

# North Yorkshire County Council and City of York Council

## Joint Devolution Committee

Minutes of the meeting held on Monday, 13th March, 2023 commencing at 2.00 pm.

County Councillor Carl Les in the Chair and City of York Councillor Keith Aspden, County Councillor Gareth Dadd and City of York Councillor Paula Widdowson.

Co-optees: Zoe Metcalfe (Police Fire and Crime Commissioner) and Helen Simpson (York and North Yorkshire LEP).

Officers present: Will Boardman, City of York Council; Simon Dennis, Office of the Police Fire and Crime Commissioner; Vicki Dixon, North Yorkshire County Council; James Farrar, York and North Yorkshire LEP; Daniel Harry, North Yorkshire County Council; Barry Khan, North Yorkshire County Council; and Bryn Roberts, City of York Council.

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**Copies of all documents considered are in the Minute Book**

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### **9 Welcome by the Chairman, introductions and apologies for absence**

The Chair, County Councillor Carl Les, welcomed everyone to the meeting.

There were no apologies as all four voting members of the committee were present, as were the two co-opted members.

The Chair, County Councillor Carl Les, said that the meeting would be recorded and broadcast and available to view on the North Yorkshire County Council website.

The link to the recording of the meeting is here - [Live meetings | North Yorkshire County Council](#)

### **10 Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-**

The Chair, County Councillor Carl Les, noted that there were confidential appendices relating to items:

7 – Shortlisting of Brownfield Housing Fund Programme Expression of Interests (Appendix A)

8 – Shortlisting of Projects for the Net Zero Fund Programme (Appendices A and B).

#### **Resolved –**

That on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information) (Variation) Order 2006, the public would be excluded from the meeting during consideration of the appendices for agenda items 7 and 8, if the content was to be discussed.

## **11 Minutes of the meeting of the committee on 30 November 2022**

That the Minutes of the Joint Devolution Committee meeting held on 30 November 2022, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

## **12 Declarations of Interest**

The following declarations of interest were made:

Helen Simpson, Chair of York and North Yorkshire Local Enterprise Partnership, declared an interest with regard to agenda item 7 on the basis that she is the Chair of Broadacres (Housing Association) and the Chair of the Local Enterprise Partnership.

Zoe Metcalfe, North Yorkshire Police Fire and Crime Commissioner, declared an interest with regard to agenda item 8 on the basis that the Office of the Police Fire and Crime Commissioner is one of the bidders.

Both Helen Simpson and Zoe Metcalfe confirmed that they would leave the room when the items in which they had declared an interest were discussed.

## **13 Public Questions and Statements**

The following public question was read out by Anne Seex:

“Does this Committee recognise that it must operate within and uphold the law, including Section 100(D) of the Local Government Act 1972?”

Section 100(D) requires that the ‘Proper Officer’ of a local authority must compile a list of background papers to a report to a council meeting. Both the list and the background papers must be made available for public inspection. Only documents or parts of documents that contain exempt information, as defined in the Act, can be withheld from the public.

Background papers are documents that ‘...disclose any facts or matters on which...the report or an important part of the report is based.’

Despite requests, no background papers have been made available for public inspection relating to the report to the November meeting ‘York and North Yorkshire Brownfield Housing Fund and Net Zero Fund.’

Is that because:

a) the report author did not bother to consult the statutory brownfield land registers maintained by the District Councils and the excellent report by the CPRE on availability of brownfield land for development;

OR

b) this Joint Committee believes it can operate outside the laws that enable public scrutiny of its business?”

The following response was provided by Barry Khan, Assistant Chief Executive (Legal and Democratic Services), North Yorkshire County Council:

“Whilst we always look at ways to increase our transparency in decision making, I do not believe that the committee is operating outside of the law

Section 100(D) actually provides that the Council must publish what, in the opinion of the proper officer, documents that have been relied upon to a material extent to write the report,

as background papers.

On 30th November, the Joint Committee considered a report from James Farrar with regard to the details of the two investment programmes that form part of the Devolution Deal.

The author of the report has confirmed that he did not rely on the Districts land registers nor the CPRE report in drafting his report. Further the law provides that any information that is classed as published works is not classed as background papers.

Therefore, I am happy that the legislation has been complied on. With regard to transparency, the Committee had the report on the 30th November and today is discussing these two funds. There is a confidential part as they relate to bids that are commercially sensitive.

With regard to scrutiny, the decisions of this committee can be called into either scrutiny committees of North Yorkshire County Council and the City of York.

However, if there is specific information that is requested, we can respond to individual requests as appropriate. Clearly the bids themselves are confidential and commercially sensitive.”

Anne Seex made brief statement arising out of the response to her initial question and reiterated her concerns about the lack of reference being made to background papers in the reports to the committee meeting of 30 November 2023.

James Farrar, Chief Operating Officer, York and North Yorkshire Local Enterprise Partnership outlined the process that had been undertaken with regard to writing the reports that had been considered at the meeting of the committee on 30 November 2022 and stated that discussions had taken place with a range of key stakeholders.

County Councillor George Jabbour asked the following question:

“Members of the Joint Devolution Committee are aware of the tremendous work that has been carried out to support York’s bid to become the location of the national headquarters of the new rail body, Great British Railways.

The campaign that the City of York Council has run is excellent. I am also glad that we had a cross-party collective show of support outside County Hall in Northallerton, with councillors from the Conservatives, the Liberal Democrat and Liberal group, the Independents, Labour and the Greens, all gathering to back York’s bid.

I am grateful to the help we received last August from Councillors from York, East Riding and North Yorkshire outside the National Railway Museum to encourage visitors to vote for York during the public stage of the contest to choose the home of this new national rail organisation.

Given the significant boost to the local economy and the many other advantages that would ensue if York were chosen as the host of Great British Railways, the campaign would have been a key priority for York and North Yorkshire’s Mayor had the role of Mayor existed now.

It is likely that the decision about the location of GBR HQ will be made before the Mayoral election in York and North Yorkshire next May.

Therefore, I am wondering what more we can do now to ensure that York is successful in its bid to become the home of the new Great British Railways.”

James Farrar, Chief Operating Officer, York and North Yorkshire Local Enterprise Partnership responded as follows:

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“Thank you Councillor Jabbour. I wholeheartedly agree with you that York have run a strong campaign to become the location for the proposed Great British Rail headquarters. Importantly, alongside broad and cross party political support, City of York we also able to engage and secure support across industry, capitalising on the city’s existing Rail heritage, industry and innovation.

We are awaiting further clarification from Government on the status of Great British Rail and the head office location and the York working group is closely monitoring the situation. It is important that where there is an opportunity to press the York case further, it is done so in a co-ordinated and strategic manner. We continue to engage with the bid team at York to understand where we can further support the proposition and will ensure both York and North Yorkshire remain fully committed to landing the deal for the City.”

There was no supplementary question.

#### **14 Key Financial and Implementation Principles - Report of the City of York Council Chief Finance Officer and Head of HR**

Considered -

A report presented by Will Boardman, Head of Corporate Strategy and City Partnerships at the City of York Council regarding Key Financial and Implementation Principles.

Will Boardman introduced the report and gave an overview of the key points as summarised below:

- The report provides an outline of the key financial principles and assumptions underpinning planning for the Mayoral Combined Authority (MCA)
- There is some element of local choice as to how the MCA is structured
- It is widely accepted that the MCA should be a lean organisation that draws upon the support of the constituent councils, where it makes sense to do so
- There is a need, however, that the MCA is resourced and structured in such a way that it is a high performing organisation
- Looking to other Devolution Deals, it is not uncommon for Combined Authorities to grow over time
- It is proposed that North Yorkshire Council will act as the accountable body for the MCA
- It is also proposed that the core costs of the MCA will be covered by the Mayoral Capacity Funding and the BEIS funding for the Local Enterprise Partnership (LEP), which amounts to £1.25m per annum
- There may be additional cost pressures.

There followed a discussion and it was agreed that should the running costs of the MCA be likely to go over £1.25m, then a paper would be brought to the Joint Devolution Committee.

The Chair, County Councillor Carl Les, summed up and stated that he was happy to endorse the principles.

The voting members of the committee indicated their unanimous support for the principles and the recommendations in the report.

#### **Resolved –**

- 1) That the key financial and implementation principles outlined in the report be endorsed
- 2) That where the running costs of the MCA be likely to go over £1.25m, then a paper would be brought to the Joint Devolution Committee for consideration.

## **15 Wider Devolution Programme Update - Report of the Chief Operating Officer, York and North Yorkshire LEP**

Considered -

A report by James Farrar, Chief Operating Officer, York and North Yorkshire Local Enterprise Partnership regarding the Wider Devolution Programme Update.

James Farrar introduced the report and gave an overview of the key points, as summarised below:

- The report provides an overview of the implementation of the commitments within the York and North Yorkshire Devolution Deal
- The Mayoral Investment Fund is subject to a 5 year gateway check
- The MCA will have a statutory responsibility for the adult education budget and work is underway to do what is required to enable funding to be drawn down
- The Government has given provisional agreement to the extension of the York and Central Enterprise Zone
- The Local Transport Plan is under development and national guidance is expected to be published imminently
- A paper on the £7m Net Zero Fund is at agenda item 8
- BioYorkshire was the big innovation ask for the region and a cross departmental working group and steering group are in place.

There followed a discussion with the key points as summarised below:

- Good to see a mature partnership working across both councils
- It is exciting to see what the future holds for York and North Yorkshire, particularly with regard to housing provision which is so important to attracting skilled workers into the area
- The two councils are better together as they have a greater pull and weight when the populations are combined
- There have been questions about how the funding is distributed between projects in the City of York and those in North Yorkshire. Overall, there is a reasonable balance
- It is important to note that economic growth and development is not limited to county or city boundaries and positive growth in York with benefit North Yorkshire and vice versa.

The voting members of the committee indicated their unanimous support for the report.

**Resolved –**

That the report be noted.

## **16 Shortlisting of Brownfield Housing Fund Programme Expressions of Interest - Report of the Chief Operating Officer, York and North Yorkshire LEP**

Considered -

A report by James Farrar, Chief Operating Officer, York and North Yorkshire Local Enterprise Partnership regarding the Shortlisting of Brownfield Housing Fund Programme Expressions of Interest (Eols).

Appendix A to the report is confidential. The committee Chair, County Councillor Carl Les, previously indicated that the public would only be excluded should there be a need to discuss the Appendix itself.

Helen Simpson, Chair of York and North Yorkshire Local Enterprise Partnership, left the

room during the discussions on this agenda item having declared an interest with regard to this agenda item on the basis that she is the Chair of Broadacres (Housing Association) and the Chair of the Local Enterprise Partnership.

James Farrar introduced the report and gave an overview of the key points, as summarised below:

- The York and North Yorkshire Combined Authority will be awarded £12.7m of devolved capital funding across 2023-24 and 2024-25
- At the meeting of the committee on 30 November 2023, the interim process was agreed
- The call for Expressions of Interest was launched on 3 January 2023 and the closing date was 6 February 2023
- The Expressions of Interest have been assessed and are as detailed in Appendix A to the report, which is confidential
- The shortlisted Expressions of Interest can proceed to the Full Business Case stage, with the approval of the committee, by 31 May 2023
- By November 2023, the awards can go ahead 'at risk' until such time as the Mayoral Combined Authority is established. This is being done to maximise the preparedness of projects to deliver by March 2025
- Everything is being done to ensure that developers have the maximum amount of time available for the build
- There are opportunities for further funding through Homes England and so there is a strong incentive to take through as many Expressions of Interest as possible through to Full Business Case.

The voting members of the committee indicated their unanimous support for the recommendations in the report.

#### **Resolved –**

That the Joint Committee agrees the approach specified in the recommendations of the report.

Helen Simpson, Chair of York and North Yorkshire Local Enterprise Partnership, re-joined the meeting at this point.

#### **17 Shortlisting of Projects for the Net Zero Fund Programme - Report of the Chief Operating Officer, York and North Yorkshire LEP**

Considered -

A report by James Farrar, Chief Operating Officer, York and North Yorkshire Local Enterprise Partnership regarding the Shortlisting of Projects for the Net Zero Fund Programme.

Appendix A and B to the report are confidential. The committee Chair, County Councillor Carl Les, previously indicated that the public would only be excluded should there be a need to discuss the Appendices themselves.

Zoe Metcalfe, North Yorkshire Police Fire and Crime Commissioner, left the room during the discussions on this agenda item having declared an interest on the basis that the Office of the Police Fire and Crime Commissioner is one of the bidders.

James Farrar introduced the report and gave an overview of the key points, as summarised below:

- The Net Zero Fund was launched on 3 January 2023 and the deadline for submissions

of Expressions of Interest was 6 February 2023

- 52 applications were received for the revenue fund and 61 applications were received for the capital fund
- There is a total of £7m available for investment in green economic growth, of which £1m is revenue funding and £6m is capital funding
- There is a significant level of over-subscription for the funding streams, following the assessment process. This helps ensure that projects are ready should any of those submitted be withdrawn or not go ahead and so helps ensure that projects are ready to go should further funding become available
- The Expressions of Interest were assessed by a panel and the assessment criteria set out on the prospectus
- The approval of the shortlisted revenue and capital projects is requested.

There were no questions from the committee.

### **Resolved –**

That:

- 1) The initial prioritised list of revenue projects, which will form the basis of further discussions with applicants, be approved and a revised list of projects will be presented to a future Joint Committee meeting;
- 2) The initial prioritised list of capital projects be approved and for these to progress to full business case stage; and
- 3) The prioritised revenue and capital projects be approved to form the basis of the programme level business case that will be submitted to Government.

Zoe Metcalfe, North Yorkshire Police Fire and Crime Commissioner, re-joined the meeting at this point.

## **18 Transition to Mayoralty - High Level Costed Implementation Plan - Report of the Police, Fire and Crime Commissioner**

Considered -

A report by Zoe Metcalfe, Police Fire and Crime Commissioner, regarding the Transition to Mayoralty.

Zoe Metcalfe introduced the report and gave an overview of the key points, as summarised below:

- The High Level Costed Implementation Plan has been published on the website of the Police Fire and Crime Commissioner
- The Plan sets out the approach to the transfer of the powers and duties of the Police and Crime Commissioner and the Fire and Rescue Service to the Mayoral Combined Authority
- The Plan also sets out the approach to the transfer of staff and assets and the Statutory Officer Framework.

There followed a discussion with key points as summarised below:

- The work that had been undertaken on the transition plan was welcomed
- The transfer of the fire service to the Mayoral Combined Authority would be of national interest and could serve as a blueprint for future transfers in other local authority areas
- The task would be challenging.

**Resolved –**

That the following be noted:

- 1) the progress made in respect of the High Level Costed Implementation Plan
- 2) the approach to adherence to the core principle that the PFCC functionality transfers as a ringfenced entity sitting within the MCA, retaining its existing governance, structures and collaborations
- 3) the High Level Costed Implementation Plan published by the Commissioner.

**19 Any other business which the Chair agrees should be considered as a matter of urgency because of special circumstances**

There was no other business.

The committee Chair, County Councillor Carl Les, noted that City of York Councillor Keith Aspden was not standing in the May elections and so took the opportunity to thank him for all of his support with regard to the devolution work.

The meeting concluded at 2.40 pm.