

York and North Yorkshire Combined Authority

Minutes of the meeting held at County Hall, Northallerton on 18 March 2024 commencing at 3.00 pm

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

In attendance: North Yorkshire Councillors Michelle Donohue-Moncrieff and George Jabbour,

Officers present:

YNYCA - James Farrar, Rachel Antonelli, Andrew Leeming, Sara Jeffs, Paul Clark and Kate McHugh.

NYC - Barry Khan, Elizabeth Jackson, Nick Edwards and Daniel Harry

CYC - Ian Floyd, Bryn Roberts and Helen Whiting, CYC (remote attendance)

OPFCC - Simon Dennis, Jonathan Dyson and Jenni Newberry.

Observers: Police, Fire and Crime Commissioner Zoe Metcalfe

22 Apologies for Absence

There were no apologies for absence from Members of the Combined Authority.

23 Minutes of the meeting of the Combined Authority held on 23 February 2024

The Minutes of the York and North Yorkshire Combined Authority held on 23 February 2024 were taken as read and approved unanimously as a correct record.

24 Declarations of Interest

Councillor Gareth Dadd declared an interest in Minute 26 on the basis that he was an unpaid director of Veritau. Councillor Dadd remained in the meeting and took part in the debate and vote thereon.

25 Public participation

Two questions had been received which, in accordance with Minute 05(a) of the meeting of 22 January 2024, were dealt with at the meeting.

1. Question from North Yorkshire Councillor Steve Mason read out at the meeting

'Now that North Yorkshire Council has joined York City Council in adopting the UN Sustainable Development Goals with its plan, will the combined authority do the same, particularly within its economic framework?'

Response:

Andrew Leeming, Head of Strategy, provided the following response.

There are two points to raise regarding this:

Firstly that the Economic Framework has been built off the strategies and plans of the two constituent authorities and as part of this the 17 UN Sustainable Development Goals have been considered in this process although not specifically referred to in the document. The

Goals are also being looked at as part of the performance monitoring plan that will be part of this framework.

Secondly that in terms of formal adoption of the UN Sustainable Development Goals by the Combined Authority, this will be subject to a decision to be made by the elected Mayor and the members of the Combined Authority at a subsequent meeting and also during the further development of this Framework following the election of the Mayor.

2. Statement from Gwen Swinburn, York resident

Members, thank you

First regarding the many constitution amendments submitted by the city of York members. I was disappointed that these detailed and lengthy proposed changes were not first considered by the now constituted Combined Authority Audit and Governance Committee, whose first meeting which was last week, was cancelled.

May I request you regularise the checks and balances here by requiring all proposed changes first go through A&G. Currently it seems any changes will be agreed between the Mayor & you two leaders then rubber stamped by you here.

It is a significant unnecessary risk, which leaves the Mayor and Authority open to abuse & governance failures by design or by chance.

Next, I am requesting the remuneration panel item be withdrawn and referred back to the panel. It is very clear that the Mayoral allowance of £81,300 cannot fairly be less than the remuneration package being given to the Police, Fire and Crime Commissioner currently.

When pension is included, her remuneration stands now at around £90k, which is just for police and fire duties. Yet our new mayor will have all these responsibilities plus many others, but will receive considerably less in total.

How can this be right?

I have written to you in detail on multiple other issues of concern in the Independent Panel's report. For example, the Mayor of Peterborough and Cambridgeshire, a region of similar population to ours, is already paid £87k, despite not having fire or police duties. This is just one inconsistency. There are several others.

Also there is no explanation within the IRP report as to how the panel arrived at the very specific amount of £81,300.

If the recommendation is agreed today, it will leave our Mayor with far more responsibilities than most, being paid amongst the least, completely unfairly.

I hope you can ask the panel to review these issues and report back as soon as possible.

Finally re your Audit and Governance Committee - I hope you will adopt York's good practice and have it codified that an opposition member will chair that committee. It is an important check & balance, as is our longstanding practice, in York of having an opposition Member chair A&G, not someone from the administration.

Response:

Rachel Antonelli, Interim Monitoring Officer, provided the following response.

In relation to Ms Swinburn's first point regarding the constitution and amendments. The Combined Authority needed a constitution from its inception in December 2023 and this had to be formally approved as soon as was practicable. The first opportunity for any Members of the Combined Authority to consider this was at the inaugural meeting of the Authority on 22 January 2024. At that time, no Audit and Governance Committee was formally constituted. The Combined Authority asked that further amendments to cover additional areas for consideration be brought back to their March meeting. Nominations for Audit and Governance Committee Membership have since been provided to the Combined Authority.

It is proposed within the paper before Members today that any further amendments to the constitution be collated and that the Audit and Governance Committee form a working group to go through in more detail, the constitution. It is envisaged that this working group will then feed into Audit and Governance Committee, before final consideration by the Combined Authority.

With regards Ms Swinburn's second point regarding the Independent Remuneration Panel, it is a matter for the Committee to determine whether to accept the recommendations or not. Ms Swinburn very helpfully sent over her concerns to me earlier last week which allowed me the opportunity to consult the Panel in relation to this. They considered Ms Swinburn's comments and whilst they were grateful for the feedback, they felt that the comments did not change their position, or the content of their report. On that basis, I felt it more appropriate to allow the Combined Authority to determine whether to accept the recommendations within the report.

The Panel were keen to express their view that the recommended remuneration be reviewed in 12 months' time, when a definitive role and future priorities for the Mayor would be clearer. The benchmarking process looks at a variety of factors including not just population, but also duties, including Police and Fire responsibilities, and the Panel were mindful of the public purse when making their recommendation. Their report sets out how they arrived at the figure of £81,300 and their rationale for their conclusion. The remuneration of all Police and Crime Commissioners across the country is set nationally in a 4 band system, the bands are also set nationally. Any uplift in remuneration, for example, pension or indexation is a local addition and the Panel were keen to keep their starting point as the amount set nationally.

The Panel noted the comparison with Peterborough and Cambridgeshire and the similarity of population, however, the report does refer to the North of Tyne Combined Authority that includes a population closer to that of York and North Yorkshire and their remuneration was set at £65,000. In relation to how the Panel reached the amount of £81,300, paragraph 41 of their report sets this out.

Finally in relation to the Combined Authority's Audit and Governance Committee, whether to include this provision within the constitution will be a matter for the Combined Authority. I will ensure that any agreed amendments arising from today's meeting and also any future amendments agreed will be reflected in the Constitution going forward.

26 Combined Authority Constitution Review

Considered –

A report in the name of the Interim Deputy Monitoring Officer in relation to proposed amendments to the Constitution arising from feedback received from City of York Council and also proposing further consequential amendments.

Rachel Antonelli introduced the report and gave an overview of the key points as summarised below:

- The Constitution had been adopted in January 2024 and it was accepted at that meeting that the Constitution would require further review. There were five recommendations within the report before members.
 1. Feedback from City of York Council – detailed in Appendix A, part 2 of the CYC Joint Committee feedback was shown in green.
 2. A suggestion that the Audit and Governance Committee form a working group to consider feedback received and proposed amendments to the Constitution. The working group would then feed back to the Audit and Governance Committee to feed into the Combined Authority for amendments to be made.
 3. Proposed amendments which had arisen from officer feedback from working within the combined authority. In particular the Interim Director of Resources and section 73 officer would be given delegated authority to appoint an internal auditor from RSM, currently used by the police, crime, fire and rescue functions, and Veritau. A further paragraph 7 in section 1 sought to harmonise the fire and crime and combined authority elements of the Constitution.
 4. The additional of Part 9 of the Constitution, attached as Appendix B, which provided for governance for police, crime and fire functions. The intention had been for the incoming police and crime and fire and rescue functions to operate on the new Financial Regulations from 7 May but there had not been time to complete the work, and therefore it was proposed that the OPFCC would continue to operate on their current Financial Procedure Rules and Contract Procedure Rules to ensure they were safe and legal.
 5. That delegated authority be given to the Monitoring Officer to make any amendments required between now and the next meeting to ensure the Combined Authority could operate on a safe and legal basis. Any amendments made under this delegation would be reported back to the next meeting.

It was confirmed that the Mayor would set the Fire and Rescue element of the precept after public consultation in both North Yorkshire and York.

On a vote being taken it was

Resolved (unanimously) –

That (1) the Combined Authority considers the points raised in the feedback of City of York Council (see Appendix A), with provision for the Interim Deputy Monitoring Officer to make any agreed amendments to the constitution arising from the feedback. In addition, North Yorkshire Council's Transition (LGR) Overview and Scrutiny Committee are considering the report and may provide feedback to the Combined Authority, their meeting is due to take place on 11 March 2024, therefore, any feedback will be reported back to the Combined Authority at the meeting;

(2) the Combined Authority ask the Audit and Governance Committee to form a working group to consider any proposed amendments within Appendix A as part of a review of the constitution, with any completed review being brought back to the Combined Authority for further consideration;

(3) the proposed amendments to the constitution within the section entitled Combined Authority Officer feedback within this report be approved;

(4) the addition of Part 9 of the Constitution, with provision for the Interim Deputy Monitoring Officer to make any amendments agreed by the Combined Authority, be approved; and

(5) the Interim Monitoring Officer is delegated the ability to make amendments to the constitution which may arise from the 18 March 2024 until the Combined Authority's next Meeting in June 2024 to ensure that the Combined Authority is operating in a safe and legal manner. Such amendments will be made after the Interim Monitoring Officer has consulted with the Lead Members of the Combined Authority, and the Mayor (if such amendment is required after 7 May 2024) and then reported back to the next Combined Authority Meeting.

(Councillor Gareth Dadd declared an interest in this item on the basis that he was an unpaid director of Veritau. Councillor Dadd remained in the meeting and took part in the debate and vote thereon.)

27 Report of Independent Remuneration Panel

Considered –

A report in the name of the Interim Deputy Monitoring Officer, presenting the recommendations of the Independent Remuneration Panel (IRP) in relation to an allowance to be paid to an elected Mayor.

Rachel Antonelli introduced the report and gave an overview of the key points, as summarised below:

- In January 2024 the Combined authority approved the appointment of an Independent Remuneration Panel in order to consider remuneration for the Mayor, the Deputy Mayor if there were to be one, the Deputy Mayor for Policing and Crime if there were to be one and independent persons on the Audit and Governance Committee.
- The IRP was to be made up on two members from the North Yorkshire Council IRP and two members from the City of York IRP. The Panel decided to undertake the work in two phases due to the short timescale. Phase one related to remuneration for the Mayor and phase two would consider the remaining roles.
- The report of the Panel was attached at Appendix A and set out the Panel's recommendations in relation to remuneration for the Mayor including travel and subsistence expenses and a recommendation that it be reviewed again in 12 months' time.

Councillor Carl Les thanked the Panel for convening and completing the work so quickly to enable potential candidates to be aware of any allowances before nomination papers were submitted.

Rachel Antonelli confirmed that the IRP would continue to meet the following week to consider remuneration for the three remaining roles and it was hoped recommendations would be brought forward to the next meeting of the Combined Authority.

Councillor Claire Douglas proposed amended wording in relation to air travel to say it should only take place in exceptional circumstances and be with the agreement of the lead members, and this was seconded.

On a vote being taken it was

Resolved (unanimously) –

That (1) the level of Mayoral Allowance at the York and North Yorkshire Combined Authority be set at £81,300 from the start of the Mayor's term of office, as set out in the York and North Yorkshire Combined Authority Order 2023, as beginning from 7 May 2024.

(2) the principles of Mayoral expenses as set out below be adopted by the Combined Authority.

a. *Travel* Public transport to be standard class, with public transport being the preferred method of travel.

Taxi fares to be incurred where no public transport is reasonably available.

Air travel at standard rate and only to be approved in exceptional circumstances following agreement by the lead Members of the Combined Authority.

Own vehicle mileage rates in accordance with HMRC recommended rates:

- Up to 10,000 miles per annum: 45p per mile.
- Additional miles over 10,000 per annum: 25p per mile.

Parking fees, tolls, ferries, etc associated with vehicle travel to be reimbursed.

b. *Subsistence* Breakfast applicable when journey commences before 7.30am.

Lunch applicable when journey commences before 12 noon and continues after 3pm.

Tea applicable when absence continues after 6.30pm.

Evening meal when the absence continues after 8.30pm (with dinner and tea not being claimed for the same day).

c. *Dependent Care* Expense to be paid at minimum living wage rate.

(3) the Mayoral allowance at York and North Yorkshire Combined Authority be reviewed by the Independent Remuneration Panel in 12 months' time.

28 Combined Authority Budget 2024-25

Considered –

A report in the name of the Interim Director of Resources (s73 officer) which set out the suite of budget reports approved by the Police, Fire and Crime Commissioner and which would transfer to the Combined Authority on 7 May 2024, which the Combined Authority were asked to note.

Nick Edwards introduced the report and advised that at the inaugural meeting of the Combined Authority (CA) the initial budget for the functions transferred in on 1 February 2024 was approved. Following the election of a Mayor in May the functions of the Police, Fire and Crime Commissioner (PFCC) would also be transferred into the CA. The PFCC had already approved a budget for 2024-25 as part of a comprehensive medium term financial plan and capital plan for both policing and fire and rescue and those budgets and those budgets would transfer to the CA unchanged.

Councillor Carl Les confirmed that he would be writing to the Minister in relation to the flexibility of the fire precept.

Resolved (unanimously) –

That the Combined Authority note the revenue and capital budgets for fire, policing and crime that will transfer to the Combined Authority on 7th May 2024. The Combined Authority also noted the Treasury Management Strategy Statements attached as annexes 3 and 4 to the report.

29 Combined Authority Interim Corporate Plan

Considered –

A report in the name of the Interim Head of Paid Service which provided an interim Corporate Plan for approval, pending the election of the Mayor. Following the election the plan would be reviewed and a full corporate plan developed.

James Farrar introduced the report and gave an overview of the key points:

- Once a Mayor was elected it was expected they would undertake a full strategic review of all functions, however the interim Corporate Plan provided a clear plan of what the Combined Authority was currently statutorily obligated to deliver including contractual commitments and other commitments as part of the devolution deal.
- The Plan also provided details of the finances and investments supporting the commitments. The plan outlined assumptions made in relation to Government funding to be announced at the next comprehensive spending review in March 2025.
- £380m had been announced as part of the Local Transport Fund; this was expected to be backloaded to be low in the first two years and then increase significantly in future years. This budget had come from HS2 funding and it had been assumed that the profile would be similar.
- Over £600m would be invested in the region during the first term of an elected Mayor for York and North Yorkshire.

Resolved (unanimously) –

That the interim Corporate Plan be approved.

30 An Economic Framework for York and North Yorkshire Combined Authority

Considered –

A report in the name of the Head of Strategy which set out the initial priorities, opportunities and challenges for the subregion, prior to the election of the Mayor in May 2024 and which provided the Economic Framework for approval.

Andrew Leeming introduced the report and reported that the final document had been produced following a period of consultation on the initial draft Economic Framework previously considered by the Joint Devolution Committee.

In response to a question Andrew Leeming advised that the Framework had been well supported by partners and stakeholders, the consultation had led to amendments in relation to affordable housing, health and wellbeing, the green economy and identification of core sectors of the economy.

Resolved (unanimously) –

That the Economic Framework be approved as a key strategic document.

31 Adult Education Budget Implementation Readiness Conditions

Considered –

A report in the name of the Director of Economy in which a request was made for delegated authority to be given to the Interim Head of Paid Service, in consultation with the Mayor or Lead Members, for the submission of draft documentation required for the Adult Education Budget (AEB) Implementation Department for Education readiness conditions.

Andrew Leeming introduced the report and set out the next steps in relation to the AEB. A readiness report was required by the Department for Education (DfE) in May, however this did not align with the Combined Authority meeting schedule and therefore delegated authority was sought to submit an initial draft by the deadline. A report would then be brought back to the CA and the DfE had indicated they would be happy for further amendments to be made after that date. The AEB was expected to be worth around £11m per year.

Resolved (unanimously) –

That the Combined Authority delegate authority to the Interim Head of Paid Service, in consultation with the Mayor or Lead Members, for the submission of draft documentation required for the Adult Education Budget (AEB) Implementation DfE readiness conditions, to include:

- AEB Strategic Skills Plan
- AEB Commissioning & Delivery Framework
- AEB Funding & Performance Management Rule

32 Combined Authority Assurance Framework

Considered –

A report in the name of the Director of Economy which presented the York and North Yorkshire Combined Authority's Local Assurance Framework for adoption.

Paul Clark presented the report and reported that delegated authority had previously been granted to the Head of Paid Service to make changes prior to submission to Government, which had led to funds of £9m being issued on 1 March 2024. The Framework as submitted to Government was before members now for formal endorsement.

Resolved –

That the Combined Authority Local Assurance Framework be endorsed.

33 LGPS Pension Discretions Policy

Considered –

A report in the name of the Head of Human Resources which set out the Combined Authority's proposed Local Government Pension Scheme (LGPS) Employer Discretions Policy, which allowed employers to determine how certain discretionary provisions of the scheme would be applied.

Sara Jeffs presented the report and advised that whilst such authority would normally be reviewed on a three-year basis it was proposed that it be reviewed sooner as colleagues from the OPFCC and Fire and Rescue service would be joining the scheme in May.

In response to Members' questions Sara Jeffs confirmed that the Mayor and elected members were excluded from the LGPS and the Mayor's income was not pensionable.

Resolved (unanimously) –

That the Combined Authority's LGPS Employer Discretions Policy be approved.

34 Forward Plan

Considered –

The Combined Authority's draft Forward Plan was submitted for approval for publication on the Combined Authority website.

Resolved –

That the draft Combined Authority Forward Plan be approved.

35 Urgent Business

There were no items which the Chair agreed should be considered as a matter of urgency because of special circumstances.

The meeting concluded at 3.53 pm.