

West Yorkshire Devolution briefing book

Purpose of the briefing book

The devolution deal is the beginning. Alongside significant immediate benefits it also positions West Yorkshire to benefit from new Mayoral funding streams and continue our discussions with Government over further powers and funding to achieve our ambitions.

Combined authorities do not have a single model. The detail of their powers and funding arrangements are separate deals agreed and legislated in Parliament. Most Combined Area devolution deals focus on economic development, transport, skills, and land development. There are differences in what powers, funding and accountability comes with each change, in that some are statutory, some non-statutory, some are commitments, and not all have associated devolved funding. The Order that will be laid in Parliament establishes these differences, changes to current arrangements, and constitutional arrangements of the additional delegated functions to the Mayor and the Combined Authority. Existing powers and funding currently exercised and accessed by the Combined Authority remain unchanged.

This briefing book acts as a reference guide to the devolution deal and Scheme to ensure consistency of understanding and to assist in briefings. It provides more information about the functions (powers and duties) and budgets of the devolution deal, and who is responsible for what: The Mayor or the West Yorkshire Combined Authority. It sets out what we know now, what it means for the region, and what opportunities it creates. It is split into seven sections that can be viewed in isolation, or as a complete article:

1. [Introduction to the devolution deal](#)
2. [Governance](#)
3. [Transport](#)
4. [Adult education and skills](#)
5. [Housing and planning](#)
6. [Police and Crime](#)
7. [Finance and investment](#)

Information contained in this briefing book is subject to detail within the Order made by the Secretary of State and will be updated once the Order is finalised (this is **version 2** of the Briefing Book). The Order will include how exercise of the functions contained in the devolution deal are conferred and relate to changes in existing primary and secondary legislation. A list of these are provided as an [annex](#) to this briefing book.

1. Introduction to the devolution deal

The devolution deal begins the West Yorkshire Combined Authority's transition to a Mayoral Combined Authority (MCA). Alongside significant immediate advantages it also positions West Yorkshire to benefit from new Mayoral funding streams and continued discussions with Government over further powers and funding to achieve the region's ambitions.

On Thursday 6 May 2021, the residents of Bradford, Calderdale, Kirklees, Leeds and Wakefield will elect the first ever Mayor for West Yorkshire who will represent West Yorkshire.

The Mayor and the West Yorkshire Combined Authority will work with council leaders, business representatives and partners to unleash the full potential of the region, and in doing so raise living standards for our communities while making a full contribution to the UK economy.

The 'minded to' devolution deal, the biggest ever of its kind, and becoming an MCA will enable us to achieve more:

Funding: to invest in our people, businesses and communities

Powers: to shape our own destiny and take decisions closer to our people

Influence: to shape Government policy and access further devolution and funds

Devolution and MCA preparation is already having an impact on access to funding and increased opportunities for the organisation. These have been sought and secured through:

- £317m Transforming Cities Fund, the largest allocation to any region, to deliver transformational walking and cycling schemes across West Yorkshire and creating jobs
- £67m funding for new homes on Brownfield sites
- A seat at the national table on economic recovery

Without a deal the region would have less influence (the Government engages with Mayors), less funding to spend on local priorities, loss of access to funding, and would be an ending to funding deals. Not transitioning to an MCA would mean a lack of ability to realise our ambitions to create a 'single pot' which brings together all the MCAs funding, giving greater local freedom and flexibility over how to prioritise investments to fully realise the region's economic ambitions.

The deal

The devolution deal of both investment and decision making is crucial for us to fully realise our vision for West Yorkshire and meet our challenges. The Mayor and the West Yorkshire Combined Authority will be able to:

- Control of £38m per year allocation of gainshare investment funding over 30 years, to drive growth and take forward our priorities
- Design a five-year integrated transport settlement starting in 2022/23, and agreement to explore West Yorkshire Mass Transit
- New powers on transport, including easier access to bus franchising and a regional approach to control of a Key Route Network

- Devolution of Adult Education powers and the Adult Education Budget to shape local skills provision to respond to local needs
- £25m Heritage Fund to support the establishing of a potential 'British Library North'
- New powers on planning, focusing on zero carbon
- £3.2m to support development of a pipeline of housing sites across West Yorkshire
- Transport infrastructure development and funding for the Bradford Station Masterplan and the Outline Business Case for Leeds Station redevelopment
- Ongoing partnership with the Environment Agency on identifying and addressing flood risk management requirements with £101m allocated for West Yorkshire flood risk management schemes
- £200,000 for the Yorkshire Leaders Board
- £75,000 West Yorkshire Local Digital Skills Partnership
- Piloting the new National Green Infrastructure Standards with Natural England and DEFRA
- Working toward the transfer of Police & Crime Commissioner (PCC) functions to the new Mayor in 2021
- Commitment to working in partnership to explore an "Act Early" Health Institute
- Strengthened collaboration and partnership with Government

The role of the Combined Authority

The Combined Authority / membership

The West Yorkshire Combined Authority brings together the five district council areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield, to work on issues that affect everyone in West Yorkshire. The Combined Authority works in partnership with the Leeds City Region Local Enterprise Partnership (the LEP) to unlock economic potential by enabling business and enterprise to thrive. The elected Mayor for West Yorkshire will be a member of the Combined Authority and will chair its meetings. The other members will continue to be: an appointed representative from each of the constituent councils of the West Yorkshire region (likely to be the leaders of each council); one member from the LEP board; one member from York City Council as a non-constituent council; and 3 additional elected members for political balance jointly appointed by the Constituent Councils. The Mayor will also be a member of the LEP board.

Powers

The deal brings specific financial powers to the Mayor and the Combined Authority as follows:

The Mayor will have the power to set a charge on council tax bills in West Yorkshire to help pay for their work and must be presented in their draft mayor's budget. This is a **precept**. (Members of the Combined Authority may insist on amendments to the draft mayor's budget if there is support for a change).

The Combined Authority as an MCA will be able to borrow money for non-transport purposes, up to a Government agreed cap, to deliver on their responsibilities. These are **borrowing powers**. Please note: these powers do not form part of the Mayoral Order, separate legislation will be laid by Government in 2021.

The Mayor may ask for an additional payment from businesses to raise funds for infrastructure projects that promote economic development. They must have a clear plan on how the additional money will be spent, and consult with local business rate payers first. This is the **business rate supplement** and will be subject to a ballot.

Functions

The Combined Authority will continue to carry out the functions previously exercised, but as an MCA will gain new statutory functions in relation to the Combined Authority area. Some functions will be the responsibility of the Mayor (Mayoral functions) and the rest (Non-Mayoral functions) will be carried out by the Combined Authority, or committees or officers on its behalf.

Non-Mayoral Functions

Some of the new functions to be conferred on the Combined Authority are to be exercised as Non-Mayoral functions. Operating protocols are to be agreed for the exercise of functions that are held concurrently with the five **Constituent Councils** of Bradford, Calderdale, Kirklees, Leeds and Wakefield which will recognise the strategic role of the Combined Authority, and safeguard the role of Constituent Councils in local decision making and delivery.

The new Non-Mayoral Functions will be:

- **Transport**
 - Transport-related powers to set up and coordinate a Key Route Network on behalf of the Mayor
 - Collect contributions from utility companies for diversionary works needed from highways work carried out on the Key Route Network
 - Powers to operate a permit scheme to control works
- **Adult Education and Skills**
 - Control of the Adult Education Budget (AEB)
 - Promote effective participation in education and training of young people aged 16 and 17, and make available appropriate support services to young people and relevant young adults
 - Ensure that skills provision in West Yorkshire supports adults to develop the skills they need to enter and stay in work, or enrol in an apprenticeship, traineeship, or other learning, and meets the needs of the region's businesses
 - Ensure that adult education and training in West Yorkshire promotes high standards, fair access to opportunity and fulfils individuals' learning potential, and that relevant institutions in the further education sector provide appropriate education to specified individuals aged between 16 and 18 years
- **Housing**
 - Functions relating to compulsory purchase, plus provision of housing and land, land acquisition and disposal, and development and regeneration of land
 - To exercise these functions, some powers will be granted concurrently with Constituent Councils, or Homes England, as appropriate. The aims and ambitions are to:
 - Improve the supply and quality of housing

- Secure regeneration or development of land or infrastructure
- Support in other ways the creation, regeneration and development of communities
- Contribute to achieving sustainable development and good design
- **Finance**
 - Power to borrow up to an agreed cap for non-transport functions

In addition, and subject to agreement, any Constituent Council and the Combined Authority may enter into arrangements to allow delegation of functions from a Constituent Council to the Combined Authority and may also enter into joint arrangements in respect of Non-Mayoral Functions with the Combined Authority and any Constituent Council or other local authority.

All decisions relating to PCC Functions will be for the Mayor (see below), however, all property, rights and liabilities which are property, rights and liabilities of the PCC for West Yorkshire will transfer and devolve to the Combined Authority. This includes the assets of the National Police Air Service.

Mayoral functions

The Mayor will be responsible for functions of the Combined Authority which are Mayoral Functions. They will consult the Combined Authority on any policy or strategy relating to the exercise of a Mayoral function and will be scrutinised and held to account by the Combined Authority's Overview and Scrutiny Committee(s). The Mayor may delegate functions to a CA member or an officer. It is anticipated that the Mayor will also allow the Mayor to enter into joint arrangements with specified local authorities including constituent councils.

Police and Crime functions (PCC Functions) will also be exercised by the Mayor. Some PCC functions are solely exercisable by the Mayor, and some may be delegated to a Deputy Mayor for Policing and Crime, or to another person.

The Mayoral Functions will be:

- **Transport:**
 - Power to draw up a Local Transport Plan and Strategies
 - Power to request local regulations requiring large fuel retailers to provide Electric Vehicle charging points
 - Bus franchising powers
 - Ability to pay grants to operators
- **Housing and Planning**
 - Housing and land acquisition powers to support housing, regeneration, infrastructure and community development wellbeing
 - Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation
- **Finance**
 - Power for the Mayor to set a precept on council tax to fund Mayoral functions (resulting from the setting of the Mayoral budget)
 - Power to change business rate supplement (subject to ballot)
- **PCC**
 - Securing the maintenance of an efficient and effective police force and holding the chief constable to account
 - Issuing a police and crime plan, determining police and crime objectives

- Attendance at Police and Crime Panel
- Preparing an annual report
- Calculating a council tax or budget requirement (precept)
- Maintaining of the Police Fund
- Appointing, suspending or calling on a chief constable to retire or resign
- Delegating some of these functions to a Deputy Mayor for Policing and Crime
- Consulting the public to ensure that their views and priorities on community safety issues inform the police and crime plan
- Commissioning of services which include supporting victims and tackling reoffending
- Strengthening links such as between inclusive growth and community safety and cohesion

Consultation on the devolution deal

Between 25 May and 19 July 2020, we asked the public and stakeholders for feedback on the devolution deal through a formal public consultation. We published a governance review and the Scheme (see [annex](#)) which gave the detail of the 'minded-to' devolution deal signed between West Yorkshire leaders and the Government in March 2020. A total of 4,413 responses were received, making it the largest ever public consultation on English regional devolution, despite the challenges of Covid-19, and their feedback was considered by the Combined Authority and our five partner councils, then submitted to the Secretary of State. The response to the consultation was broadly supportive to the proposals set out in the Scheme, and it demonstrated strong support for the opportunities devolution will bring to the region, the devolution of money and power from central government, and greater local autonomy, coordination and decision making.

2. Governance

Practicalities and clear processes for how decisions are made and who makes them are fundamental to understanding and progressing the ambitions for the deal; how as an MCA the Combined Authority will undertake the new functions working in partnership with the Constituent Councils, and how the Mayor will make decisions,

Transition towards becoming an MCA requires a review of all current and future governance arrangements. This is to ensure that new arrangements comply with statutory requirements including in relation to scrutiny and assurance processes. This section provides an overview of those arrangements, with further detail in each of the relevant following sections 3-7.

Overview

<p>What will the Combined Authority look like as an MCA?</p>	<p>The name of the Combined Authority will remain the West Yorkshire Combined Authority.</p> <p>Membership remains unchanged, except for the addition of the Mayor – so there will be a total of 11 members of the Combined Authority that include members from the constituent councils who will approve decisions, and a member from the LEP and from York City Council as non-voting members.</p>
<p>Combined Authority Functions</p>	<p>The Combined Authority can:</p> <ul style="list-style-type: none"> • Exercise Non-Mayoral functions <p>The Combined Authority can (subject to restrictions) delegate some of its functions and responsibilities (not those that are by law Mayoral general functions or PCC functions):</p> <ul style="list-style-type: none"> • To a committee • To an officer of the Combined Authority • Under joint arrangements. <p>This is a decision for the Combined Authority, not the Mayor.</p>
<p>What is the role of the Mayor?</p>	<p>The Mayor will be the Chair of the Combined Authority, and a member of the Leeds City Region Local Enterprise Partnership Board.</p> <p>The Mayor does not have a casting vote, or power of veto on decisions taken by the Combined Authority.</p>
<p>Mayoral Powers</p>	<p>The Mayor can:</p> <ul style="list-style-type: none"> • Exercise Mayoral functions • Delegate some general functions to a Deputy Mayor (one member of the Combined Authority), another member of the Combined Authority, or an officer of the Combined Authority (see Deputy Roles) • Delegate some PCC functions to a Deputy Mayor of Policing and Crime (not a member of the Combined

	<p>Authority) or another person (subject to statutory restrictions)</p> <ul style="list-style-type: none"> • Appoint a Political Advisor
What will the constituent councils do?	<p>Constituent Councils will continue to be represented on the Combined Authority in the same way as currently. Each have one member to represent them on the Combined Authority. An additional 3 members from the Constituent Councils will be chosen to provide political balance.</p>
What will partners do?	<p>City of York Council and the LEP will each be represented by a non-voting member of the Combined Authority.</p> <p>If agreed by voting members, they could be given a vote on some or all issues.</p>
What decisions are made?	<p>There are three types of decision making:</p> <ul style="list-style-type: none"> • Non-mayoral arrangements • Mayoral general functions • PCC functions
How are decisions made?	<p>Any matter that comes before the Combined Authority will be decided by a simple majority of the members present in voting. For CA functions which are not delegated, each member of the Combined Authority will have one vote. The Mayor (or Deputy), and at least three of the members representing the Constituent Councils (not those appointed for political balance) must be present to make decisions. Where the decision relates to new CA functions, the majority must include the vote of the Mayor.</p> <p>Some functions require consent of the members of the Combined Authority representing the Constituent Council directly impacted (members not chosen for political balance).</p>
Governance and Scrutiny	<p>The Combined Authority must appoint statutory committees:</p> <ul style="list-style-type: none"> • Overview and Scrutiny • Audit <p>The Combined Authority may continue to appoint ordinary committees to carry out Non-Mayoral functions, such as:</p> <ul style="list-style-type: none"> • Transport Committee • Investment Committee <p>The CA may also continue to appoint advisory committees.</p> <p>Make approvals of the Members' Allowances Scheme, and Standing Orders which include:</p> <ul style="list-style-type: none"> • Procedural Standing Orders • Contracts Standing Orders • Financial Regulations

	The Mayor and the Combined Authority may seek to enhance scrutiny and develop wider conference with all elected members in the West Yorkshire to engage on key issues.
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Detail

Governance for the transition of the Combined Authority to an MCA will be reflected in the allocation of roles and decision-making responsibilities. Some governance arrangements will remain in place as the Combined Authority will continue to:

- Appoint statutory committees, for example the Overview and Scrutiny Committee, and an audit committee, and their membership
- Appoint ordinary committees to carry out Non-Mayoral functions (such as a Transport Committee), and their membership
- Delegate Non-Mayoral functions to officers
- Approve Standing Orders including Procedural Standing Orders, Contracts Standing Orders, Financial Regulations
- Approve the Members’ Allowances Scheme

Revised decision-making arrangements will provide for:

- The exercise of new Non-Mayoral functions by the Combined Authority
- The role of the Mayor, and the exercise of Mayoral functions
- PCC functions.

Membership of the MCA, decision making and voting

The following diagram sets out the 11 members of the MCA, how they are chosen, and whether they can vote on decisions taken by the MCA:



Decisions of the Combined Authority will be reached by consensus. Where this is not possible the matter will be put to a vote, and a simple majority vote will decide most but not all decisions.

Each voting member will have one vote, including the Mayor. No business of the Combined Authority can be transacted at a meeting unless the Mayor (or Deputy Mayor acting in place of the Mayor) and at least three members of the Combined Authority appointed by the Constituent Councils are present. This is the quorum, and it does not require any member appointed for political balance to be present.

The Mayor will not have a casting vote, nor the ability to veto any decisions. However, the Mayor (or Deputy Mayor acting in place of the Mayor) must be present as a part of the quorum.

Non-voting members could individually be given a vote on some or all issues voted upon, but that would be subject to agreement of the voting members.

The governance decisions which fall to the Mayor, with no formal role for the Combined Authority's approval, include appointing the Deputy Mayor, and the Deputy Mayor for Policing and Crime, and the delegation of mayoral functions, including PCC functions.

For some mayoral functions the draft order provides that if a Constituent Council is directly affected by a decision on a Mayoral Function, it will require consent by the members appointed by that Constituent Council (not those appointed for political balance). One example of where this will be applicable is for land development: powers over compulsory purchase of land for housing development can only be exercised if the member of the Constituent Council where that land is located agrees (for more information on this, please see section on Housing and Planning Functions).

Deputy roles

Deputy Mayor

The Mayor is required to appoint one of the members of the Combined Authority to the role of Deputy Mayor. The Deputy Mayor will act in place of the Mayor if for any reason the Mayor is unable to act. As an MCA, the Deputy Mayor will chair meetings of the Combined Authority in the Mayor's absence.

Deputy Mayor for Policing and Crime

For the exercise of Police and Crime Commissioner Functions, the Mayor will be authorised to appoint a Deputy Mayor for Policing and Crime. This appointment cannot be to the same individual appointed as Deputy Mayor. Delegated functions that can only be exercised by the Mayor and/or Deputy Mayor of Policing and Crime are:

- Determining police and crime objectives
- Attendance at Police and Crime Panel
- Preparing an annual report
- Appointing a local auditor
- Deciding whether to enter into a liability limitation agreement

(see chapter on PCC for more detail)

Scrutiny Arrangements

The Mayor and the Combined Authority will be scrutinised and held to account by the Combined Authority's Overview and Scrutiny Committee(s). Existing arrangements are currently under review by a working group of the Overview and Scrutiny Committee, which is exploring what additional scrutiny arrangements might be put in place to reflect the introduction of the Mayor, the scrutiny of additional Mayoral and Non-Mayoral Functions, and any statutory provisions.

Issues understood to be under consideration include, amongst others: lessons learned from other mayoral combined authority areas, most productive methods for scrutinising

the Mayor directly with respect to Mayoral functions, regional cooperation between local scrutiny and combined authority scrutiny, the number and structure of scrutiny committees, and the level of resources and support scrutiny members need to exercise their duties.

The Combined Authority's Overview and Scrutiny Committee will continue to have the power to:

- Review and scrutinise the decisions made, or other action taken, in connection with any functions which are the responsibility of the Combined Authority
- Make reports or recommendations to the Combined Authority with respect to those functions and on matters that affect West Yorkshire or its inhabitants
- Require any Combined Authority Member to attend a scrutiny meeting to answer questions

Following the introduction of a Mayor, the Overview and Scrutiny Committee will also have the power to:

- Review and scrutinise the decisions made, or other action taken, in connection to the discharge by the Mayor of any Mayoral Functions
- Make reports or recommendations to the Mayor with respect to those functions, and on matters that affect the West Yorkshire or its inhabitants
- Require the Mayor, Deputy Mayors and any portfolio holders to attend scrutiny meetings to answer questions

The Committee will have the power to direct that a decision is not to be implemented while it is under review or scrutiny and recommend that the decision be reconsidered. This extends to decisions taken by the Mayor regarding Mayoral Functions.

Separate oversight and scrutiny arrangements will be carried out by a Police and Crime Panel in respect of PCC Functions, including of actions and decisions of the Mayor and Deputy Mayor for Policing and Crime.

Meetings

Formal meetings of the Combined Authority and its committees will continue to be open to the public, and agendas, reports, papers and minutes published online in accordance with current procedures.

There must be at least one Overview and Scrutiny Committee to scrutinise the decisions of the Mayor and the Combined Authority. The majority of the members of the Overview and Scrutiny Committee are elected members of the Constituent Councils for the combined area: Bradford, Calderdale, Kirklees, Leeds and Wakefield. They are able to challenge decisions that have been made, but not yet carried out. They can require the Mayor and Combined Authority members to answer questions that help the committee carry out its functions. This includes asking the Mayor and members to explain their reasons for making any decisions.

Finance / audit

The Combined Authority must manage its finances appropriately. The Chief Finance Officer must make sure that public funds are to be used for the purposes intended and that public money is used responsibly.

The costs of the Combined Authority and Mayor, and their activities, are funded through devolved budgets and potentially contributions from the Constituent Councils. Council contributions are agreed through their own budget setting processes.

The Mayor submits a budget for their functions and may set a precept on council tax in order to fund them. Members of the Combined Authority can propose amendments to the Mayor's draft budget, and insist amendments are made if a majority of the Combined Authority support a change.

An Audit Committee is responsible for making sure the that the finances are properly managed. Membership of the Audit Committee is drawn from the Constituent Councils, City of York Council, and this committee must include at least one independent person.

3. Transport

As the integrated transport authority for West Yorkshire, the Combined Authority already has a significant statutory responsibility to play a vital role in operating the Metro network of bus stations, travel centres and public information in West Yorkshire. The devolution deal creates more opportunity as an MCA to lead on strategic transport development with related powers, funding and functions conferred to both the Combined Authority and the Mayor. This will help create an effective and efficient West Yorkshire transport system for the long term and give greater certainty over future funding and transport improvements.

Overview

Roads

What will the Combined Authority be able to do?	Constituent Councils will continue to operate, maintain and invest in the road network. If the Constituent Councils agree, the Combined Authority could carry out some of these functions for the Key Route Network.
Combined Authority Functions	The Non-Mayoral Functions include: <ul style="list-style-type: none"> • Powers to operate a permit scheme to control works and collect contributions from utility companies carried out on the Key Route Network, if all constituent councils agreed to a new scheme (permit schemes already exist for West Yorkshire roads).
What will the Mayor be able to do?	The Mayor will be responsible for the Local Transport Plan for West Yorkshire. The plan will outline how changes to transport will support the aspirations of the region and tackle existing problems.
Mayoral Functions	The Mayoral Functions include: <ul style="list-style-type: none"> • Powers to draw up a Local Transport Plan and Strategies • Powers to request local regulations requiring large fuel retailers to provide Electric Vehicle charging points
What will the constituent councils do?	Constituent Councils will continue their role as highways authorities for their district area, making sure that local roads are in a good state of repair, and all duties required by law. They will work with the Combined Authority and the Mayor on the KRN and Local Transport Plan. Constituent Councils will continue to provide funding for the Combined Authority for Transport via the transport levy.
What will Government do?	Highways England look after the strategic roads in the country, which includes motorways and key A roads. Highways England will work with the Combined Authority and Constituent Council on the KRN.

How are decisions made?	<p>A majority of members of the Combined Authority must agree to the Mayor's Local Transport Plan.</p> <p>Specific functions relating to the KRN will be exercised with unanimous approval of the 5 Constituent Council members of the Combined Authority (not appointed for political balance).</p>
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Money	<p>In addition to funding already secured through the Transforming Cities Fund and the Transport Levy, the Combined Authority and the Mayor will control a transport budget. The budget for transport will cover a range of local transport needs and will be a part of the Single Investment Fund.</p>
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Buses and bus franchising

What will the Mayor be able to do?	<p>The Mayor will have bus franchising powers to make decisions about bus services in West Yorkshire. This includes working with the Combined Authority to decide on routes, timetables and fares.</p> <p>The Mayor can make grants to bus service operators.</p>
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Mayoral Functions	<p>The Mayoral Functions include:</p> <ul style="list-style-type: none"> • Bus franchising powers • Ability to pay grants to operators
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What will the constituent councils do?	<p>Residents of the Constituent Councils will hold the Mayor to account for the quality of local bus services.</p>
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What will Government do?	<p>The Mayor will be granted the bus franchising powers through the Bus Services Act and as a part of the devolution deal.</p>
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How are decisions made?	<p>First the Mayor has to decide whether they would like to take responsibility for bus services in West Yorkshire.</p> <p>A decision on franchising will be subject to an assessment through a business case.</p>
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Money	<p>Concessionary fare payments will be made by the Combined Authority, in addition to the Bus Services Operator Grant that is currently paid to bus operators by Government.</p>
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Detail

The deal gives the Mayor and Combined Authority responsibilities for significant investment in transport infrastructure and services, including public transport, in addition to those functions already held by the Combined Authority as the former Passenger Transport Executive.

Local Transport Plan and Strategies

- **Mayoral function**
- **Amendment of Combined Authority by majority agreement**

The Mayor will be given the functions to produce a Local Transport plan and strategies. Members of the Combined Authority will be able to amend the plans and strategies if a majority agree to do so.

Transport budget

- **Mayoral function**
- **Payment of grants exercised concurrently with a Minister of the Crown**

The Mayor will be responsible for the multi-year local transport budget for the Combined Area. It will enable greater surety of funding, more effective and efficient long-term asset management and procurement arrangements.

Also, the Government committed to a five-year, integrated transport settlement with West Yorkshire Combined Authority starting in 2022/23 from a wider £4.2bn envelope. This budget will be settled for a five-year period starting in 2022/23. It is separate from the existing 20-year transport funding already agreed with Government (that is the West Yorkshire plus Transport Fund).

The Combined Authority will have the function to pay grants to the Constituent Councils for exercising highway functions. It is a Mayoral Function and will be exercised concurrently with a Minister of the Crown.

Roads

- **A single strategic asset management plan, and where practical, work towards streamlined contractual and delivery arrangements across the city region**
- **Create and develop a strategy for a Key Route Network (KRN)**
- **Powers held concurrently with constituent authorities on traffic orders, moving traffic offences and bus lane contraventions on the KRN**
- **Operational responsibility for highways of the roads within the KRN will remain with the Constituent Councils**
- **Specific functions relating to the KRN will be exercised with unanimous approval of the 5 Constituent Council members of the Combined Authority (not appointed for political balance)**
- **Power to issue permit schemes to manage disruption and to operate a lane rental scheme**
- **Mayoral function to request electric vehicle charging points**

The Combined Authority and the Mayor, in partnership with the Constituent Councils, may develop a single strategic asset management plan. This will work towards streamlining contractual and delivery arrangements across the Combined Area of West Yorkshire, where practical.

The Combined Authority will be granted functions concurrent with the relevant Constituent Council to enter into an agreement in relation to the construction, improvement or maintenance of trunk roads, or party to such an agreement (with the

consent of any affected highway authority, or equivalent) as if it were a local highways authority. This will support better integration between local and national networks, or equivalent.

The Combined Authority will have powers to set up and coordinate a KRN on behalf of the Mayor. The Combined Authority will develop, agree and coordinate the strategy for the KRN on behalf of the Mayor. Operational responsibility for highways of the roads within the KRN will remain with the Constituent Councils.

Functions of the Combined Authority which relate to operational management of the KRN will only be exercised with the unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (nor appointed for political balance).

The Combined Authority will be granted powers in relation to traffic orders and the power to enter into arrangements as if it were a traffic authority. Unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (not for political balance).

Powers will enable the Combined Authority to manage street works and issue permit schemes to manage disruption. They will allow the Combined Authority to bid to the Secretary of State for Transport to seek approval to operate a lane rental scheme in relation to KRN roads and include seeking contributions from utility companies through lane rental and exercising the power to create an updated lane rental scheme as needed, together with powers relating to moving traffic offences. New permit schemes across all roads went live in March 2020, led by the Districts. Unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (not for political balance).

The Combined Authority will be granted powers in relation to the enforcement of bus lane contraventions in respect of the KRN. This will ensure a consistent approach to the enforcement, application of penalty charges etc. of bus lanes. Unanimous approval of the five members of the Combined Authority appointed by a Constituent Council (not for political balance).

The Mayor will have the power to request from the Secretary of State local regulations requiring large fuel retailers to provide electric vehicle charging points within the Combined Area.

Buses

- **Bus grants to operators**
- **Franchising with Mayoral Functions**

Powers will be granted to the Combined Authority to make grants to bus operators. The Combined Authority will become a franchising authority. This allows the Mayor to carry out functions in relation to making, varying or revoking a franchising scheme.

A decision on franchising will be subject to an assessment through a business case.

4. Adult education and skills

The devolution deal will give the Combined Authority powers to help people and businesses in West Yorkshire get the skills and support necessary to reach their ambitions, as well as support the region's economy.

The devolution deal gives the Combined Authority control of the government's Adult Education Budget (AEB), currently £63 million per year. The main purpose of the AEB is to engage adults and provide them with the skills needed for entering and sustaining employment, an apprenticeship, traineeship, or other further learning. The funding pays specifically for learning programmes (predominantly qualifications) and provides an element of learner support funding for those with learning difficulties and disabilities.

These are additional powers and funding to those already held by the Combined Authority. Current delivery will not be affected.

Overview

What will the Combined Authority be able to do?	<p>The Combined Authority will be able to allocate funding to support different types of learners get the skills they need and are necessary to support the businesses and economy of West Yorkshire.</p>
Combined Authority Functions	<p>The Non-Mayoral Functions include:</p> <ul style="list-style-type: none"> • Control of the Adult Education Budget from 2021/22 • Education and training for ages 19 or over • Assistance in promoting and enabling work experience, education and training of young people
What will the constituent councils do?	<p>Some functions of the devolution deal relating to education and training will be held concurrently by the Combined Authority with the Constituent Councils.</p> <p>The Combined Authority will work closely with Constituent Councils who will continue to have a key leadership role in Education and Training, and have a unique insight into local need, funding usage and the impact of the Adult Education Budget (AEB) in their area. The Combined Authority intends to make the most of the expertise and experience of Local Authority partners to ensure deliver of the AEB meets local needs.</p>
What will Government do?	<p>Government will devolve the functions and control to the Combined Authority for the Adult Education Budget, currently held by the Secretary of State for Education, which is used to deliver education and training for learners aged 19 or over.</p>
How are decisions made?	<p>Decisions on the strategic direction of adult education and skills will be made by the Combined Authority by a simple majority of members. The Mayor chairs the meetings of the Combined Authority but does not have a casting vote or power of veto.</p>

Money	<p>The Adult Education is currently £63m annually.</p> <p>In addition, the deal includes £75,000 for the West Yorkshire Local Digital Skills Partnership.</p>
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Detail

It was proposed that giving the Combined Authority devolved functions in respect of Adult Education and control of the Adult Education Budget (AEB), would be subject to readiness conditions. Timescales set by Government meant that a plan ([the AEB Strategy](#)) was developed through public consultation prior to the election of the Mayor, to ensure that West Yorkshire is ready to deliver the AEB from 1 August 2021. The Strategy builds on existing strategies and the needs of the area and has been developed with strategic input from the LEPs Employment and Skills Panel, which includes representatives from employers, training providers and councils.

To ensure that the AEB Strategy is shaped to meet the needs of learner, employers and other key stakeholders, a public consultation on the draft AEB strategy was launched on 25 May 2020 and closed on 12 July 2020. In total 143 responses were received, and overall respondents indicated strong support for all of the suggested priorities.

Functions overview

- **Non-Mayoral Functions for Adult Education**
- **Adult Education Budget (AEB)**
- **Support in provision of education and training ages 19 or over**
- **Concurrent functions of education and training with the Constituent Councils**

The Combined Authority will be given devolved functions on Adult Education and control of the £63m annual Adult Education Budget (AEB) from 2021/22.

The functions include:

- education and training for persons aged 19 or over, and other subject to adult detention
- provision of facilities for the learning aims for persons aged 19 or over
- payment of tuition fees for the learning aims for persons aged 19 or over
- encouragement of education and training for persons aged 19 or over, and others subject to adult detention
- provision of financial resources

Additional functions to be held concurrently with Constituent Councils include:

- provision of work experience
- promotion of effective participation in education and training of relevant persons aged 16 and 17, and enabling the identification of such persons as far as possible
- encourage, enable and assist the effective participation in education and training of young persons and relevant young adults
- promote high standards, fair access to opportunity education and training, and the fulfilment of learning potential

- require relevant institutions in the further education sector to provide appropriate education to specific individuals aged between 16 and 18.

Local Digital Skills Partnership

- **Establish a Local Digital Skills Partnership for West Yorkshire**

The Deal includes £75,000 for the West Yorkshire Local Digital Skills Partnership to bring together cross-sector partners to design, develop, and coordinate the delivery of innovative digital skills programmes, tackle digital exclusion, share best practice, and raise awareness of digital skills regionally.

Local Digital Skills Partnerships are an initiative of the Department for Digital, Culture, Media and Sport, and will influence policy in the sharing of best practice, feeding into the Government and a national Digital Skills Partnership.

The West Yorkshire Local Digital Skills Partnership launched in an online event on Thursday 15 October, with participation from leaders across politics, business and the third sector.

5. Housing and Planning

The Combined Authority and the Mayor will be able to look at planning across the West Yorkshire area to improve coordination of policy, ensure that policies are not affected by council boundaries and to address cross-boundary issues including tackling the climate emergency. They will be able to set out plans to support regeneration, infrastructure delivery, and community development and wellbeing.

Overview

<p>What will the Combined Authority be able to do?</p>	<p>The Combined Authority will be provided with the necessary powers to meet their objectives:</p> <ul style="list-style-type: none"> • improve the supply and quality of housing • secure regeneration or development of land or infrastructure • support in other ways the creation, regeneration and development of communities • contribute to achieving sustainable development and good design <p>The Combined Authority as an MCA will retain general power of competence to exercise functions for the purpose of economic development.</p>
<p>Combined Authority Functions</p>	<p>The Non-Mayoral Functions will be exercised concurrently with Homes England, and include:</p> <ul style="list-style-type: none"> • powers to provide housing or other land • regeneration, development or effective use of land • powers in relation to burial and consecrated land • powers in relation to compulsory purchase
<p>What will the Mayor be able to do?</p>	<p>The Mayor will support the objectives of the Combined Authority and will have specific powers of compulsory purchase and functions to develop a corporation to acquire and develop land to deliver regeneration and economic development.</p>
<p>Mayoral Functions</p>	<p>The Mayoral Functions will be:</p> <ul style="list-style-type: none"> • designate an area a Mayoral Development Area • create a Mayoral Development Corporation • powers in relation to compulsory purchase
<p>What will the constituent councils do?</p>	<p>Residents of the Constituent Councils will hold the Mayor to account for their planning and investment decisions.</p> <p>Constituent Councils will have a duty to prepare an assessment of economic conditions concurrent with the Combined Authority.</p>
<p>What will Government do?</p>	<p>The Secretary of State for Communities and Local Government must lay an order before Parliament for lawful establishment of a Mayoral Development Corporation.</p>

	<p>Homes England will hold concurrent powers and give the Combined Authority and the Mayor exemptions on compulsory purchase which only they can currently exercise.</p> <p>Homes England and the Combined Authority will establish a Strategic Place Partnership to work together to identify and develop key opportunities for housing delivery</p>
How are decisions made?	<p>A majority of members of the Combined Authority must agree to the Mayor's Local Transport Plan.</p> <p>Specific functions relating to land acquisition, compulsory purchase and Mayoral Development Corporations will be exercised with approval of the Constituent Council member(s) of the area(s) where that land is located (not appointed for political balance).</p>
Money	<p>Spending on some of these functions will be a decision for the Mayor and the Combined Authority through the budget setting process.</p> <p>Infrastructure spending could be accessed through the Single Investment Fund.</p> <p>With plans in place for becoming an MCA the Combined Authority secured £67m funding for new homes on Brownfield sites.</p>

Detail

The devolution deal proposes that the Combined Authority will be granted objectives and functions of Homes England to exercise in respect of the Combined Area of West Yorkshire.

Housing

- **Powers held concurrent with the Constituent Councils or Homes England**
- **Non-Mayoral Functions include powers for regeneration of land or infrastructure**
- **Specific Mayoral Functions for compulsory purchase powers**
- **Compulsory purchase order powers can only be exercised with the consent of the Constituent Council member(s) of the area(s) directly impacted (not appointed for political balance), and the Secretary of State.**

The Combined Authority will have the necessary powers to achieve their objectives, whilst they retain the general power of competence to exercise functions for the purpose of economic development.

The objectives are to:

- improve the supply and quality of housing
- secure the regeneration or development of land or infrastructure
- support in other ways the creation, regeneration and development of communities or their continued well-being

- contribute to the achievement of sustainable development and good design.

The powers to achieve these objectives will be held concurrently with Homes England and are Non-Mayoral Functions. They are: principal power; general powers; powers to provide housing or other land; powers for regeneration, development or effective use of land; powers in relation to infrastructure; powers to deal with land; acquisition of land; restrictions on disposal of land; main powers in relation to acquired land; powers in relation to, and for, statutory undertakers; power to give financial assistance; powers in relation to burial grounds and consecrated land; and, extinguishing or removal of powers for the Home and Communities Agency.

The Mayor will have Mayoral Functions specific to the compulsory purchase powers of Home England in order to achieve the objectives of the Combined Authority.

The Combined Authority will benefit from these powers of compulsory purchase through exemptions currently held only by Homes England for decisions in the Combined Area. The Combined Authority will also be granted the power to acquire land for the development of housing, but that the power to acquire that land by compulsory purchase will be a Mayoral Function.

The compulsory purchase power will only be exercisable with the consent of the member of the Combined Authority appointed by the Constituent Council (not appointed for political balance) for the area(s) of land to be compulsorily acquired, and the Secretary of State.

The Mayoral Development Corporation

- **Mayoral Functions**
- **Designation or exclusion of area only with consent of the Constituent Council member(s) of the area(s) directly impacted (not appointed for political balance)**

The Mayor will have the power to designate an area as a Mayoral Development Area (MDA). This will create a Mayoral Development Corporation (MDC) to help drive regeneration and housing delivery on complex schemes. It gives the powers of an Urban Development Corporation to local control, rather than the Secretary of State.

The Mayor's power to designate an area an MDA will require the consent of the member of the Combined Authority appointed by the Constituent Council (not for political balance) whose area(s) contain any part of the MDA. The same is true in relation to the proposed Mayor's power to exclude land from an MDA.

It is also proposed that the Mayor will have the power to decide that an MDC should have certain planning functions in relation to whole of part of an MDA. Again, this can only be exercised with the consent of the member of the Combined Authority appointed by the Constituent Council (not for political balance) who area(s) contain any part of the MDA.

Economic Development and Regeneration

- **Non-Mayoral Functions**
- **Combined Authority's powers of economic development and regeneration retained as an MCA**

- **Duty to prepare assessment of economic conditions concurrent with Constituent Councils**
- **Compulsory acquisition of land exercised concurrently and with consent of Constituent Councils**

In transition to an MCA the Combined Authority will retain current general power of competence exercisable for the purposes of economic development regeneration. The Combined Authority will have a duty to prepare an assessment of economic conditions concurrently with the Constituent Councils of the Combined Area.

The Combined Authority will be granted the power to exercise functions concurrently with the Constituent Councils. These functions are to compulsorily acquire land for development and other planning purposes. Each instance of exercising these powers will be subject to consent of the member of the Combined Authority appointed by the Constituent Council (not for political balance) in whose are the property is located.

Strategic Place Partnership

- **Key opportunities for housing delivery**
- **Partnership with Homes England**

The Combined Authority and Homes England will establish a Strategic Place Partnership to work together to identify and develop key opportunities for housing delivery. This partnership arrangement does not require any new statutory provisions in the 'Order'.

Future functions

There are additional functions coming to the Mayor and the Combined Authority in the future following the outcome of the Planning for the Future paper. These functions were a part of the 'minded-to' devolution deal and the Scheme, but due to national planning reforms these functions have been removed from the Order at this time. It is expected that once the outcome of the planning reform is complete, the relevant equivalent functions will be likely as follows (subject to agreement with Government):

Strategic Infrastructure Tariff

The Combined Authority will be able to seek to raise a Strategic Infrastructure Tariff to enable it to raise funding for strategic infrastructure.

Spatial Development Strategy

The Mayor will have the power to create a statutory Spatial Development Strategy for the Combined Area. This will coordinate strategic land-use planning with strategic transport planning by providing a framework to achieve a strategic level change in environmental planning policy to reduce carbon emissions and tackle the climate emergency.

The approach and scope of the Spatial Development Strategy will require an inclusive and collaborative approach between the Mayor and the other members of the Combined Authority and the Constituent Councils. Its approval will require the consent of each of the five members of the Combined Authority appointed by the Constituent Council (not for political balance).

The Mayoral functions will apply to: the spatial development strategy; public participation; withdrawal; publication; examination in public; review of matters affecting the strategy; review of the strategy; alteration or replacement; matters to which the Mayor is to have regard; ability of the Secretary of State to make regulations; amendments to the Town & Country Planning Act 1990; monitoring and data collection; constituent councils to have regard to the strategy; and, Mayor's functions as to planning.

The exercise of functions above corresponding to 'public participation', 'withdrawal', 'publication' and 'alteration or replacement' will require the consent of each member of the Combined Authority appointed by a Constituent Council (not for political balance).

6. Police and Crime

It is proposed that the Mayor of West Yorkshire will have the functions of the Police and Crime Commissioner (PCC) from the start of their term of office (10 May 2021). West Yorkshire will be the first MCA to enact these functions in the Mayor's first term. Outside of London, only Greater Manchester Combined Authority's Mayor has these functions.

Joining police and crime functions with oversight of other public services in the MCA will promote further collaboration within the region.

Overview

Police and Crime Functions

What will the Combined Authority be able to do?	<p>The Combined Authority will not make decisions or exercise any functions in relation to Policing and Crime.</p> <p>Through the PCC transfer, all property, rights and liabilities of the PCC will transfer and vest with the Combined Authority.</p> <p>Staff of the PCC of West Yorkshire will transfer to the Combined Authority under a statutory transfer order.</p>
Combined Authority Functions	<p>The Combined Authority will not have any PCC functions.</p>
What will the Mayor be able to do?	<p>The Mayor will carry out the functions of the PCC for West Yorkshire as a single directly accountable individual responsible to local people.</p> <p>The Mayor can delegate the exercise of PCC functions to an appointed Deputy Mayor for Police and Crime (not directly elected), or another person (subject to statutory restrictions).</p>
Mayoral Functions	<p>Key PCC functions will be:</p> <ul style="list-style-type: none"> • secure the maintenance of an efficient and effective police force and hold the Chief Constable to account • issue a Police and Crime Plan • appoint, suspend, or call on a Chief Constable to retire or resign <p>Only the Mayor can:</p> <ul style="list-style-type: none"> • issue a Police and Crime Plan • calculate a council tax or budget requirement • appoint, suspend, or call on a Chief Constable to retire or resign <p>The following are Mayoral PCC Functions, but can be delegated to the Deputy Mayor of Policing and Crime:</p> <ul style="list-style-type: none"> • determine police and crime objectives • attend at a meeting of the Police and Crime Panel

	<ul style="list-style-type: none"> • prepare an annual report • appoint a local auditor • decide whether to enter into a liability limitation agreement <p>The Mayor and the Deputy Mayor for Policing and Crime can authorise arrangements for another person, such as an officer of the Combined Authority, to exercise functions (subject to statutory restrictions).</p>
What will the constituent councils do?	<p>Residents of the Constituent Councils will hold the Mayor to account for their decisions on policing and crime.</p> <p>Constituent Councils constitute a Joint Committee for the scrutiny of the PCC functions exercised by the Mayor, this is the Police and Crime Panel.</p>
What will the Police do?	<p>West Yorkshire Police will remain a legally distinct and separate organisation.</p>
How are decisions scrutinised?	<p>The Police and Crime Panel will scrutinise and hold the Mayor or Deputy Mayor for Policing and Crime to account by reviewing functions that include:</p> <ul style="list-style-type: none"> • draft Police and Crime Plan • annual budget • proposed senior appointments • any proposed precept for PCC functions • the appointment, suspension, or removal of the Chief Constable <p>The Police and Crime Panel can request attendance and information for meetings as necessary in order to carry out its functions.</p> <p>The Police and Crime Panel has power of veto over the initial proposed precept for PCC functions.</p>
Money	<p>For the purpose of PCC functions there is a Police Fund.</p> <p>The Police Fund is separate to the Mayor's General Fund. It includes income from the precept and can only be spent on matters and functions that are expenditures relating to PCC.</p>

Detail

The Mayor will be able to exercise specific functions core to the position of Police and Crime Commissioner (PCC) for West Yorkshire.

- **Mayoral function**
- **Combined Authority to be the legal entity for properties, rights and liabilities, appointments, borrowing and contracts**

The Mayor will carry out the PCC functions in the Combined Area of West Yorkshire, which is the same area as that covered by West Yorkshire Police. This will provide for a single directly accountable individual responsible for the discharge of the PCC's functions, consistent with the current PCC model.

Any PCC function is exercisable by the Mayor acting individually with sole responsibility and decision-making. However, the Combined Authority will be the legal entity and all property rights and liabilities, appointments, borrowing and contracts will transfer and vest with the Combined Authority.

Key PCC Functions are:

- securing the maintenance of an efficient and effective police force and holding the chief constable to account
- issuing a police and crime plan
- appointing, suspending or calling on a chief constable to retire or resign

Deputy Mayor for Policing and Crime (DMPC)

- **Mayor must be authorised to appoint a DMPC by the Order**
- **The Mayor may delegate PCC functions to DMPC, subject to statutory restrictions.**

The DMPC cannot be the Deputy Mayor, a police constable, or other person specified in legislation.

PCC Functions

- **Mayoral Function**
- **Not all functions can be delegated to DMPC**
- **Information sharing**

The Mayor may delegate PCC functions to a DMPC with the exception of:

- issuing a police and crime plan
- calculating a council tax or budget requirement
- appointing, suspending or calling on a chief constable to retire or resign
- any function specified that cannot be delegated by legislation

The Mayor may delegate PCC functions to a DMPC that include:

- determining police and crime objectives
- attendance at a meeting of the Police and Crime Panel
- preparing an annual report
- appointing a local auditor
- deciding whether to enter into a liability limitation agreement

Any arrangements by the Mayor or DMPC to delegate PCC functions to be exercised by another person (e.g. officer of the Combined Authority) must be authorised, and such functions must not include any function specified that cannot be delegated by legislation.

The Combined Authority will have the same standing as Local or Public Authority for the purpose of information sharing, given that the Mayor will be exercising PCC Functions.

Transfer of properties, rights and liabilities

- **Transfer and vest in the Combined Authority**
- **Decisions remain Mayoral unless delegated**

Subject to any exceptions, all property, rights and liabilities which are property, rights and liabilities of the PCC for West Yorkshire will transfer and vest in the Combined Authority. However, all decisions relating to PCC Functions, and relating to assets and liabilities, will be for the Mayor unless delegated (as above). This includes:

- all functions in relation to such property, rights and liabilities to be exercised by the Mayor
- all decisions relating to such property, rights and liabilities to be made by the Mayor
- any receipts arising from such property, rights and liabilities (whether through use, sale, disposal or otherwise) are to be paid into the Police Fund kept by the Mayor.

The transfer of the functions of the PCC of West Yorkshire, and the transfer of property, rights and liabilities, does not affect the validity of anything done prior to the transfer. The Combined Authority will be substituted for the PCC for West Yorkshire in any instruments, contracts or legal proceedings which relate to any of the PCC functions, property rights or liabilities.

Staff of the Police and Crime Commissioner

- **Statutory transfer order**

The staff of the PCC of West Yorkshire will transfer under a statutory transfer order which will replicate the characteristics of a TUPE transfer. Staff will transfer into the Combined Authority.

Police and Crime Panel

- **Scrutiny of discharge of PCC Functions**

The Police and Crime Panel (PCP) is a scrutiny body which exists to scrutinise the exercise of PCC Functions, the actions and decisions of the Mayor and DMPC, and enable them to be held to account in public.

Scrutiny of PCC functions include reviewing:

- a draft Police and Crime Plan
- annual report
- proposed senior appointments
- initial proposed precept for PCC functions (including power of veto)
- the appointment, suspension or removal of the chief constable

The PCP will have the power to suspend the Mayor from exercising PCC Functions under certain circumstances specified in legislation.

The PCP's role in scrutinising the precept extends solely to the identified policing component, and not the wider Combined Authority precept.

Any function that is exercised by the DMPC will also have oversight by the PCP.

Finance

- **Mayoral Function**

- **Police Fund can only be spent on PCC Functions and matters that are incidental to PCC Functions**
- **Mayor is responsible for any decisions relating to borrowing**
- **Combined Authority has legal status as the borrowing party of any Mayoral decisions to borrow in relation to PCC Functions**
- **The Mayor has responsibility for contracts relating to police matters and decisions on issuing of policing-related grants**

The Mayor must maintain a separate fund in relation to the costs of exercising PCC Functions. This is the Police Fund, and it must be separate to the Mayor's General Fund. Any decisions on the sale of police assets and reinvestment of receipts are made by the Mayor, and the money must be paid into the Police Fund.

Money paid into the Police Fund will be reserved for policing. The Mayor must publicly account for expenditure from the Police Fund.

Money from the policing component of the precept is included as income to the Police Fund. As the precept is paid by residents of West Yorkshire, the Constituent Councils have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Police reserves should be maintained in accordance with the relevant guidance.

The Mayor is responsible for decisions on borrowing in relation to PCC Functions, but may delegate them. Costs from borrowing are met from the Police Fund. Although the Police Fund is discharged separately to other Combined Authority finances, they retain the legal status as the borrowing party.

The Mayor will have ultimate responsibility for all contracts relating to police matters, although they may provide consent for contracts to be entered into by the Chief Constable or other delegate person subject to accordance with legislation.

Decisions on issuing of policing-related grants would rest with the Mayor or anyone to whom they delegate responsibility.

The Combined Authority will be entitled to claim refunds of Value Added Tax charged on supplies to, and acquisition or importations relating to PCC Functions.

Police and Crime Plan

- **Mayoral Function**

The Police and Crime Plan which involves consideration of the strategic policing requirement is a key public facing deliverable. The provision on police and crime plans apply to the Mayor carrying out PCC Functions.

Policing Protocol

- **Mayoral Function**
- **Issued by the Secretary of State**

The Mayor is required to have regard to the Policing Protocol issued by the Secretary of State. The Protocol sets out the expectations of the relationship between the PCC and

the Chief Constable. It sets out ways in which the Mayor or any person delegated with PCC Functions will exercise or refrain from exercising those functions so as to encourage, maintain, or improve, working relationships. It also limits or prevents the overlapping or conflicting exercise of functions.

West Yorkshire Police

West Yorkshire Police will remain a distinct and separate organisation as set out in legislation. The Chief Constable of West Yorkshire Police will be accountable to the Mayor.

Complaints about Conduct

The Secretary of state must provide the procedures for making, handling and investigating complaints about the conduct of the Mayor and DMPC.

7. Finance and Investment

The Combined Authority will receive control and influence over at least £1.8bn of funding from central Government to spend on local priorities.

Single investment fund (SIF)

It is proposed that investment funds will be managed as a Single Investment Fund (SIF) which will include funding already received by the Combined Authority, and funding received through the devolution deal as an MCA, as well as any additional future funding received.

The SIF, underpinned by an investment strategy to be approved by the Combined Authority, will provide clarity on the outcomes the Combined Authority wants to achieve, guided by the Strategic Economic Framework (SEF), and considers how best to make investments using new and existing funding, reserves or borrowing.

The Assurance Framework

The Assurance Framework will explain how the Combined Authority will make decisions on spending the SIF. The Assurance Framework must be agreed by the Accounting Officer for the Department for Housing, Communities and Local Government.

The Assurance Framework covers expenditure on projects and programmes funded by Government or local sources in the Leeds City Region. This includes funding received by the Combined Authority as the accountable body for the LEP, funding in respect of the Local Growth Fund, including Enterprise Zones, and a number of other funding streams.

The purpose of the Assurance Framework is to ensure that the necessary systems and processes are in place to manage funding effectively, and to ensure the successful delivery of the SEF ambitions. Its focus is to ensure that necessary practices and standards are implemented to provide the Combined Authority, the LEP and local partners with sufficient assurance that decisions over funding (and the means by which these decisions are implemented) are proper, transparent and deliver value for money.

Budgets

What will the Combined Authority be able to do?	The devolution deal brings new control and funding arrangements including revenue and capital funding. The Combined Authority's borrowing powers will be extended in due course to include exercise of functions relevant to the MCA and the Mayor
Combined Authority Powers	The Combined Authority will have powers over: <ul style="list-style-type: none">• the transport levy• reviewing the draft Mayor's Budget• borrowing money up to an agreed cap for non-transport functions

<p>What will the Mayor be able to do?</p>	<p>In order to carry out new Mayoral Functions, and the cost incurred by the exercise of those functions, the Mayor will have a Mayor's General Fund. The Mayor must also set out spending plans and how they will meet the costs of Mayoral Functions in the Mayor's Budget. The Mayor's Budget will include any proposals of determining the cost of the Council Tax Precept.</p> <p>PCC Functions will be a subject of the Police Fund, which can only be spent on matters and functions that are relating to PCC functions. The PCC Functions component of the Council Tax Precept is paid directly into the Police Fund.</p> <p>The Mayor also has powers to raise a Business Rate Supplement.</p>
<p>Mayoral Powers</p>	<p>The Mayor will have powers over:</p> <ul style="list-style-type: none"> • issuing a Council Tax Precept on behalf of the Combined Authority in relation to Mayoral Functions and PCC Functions • preparing a draft Mayor's Budget • raising a Business Rate Supplement • keeping the Mayor's General Fund
<p>What will the constituent councils do?</p>	<p>Residents and businesses of the Constituent Councils, as Council Tax and Business Rate payers, will hold the Mayor to account in the exercise of their functions.</p> <p>Constituent Councils contribute to the Transport Levy (set by the Combined Authority) and economic activities in support of the LEP costs. These contributions are agreed through their own budget setting arrangements.</p>
<p>What will Government do?</p>	<p>Through the devolution deal Government will transfer control and influence over funding that includes, but is not limited to:</p> <ul style="list-style-type: none"> • £38m per year 'gainshare' for 30 years • £63m annual Adult Education Budget • £3.2m to develop a pipeline of housing sites • £317m to invest through the Transforming Cities Fund • £25m for development of a British Library North <p>The Combined Authority will also be able to access shares of additional funding streams that include, but is not limited to:</p> <ul style="list-style-type: none"> • £67m from the Brownfield Housing Fund • A share of the £4.2bn integrated transport settlement
<p>How are decisions made on the Mayor's Budget?</p>	<p>If the Mayor presents a Draft Mayor's Budget to the Combined Authority by 1 February, it is reviewed and reported with any recommended changes. A simple majority vote will approve the Combined Authority's report (the Mayor does not vote).</p> <p>The Mayor may then decide whether to make any recommended changes and notify the Combined Authority of the reason for</p>

	<p>their decisions, and if changes are made, present a revised draft budget.</p> <p>To approve the Mayor's draft budget requires a simple majority.</p> <p>To veto the Mayor's draft budget and approve a budget that incorporates recommendations made by the Combined Authority requires a 5/8 majority of members voting to do so (the Mayor does not vote).</p> <p>If they Mayor does not provide a Draft Mayor's Budget to the Combined Authority by 1 February, the Combined Authority determines the relevant amounts and calculations. A vote on this budget is decided by a 2/3 majority (the Mayor does vote).</p> <p>The Mayor's budget is scrutinised by the Overview and Scrutiny Committee, who make recommendations to the Mayor.</p> <p>The Mayor's power to raise a Business Rate Supplement to fund infrastructure investment is with the agreement of the Combined Authority and in consultation with the business community.</p>
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Detail

Levy

- **Non-Mayoral Function**

The Combined Authority will continue to have the power to issue a levy to the Constituent Councils in respect of transport functions only.

Precept

- **Mayoral Function**
- **Mayoral and PCC Function are separate components of the precept**
- **Precepts are subject to scrutiny**

The Secretary of State will provide for the costs incurred in connection with, or in the exercise of Mayoral Functions, to be met from precepts issued by the Combined Authority. This also provides for a precept for exercise of PCC Functions. The Mayor will have the power to issue a Council Tax Precept on behalf of the Combined Authority.

Components of the Council Tax Precept will be separate for Mayoral Functions and PCC Functions, and will appear separately on council tax bills. Any PCC Function component of a precept must be paid into the Police Fund.

Any precept in relation to Mayoral Functions will be in the Mayor's Budget, and subject to scrutiny and amendment. The precept relating to PCC Functions will be subject to scrutiny by the Police and Crime Panel.

Mayor's budget

- **Mayoral Function**
- **Set annually and reviewed by the Combined Authority**

- **Voting arrangement by simple majority to approve draft budget**
- **Veto of the draft budget by a 5/8 majority of members (excluding the requirement of the Mayor's vote)**
- **Scrutiny of the budget by the Overview and Scrutiny Committee**

Each year the Mayor will prepare a draft budget in respect of their Mayoral Functions. The budget must be prepared by 1 February and set out the Mayor's spending plans, and how the Mayor intends to meet the costs of Mayoral Functions. This includes the relevant amounts and calculations that are used for the purpose of determining a precept.

If the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations. A decision on this is decided by a 2/3 majority, and the Mayor is included in this voting decision.

The Combined Authority must review any draft budget and make a report on it, to include any changes they think the Mayor should make. The Mayor does not vote on this decision, and the default of a simple majority voting arrangement applied.

Where the Combined Authority makes a report on the draft budget, the Mayor will then decide whether to make any changes and notify the Combined Authority of the reasons for their decision. Where changes are made it is a revised draft budget.

If the Mayor presents a draft budget by 1 February, but the Combined Authority does not make a report on it before 8 February, the Mayor's draft budget shall be deemed to be approved.

When a draft budget, or revised draft budget, is presented to the Combined Authority, they may then:

- approve the Mayor's draft budget, containing any revisions the Mayor has chosen to make by a simple majority vote
- veto the draft budget, and approve a budget that incorporates the Combined Authority's recommendations, by a 5/8 majority vote of members (not requiring the Mayor's vote)

The Mayor's budget will be scrutinised by the Overview and Scrutiny Committee. The Mayor may change their draft budget further to any recommendations received from the Overview and Scrutiny Committee and in accordance with legislated procedure.

Finance

- **Expansion of the Combined Authority's borrowing powers for exercise of both Mayoral and Non-Mayoral Function (within agreed limits)**
- **Mayoral Function of Business Rate Supplement**
- **Mayor's General Fund**

The Combined Authority's existing borrowing powers (for transport functions) will be extended to other priority infrastructure projects, including but not limited to: highways, housing, investment and economic regeneration, as relevant to the exercise of the Combined Authority's functions, both Mayoral and Non-Mayoral, within agreed limits.

The Mayor will have the power to raise a Business Rate Supplement to fund infrastructure investment. This must be agreed with the Combined Authority and in consultation with the business community. The Combined Authority will be a levying authority for the purpose of the Business Rate Supplement, and the Constituent Councils will be deemed to be acting jointly.

The Mayor is required to keep a fund to be known as the Mayor's 'General Fund' in relation to exercise of Mayoral Functions. All of the Mayor's receipts in respect of the exercise of the Mayoral Functions must be paid into the General Fund, and expenditure from Mayoral Functions must be paid out of the General Fund. The Mayor must keep accounts of payments made into or out of the General Fund.

Annex

The Order is a statutory instrument. Statutory instruments are a form of legislation which allow the provisions of an **Act of Parliament** to be subsequently brought into force or altered without Parliament having to pass a new Act.

The West Yorkshire Combined Authority Order is being drafted to be laid in Parliament (December 2020). The Order will then be made in Parliament in early 2021.

The new Order will secure changes to the constitutional arrangements set out in the 2014 Order (West Yorkshire Combined Authority Order 2014/864) which established the Combined Authority, and the additional functions set out in the Deal.

Act of Parliament: The Order is made in exercise of the powers conferred by sections of the **Local Democracy, Economic Development and Construction Act 2009**.

The Scheme was jointly prepared by the Constituent Councils and West Yorkshire Combined Authority. The Scheme set out the proposals to change the governance arrangements of the Combined Authority, by adopting a mayoral model and making related changes to constitutional arrangements. The Scheme sets out the proposals for the Combined Authority to be delegated additional functions of the 'minded-to' devolution deal.

The 'Minded-to' Deal: In March 2020 the Constituent Councils and West Yorkshire Combined Authority agreed a 'minded to' devolution deal with Government. The deal detailed the proposed amount of government investment, functions and powers, subject to the Combined Authority adopting the model of a directly elected Mayor, and becoming a Mayoral Combined Authority.

The Governance Review was conducted in relation to the 2009 Act to allow the Secretary of State to consider that making the Order is likely to improve the exercise of statutory functions, additional functions, and functions concurrent with Constituent Councils.

A **Public Consultation** on the proposals contained in the Scheme was open from 25 May to 19 July 2020. A public consultation report was prepared and published as required by the 2009 Act. The Secretary of State has regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient government in drafting the Order.

Transfer of the Police and Crime Functions to the Mayor is made in exercise of the powers conferred by the **Police Reform and Social Responsibility Act 2011**.

The **Constituent Councils** are: City of Bradford Metropolitan District Council, Calderdale Council, Kirklees Council, Leeds City Council, and Wakefield Council.