PCC functions, as well as the instruments and resourcing required to enable this. The final report will comprise a comprehensive risk assessment of the transfer and a critical path if a May 2021 transfer is to be achieved. Consultants have

been appointed to carry out this work, and a final report is anticipated in early September 2020. If any issues arise from this due diligence work that require further action, this will be progressed with a view to resolution prior to the 'consent stage' for constituent councils and the combined authority which is due to take place in November.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 As part of the statutory process public consultation has been undertaken. The summary of the results must be submitted to the Secretary of State before an Order enabling a mayoral model can be made.

4.1.2 Detail of the public consultation is outlined in paragraphs 3.8 to 3.28, and in Appendix 1. This is supplemented by information about council-led activity in Leeds at 3.29.

4.1.3 In additional to consultation with the general public, businesses and other organisations a range of engagement with elected members in Leeds has also taken place, as detailed in 3.45.

4.2 Equality and diversity / cohesion and integration

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

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.

4.3.2 Once implemented the powers, funding and freedoms to be devolved from Government to the region, as part of the deal that has been agreed, will enhance the council's ability to meet many of its Best Council Plan objectives, including the strong economy, compassionate city vision.

4.3.3 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.

Climate Emergency

4.3.4 As part of the 'minded to' Devolution 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.

4.3.5 There are, however, no immediate climate emergency implications arising as a direct result of this report.

4.4 Resources, procurement and value for money

4.4.1 The ‘minded to’ Devolution 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 ‘minded to’ Deal will be 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. However, at the current time it is not clear what, if any, these implications may be. Discussions between councils and the combined authority regarding future partnership arrangements and ways of working are ongoing, and any future changes would be subject to discussion and engagement 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 and Order or Regulations may be made to implement the ‘minded to’ 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 prejudice the council’s interests (and those of the combined authority and other constituent councils), by delaying the submission to the Secretary of State. This would in turn have a detrimental impact on the timetable (as set out in Appendix 2) 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 public consultation, analyse its results and prepare the Summary of Consultation Responses following the previous decisions of constituent councils and the combined authority.

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 outcome of the public consultation which has been undertaken demonstrates broad and consistent support for the proposals outlined in the Scheme, and supports the outcome of previous Executive Board decisions, including those emerging from consideration of the Review which described how the adoption of an MCA model would benefit West Yorkshire.

5.3 The next stage will see a summary of the consultation responses submitted to the Secretary of State to enable them to prepare a draft Order. Executive Board would then meet in November to discuss the Order and take any necessary further decisions. As is the case in September, it is proposed Council will also meet consider the next stage of the process in November.

6. Recommendations

6.1 Council is asked:

a) To consider and comment on the content of this report, along with the Summary of Consultation Responses attached as Appendix 1.

b) To consider the joint statement from Leeds scrutiny board chairs attached as Appendix 3, and the summary of Leeds-led engagement in 3.29 and 3.45.

c) To consider, offer comment to Executive Board, and endorse the steps necessary to achieve an effective West Yorkshire Devolution Deal.

7. Background documents[1]

7.1 None.

8. Additional information

8.1 The 'minded to' West Yorkshire Devolution Deal (the Deal) referenced throughout the report is available here.

9. Appendices

Appendix 1 – Summary of Consultation Responses

Appendix 2 – Timetable for implementation

Appendix 3 – Joint statement of Leeds scrutiny board chairs

[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.