

North Yorkshire Council

Joint Devolution Committee

Minutes of the meeting held on Friday 15 December 2023 commencing at 2.00 pm.

Present (voting members): City of York Councillor Claire Douglas in the Chair. North Yorkshire Councillor Carl Les, North Yorkshire Councillor Gareth Dadd and City of York Councillor Peter Kilbane.

Co-optees: Helen Simpson (York and North Yorkshire LEP).

In attendance: Councillors George Jabbour, NYC, and Paula Widdowson, CYC.

Officers present: Richard Flinton, NYC; Gary Fielding, NYC; Barry Khan, NYC; Suzan Harrington, NYC; Elizabeth Jackson, NYC, Nick Edwards, NYC; James Farrar, Y&NY LEP; Paul Clark, Y&NY LEP; Ian Floyd, CYC; Bryn Roberts, CYC, Debbie Mitchell, CYC, Samuel Blyth, CYC; Helen Whiting, CYC; Jenni Newberry, OPFCC; Simon Dyson, OPFCC.

Apologies: Zoë Metcalfe (Police, Fire and Crime Commissioner)

Copies of all documents considered are in the Minute Book

21 Welcome by the Chair, introductions and apologies for absence

The Chair, Councillor Claire Douglas, welcomed everyone to the meeting.

There was an apology for absence from Zoe Metcalfe, the Police, Fire and Crime Commissioner.

Members were advised that the meeting would be recorded and broadcast and available to view on the City of York Council website.

The link to the recording of the meeting is here [Joint Devolution Committee, 15 December 2023 \(youtube.com\)](#)

22 Minutes of the meeting of the committee held on 23 October 2023

The Minutes of the Joint Devolution Committee meeting held on 23 October 2023 were taken as read and approved unanimously as a correct record.

23 Declarations of Interest

Councillor Peter Kilbane declared a non-prejudicial interest under Minute 26 on the basis that he had supported YorSpace in 2015 in his capacity as Chair of a community association when YorSpace were trying to secure a site in his neighbourhood, but he had never been a member.

Helen Simpson advised that she was Chair of Broadacres Housing Association and would leave the room for consideration of the Brownfield Housing Fund programme at Minute 26.

24 Questions and Statements by the Public

OFFICIAL

Public statement made under North Yorkshire Council Procedure Rule 9 by Gwen Swinburn

Thank you chair. We were sold the Mayoral Combined Authority on the basis it brings decision making closer to the people yet in every regard so far the opposite is true. Forget the people, even our councillors under both administrations have been almost entirely left out. This is a plea to do better.

Despite repeated requests, no underpinning documents including but not limited to the Constitution were presented to the York Scrutiny or Audit committees. A short governance paper to our Corporate Scrutiny Committee this week made it clear there was to be no member involvement in considering even the draft Constitution. Our members railed against this and were given a 250 page draft Constitution one working day before their meeting. Suffice it to say the members of all parties were incensed that they had been excluded from being consulted on this key document. They agreed to not comment substantively until a further revised draft was presented to special meetings to both Corporate Scrutiny and Audit and Governance in early January, it's all on the webcast.

I raise this here because it needs to be on public record that it is councillors whom we elect to represent us not officers. They should not be excluded as they have been. We need to mould the best governance practice of each York, North Yorkshire and the Manchester model and make sure that the worst practice is not adopted, for example whilst in many I might say most regards but not all, the governance arrangements at face at North Yorkshire Council are far more robust than ours. Their public participation and webcasting protocols are really however quite chilling compared with York's.

Thanks for the dispensation to speak freely today. I understand your emphasis for the moment is likely to be on finance and political representation which appears to be quite different from the deal our Members at least thought they signed up for and also who will chair the authority January to May, but we must not forget the essential foundations of governance. Finally, I have to thank Suzanne Harrington for her refreshing frankness on this matter and recognize all parties including me have been guilty of not pushing staff hard enough to provide a proper governance timeline and transparency so we could all properly engage. Thank you Chair.

Councillor Claire Douglas advised that the draft Constitution had been discussed on Monday at the City of York Scrutiny Committee, prior to this meeting, and a commitment had been made to bring it back to both York Scrutiny Committees. Councillor Carl Les confirmed that the Constitution had also been considered by a Scrutiny Committee at North Yorkshire Council and no issues had been raised.

25 Finance Update

Considered –

A joint report by Debbie Mitchell, Chief Finance Officer, City of York Council and Nick Edwards, North Yorkshire Council, which provided an update on the financial aspects of the Combined Authority (CA).

Debbie Mitchell introduced the report and gave an overview of the key points.

- A sum of up to £1m from the Mayoral Investment Fund was requested to work up a pipeline of investible schemes.
- As part of the devolution deal the Government had allocated £347k funding to the CA to develop a pipeline of housing projects and to work with strategic housing partners. As the CA had not yet been created confirmation was requested for North Yorkshire Council to be confirmed as the accountable body for receipt of these

funds.

- An update was provided on the approved implementation costs of £1.6m incurred to date based on an implementation date of November. As implementation was now expected in January, an additional 3 months of costs was now anticipated. All costs would be recovered in full once the CA was created.
- The Chancellor's Autumn Statement had included an announcement on deepening devolution powers to existing Level 3 Mayoral Combined Authorities. Information on the new Level 4 devolution framework had been attached as an appendix and further work was required in York and North Yorkshire to ensure the design of the CA supported the required investment readiness criteria.

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

Resolved –

That (1) the report be noted;

(2) £1m from £9m Mayoral Investment Funding received on creation of the Combined Authority be approved to begin the work on developing a pipeline of schemes as outlined in paragraphs 3.2 to 3.3 and that delegated approval be given to the Interim Director of Transition and Interim S73 Officer to approve allocations to specific projects and to monitor outcomes;

(3) it be confirmed that North Yorkshire Council are the accountable body for receipt of £347k of capacity funding as outlined in paragraphs 3.4 to 3.6; and

(4) the implementation and programme costs be noted and approval be given to increase the budget by £250k.

26 Brownfield Housing Fund Programme Full Business Cases

Considered –

A report by James Farrar, Interim Director of Transition, York and North Yorkshire Local Enterprise Partnership, regarding the allocation of an initial £9,681,071 of funding to a programme of brownfield housing projects that would help to remove the barriers to the building of new homes across York and North Yorkshire. Agreement was also sought for reopening the call for further brownfield housing projects to enable the Brownfield Housing Fund to be fully utilised and delivered by 31 March 2025.

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

- The word "Shortlisting" should be removed from the title of the paper
- £12.7m of funding has been awarded over 2023/24 and 2024/25 to support the building of new homes on brownfield land, to be delivered by March 2025; the Committee were asked to approve £9.68m now
- 700 new homes would be delivered, of which 250 were affordable
- Approval was also sought for £504k for independent legal and project management costs, 4% of the fund
- A new call for projects had been proposed for the outstanding £3m. Since the report was written the Government had confirmed that it would be possible to carry a third of the funding to 2025/26 due to the delays with creating the CA and therefore it was

proposed to put on hold re-opening the call for projects and bring back a revised timeline reflecting the new deadline.

City of York Councillor Paula Widdowson attended the meeting and asked a question on behalf of residents and councillors in relation to the Lowfield site. Councillor Widdowson asked if the funding would be sufficient to deliver the three undeveloped plots on the site, which had been stalled for a couple of years. James Farrar advised that all the business cases had been independently appraised and the recommendation was that the site was deliverable. Bryn Roberts advised that the funding would be devolved to CYC, which would be responsible for delivering the project, rather than the CA.

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

Resolved –

That (1) £9,681,071 in principle be allocated (noting that £504,071 is towards programme management costs), subject to the following conditions being met:

1. Establishment of the MCA,
2. Further due diligence and contractual agreements with project applicants;

(2) the Director of Transition be given delegated responsibility to provide final sign-off on the proposed investment (once the above conditions have been met); and the ability to approve any minor adjustments to grant funding amounts to projects; and

(3) the Director of Resource for the MCA be given delegated responsibility to accept the Brownfield Housing Fund allocation from DLUHC.

27 Economic Framework for the York and North Yorkshire MCA

Considered –

A report by James Farrar, Interim Director of Transition, York and North Yorkshire Local Enterprise Partnership, which set out a draft Economic Framework for the York and North Yorkshire Combined Authority.

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

- The Economic Framework had been created to reflect a shared strategic ambition and shared priorities of the City of York and North Yorkshire Councils; the process had been to start with CYC and NYC economic frameworks, both of which had been widely consulted on.
- The framework was underpinned by three overriding ambitions: the transition to a carbon negative region; to deliver good economic growth; and to increase opportunities for all; and also reflected that health and well-being should be reflected through all priorities. The framework then set out eight priority themes under which investment plans would be developed, as set out in Section 4 of the report.
- Following approval of the draft Framework consultation would take place, including with the Scrutiny Committees of CYC and NYC and the LEP Board, with a final framework to be agreed by the CA in February 2024. The Mayor would then have the opportunity to review the Framework once elected.

Councillor Claire Douglas noted that the document would be live and under ongoing review until after the Mayor was elected.

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

recommendations in the report.

Resolved –

That the draft Economic Framework be approved to enable further consultation with City of York and North Yorkshire Councils, and wider stakeholders.

28 Combined Authority Governance: Development of the Constitution for the Combined Authority

Considered –

A report by Barry Khan, Assistant Chief Executive (Legal and Democratic Services), North Yorkshire Council, in relation to the preparation of the Constitution of the Combined Authority. Attached at Appendix A was a table which summarised the main parts of the Order and how decisions would be made and a copy of the draft Constitution was attached at Appendix B to the report.

Barry Khan introduced the report and gave an overview of the key points, as summarised below:

- Officers from CYC, NYC and the OPFCC had worked together to produce the draft Constitution.
- The Order to create the CA had been debated in the House of Commons and the House of Lords and was expected to be approved before the end of the year. The draft Constitution would need to be approved at the first meeting of the CA which was expected to be on 22 January 2024. Further reports will be brought to the CA in respect of amendments to enable additional parts to be incorporated in relation to PFCC functions which would transfer into the CA on 7 May following the Mayoral election on 2 May.
- A single multi-disciplined Overview and Scrutiny Committee was proposed to look at the whole range of areas covered by the CA. An Audit and Governance Committee consisting of four Members from each of the constituent authorities and an Independent Person was proposed. There would also be a Business Committee consisting of potentially five Members and ten private sector members, and the Assurance Framework at Minute 29 gave more detail on how the LEP Board would be incorporated into the Business Committee. The CA might also choose to have a Transport Committee and the PFCC functions would also need to be included, mirroring existing arrangements.

Suzan Harrington advised that the Constitution would be a work in progress for some time as the CA was a new organisation. It was hoped that a final version could be published in early January to give Members opportunity to look at it and raise any concerns.

Councillor Paula Widdowson addressed the Committee and advised of concerns that in relation to Scrutiny the scheme CYC signed up to was proportional on each of the constituent authorities, however the Order was silent on this and the Constitution stated that it was both authorities added together, which was not what CYC had agreed to. CYC also agreed to a Mayor that wasn't first past the post. Councillor Widdowson requested clarity on why what they were getting was not what they had voted on. Suzan Harrington responded that there was a Statutory Instrument from 2017 which set out the legal requirements for scrutiny at combined authorities and paragraph 4 made it clear that for scrutiny committees at combined authorities the political proportionality applied to the area as a whole and not individual council areas.

Councillor Claire Douglas requested that the matters raised in relation to political balance on the Scrutiny Committee be addressed promptly in advance of the meeting in January.

Bryn Roberts advised that officers were arranging for suitable dates to be found in January to enable CYC Scrutiny Committees to consider the Constitution before 22 January.

Barry Khan reported that the Constitution of the newly created North Yorkshire Council was able to be reviewed throughout its first year and a commitment had been given that a fundamental review would be carried out within the first 12 months with a report to Council. It was agreed that a recommendation be put into the report to the inaugural meeting for a review within the first 12 months.

Resolved –

That the proposals in relation to the drafting of the Constitution for the Combined Authority be noted.

29 Combined Authority Local Assurance Framework

Considered –

A report in the name of the Interim Director of Transition, York and North Yorkshire Local Enterprise Partnership, which sought approval of a draft Local Assurance Framework for the York and North Yorkshire Combined Authority, which was attached at Appendix B to the report.

James Farrar introduced the report and advised that the Local Assurance Frameworks were a requirement under the Devolution Accountability Framework and set out how the CA would use public money responsibly, make robust and lawful decisions and make sure that value for money was achieved.

Paul Clark, Governance and Assurance Manager, gave an overview of the key points, as summarised below:

- Whilst this was an iterative document which would change over time, it was required to have a document in place on Day 1 sufficient to pull down the first tranche of funding from the Government and to enable the CA to function when staff transferred in.
- The document was structured around the Green Book principles on appraising projects to demonstrate value for money and set out internal decision-making processes to reach a point of decision.
- The document had been drafted in consultation with officers from CYC, NYC, the OPFCC and the Local Enterprise Partnership.
- A draft version was required to be provided to DLUHC by 30 November for their internal review processes, and the version before Members included proposed governance arrangements as set out in the Order. It was expected that once officers heard back from the Government further work would be required and delegated authority was being requested for the Director of Transition to make any changes required by Government to bring the document to the required standard to enable funding to be released.

Resolved –

That (1) the draft Combined Authority Local Assurance Framework be approved; and

(2) authority be delegated to the interim Director of Transition, in consultation with committee Co-Chairs, to make any material changes which may be necessary for the agreement of a final draft with Government.

30 Devolution Progress Update

Considered –

A verbal update by James Farrar, Interim Director of Transition, York and North Yorkshire Local Enterprise Partnership, on work in relation to the creation of a Combined Authority.

- The Order had been debated by both the House of Commons and the House of Lords, where it had passed with relative ease. Now both houses would confirm in writing to the Minister that the debate had happened, which would enable the Minister to sign the Order and the Combined Authority would then be created the following day.
- In the Autumn Statement the Government had announced the Level 4 Devolution Framework and work was needed to understand what the opportunities might be and once the Mayor was elected a decision could be taken on whether to progress with this.

Councillor Claire Douglas reported feedback from the CYC Scrutiny Committee to the Joint Devolution Committee. Matters in relation to the political balance of Scrutiny Committee had been mentioned earlier in the meeting. The Committee felt it would be good to co-ordinate when information was shared with Members across the two constituent authorities so that information went out as early as possible, at the same time and that adequate time was allowed for consideration of information going to Scrutiny Committees.

Councillors Claire Douglas and Carl Les thanked James and all the officers for their continuing work on this against a challenging timeline.

31 Committee Work Programme

Considered -

A report by Barry Khan, Assistant Chief Executive (Legal and Democratic Services), North Yorkshire Council, outlining the proposed work programme for the Committee, which would transform into the Combined Authority in January, which was attached at Appendix A for Members to note. It was noted that this was the final meeting of the Joint Devolution Committee.

In response to a question from Councillor Gareth Dadd, James Farrar confirmed that the Strategic Local Transport Plan scheduled for consideration in March or April was a draft version, as required under the terms of the devolution deal, and would be ready to be reviewed by the Mayor once elected.

Resolved –

That the work programme at Appendix A be noted.

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

There was no urgent business.

The Chair advised that this was the final meeting of the Joint Devolution Committee before the creation of the Combined Authority in January and thanked all those who had been involved for all their work.

The meeting concluded at 2.59 pm.