

Report of the Assistant Chief Executive, Legal and Governance
to Council on 27th February 2014

**LOCAL GOVERNMENT ECONOMIC DEVELOPMENT
AND CONSTRUCTION ACT 2009: SHEFFIELD CITY REGION
COMBINED AUTHORITY: APPOINTMENT OF REPRESENTATIVES**

1. Purpose of Report

- 1.1 To nominate appropriate representatives of the Council to the proposed Sheffield City Region Combined Authority.

2. Recommendation

- 2.1 That the Leader of the Council be appointed to represent Barnsley Metropolitan Borough Council on the Sheffield City Region Combined Authority.
- 2.2 That a member of the Council be appointed as the Council's substitute member of the Combined Authority in the absence of the Leader of the Council.
- 2.3 That a member of the Council be appointed as a second rotational member of the Combined Authority to discharge the role set out in paragraphs 4.3 and 4.4 of the report.
- 2.4 That two members of the Council be nominated to be appointed by the Combined Authority to its proposed Transport Committee.
- 2.5 That Standing Order 12 be amended to provide for questions in relation to the business of the Combined Authority to be asked of the Council's representative on the Authority.
- 2.6 That further consideration be given to the representation of the Council on the Scrutiny Committee of the Combined Authority following the determination by the Authority of its detailed Scrutiny arrangements.

3. Background

- 3.1 The nine Sheffield City Region local authorities have submitted a Scheme to the Secretary of State for the creation of a Combined Authority to be established for the Sheffield City Region pursuant to relevant provisions of the Local Government Economic Development and Construction Act 2009.
- 3.2 The Secretary of State has indicated that they are minded to approve the creation of a Combined Authority in response to the Scheme submission.

Formal consultation has been undertaken by the Secretary of State and the nine local authorities have expressed their formal approval in response to that consultation exercise.

- 3.3 It has anticipated that the Secretary of State will lay an Order before Parliament before the end of February 2014 which if approved would bring the new Combined Authority into being as a legal entity on the 1st April 2014. The formal name of the Authority will be the Barnsley Doncaster Rotherham and Sheffield Combined Authority.
- 3.4 There is a requirement for each of the nine participating authorities to appoint appropriate representatives to the new Combined Authority.

4. Current Position

- 4.1 The Order makes provision, in response to the Scheme submission, for there to be four constituent and five non-constituent members comprising the nine local authorities within the Sheffield City Region. The four South Yorkshire local authorities will be the constituent members and the five non South Yorkshire District Councils will be the non-constituent members.
- 4.2 It is not possible under the relevant legislation for all nine local authorities to be constituent members given that the County Councils for Derbyshire and Nottinghamshire are not to be a member of the Combined Authority. However it is possible for members of non-constituent authorities appointed to a Combined Authority to be given voting rights by the constituent authority members in respect of particular identified matters. Such voting rights would be conferred by the constituent members on a meeting by meeting basis.

Second Rotational Members

- 4.3 The legislation also provides that there must be a majority of members of a Combined Authority who are members of its constituent authorities. This presents a difficulty in the case of the Sheffield City Region Authority where only four of the nine relevant members will be constituent authority members. The constitution therefore been drafted, and this is contained in the Order laid by the Secretary of State, for each of the four South Yorkshire local authorities to nominate an additional member from to sit on the Combined Authority so as to achieve the requisite majority.
- 4.4 The constitution in particular provides therefore for each constituent authority to appoint a second "rotational member". Two of such four "rotational members" would on a rotating basis be appointed formally as members of the Combined Authority but they would not be required as a matter of course to attend meetings or to vote. The expectation is that decisions of the Combined Authority will be taken on a consensus basis hence

their attendance would not be required. However for reasons of legal certainty to comply with the legislation such additional "rotational" members are required to be appointed.

- 4.5 Whilst it is not specifically provided for in the constitution and Order it is anticipated that each of the authorities will nominate their Leader as their representative on the Combined Authority. The Order and constitution provides for a substitute member to be appointed to represent the relevant authority in the absence of their representative. Such substitute member would need to be a different person from the Second Rotational member.

Transport Committee Members

- 4.6 The proposed constitution for the Combined Authority contained in the Scheme submission also provides for there to be a Transport Committee (to be known as Transport for Sheffield City Region [TfSCR]) to which would be delegated certain non-strategic transport functions. This is to avoid the meetings of the Combined Authority having excessively long agendas dealing with relatively non-strategic matters. Given the call on the time of members of the Combined Authority, who it is anticipated will be Council Leaders, it will be advantageous for Transport Committee members to be comprised of other co-opted members from the constituent and non-constituent authorities. The relevant legislation on co-opted member rights has been modified by the Order and so allows for a local authority member of a constituent authority, nominated to a committee of the Combined Authority on which their authority is represented, to be given voting rights.

Each of the nine authorities is therefore required to submit nominations to the Combined Authority for membership of the Transport Committee.

The Transport Committee is not a continuation in another form of the existing Integrated Transport Authority given that the strategic transport functions of the ITA will be transfer to and discharged by the Combined Authority. The ITA will be dissolved.

It is being proposed by the Sheffield City Region Leaders that the Transport Committee membership be similar to that of the ITA together with each of the non-constituent authorities nominating a member; 17 members in all. This would be reviewed after 12 months. The formal composition of the Transport Committee will need to be determined by the Combined Authority following 1st April 2014 but it is anticipated that the views of the Sheffield City Region Leaders will be followed and hence the Council should on that basis nominate two members to be appointed to the Transport Committee. The view of the SCR Leaders is that it would be appropriate for such nominations to include a member with Cabinet responsibility for transport matters although it is for each authority to determine who to nominate to the Combined Authority.

Scrutiny Arrangements

- 4.7 The Scheme submission proposed that Scrutiny of the business of the Combined Authority be left to be addressed through the Scrutiny arrangements of the participating authorities. The Order is more prescriptive and requires the Combined Authority to establish its own Scrutiny Committee. The Combined Authority will need to determine the precise composition of its Scrutiny Committee and the number of members which each participating authority would be required to nominate.

Questions to the Council in relation to Combined Authority Business

- 4.8 The Council's Standing Orders provide for an opportunity to ask formal questions of designated members of Joint Authorities established under the Local Government 1985 such as the Integrated Transport Authority. It would be appropriate to amend Standing Orders to allow for a similar facility to ask questions at the Council in respect of the business of the Combined Authority.

5. Proposal

- 5.1 That the Leader of the Council be appointed to represent Barnsley Metropolitan Borough Council on the Sheffield City Region Combined Authority.
- 5.2 That a member of the Council be appointed as the Council's substitute member of the Combined Authority in the absence of the Leader of the Council.
- 5.3 That a member of the Council be appointed as a second rotational member of the Combined Authority to discharge the role set out in paragraphs 4.3 and 4.4 of the report.
- 5.4 That two members of the Council be nominated to be appointed by the Combined Authority to its proposed Transport Committee.
- 5.5 That Standing Order 12 be amended to provide for questions in relation to the business of the Combined Authority to be asked of the Council's representative on the Authority.
- 5.6 That further consideration be given to the representation of the Council on the Scrutiny Committee of the Combined Authority following the determination by the Authority of its detailed Scrutiny arrangements.

6. **Background Papers**

- 6.1 - Combined Authority Scheme submitted of the Secretary of State.
- Secretary of State's consultation on the Combined Authority Scheme proposal.

7. **Officer Contact**

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