

**York and North Yorkshire
Devolution Joint Committee**

30th November 2022

**York and North Yorkshire Devolution Programme Management and Joint
Committee Terms of Reference**

1.0 Purpose of the Report

- 1.1 This report sets out the overall process for considering a Mayoral Combined Authority along with the core principles being observed in preparing for implementation of the devolution deal and the Terms of Reference for this Joint Committee.

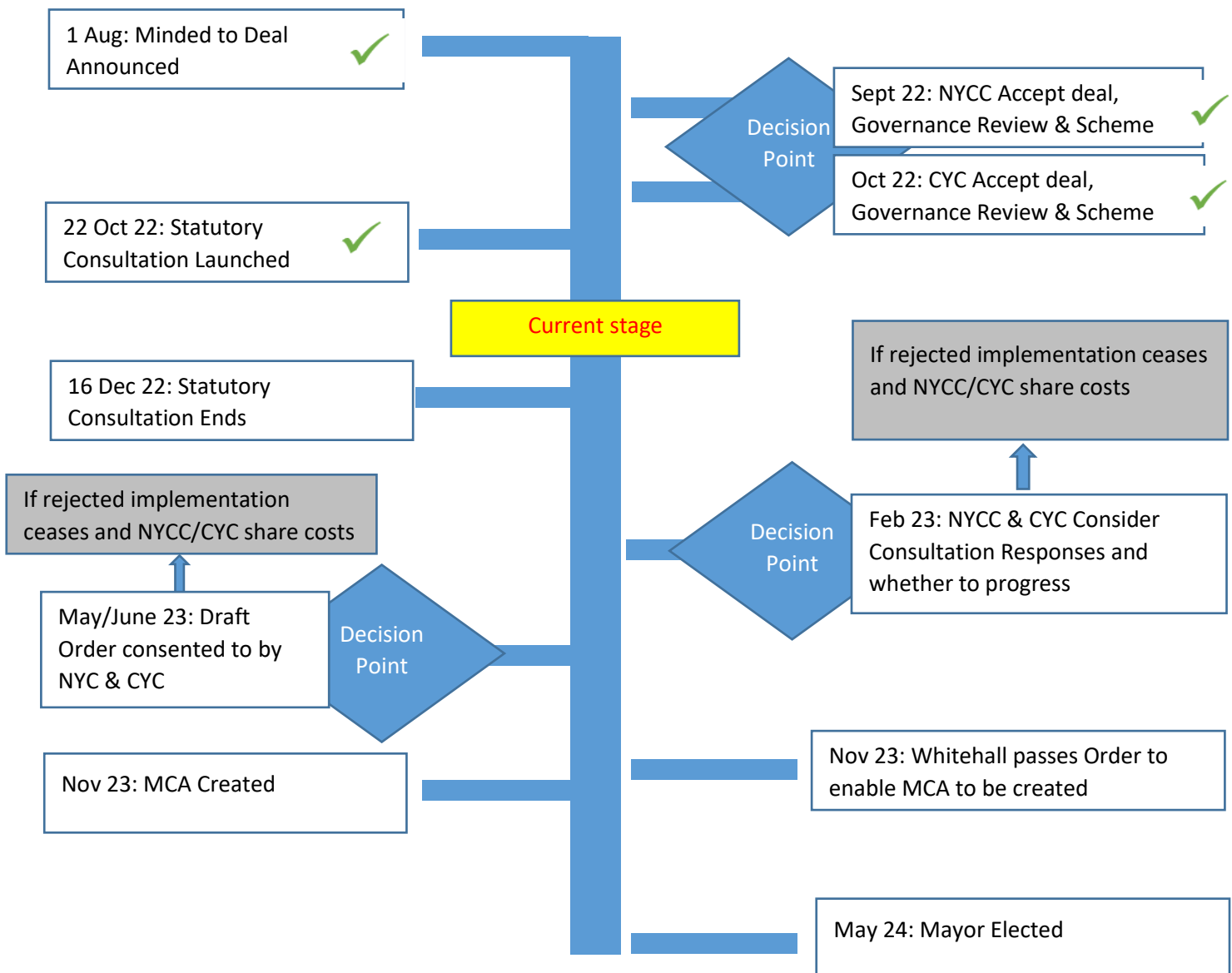
2.0 Executive Summary

- 2.1. Following the announcement of the 'minded to' devolution deal on 1 August 2022, plans have been developed to follow the statutory process and develop implementation plans.
- 2.2. As part of the statutory process, the constituent councils (City of York Council and North Yorkshire Council) must undertake the following
1. Undertake a governance review to identify whether implementation of the devolution deal will improve the exercise of the statutory functions in the area
 2. Develop and publish for consultation, a scheme that explains:
 - (a) How the new Mayoral Combined Authority for York and North Yorkshire will be created with the newly created North Yorkshire Council and York as the two local authority Members. The newly created Combined Authority will have the Mayor as the Chair.
 - (b) How the Mayoral Combined Authority will make decisions and the powers it will have.
 - (c) How transport will be dealt with on an integrated basis.
 3. Review the findings of the consultation and agree whether to submit the scheme to Whitehall parliamentary approval
 4. Once the Parliamentary Order has been drafted in Whitehall, consent to the order.
- 2.3. Following the publication of the 'minded to' devolution deal, the constituent Councils met and have approved
- The minded to Devolution Deal

- The Governance Review and its conclusion that the exercise of statutory functions in the area will be improved by creating a Mayoral Combined Authority for York and North Yorkshire
- A Scheme for consultation, which will run for eight weeks. This consultation is currently underway and will conclude on 16 December
- Creation of a Joint Committee to oversee the implementation process of the devolution deal.

2.4 Following the consultation, the Institute of Consultation will then review the findings and provide an independent report for the Constituent Councils to consider before agreeing whether to submit the Scheme to Whitehall for Parliamentary Approval.

2.5 The following timeline summarises the implementation timeline



3.0 Joint Committee Terms of Reference

3.1 Clearly a decision has not yet been taken about whether to create a Mayoral Combined Authority for North Yorkshire and York. However it is prudent to create a Joint Committee of the constituent councils to ensure there is an appropriate forum to work together to progress Devolution. If a subsequent decision is made not to proceed with the Devolution Deal, the Joint Committee can be dissolved or its Terms of Reference can be reconsidered. However in the interim the Terms of Reference set out the functions of the Joint Committee along with its membership and decision making protocol.

3.2 Annex A provides the detailed Terms of Reference, however for ease:

- The function of the Joint Committee is to have oversight of the development of the York and North Yorkshire Combined Authority subject to approval being made to proceed with a Mayoral Combined Authority. The Joint Committee will also seek to ensure that any potential future Mayoral Combined Authority is able to be launched in accordance with the Statutory Orders issued by Government.
- Subject to approval, the Joint Committee will ensure that sufficient resources are made available to support the creation and implementation of the York and North Yorkshire Combined Authority which includes financial management and oversight, securing of appropriate resources (officers, technical and otherwise) to enable delivery and the development of governance and a policy framework.
- Membership of the Joint Committee is:

Voting Members	<ul style="list-style-type: none">• Two Executive Members appointed from City of York Council; and• Two Executive Members appointed from North Yorkshire County Council
Non-Voting Members	<ul style="list-style-type: none">• The Police, Fire and Crime Commissioner; and• A nominated representative of the LEP

3.3 The proposed Terms of Reference require that a Chair and Vice Chair be appointed, from amongst the members of the committee, at this first meeting.

4.0 Programme Management

4.1 As detailed above the statutory consultation is underway and, pending the outcome of the consultation, preparations have begun to develop a full implementation plan. This will be presented to the Joint Committee following the Councils' Decisions in Feb 23, if the decision is taken to progress.

4.2 For the purposes of clarity the programme team have separated activity as:

Governance	Securing the required approvals and developing the formal constitution, assurance and democratic services functions.
Building the MCA	Scoping and commissioning the systems and procedures required to run the organisation subject to approval being given to proceed.
Finance	Funding the implementation phase and developing a Medium Term Financial Plan
HR	Organisation structure design, staff transfer considerations & recruitment strategy
Implementing the Deal	Implementing the commitments agreed through the negotiations of the asks process.
Shadow Assurance Framework	How projects will be identified and prioritised prior to the creation of the potential MCA
Police, Fire & Crime Commissioner	The PFCC is an existing legal entity (two corporations sole – the Local Policing Body and the Fire & Rescue Authority) with independent funding streams. A separate workstream will plan the potential transition of the PFCC under the Mayor and into the MCA.

4.3 In developing the headline plan the following have been taken into account:

1. As detailed above, the deal is currently a 'minded to' deal and is subject to the final decision - to consider the consultation responses and approval of a final Scheme for submitting to Whitehall – expected to take place in Feb 23.
2. If submitted to Whitehall, the submitted Scheme will be subject to central government due diligence, prior to an order being created. This draft order will also require consent from constituent Authorities (likely May/June 2023) and if consent is given, it could receive assent in Nov 23.
3. Any activity or costs incurred prior to Nov 23 are at risk, however if the deal progresses and the Order is passed in Parliament, the costs can be recouped from both capacity funding and Mayoral Investment Funding. This was agreed within the Executive Reports in September/October 2022.

4.4 Considering the above assumptions, the principles used to develop the plans are therefore:

- Any costs incurred prior to the constituent council decision in February 23 should be restricted to activity which:
 - Is required to support the formal decision making process; or
 - Is required to meet the statutory responsibilities of the MCA within the timescales detailed in the plan; or
 - Is required to ensure the financial aspects of the deal can be delivered, in particular the expenditure which must be defrayed within the current CSR period.

4.5 It is accepted that this activity is at risk and a maximum budget has been agreed at £600k, with any expenditure to be signed off jointly by the CYC and NYC S151 Officers. This budget was agreed by both City of York and North Yorkshire County Councils as part of the formal decisions made in September/October 2022.

4.6 Following the February decisions a full implementation plan will be presented and any costs which will be incurred will be subject to a costed plan to be approved and may include the above plus additional activity which optimises the deal and positions YNY for future investment.

5.0 Police Fire & Crime Commissioner

5.1 The Police, Fire & Crime Commissioner is an existing legal entity (two corporations sole – the Local Policing Body and the Fire & Rescue Authority). The PFCC also has independent income streams including the police and fire levy. The core principle within implementation is therefore that the PFCC will remain a ringfenced entity sitting within the MCA, retaining its existing governance, structures and collaborations. This will minimise risk and support continuity of delivery.

6.0 Financial implications

6.1 The financial implications are set out in the body of this report. The financial implications for the potential to create a combined authority will be considered separately. This report looks purely at creating the joint devolution committee.

7.0 Legal implications

7.1 The legal implications are set out in the body of this report.

8.0 Climate change Implications

8.1 There are no significant climate change implications arising from this report.

9.0 Equalities implications

9.1 There are no significant equalities implications arising from this report.

10.0 Recommendations

10.1 The Joint Committee is recommended to:

10.1.1 Approve the Terms of Reference at Annex A

- 10.1.2 Appoint a Chair and Vice Chair from amongst the members of this committee.
- 10.1.3 Note the approach to the programme arrangements currently in place.

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Annex A: JOINT DEVOLUTION COMMITTEE – TERMS OF REFERENCE

Summary of the York and North Yorkshire Joint Devolution Committee Functions

The York and North Yorkshire Joint Committee is established under Section 101(5) of the Local Government Act 1972, as applied by Section 9EB of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of City of York Council and North Yorkshire County Council.

The Joint Committee will oversee and make decisions as required to ensure that stages of considering a Devolution deal prior to a potential creation of a mayoral combined authority is considered jointly by members of North Yorkshire Council and the City of York. The Joint Committee will provide a venue to review collaboratively the provisions of implementing the Deal and collaborating on projects that benefit the region through Devolution.

Membership

The Joint Committee will comprise of:

Two Executive Members appointed from City of York Council; and
Two Executive Members appointed from North Yorkshire County Council

The Executives of the two constituent councils have resolved to establish a joint arrangement to carry out the functions of the Joint Committee. Only Executive Members can be appointed and membership of the joint committee does not need to reflect the political composition of the Council

The following shall be invited to attend and participate in formal meetings of the joint committee however they will not have voting rights and they will not have the right to receive any confidential information pursuant to Schedule 12A Local Government Act 1972 which may from time to time be part of a formal agenda:

- The Police, Fire and Crime Commissioner
- A nominated representative of the LEP

Substitutes

Each constituent Council may appoint substitute members to attend formal meetings of the joint committee.

Appointment Chair and Vice Chair

The Joint Committee, at its first meeting, shall appoint a Chair and Vice Chair from amongst its constituent members. The Chair and Vice Chair will not be from the same constituent Authority.

Quoracy

The four Executive Members appointed to the Joint Committee (or their substitutes) will constitute a quorum

Voting

Decisions will be made by majority vote. In the event of a vote being required, each Executive Member (or substitute Executive) will have the ability to cast one vote. In the event of a tied vote, the decision will be deemed not to have carried.

Decisions made will be binding on both Constituent Authorities

Rules of Procedure

The Standing Orders for North Yorkshire County Council will be the relevant Standing Orders for Rules of Procedure for formal meetings.

Frequency of Meetings

The Joint Committee shall meet as and when required to do so either at the request of the respective Leaders of the Constituent Councils and or at the request of the Chief Operating Officer of City of York Council and or the Chief Executive of North Yorkshire County Council. Each meeting shall be classed as a formal meeting supported by agenda, reports and minutes.

Administration of the York and North Yorkshire Joint Committee

North Yorkshire Council will take responsibility for the administration and support for the delivery of meetings for the joint committee. This includes production and publication of agendas, hosting of meetings and as such the Standing Orders as they relate to North Yorkshire County Council will be adopted for the purposes of supporting the Joint Committee.

Access to Information

As all the members of a joint committee are members of the executive in each of the constituent authorities then its access to information regime is the same as that applied to the executive.

Review of the terms of reference for the Joint Committee

In the event that the terms of reference for the joint committee require review and or amendment, this will be delegated to the Monitoring Officer in consultation with the Leader of the respective Council and the Chief Executive/Chief Operating Officer of the respective Council.

FUNCTIONS

The Joint Committee will have oversight of the development of the York and North Yorkshire Combined Authority and ensure that it is able to be launched in accordance with the Statutory Orders issued by Government.

The Joint Committee will ensure that sufficient resources are made available to support the creation and implementation of the York and North Yorkshire Combined Authority which includes financial management and

oversight, securing of appropriate resources (officers, technical and otherwise) to enable delivery and the development of governance and a policy framework.