

# North Yorkshire Council

## Joint Devolution Committee

Minutes of the meeting held on Monday 24 July 2023 commencing at 3.00 pm.

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

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

Officers present: Richard Flinton, NYC; Barry Khan, NYC; Gary Fielding, NYC; Lisa Dixon, NYC; Daniel Harry, NYC; Elizabeth Jackson, NYC, Aissa Gallie, NYC; Nick Edwards, NYC; James Farrar, Y&NY LEP; Paul Clark, Y&NY LEP; Ian Floyd, CoYC; Bryn Roberts, CoYC; Samuel Blyth, CoYC; Helen Whiting, CoYC; Simon Dennis, OPFCC.

In attendance: Councillor Nigel Ayre, CoYC and Councillor George Jabbour, NYC

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

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

The Chair, Councillor Claire Douglas, 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, Councillor Claire Douglas, 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 - [City of York Council - YouTube](#)

#### **2 Minutes of the meeting of the committee on 13 March 2023**

That the Minutes of the Joint Devolution Committee meeting held on 13 March 2023 be taken as read and confirmed by the Chair as a correct record.

#### **3 Declarations of Interest**

No declarations of interest were made at the meeting.

#### **4 Exclusion of the public**

The Chair, Councillor Claire Douglas, noted that there was an exempt annex relating to minute number:

6 – Combined Authority Governance: Proposed Staffing Structure for the Combined Authority from November 2023 and the Mayoral Combined Authority from May 2024 (Annex)

## **Resolved –**

That on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 4 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 minute number 6, if the content was to be discussed.

## **5 Questions and Statements by the Public**

There were no public questions

## **6 Combined Authority Governance: Proposed Staffing Structure for the Combined Authority from November 2023 and the Mayoral Combined Authority from May 2024**

### **Considered –**

A report presented by Helen Whiting, Head of Human Resources at the City of York Council regarding a proposed staffing structure for the Combined Authority (CA).

The Annex to the report was exempt. The committee had resolved at minute number 4 that the public should be excluded during discussion of the Annex.

Helen Whiting introduced the report and gave an overview of the key points as summarised below:

- The report presented a staffing structure from November 2023 for the CA, and additional posts required from May 2024 following the election of the Mayor. This was pending the Order which would have implications for the PFCC's statutory officer status
- The report set out the interim appointment of a Director of Transition, who would oversee the CA project in the lead up to vesting day and the appointment of the Mayor
- It was proposed that the terms and conditions of employment for CA staff would mirror NYC's current terms and conditions
- The staff of the LEP would transfer into the CA on its creation and the Chief Executive would be appointed following the election of the Mayor

In response to a question on how the Chief Executive would be appointed it was confirmed that as a statutory post the appointment would be made by a joint committee of the CA and the constituent authorities and would not rest with the Mayor.

This was the final report to be considered at the meeting and following the presentation of the report in open session the committee went into closed session for discussion of the Annex at 3.43 pm.

Helen Whiting then gave an overview of the exempt Annex which provided further information on process and costs and detailed two options for the staffing structure.

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

## **Resolved –**

- 1) That *Option 2* of the recommended staffing proposal as detailed in the confidential annex be approved, subject to any changes required through the drafting of the Order and any legislation
- 2) A permanent Chief Executive be appointed after the election of the Mayor in May 2024 as detailed in the confidential annex
- 3) The appointments and recruitment of the Director of Resources and the Head of Legal Services from September 2023 as detailed in the confidential annex, noting that any recruitment prior to MCA creation follows NYC's constitution and no recruitment will commence until all the legal requirements in relation to the establishment of the CA have been confirmed by Government and the two local authorities and confirmation of the status of the PFCC Statutory Officers.
- 4) North Yorkshire Resourcing be engaged to carry out the external recruitment exercises, and support the Appointments Sub-Committee as detailed in the confidential annex
- 5) the interim appointment of Director of Transition from 1<sup>st</sup> August be approved as detailed in the confidential annex
- 6) the interim appointment arrangements for the roles of Section 73 Officer and Monitoring Officer as detailed in the confidential annex be approved and noted
- 7) that terms and conditions for the MCA, mirror and are adopted on the basis of NYC given that LEP staff are already assigned NYC terms and conditions as detailed in the confidential annex
- 8) that HR / employment policies and procedures, including job evaluation, mirror NYC as detailed in the confidential annex

## **7 Finance Update**

### **Considered –**

A joint report by Debbie Mitchell, Chief Finance Officer, City of York Council and Nick Edwards, North Yorkshire Council, which provided a finance update in relation to spending plans to November 2023, set up costs of the Combined Authority (CA) and the LEP reserves.

Nick Edwards introduced the report and gave an overview of the key points, as summarised below:

- A budget of £600k had been agreed for costs of implementation of the CA for 2022/23, on the basis that it would be established on 1 November 2023, and of this £582k had been spent
- The Committee were being requested to approve a further £1m for 2023/24 which would cover the costs of staff time, provide funds for specific projects including Brownfield, Net Zero and ICT infrastructure and provide some contingency
- Any expenditure to be charged to the implementation budget would continue to be signed off by both CYC and NYC s151 officers
- On establishment of the CA implementation costs would be repaid to the constituent councils. The LEP would also cease to exist and any reserves it held at that point would be distributed to the constituent councils in accordance with the original funding

contributions to the running of the LEP

- Should the CA not proceed the risks would be shared equally between CYC and NYC. NYC had cash flowed the implementation costs and held the LEP reserves
- Once established the CA would receive funding of £10m for 2023/24 for the Mayoral Capacity Fund, Transport Capacity Fund and an Investment Fund (gainshare)
- The Adult Education Budget (AEB) would require £494k of match funding, and staffing which would have a part year cost of £1.6m in 2023/24 and a full year cost of £4.5m, £1.9m of which would be funded from project specific grants and £1m from the Mayoral Capacity Fund
- A report on the overall budget for the CA would be brought to a future meeting of the committee for approval

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

- It was noted that once the CA was established it would be helpful to track back-office costs compared to spend and delivery
- It was noted that should the CA not go ahead the risk would be borne by CYC and NYC on an equal basis, and it was important that the project continue to progress to reduce this risk

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

#### **Resolved –**

- 1) The implementation spend of £582k incurred to 31st March 2023 be noted and the budget of £1m for continued implementation costs up to the creation of the Combined Authority in November 2023 be approved
- 2) It be noted that North Yorkshire Council (NYC) will continue to cash flow the implementation and set up costs of the Combined Authority (CA) on the understanding that these costs will be repaid once funding is released on creation of the Combined Authority in November
- 3) It be noted that any remaining reserves held by the LEP as at 1st November 2023, when the CA will be created, will be repaid back to the contributing authorities on a pro rata basis

#### **8 Branding and Website Recommendations for the York and North Yorkshire Combined Authority**

Considered –

A report by Aissa Gaille, Head of Communications for the York and North Yorkshire Local Enterprise Partnership regarding proposals for York and North Yorkshire Combined Authority (CA) Branding and making recommendations on the sub brands linked from the CA website on day one.

Aissa Gaille introduced the report and gave an overview of the key points, as summarised below:

- The work to develop branding for the CA was a result of collaboration between all the partners including the York and North Yorkshire Local Enterprise Partnership (LEP), North Yorkshire Council (NYC), City of York Council (CYC) and the Office of the Police,

Fire and Crime Commissioner (OFPC) and had been carried out in house

- The existing brands had been reviewed and combined to produce the shared concept
- The proposed brand logo could be seen at Annex 1 and the full concept at Annex 2.
- The proposed logo concept would work alongside all existing brands
- The website would link to the 3 sub-brands of the OFPC, York and NY Growth Hub and Invest in York and North Yorkshire

Aisa Gaille then responded to questions as below:

- It was confirmed that the Mayor would have the opportunity to review the branding once elected through the same working group which would develop any proposals with the Mayor
- It was also confirmed that the colours used were from the existing palette of current brand logos. A comment was made that some of the colours were associated with political parties and it was confirmed that this was an area which could be considered by the new Mayor.

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

#### **Resolved –**

- 1) That the Joint Committee note and approve the branding design for the York and North Yorkshire Combined Authority
- 2) That the Joint Committee note and approve the partner sub-brands that will linked from the CA website from day one

## **9 Adult Education Budget Implementation Funding**

Considered –

A report by James Farrar, Chief Operating Officer, York and North Yorkshire Local Enterprise Partnership regarding the Department for Education (DfE) requirements in relation to the Adult Education Budget and the associated costs.

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

- Adult Education was a statutory responsibility which came with devolution and was currently £11.2m across York and North Yorkshire. Currently there were 17k learners and almost 180 different providers and both NYC and CYC were providers
- What was being devolved was the role of the DfE in relation to the strategic management of the £11.2m and in order to do this a number of statutory responsibilities were required to be met. These included
  - a) The Secretary of State for Education would need to be assured that York and North Yorkshire were operationally ready to administer the AEB
  - b) Parliament has to legislate to enable the transfer of the statutory duties
  - c) Agreement of a memorandum of understanding between the Department for Education and York and North Yorkshire to provide appropriate assurance

- d) Learner protection arrangements agreed between the parties
- There would be an opportunity to bid for funding to support the investment needed to meet the readiness criteria, though any funding would need to be matched locally. The estimated costs of this would be £975k over two years – the bid to the DfE would be £480k, with £494k match funding needed. Approval was sought for £494k from the CA from the Mayoral Investment Fund to leverage £480k from the DfE
  - The existing LEP Skills and Employability Board (SEB) would act in an advisory capacity with formal decisions taken by this committee which had the correct political representation. It was also recommended that the NYC s151 officer be given delegated authority to accept the funding from the DfE

Members' questions were responded to as below:

- In response to a question, James Farrar confirmed that a councillor from NYC could be nominated to sit on the SEB alongside a councillor from CYC
- Clarification was requested on why the allocation of funding from the DfE to be matched was not a 50% split. James Farrar advised that the DfE funding could only be used for new posts and positions, whilst funding for existing staff must come from the matched side, which accounted for just over half of the total
- James Farrar explained the advantages of having devolution of the Adult Education Budget, which included local control and local leadership enabling closer alignment with the economic needs and opportunities within the region, and increased flexibility in how the service was delivered
- In response to a question on governance and how decisions would be brought forward from the SEB, Lisa Dixon advised that work was still underway on the details of governance and further reports would be brought forward in due course
- The Chair referred to the change of working practices for the LEP in working with Members and the importance of ensuring full public visibility of procedures

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

#### **Resolved –**

- 1) That the YNY MCA will receive £9m Mayoral Investment Funding on creation of the MCA with power to invest that funding in advance of the Mayor being elected. It is proposed that £494,816 Mayoral Investment Funding is allocated to enable the MCA to drawdown £480,494 from DofE and to support the required work in meeting the investment readiness conditions required to devolve the AEB Budget.

This is as set out in the business case at Appendix 2.

- 2) That the existing YNYLEP Skills and Employability Board (SEB) take on the role of the Project Board with the addition of elected members from each Local Authority to oversee the implementation stage and drive progress.
- 3) That prior to creation of the Mayoral Combined Authority (MCA), North Yorkshire Council are acting as the Accountable Body for MCA funding. Therefore it is recommended the North Yorkshire Council Corporate Director – Resources (s151) be given delegated authority to accept any funding ultimately offered as a result of the business case submitted to DfE for AEB implementation funding in consultation with co-chairs of the Joint Committee.

## **10 Committee Work Programme**

Considered -

A report by Lisa Dixon, Assistant Director (Devolution / Combined Authority), outlining the proposed work programme for the Committee, which was attached at Appendix A.

Lisa Dixon introduced the report and gave an overview of the key points as summarised below:

- The work programme provided an overview of the decisions and key points the committee would need to consider in relation to the establishment of the combined authority as a legal entity on 1 November 2023
- Further items around transport would be added to the plan and these included the key route network, the strategic highway asset management plan, the strategic local transport plan and the major schemes pipeline
- The work programme was expected to change as work progressed

There followed a discussion with key points as summarised below:

- A budget update was requested to be provided at every meeting
- Officers were still working with central government on governance issues and an update would be provided in September when Members' views would be sought. The CA's Constitution and standing orders would be brought forward for approval in November
- Members of constituent authorities would get the opportunity to give their views on the governance arrangements
- The Government was working on the Order and a draft was expected in early autumn, though no clear dates had been provided. The Mayoral election was still expected to take place in May
- The Chair requested that the Minister responsible be written to requesting an update on timing

### **Resolved –**

That Members note the Committee's work programme attached at Appendix A, which would be updated as work progressed, and a budget update brought to each meeting.

## **11 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 meeting concluded at 3.56 pm.