

COMBINED AUTHORITY MEETING

6 September 2024

COMBINED AUTHORITY GOVERNANCE

Report of the Interim Deputy Monitoring Officer

1.0 Purpose of the Report

- 1.1 To consider an update relating to governance arrangements of the York and North Yorkshire Combined Authority.

2.0 Recommendations

- 2.1 That the Combined Authority agrees the allocation of portfolios as set out at Appendix A for the municipal year 2024/25.
- 2.2 That the Combined Authority approves the amendment to the title of the Business Committee to Business Board and the updated Terms of Reference for the Board, as can be found at Appendix B.
- 2.3 The Combined Authority authorises the Interim Monitoring Officer, to make the necessary amendments to the Combined Authority Constitution.

3.0 Background

- 3.1 The Combined Authority Constitution allows for Members of the Combined Authority to be allocated a portfolio of responsibilities by the Mayor. This ordinarily happens at the annual meeting of the Combined Authority, however, due to time constraints, this was not possible for this municipal year.
- 3.2 Members will recall that the Mayor has appointed Councillor Kilbane as Deputy Mayor. The Mayor now wishes to appoint portfolio holders for transport (Councillor Kilbane) and housing Councillor Les) for 2024/25, to take place with immediate effect. Should Members agree the allocation of portfolios, this will require an update to the constitution. The constitution also provides that the Combined Authority website will also need updating to include information around the portfolio holders and their remit.
- 3.3 This report also provides an update on the governance arrangements around what is currently known as the Business Committee. Members will recall that previously a Business Board was in place prior to the inception of the Combined Authority, which was led by what was the Local Enterprise Partnership. It has been proposed that a Business Committee be established for the Combined

Authority and the Mayor has embarked on a recruitment campaign for Business Board Members.

- 3.4 This report seeks the formal adoption of the terms of reference and governance arrangements around these Meetings, including a change of the name of the group to Business Board, rather than Business Committee, as was originally agreed. If Members do resolve to adopt the amendments, this will also require an amendment to the constitution.

4.0 Financial Implications

- 4.1 This report sets out an update to the existing governance arrangements in relation to portfolio holders for the Combined Authority and amendments in relation to the Business Board/Committee. There are no additional financial implications arising from the proposed amendments.

5.0 Legal Implications

- 5.1 The legal implications of any amendments to the Constitution or other related governance arrangements are contained within the body of this report.

6.0 Equalities Implications

- 6.1 Any Constitution specific equalities implications are contained within the document.

7.0 Environmental Implications

- 7.1 The environmental including climate change implications of creating the Combined Authority and obtaining additional funding and powers under the Devolution Deal have been considered in previous reports to the constituent authorities. This report looks purely at the governance arrangements for the Combined Authority.

8.0 Combined Authority Areas Impacted (Council Areas/Wards/Divisions)

- 8.1 York and North Yorkshire Council areas.

9.0 Recommendations

- 9.1 That the Combined Authority agrees the allocation of portfolios as set out at Appendix A for the municipal year 2024/25.
- 9.2 That the Combined Authority approves the amendment to the title of the Business Committee to Business Board and the updated Terms of Reference for the Board, as can be found at Appendix B.
- 9.3 The Combined Authority authorises the Interim Monitoring Officer, to make the necessary amendments to the Combined Authority Constitution.

10.0 Reasons For Recommendations

10.1 To ensure that the York and North Yorkshire Combined authority has a governance framework to facilitate continuance of its operation in accordance with any legal requirements.

11.0 Contact Details

For further information please contact the authors of this Report.

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Background papers – [YNYCA-Constitution-August-2024.pdf \(yorknorthyorks-ca.gov.uk\)](#)

Appendices

Appendix A – Portfolio Holder allocation

Appendix B - Terms of Reference for Business Board

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Appendix A - Portfolio Holder allocations

Portfolio Area	Key Responsibilities	Lead Member
Deputy Mayor Transport	<p>The Deputy Mayor carries a statutory responsibility and acts on behalf of the Mayor as designated or, in their absence.</p> <ul style="list-style-type: none"> • Development of Local Transport Plan (for approval by Combined Authority). • Sustainable transport Bus Strategy. • Monitoring and delivery of and budget for major transport and connectivity programmes. • Development of Transport Levy for recommendation to the Combined Authority. • Road network and infrastructure. • Key transport partnerships including private sector transport providers. 	Councillor Pete Kilbane
Housing	<ul style="list-style-type: none"> • Development of the Housing Strategy. • Overseeing the delivery of major housing schemes – including the Brownfield Housing Fund. • Monitoring and reporting to the Combined Authority on the affordable housing programmes, including delivery of the Brownfield Housing Fund for the Combined Authority area. • Building strategic relationships with relevant Government Departments, housing providers, developers and builders. 	Councillor Carl Les

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B. BUSINESS BOARD

The Business Board of the Y&NYCA is a voluntary partnership between local authorities and businesses instigated by Government to help determine local economic priorities and lead economic growth and job creation within York and North Yorkshire.

1. Purpose.

The purpose of the Business Board is

- 1.1 to advise on strategy and policy that will unlock the region's economic potential and stimulate growth and prosperity.
- 1.2 to assist the Y&NYCA in bidding for public funding made available by government in support of economic growth.
- 1.3 to ensure policy and decisions of the Y&NYCA receive the input and views of key business leaders and take account of the views of the wider business community.
- 1.4 to engage with local, national and international businesses to understand the needs of different sectors and markets.
- 1.5 to engage business, opinion former and policy makers at a national and international level in promoting economic growth in the region.

In pursuit of this role the Business Board will:

- 1.6 capture and communicate requirements for changes to, and development of, economic policy.
- 1.7 work collaboratively with all partners, including local authorities and other public and third sector bodies to address barriers to growth and to drive efficiency.
- 1.8 bring together intelligence and expertise to identify priorities and develop solutions to maximise private sector investment in the region and secure sustainable growth.
- 1.9 work to create an environment for business growth ensuring appropriate mechanisms exist through which, as a co-ordinated voice the private sector can inform and influence the shape and future direction of local and national government policy.

- 1.10 advocate on behalf of the business sector at regional, national and international levels.

To ensure the Business Board is effective in this role it has the authority to:

- 1.11 engage in dialogue with Government and advise the Mayor on responses to policy, proposals and opportunities to bid for funding in support of economic growth.
- 1.12 engage with investors, businesses and advisors to investigate growth opportunities.
- 1.13 to advise and consult on regional economic policy, programmes and interventions designed to maximise growth in the region.
- 1.14 to provide advice to the Mayor and the Y&NYCA on leadership in key themes and priorities to promote growth including policy development.
- 1.15 to review policy performance and assist the Mayor in ensuring that the work of the Y&NYCA is providing maximum support to businesses.

2. Legal Status

- 2.1 The Business Board is an advisory committee of the Y&NYCA. It does not have the authority to take any decisions on behalf of the Y&NYCA and does not have legal status to enter into contracts.

3. Role of Members/Accountability

- 3.1 It is the duty of the Business Board Members to act in the best interests of the region and in accordance with the policy of the Y&NYCA.
- 3.2 All private sector members of the Business Board act in their individual capacity and not as representatives of their respective organisations or employers.
- 3.3 All Business Board members are expected to discharge their duties in line with the Nolan Principles for Standards of Public Life. All members must sign and comply with the Y&NYCA Members' Code of Conduct.

4. Membership

- 4.1 The Business Board will comprise of five public sector members and ten private sector members. Private Sector Members will form the majority of the Board. In addition, the Chair can co-opt up to five additional private

sector members with specialist knowledge for specific purposes. Co-opted members will not be counted in the private sector majority.

- 4.2 The Mayor will appoint a Chair from the private sector members who will provide strategic leadership on business growth for the region. The Chair will assist the Mayor in building the reputation and influence of the region at national and international levels.
- 4.3 The Chair will be a non-voting Member of the Y&NYCA. The Vice Chair will be appointed to act as substitute who will act in the absence of the Chair.
- 4.4 The Mayor will appoint one Vice Chair from the private sector who will provide day to day support to the Chair and Business Board Members. The Vice Chair will assist the Mayor and the Chair on leading on business relations within the region, including engaging with the SME business community and will deputise for the Chair.
- 4.5 Private Sector representation on the Business Board will be made up of business leaders who are either currently or recently in leading positions within business or who have specific sectoral or other experience relevant to the work of the Y&NYCA.
- 4.6 All private sector members of the Business Board act in their individual capacity and substitute Members will not be allowed to attend meetings should any Board Member be unavailable.
- 4.7 Private Sector Board Members will be appointed based on their experience, leadership skills and commitment to the achievement of the aims and objectives of the Y&NYCA.
- 4.8 Public sector Board Members will consist of the Mayor and two Members appointed from each constituent authority with responsibility for key areas such as business, transport, economy or skills.
- 4.9 All members of the Business Board will be required to complete a Register of Interests and complete all relevant documentation in respect of registering gifts and hospitality as required by the Y&NYCA's Code of Conduct.
- 4.10 Diversity**
- 4.11 The Y&NYCA is committed to diversity will have regard to ensuring the Business Board has diverse representation, which is reflective of the local business community, including gender, ethnicity, geographical spread, business size, protected characteristics and sector experience.

The Y&NYCA's commitment to diversity is articulated through its Diversity Policy.

5. Co-opting

- 5.1 Where specific skills or abilities are required which are not available among existing members or which the Business Board requires to be supplemented co-optees may be appointed to the Business Board. Co-opted members will not have voting rights and will not count towards the quorum of the private sector majority.

6. Recruitment, Appointment & Termination of Private Sector Membership

Recruitment.

- 6.1 Recruitment will be undertaken in line with the Y&NYCA Diversity Policy and made through an open, transparent, competitive and non-discriminatory process.
- 6.2 An Appointments Committee will be convened by the Y&NYCA, and a formal interview panel formed, comprising one Member from each Constituent Authority and the Mayor.
- 6.3 Interview panels will be advised by the Head of Paid Service.
- 6.4 Remuneration will be as set out in the Members' Allowances Scheme. Any remuneration will be subject to an Independent Remuneration Panel process in accordance with relevant legislation.

Appointment

- 6.5 On appointment, Business Board Members are required to sign a declaration affirming their understanding and commitment to the Y&NYCA's Members' Code of Conduct.

Termination

- 6.6 Where a Business Board Member is no longer able to meet the conditions of Business Board membership as defined by these terms of reference and any associated guidance issued by Government, the Mayor of the Y&NYCA following consultation with the Chair and the Head of Paid Service, may terminate a member's appointment to the Business

Board before the expiry of their period of appointment, with immediate effect.

- 6.7 Business Board Members who miss three or more of the scheduled Board meetings in a 12-month period will be reviewed by the Chair and their membership may be terminated by the Mayor in consultation with the Chair.
- 6.8 Failure to declare interests at meetings and to complete a register of interests will also be grounds for an appointment to the Business Board to be terminated.
- 6.9 A Business Board Member may resign at any time by giving notice to the Mayor in writing, having immediate effect.

7. Term of Appointment

- 7.1 The term of office for a Private Sector Business Member will be 3 years. This may be extended by the Mayor by up to a further term of three years. In exceptional circumstances, with a clear rationale, Members may be appointed by the Mayor for a further term not exceeding three years.
- 7.2 The Chair, once appointed, will remain in role for a term of three years or until they choose to step down from the position within that term or if removed from the position of Chair by a majority of the Business Board with the consent of the Mayor. In exceptional circumstances, an extension of a further term may be agreed by the Mayor.

8. Public Sector Appointments

- 8.1 The term of office for any Constituent Authority representative appointed by a Constituent Authority (or their substitute) is at the discretion of their nominating authority; Constituent Authorities may terminate their appointment or appoint a representative at any time, by notification in writing to the Y&NYCA's Monitoring Officer.

9. Performance

- 9.1 Private Sector Business Board Members are expected to attend all Business Board meetings and any relevant meetings including any working groups to which they are appointed.
- 9.2 All Business Board members will also be governed by the Constitution and Codes of Conduct of the Y&NYCA and associated legal and government policy requirements.

10. Frequency of Meetings

10.1 The Business Board will meet quarterly.

11. Quorum

11.1 Meetings of the Business Board will be quorate when at least one quarter of the Private Sector Members and at least one quarter of the constituent Public Sector members are present.

11.2 A Member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.

11.3 The Business Board is not a formal Committee as defined under the Local Government Act 1972, therefore, for the purposes of determining whether a quorum is present, a Business Board Member may be counted in the quorum if they are able to participate in the proceedings of the meeting by remote means e.g. telephone or video line (or equivalent) and remain so available throughout the discussion and decision for each item for which they are counted as part of the quorum.

12. Voting

12.1 The Business Board shall operate on a consensus model, wherever possible. Where a consensus is not achieved, a matter shall be carried by a majority of votes of the members of the Business Board present and voting.

13. Conflicts of Interests

Register of Interests

13.1 It is the responsibility of Board Members to ensure an up-to-date Register of Interests is maintained. A member must, within 28 days of becoming aware of any change in their interests, provide written notification of this. These will be published on the website and is a condition of appointment.

Declaration of Interests at a meeting

13.2 It is a responsibility of Board members to declare any personal, prejudicial or pecuniary interest on any item of business being conducted at a Board or other Y&NYCA meeting. Where a "pecuniary interest" is declared, Members will leave the meeting, where a "non-pecuniary"

interest is declared, Members may remain at the meeting but not participate in business.

14. Urgency Procedure

14.1 In order to ensure that the Y&NYCA can progress its business in an efficient manner, comments on urgent matters may be sought by the Head of Paid Service or other Statutory Officer outside the meeting cycle.

14.2 Members will receive email notification which identifies:

- Details of the matter requiring comment and/or advice and the reason for urgency (including an explanation as to why an emergency meeting is not proposed to be held to conduct the business)
- The date by which responses are required
- The name of the person or persons making or putting forward the proposal.

14.3 Actions taken and advice provided will be retrospectively reported to the next meeting of the Business Board.

15. Working Groups

15.1 With the approval of the Mayor and the Chair, the Business Board may establish a working group to assist it to meet its remit.

15.2 Any such subordinate body set up by the Business Board shall include one or more Business Board Members, as nominated by the Committee. With the consent of the Chair and the Mayor, any such group may also co-opt onto it any person with the relevant expertise on the issues within the remit of these groups.

15.3 The remit and terms of reference for any such subordinate body shall be approved by the Mayor and the Business Board.

16. Transparency

Agendas and Reports

16.1 Agendas and reports for the Business Board will be available on the website at least five clear working days before the meeting to which they relate.

Access to Information

- 16.2 Reports will be released with the agenda, except in those cases where the information contained in the reports is exempt from disclosure under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 or under Schedule 12A of the Local Government Act 1972.

17. Amendments to Terms of Reference

- 17.1 These terms of reference will be reviewed annually in line with the review of the Assurance Framework. Any changes will be approved by the Y&NYCA.