

**Notice of a public meeting of
Executive**

To: Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson

Date: Wednesday 21 September 2022

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

This is the reconvened Executive meeting postponed from 15 September 2022.

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Friday 23 September 2022**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Minutes

(Pages 1 - 22)

To approve and sign the minutes of the Executive meetings held on 28 July 2022 and 18 August 2022.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Monday 19 September 2022**. To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. **Forward Plan** (Pages 23 - 24)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. **Update to the Community Asset Transfers Affecting Community and Parks Assets** (Pages 25 - 46)

The Corporate Director of Place to present a report which sets out the representations received following publication of the Section 123 Notices proposing to dispose of various areas of open space land, and makes recommendations in response to these.

6. **Enhanced Partnership and Bus Service Improvement Plan** (Pages 47 - 130)

The Director of Environment, Transport and Planning to present a report which seeks approval to enact a statutory Enhanced Partnership between the council and local bus operators in order to secure the confirmed £17.36m Bus Service Improvement Plan funding from the DfT.

7. Agree the Devolution Deal and commence consultation (Pages 131 - 270)

The Chief Operating Officer to present a report which provides details of the steps required following the announcement of the 'minded to' Devolution Deal for York and North Yorkshire, and asks Executive to recommend that Council commence the consultation process to approve the Deal and carry out the relevant next steps.

8. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

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City of York Council

Committee Minutes

Meeting	Executive
Date	28 July 2022
Present	Councillors Aspden (Chair), Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson
Apologies	Councillor Ayre
In Attendance	Councillor Douglas
Officers Present	Ian Floyd – Chief Operating Officer Janie Berry – Director of Governance, and Monitoring Officer Debbie Mitchell – Chief Finance Officer Jamaila Hussein – Corporate Director of Adult Social Care and Integration James Gilchrist - Director of Environment, Transport & Planning Phil Delaney - Project Manager, Flood Risk Management Michael Jones - Head of Housing Delivery & Asset Management Matt Boxall – Head of Public Protection

PART A - MATTERS CONSIDERED UNDER DELEGATED POWERS

14. Declarations of Interest (5:31 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllrs D'Agorne and Mason each declared an interest in Agenda Item 6 (City Centre Access – Action Plan Update), as Directors of York Bid, noting that they had not been involved in the representations submitted by the Bid on this item.

Cllr Douglas wished to place on record, in respect of Item 9 (Housing Asset Management - Planned Investment at Glen

Lodge and Bell Farm) that Glen Lodge and Bell Farm were in her ward of Heworth and, in respect of Item 8 (Additional Licensing in York - Consultation Results and Decision on Designation), that she was a private landlord.

15. Minutes (5:33 pm)

Resolved: That the minutes of the Executive meeting held on 16 June 2022 be approved, and signed by the Chair as a correct record.

16. Public Participation (5:34 pm)

It was reported that there were 15 people in attendance who had registered to speak at the meeting under the Council's Public Participation Scheme.

[Note: participants are listed below in agenda order, and not necessarily in the order in which they actually spoke.]

Cllr K Taylor spoke on the York Central Development, a matter within the Executive's remit, as Ward Member for Holgate, urging Members to seek a solution with the NRM to the access issues caused to Holgate residents.

The following spoke on Agenda Item 6 (City Centre Access – Action Plan Update):

- Diane Roworth, objecting to Blue Badge restrictions and highlighting hazards caused by pavement cafes.
- Jane Burton, stating that Blue Badge restrictions were preventing disabled people from supporting local business.
- Flick Williams, objecting to barriers to disabled people's access to the city centre.
- Andrew Digwood, of York and North Yorks. Chamber of Commerce, objecting to footstreet hours ending at 5 pm.
- Kate Latham, of Pairings Wine Bar, highlighting the benefits of pavement cafes to the early evening economy.
- Jacob Mayled, owner of a small business on Goodramgate, objecting to the removal of his outdoor seating area.
- Andrew Lawson, of the York BID, highlighting the detrimental effect of moving the end of footstreet hours back to 5pm.

- John Pybus, Landlord of the Blue Bell on Fossgate, highlighting the benefits to pubs of a later end to footstreet hours,
- Adam Wardale, Chair of the Hospitality Association York, highlighting the negative effect on businesses of reducing footstreet hours.

Written representations received from the following in respect of Item 6 had been circulated to Members before the meeting:

- Jason Hawkins, owner of the Blue Boar
- Michael Hjort, Director of the Food & Drink Festival
- Dr Brendan Paddison, Chair of York Tourism Advisory Board

Daniel Smith spoke on Agenda Item 7 (Hackney Carriage Licences), stating that it was the private hire sector that needed wheelchair-accessible taxis and raising issues regarding taxi ranks.

A written representation received from Alan Brewer, Hackney Carriage driver and Treasurer of YHCA, in respect of Item 7 had been circulated to Members before the meeting.

The following spoke on Agenda Item 8 (Additional Licensing in York – Consultation Results and Decision on Designation):

- Andy Simpson, of York Residential Landlords Association, objecting to the proposals.
- Cllr Pavlovic, Ward Member for Hull Road, supporting the proposals.

Cllr Webb spoke on Agenda Item 10 (Inspection of Local Authority Children's Services and Action Plan), questioning why no action had been taken to address service issues before the inspection.

17. Forward Plan (6:21 pm)

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

18. Catchment Flood Management Project (6:22 pm)

The Director of Environment, Transport & Planning and the Project Manager, Flood Risk Management, presented a report

which summarised the proposed approach to the 5-year York and North Yorkshire Catchment Flood Management project to manage flood risk, as set out in the business case submitted to DEFRA in April 2022.

The project aimed to offset the impacts of climate change in York and smaller communities across North Yorkshire by initiating long-term change across the river catchment. The business case had been developed with involvement from a number of key partners and prepared following guidance provided by the Environment Agency, in line with the aims of the Flood and Coastal Resilience Innovation Programme. The total project value was £5.9m, including contingency of £1.3m. The project was considered necessary to improve the resilience of the City of York to flood risk over the long term, and had had been accepted for funding based on the approach summarised in the report. It was therefore recommended that it be implemented in accordance with that approach (option 1), rather than changing the approach (option 2) or rejecting the project altogether (option 3).

The Executive Member for Environment & Climate Change endorsed the recommendation, highlighting the collaborative work on the project by the council and the Environment Agency, and it was

Resolved: That the implementation of this project, using the approach summarised in the report, be approved.

Reason: To enable the delivery of the York and North Yorkshire Catchment Flood Management project.

19. City Centre Access – Action Plan Update (6:26 pm)

The Director of Environment, Transport & Planning presented a report which provided an update on the city centre access action plan, following the decision on 18 November 2021 to restrict vehicle access to the footstreets during pedestrianised hours based on Police Counter Terrorist advice (Minute 53 of that meeting refers).

Details of progress on the action plan were set out in Annex A to the report and in paragraphs 20-36. The report also sought approval to begin consultation on the proposed 'City of York Guidance and Conditions for Pavement Cafes' (the Guidance),

and asked Members to approve a 3-month extension of current pavement café licences and consider the timing of consultation on a permanent change to the footstreet hours, which had been temporarily extended to 7:00 pm as part of York's Covid emergency response. Options in respect of each proposal were set out in paragraphs 54-75. In summary, these were to:

- Adopt, reject or consult on the Guidance;
- Extend pavement café licences (legislation permitting) or require new applications in October;
- Commence, postpone or cancel the statutory TRO consultation on extension of the footstreet hours.

In response to matters raised under Public Participation and questions from Members, officers confirmed that:

- Closing times for pavement cafés would revert to 5pm in September, though there may be some exceptions.
- Separate traffic access restrictions applied in Fossgate.
- A number of constraints had affected the provision of dropped kerbs in some places, as set out in Annex B.
- The council did investigate any complaints received regarding pavement cafés and tried to find solutions.

With reference to paragraph 11 i) of the report, the Executive Member for Economy & Strategic Planning suggested postponing the TRO consultation, commenting that there was a need to review the situation to find the best long-term solutions and not to not set business interests against access issues affecting disabled people.

Resolved: (i) That approval be given to commence consultation on the proposed '*City of York Guidance and Conditions for Pavement Cafes*'.

(ii) That a report be brought to Executive in November on the outcome of the consultation (noting that the new '*City of York Guidance and Conditions for Pavement Cafes*' to be considered at that meeting would take effect in January 2023 if approved).

(iii) That it be noted that the long-term Government regulatory framework for Pavement Cafes remains uncertain; the current emergency legislation has since publication of the report been extended to September 2023.

Reason: To ensure the decision making on pavement cafes reflects the current situation and the needs of all city centre users.

(iv) That the update on the '*City Centre Access – Action Plan*' at Annex A be noted.

(v) That the planned commissioning of an Access Specialist Consultant be noted and the prioritised work programme, as set out in the report, be approved.

(vi) That the programme of dropped kerbs for autumn this year and spring 2023 be noted.

(vii) That the work to develop the feasibility of the City Centre Bus Shuttle be brought forward in advance of the original funding source being achieved (this will be co-produced with stakeholders, including the look and feel of vehicles and will require input from an access specialist along with transport input, which will be funded from transport reserves).

(viii) That officers be asked to explore whether the reduction in vehicles within the City Centre enforced in the future through Hostile Vehicle Mitigation Measures would enable a kerb free design to be implemented in the footstreet area.

Reason: To accelerate the delivery of *the 'City Centre Access – Action Plan'* including bringing forward the Feasibility Study of a City Centre Bus Shuttle in the absence of Bus Service Improvement Plan funding being available. If a kerb free design is possible in the footstreets, the Levelling Up bid for the City Centre, if successful, could help deliver elements of this.

(ix) That any decision to undertake statutory traffic regulation order consultation on a permanent change in footstreet hours to 7.00pm be postponed until the Executive have had the opportunity to consider the lived experience of the pavement cafes

under the new guidance, and until there is more clarity about the long term legislative framework and progress has been made in delivering the City Centre Access – Action Plan.

Reason: The major benefit of 7:00 pm is the extended hours in which pavement cafes can operate. Given the uncertainty over the national regulatory framework and the need to carry out work to implement local more accessible guidance, a consultation on footstreet hours is not appropriate and cannot be based upon facts.

(x) That the principle of renewing existing pavement cafes for three months free of charge but restricted to the footstreet hours be approved, and that it be noted that footstreet hours will revert to their normal 5:00 pm in October 2022 but be temporarily extended to 8:00 pm in November for the Christmas Market to end of December 2022.

Reason: Given the uncertainty over national legislation this decision adds a degree of assurance for pavement cafes and allows the council time to consult on its own new guidance and conditions for pavement cafés.

[The meeting was adjourned for a break at 7:02 pm]

20. Additional Licensing in York - Consultation Results and Decision on Designation (7:20 pm)

The Head of Housing Delivery & Asset Management presented a report which analysed the results of two consultations on proposed additional licensing for Houses in Multiple Occupation and asked Executive to consider recommendations to implement the proposals within identified designated areas of the city.

The consultations had been carried in respect of the council's discretionary power under the Housing Act 2004 to licence smaller HMOs within a designated area, with the intention of ensuring minimum standards were met. The results, as set out in the report, clearly identified broad support for additional licensing within identified designated areas of the city. In total,

1032 responses had been received and this was considered a strong response rate, sufficient to support the recommendations.

The Executive Member for Housing & Safer Neighbourhoods welcomed the proposals as an important step forward in improving the standards of private rental stock. Having noted the comments made on this item under Public Participation, it was

Resolved: (i) That a designation be made of the following wards in the City of York Council as subject to Additional Licensing under Section 56(1)(a) of the Housing Act 2004 for all Houses in Multiple Occupation (HMOs), subject to the exemptions specified in Appendix 1 and Appendix 3 to the report, irrespective of the number of storeys, that contain three or four occupiers in two or more households within the following wards:

- Hull Road
- Guildhall
- Fishergate
- Clifton
- Heworth
- Micklegate
- Osbaldwick and Derwent
- Fulford and Heslington.

(ii) That the designation set out in Resolution (i) above shall come into force on 1 April 2023 for a period of 5 years.

(iii) That authority be delegated to the Corporate Director of Place to sign the 'Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022' in accordance with the provisions set out in the Scheme of Delegations in the Council's Constitution.

(iv) That upon signature of the designation the council will given public notice in accordance with the designation, a current draft of which notice is attached as Appendix 3 to the report.

(v) That the proposed amended fees and charges structure, as set out in Appendix 4, be adopted, and that those fees be reviewed annually to ensure they remain reasonable and proportionate and address any issues relating to surpluses or deficits in accordance with case law and the EU Services Directive.

(vi) That the amended HMO Licensing Policy 2020 at Appendix 5 be adopted, and that authority be delegated to the Corporate Director of Place to authorise amendments to the standards and conditions contained in the policy where necessary to ensure they remain reasonable and proportionate and in accordance with any relevant legislative changes.

(vii) That the creation of a stakeholders group to work collaboratively on driving up standards in the wider Private Rented Sector be supported - the composition of the group shall include representatives of organisations who have actively taken part in the consultation.

Reason: The proposal is consistent with the Council's ambition to improve management standards and housing conditions in private rented accommodation in the city and reflects the broad support for this approach identified through stakeholder consultation.

21. Housing Asset Management - Planned Investment at Glen Lodge and Bell Farm (7:31 pm)

The Head of Housing Delivery & Asset Management presented a report which sought approval to procure major repair and maintenance works at Glen Lodge and Bell Farm pods to address significant health and safety issues and bring accommodation up to a decent homes standard.

Details and costs of the work required at Glen Lodge were set out in paragraphs 5-14 of the report, and in paragraphs 15-26 for work required at Bell Farm Avenue, Huntington Road and Middleham Avenue. A full business case with tendered contract prices would be brought to a future Executive meeting. In

respect of those homes that were currently occupied, a programme of consultation and engagement was taking place with tenants to understand their individual circumstances and wishes and ensure that they could be relocated, temporarily or permanently, to a home that met their needs. Works were likely to start on site in spring/summer 2023.

Officers confirmed that work at Glen Lodge would be conducted in accordance with the Moving Homes Safety Protocol. The Executive Member for Housing & Safer Neighbourhoods welcomed the proposals, stressing the importance of continually upgrading the fabric of the council's properties.

Resolved: (i) That approval be given to procure a contractor to resolve water hygiene issues and improve the quality of the building at Glen Lodge, and that it be noted that a business case with final costs will be brought before Executive and recommended to Full Council for consideration prior to contracts being signed.

(ii) That the work being undertaken to agree with residents a move from the old wing of Glen Lodge to the newer wing with a package of support measures to minimise disruption and address individual residents' circumstances prior to the commencement of building works be noted.

(iii) That approval be given to commission design work and submit planning applications for the rear extensions at the identified Bell Farm properties.

(iv) That approval be given to procure a contractor to rebuild the existing bathroom pods and undertake a package of retrofit improvements works at the identified Bell Farm apartments, and that it be noted that a business case with final costs will be brought before Executive and recommended to Full Council for consideration prior to contracts being signed.

(v) That an application be progressed, under Wave 2 of the Social Housing Decarbonisation Fund, to seek grant funding towards the cost of retrofit works to the Bell Farm apartments.

(vi) That the work being undertaken to agree with remaining residents of the Bell Farm apartments a move to a suitable alternative property, with a package of support measures to minimise disruption and address individual resident's circumstances prior to the commencement of building works, be noted.

(vii) That the options for delivering works at the two properties in Bell Farm (Annex 1) which currently belong to leaseholders be noted, and that it be noted that the full business case for the delivery of this project will include details of the preferred option following discussions with the leaseholders and following advice from Legal Services.

Reason: To address significant health and safety issues and bring accommodation up to a decent homes standard, while ensuring that tenants have acceptable, suitable accommodation in the meantime.

22. Inspection of Local Authority Children's Services (ILACS) and Action Plan (7:45 pm)

The Corporate Director of Adult Social Care and Integration (formerly Interim Director of Children's Services) presented a report which set out the outcome of the Ofsted inspection of Children's Social Care under the Inspection of Local Authority Children Services (ILACS) framework, conducted between 7 and 18 March 2022.

The inspection report, published on 4 May 2022, was available through the Ofsted website. The inspection had confirmed that the quality of children's services had not been maintained following the last inspection in 2016 and that York 'Required improvement to be good'. The council was required to submit an action plan to Ofsted by 12 August, outlining how it intended to address each of the areas for improvement and the monitoring arrangements. Approval was sought for the Action Plan attached at Annex A.

The Chief Operating Officer commented that the inspection report also included areas of good practice and that many other local authorities had achieved worse results than York.

Children's services faced a financial challenge at a national level. However there was no room for complacency and he remained committed to achieving excellence, with the support of Members and Chief Officers.

Resolved: That York's Action Plan in response to the areas identified for improvement be agreed.

Reason: In order to share York's agreed action plan with Ofsted and continue to progress improvement activity locally.

23. Developing a 5 Year Dementia Strategy for York (8:05 pm)

The Corporate Director of Adult Social Care and Integration presented a report which briefed Executive on work carried out to develop a Dementia Strategy for York and sought approval for the draft Strategy prior to its publication this summer.

The draft York Dementia Strategy 2022-2027, attached as Annex A to the report, had been prepared by a working group including members from the council, health services and the voluntary sector. A series of engagement events had taken place, including a consultation event with people living with dementia to hear their views on the draft.

The Executive Member for Adult Social Care & Health thanked officers for their work on the Strategy, noting the significant engagement undertaken with people with lived experience of dementia, and it was

Resolved: That the draft Strategy be approved.

Reason: Having a York Dementia Strategy will clearly establish the common goals for health, social care, and community organisations in the City to deliver quality support to people with dementia and their carers. Once there is an agreed Strategy, progress can be made with a delivery plan to achieve the goals outlined, and improve the experience for the thousands of people living with dementia in our City.

PART B - MATTERS REFERRED TO COUNCIL

24. Hackney Carriage Licences (7:10 pm)

The Head of Public Protection presented a report which asked Executive to consider the specification of vehicles to which the additional hackney carriage licences recommended by Licensing & Regulatory Committee should be granted, and to recommend to Council that the Taxi Licensing Policy be amended accordingly.

On 7 June 2022, the Committee had recommended that the number of hackney carriage licences available be increased from 183 to 190 to meet the identified unmet demand. They had also made a recommendation regarding the type of vehicle to which the additional licences should be granted, and this was the matter that Executive was asked to consider. Three options were available:

- Option 1 – amend the Taxi Licensing Policy to the vehicle specification in paragraph 25 regarding the grant of any new hackney carriage vehicles licences, as recommended by Licensing & Regulatory Committee
- Option 2 – Retain the existing vehicle specification outlined in paragraph 16.
- Option 3 – Specify a different vehicle standard.

In response to comments made under Public Participation and questions from Members, officers confirmed that:

- The unmet demand survey had been carried out in October 2021, having been postponed due to Covid.
- The shortage of hackney carriages had been partly due to a lack of drivers, who had left taxi work during Covid.
- Efforts were being made to address issues with parked cars at the Duncombe Place taxi rank now that more enforcement officers were available.

Recommended: That Council approve a change to the Taxi Licensing Policy in respect of the type of vehicle to which new hackney carriage licences will be issued; those being wheelchair accessible, 'fully electric' or 'plug in electric hybrid London taxis', and black in colour (as specified in detail in paragraph 25 of the report to Executive), in accordance with Option 1 in the report.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability, as well as providing a more environmentally friendly and easily recognisable hackney carriage fleet in the city in response to the declared climate emergency and continuing desire to improve air quality.

Cllr K Aspden, Chair
[The meeting started at 5.30 pm and finished at 8.15 pm].

Meeting	Executive
Date	18 August 2022
Present	Councillors Aspden (Chair), Craghill, D'Agorne, Runciman, Smalley and Waller
Apologies	Councillors Ayre, Mason and Widdowson
In Attendance	Councillor Douglas
Officers Present	Janie Berry – Director of Governance, and Monitoring Officer Debbie Mitchell – Chief Finance Officer Neil Ferris – Corporate Director of Place Martin Kelly – Corporate Director of Children & Education Gary Frost – Major Transport Projects Manager Catherine Higgins – Senior Transport Project Manager

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

25. Declarations of Interest (5:32 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

26. Public Participation (5:33 pm)

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, all in relation to Agenda Item 4 (City Centre Access Security Measures – Update Including Tender Return).

Flick Williams objected to the proposals on the grounds of the cost of the HVM measures, the lack of public engagement, and the disproportionate effect they would have on disabled people.

Diane Roworth also objected to the proposals, stating that the HVM scheme was not fit for purpose and that a solution was needed that did not exclude disabled people from the city centre.

Cllr Melly, Ward Member for Holgate, highlighted costs and accessibility issues and urged that the scheme be reconsidered to keep the public safe while not excluding disabled people.

27. Forward Plan (5:43 pm)

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

28. City Centre Access – Security Measures – Update Including Tender Return (5:43 pm)

The Corporate Director of Place presented a report which provided an update on the procurement of the Hostile Vehicle Measures Scheme, and sought approval to enter into a contract for the Scheme and bring forward the additional funding required.

Executive had granted authority to proceed with procurement on 13 January 2022 (Minute 81 of that meeting refers). Following completion of the detailed design, one tender had been received and evaluated. Due to the increased cost of materials, the identification of new products that better met the risk assessments, and work needed to protect infrastructure, the current budget was no longer sufficient and a further £1.750m was required. Temporary measures would still be needed over the Christmas 2022 period, before work began. Letters received in support of the Scheme from North Yorkshire Police and Counter Terrorism Policing were attached as Annexes A and B to the report. Location plans for the measures were attached at Annex C.

Supt Mark Khan of North Yorkshire Police and Shaun Tunstall, Counter Terrorism Security Advisor at West Yorkshire Police addressed the meeting and responded to Members' questions. Supt Khan explained that the current threat assessment had been set by JTAC as 'substantial' and that York city centre was particularly vulnerable due to the number of publicly accessible locations within a small area. Mr Tunstall supported this view,

adding that the threat was becoming more unpredictable, and an HVM scheme was needed more in York than in most other cities.

In response to matters raised under Public Participation, officers pointed out that the issues relating to footstreets had already been decided by Executive, and that the cost of the Scheme was small in relation to the total value of the council's highways assets. In supporting the recommendations, the Executive Member for Transport highlighted the council's statutory Protect Duty and the expert advice that formed the basis of the Scheme. The Chair expressed disappointment that the government had failed to provide support to Local authorities in meeting their statutory duty, and suggested an additional resolution to that effect.

Resolved: (i) That the general progress on the Hostile Vehicle Measures (HVM) Scheme be noted.

(ii) That authority be delegated to the Director of Transport, Environment & Planning (in consultation with the Director of Governance or her delegated officers) to accept the tender based on the evaluation criteria and to take such steps as are necessary to award and enter into the resulting contract.

(iii) That it be noted that the tender received is in excess of the available budget and that an additional £1,750k be approved, to be funded by bringing forward funds from the 2026/27 Highways Maintenance capital programme, to enable award of the contract and to meet the forecast for inflation and the utilities costs.

Reason: To enable the contract to be awarded in order to commence work to carry out advice received by Police and Security services to protect the city centre from a vehicle borne terrorist attack.

(iv) That City of York Council lobby the Home Secretary to seek financial support with the installation of HVMs and the production of a long term government plan to support councils in implementing their Protect Duty.

Reason: To ensure local authorities have the resources they need to comply with the additional requirements placed upon them by government.

29. **Emergency Planning Shared Service Collaboration Agreement Between City of York Council and North Yorkshire County Council (6:38 pm)**

The Director of Transport, Environment & Planning presented a report which sought approval to continue the shared service approach to emergency planning between City of York Council (CYC) and North Yorkshire County Council (NYCC) that had operated as a pilot scheme since August 2021.

Under the pilot, the council retained the strategic management role of Emergency Planning and was represented at the Local Resilience Forum, and NYCC co-ordinated the response in an emergency. A decision on the future of the service provision was required no later than 30 September 2022.

Four options were available, as detailed in paragraphs 13-33 of the report and summarised briefly below:

Option a – continue the current agreement, as recommended. This offered the best balance of resource and resilience whilst retaining the autonomy of the council to make its own decisions.

Option b – move the strategic role to the Shared Service. Not recommended, as the council would not then have the same level of ownership, responsibility and regional representation.

Option c – terminate the agreement and revert to the council's substantive emergency planning structure by 31 March 2023. Not recommended, as it would require staff recruitment at a time when the availability of suitably qualified resources was limited

Option d – terminate the agreement and develop a new, more resilient structure by 31 March 2023. Not recommended, as it would provide less resilience at a higher cost than Option a.

Resolved: That the continuation of the shared service collaboration between City of York Council and North Yorkshire County Council (Option a) be approved.

Reason: To provide the most cost-effective use of resources for a resilient Emergency Planning Service.

30. 2022/23 Finance and Performance Monitor 1 (6:46 pm)

The Chief Finance Officer presented a report which provided details of the council's overall finance and performance position for the period covering 1 April 2022 to 30 June 2022, together with an overview of any emerging issues.

The gross financial pressures facing the council were projected at £8.7m; however, with mitigation and further action it was considered this could be reduced to a net position of £6.7m. The main variations and proposed mitigating actions were summarised in Annex 1 to the report. Serious underlying budget pressures remained across social care, and additional funding of £7.6m had been allocated to the 2022/23 budget in the People directorate. The general reserve stood at £6.9m and a contingency budget of £1m was available to offset the forecast overspend. Service delivery performance was summarised in paragraphs 18-24 of the report, and details of performance against the core strategic indicators in the Council Plan were provided in Annex 2.

In commenting on matters within their individual portfolio areas, Members thanked staff involved in reducing the number of empty council homes and processing support fund and rebate payments, and highlighted the chronic underfunding of social services at a national level. The Chair echoed the need for government support, especially in ensuring sustainable funding for social care, and stressed that the council's priority was to support its residents through difficult financial times.

Resolved: That the finance and performance information, and the actions needed to manage the financial position, be noted.

Reason: to ensure expenditure is kept within the approved budget.

31. Capital Programme - Monitor 1 2022/23 (7:07 pm)

[See also under Part B]

The Chief Finance Officer presented a report which set out the projected outturn position of the council's capital programme for 2022/23, including any under/over spends and adjustments,

along with requests to re-profile budgets to and from current and future years.

An increase of £6.592m was reported on the programme approved in February 2022, resulting in a revised programme for 2022/23 of £792.750m. Variances against each portfolio area were set out in Table 1 at paragraph 8 of the report and detailed in paragraphs 9-27. The revised 5-year programme was summarised in Table 2 at paragraph 28. The report highlighted the need to be aware of potential delays and cost increases to projects due to the combined impact of Covid, Brexit, global demand and the war in Ukraine. Officers would continue to monitor the situation.

In supporting the recommendations, the Chair noted the progress made on a number of important schemes and highlighted the successful bid for £3m from the Department of Education, the energy efficiency works on 44 council homes, and the funding awarded to support the delivery of Haxby Station.

Resolved: (i) That the 2022/23 revised budget of £192.750m, as set out in Table 1 at paragraph 8 of the report, be noted.

(ii) That the restated capital programme for 2022/23 – 2026/27 as set out in Table 2 at paragraph 28, be noted.

Reason: To enable the effective management and monitoring of the Council's capital programme.

Chair's Remarks (7:10 pm)

The Chair noted that this was the last Executive meeting to be attended by Janie Berry, Director of Governance and Monitoring Officer, who was leaving the council to take up a post in Birmingham. On behalf of the Executive, he thanked Janie for her work and wished her well in her new role.

PART B - MATTERS REFERRED TO COUNCIL

32. Capital Programme - Monitor 1 2022/23 (7:07 pm)

[See also under Part A]

The Chief Finance Officer presented a report which set out the projected outturn position of the council's capital programme for 2022/23, including any under/over spends and adjustments, along with requests to re-profile budgets to and from current and future years.

Recommended: That Council approve the adjustments resulting in an increase of £6.592m in the 2022/23 budget, as detailed in the report and contained in Annex A.

Reason: To enable the effective management and monitoring of the Council's capital programme.

Cllr K Aspden, Chair

[The meeting started at 5.31 pm and finished at 7.11 pm].

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Forward Plan: Executive Meeting: 15 September 2022

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 6 October 2022

Title and Description	Author	Portfolio Holder
<p>Director of Public Health Annual Report 2020-2022: York – The Pandemic Years</p> <p>Purpose of Report</p> <p>It is a statutory requirement for the Director of Public Health to produce an independent annual report on the health of the city. The report will be presented to Executive members, covering 2020-22 and with the theme of ‘York: The Pandemic Years’.</p> <p>Executive will be asked to: consider and note the report.</p>	Sharon Stoltz	Executive Member for Health & Adult Social Care
<p>Haxby Station – Update & Next Steps</p> <p>Purpose of Report</p> <p>To provide an update on the progress of the Haxby Station project, including:</p> <ul style="list-style-type: none"> • results of the public consultation undertaken earlier in 2022; • acceptance of additional £1.1m grant from government; • advice on the application to the Levelling Up Fund regarding enhanced sustainable transport access to the station; • advice on the next stages, including further commissioning of Network Rail; and seeking planning consent for construction (in principle) including procurement. 	Richard Holland	Executive Member for Transport
<p>10 Year Strategies</p> <p>Purpose of Report</p> <p>To present the Economic Strategy, and the Climate Change Strategy for consideration by Executive as to whether to adopt these on behalf of the city. The Health and Wellbeing Strategy will be provided as an annex to note interdependencies; however the Health and Wellbeing Strategy is separately considered for approval by the Health and Wellbeing Board.</p>	Claire Foale	Executive Leader

Title and Description	Author	Portfolio Holder
Executive will be asked to: <ul style="list-style-type: none"> • Approve the Climate Change Strategy 2022-2032 and the Economic Strategy 2022-2032 • Consider whether to adopt the Climate Change and Economic Strategy on behalf of the city, or whether to defer the decision to Full Council • Review the resident and stakeholder feedback that informed the development of these strategies. • Review the draft 10 year plan 		

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 24 November 2022

None currently listed

Table 3: Items Slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason
Director of Public Health Annual Report 2020-2022: York – The Pandemic Years See Table 1 for details.	Sharon Stoltz	Executive Member for Health & Adult Social Care	15/9/22	6/10/22	The publication of the report has been delayed.
Haxby Station – Update & Next Steps See Table 1 for details.	Richard Holland	Executive Member for Transport	15/9/22	6/10/22	To allow sufficient time for full financial implications to be considered.



Executive

15 September 2022

Report of the Director of Place

Portfolios of the Executive Member for Culture,
Leisure & Communities and the Executive
Member for Finance and Performance

Update to the Community Asset Transfers Affecting Community and Parks Assets

Summary

1. This report presents the responses received, following publication of the Notices published in local newspaper in December 2021/January 2022, under Section 123 of the Local Government Act 1972 (indicating that the Council proposed to dispose of various areas of open space land). The report makes recommendations in reply to those representations made and seeks a decision from the Executive on those recommendations.

Recommendations

2. The Executive is asked to:
 - 2.1 Note the progress on the Community Asset Transfers to date.
 - 2.2 Note the five comments received in response to the Section 123 Notices published in respect of those properties qualifying as public open space.
 - 2.2 Amend the approval for the disposal of the two former herdsman's cottages at 103 Heslington Road and 159 Mount Vale to be on the basis of granting a 250 year lease for each property, which each contain a user clause restricting the use of the properties to private main/principal residences, rather than disposing of the freeholds.

Reason: To obtain a capital receipt from the disposal (by way of

grant of long lease) of both properties on the open market which have been deemed surplus to requirements, whilst seeking to ensure that the cottages are only used as private main/principal residences, as opposed to holiday lets.

- 2.3 Note the assurances and further information provided in the report in respect of the three public comments received in respect of the intention to dispose through the granting of a lease at; (i) Land at Mayfield South. (ii) Rowntree Park Tennis Pavilion and (iii) Land at Chapman's Pond

Reason : To support York communities to access external funding and grants, to develop the facilities in line with local community aspirations and secure their long term sustainable care providing savings to the Council if it were to otherwise operate and manage these facilities itself.

To support the health and wellbeing of people in the local community by providing the use of council assets which can be actively managed and improved by the involvement of the local community.

Background

3. At the meeting of Council's Executive on 26th November 2020, approval was given to dispose of the freehold interests of the former herdsman's cottages on the Micklegate Stray and the Walmgate Stray. These properties had been considered surplus to operational requirements and a disposal had been considered as the preferred way forward, to realise a capital receipt, rather than retaining and managing as holiday lets, given the substantial capital outlay needed to modernise them.
4. At the meeting of the Council's Executive on 18th March 2021 approval was given to dispose, by way of granting leases, of the following;
 - Land at Mayfields North
 - Land at Mayfields South
 - Land at Clifton Without
 - Rowntree Park Tennis Pavilion
 - Rowntree Park Tennis Courts
 - Land at Chapmans Pond
 - Poppleton Community Centre.

- Land near Rufforth

5. The Council has historically transferred assets to the community where a community group are able to use the asset for improved community or social outcomes. This process is most effective when it is developed in partnership with communities, to develop shared visions and collaborative proposals. We ensure that groups taking on the responsibility for operating assets have the support and capability to do this successfully. Each case is considered on its own merits having regard to the business case and proposals submitted in support of such. The March 2021 report outlined the plans to dispose of these assets in a similar manner, in compliance with the Community Asset Transfer Policy.
6. Pursuant to Section 123 of the Local Government Act 1972 the disposal of properties consisting of 'public open space' land (either by way of disposing of the freehold or granting a lease) requires that the intention to dispose is advertised. Any comments/objections received are then considered by the Council, prior to proceeding with the intended disposals. The intention to dispose of those properties listed above was advertised in the York Press on 16th and 23rd December 2021, specifying the closing date for responses on 13th January 2022. The former Herdsman's Cottages at 103 Heslington Road and 159 Mount Vale are properties on land which is part of a Stray, and as such, is classed as open space and covered by the Act.
7. No responses to the proposed leases were received in respect of; Poppleton Community Centre; Land at Clifton Without; Land at Mayfield North; and, Land at Rowntree Park Tennis Courts. (It was not considered necessary to publish a notice/seek comments from the public in relation to the land near Rufforth, as this land is not assessed as currently being 'public open space', because it is land not laid out as public park/garden, and has not been used by the general public for recreation).
8. The lease of Poppleton Community Centre to the Poppleton Community Trust has now been completed and the lease of the Land at Clifton Without to Clifton Without Parish Council is progressing towards completion.
9. The construction of the new allotments in Rufforth is now completed. The lease to the Parish Council is now nearing completion and the Parish is working with potential occupiers whom are now starting to plan out their plots.

10. Responses to the section 123 notices were received concerning;

- Former Herdsman cottage Micklegate Stray (159 Mount Vale)
- Former Herdsman cottage Walmgate Stray (103 Heslington Road)
- Land at Mayfields South
- Rowntree Park Tennis Pavilion
- Land at Chapmans Pond

Responses for each site are provided as Annexes and are considered in the following sections below.

159 Mount Vale and 103 Heslington Road

11. Three responses were received to the intention to dispose. One of the three was an expression of interest in purchasing 103 Heslington Road, rather than a comment on the principle of the disposal. There were two representations regarding 159 Mount Vale as follows.
12. The first representation was received from a local resident expressing concern about the overload of short term holiday lets in the city, and asked whether the Council had any plans to restrict the use to permanent residence only? Secondly, in view of the historical importance of the property, had the Council offered the property to York Conservation Trust?
13. The second representation was received from the Micklegate Planning Panel. The Panel provide comments on planning applications in Micklegate and there are a number of similar panels in the city. It is understood that they were set up under the Ward Committees to provide “community” planning comments in the areas without Parish Councils. They are independent but supported to some extent by the Community Involvement Officers.
14. Their submission states that they do not want to object to the disposal, but have some concerns.
15. Their main concern is about the possibility of the property being let for holiday use. They feel that a permanent resident is likely to give the appropriate level of attention to the care and maintenance of the house and grounds. They would, therefore, welcome the inclusion of a covenant in the sale agreement to ensure future use as a permanent residence (if legally possible).

16. Legal Services' advice has been sought to consider whether a sale could incorporate a covenant to restrict holiday let use and this is set out in the Legal Implications section below. In summary, it is possible to restrict future use of a property by way of a covenant however this is more difficult to monitor and enforce in a disposal of the freehold than if some ownership of the property was retained by the Council by way of a long lease.
17. Enquiries with local estate agents have revealed that offering a 250-year lease of the property for sale on the open market will not make any material difference to the value, compared to a freehold, as long as the ground rent remains at a peppercorn for the term of the lease.
18. The council could thus continue as it first planned, to sell the freeholds of the cottages without any sale restrictions on the permitted user. Alternatively, it could grant a lease on each cottage, restricting the user to a private main residence and further to provide controls over any planned alterations to protect the historical nature and content of the properties, as well as restricting extensions and boundaries which would be out of context with the setting of the Stray. Given there is no material impact on the likely sale values, it is considered that the disposals should be by way of a leasehold disposal (restricting the user to a private main residence and further to provide controls over any planned alterations to protect the historical nature and content of the properties, as well as restricting extensions and boundaries) which will be offered on the open market.

Land at Mayfield South

19. One response was received which raised the following questions on the intention to grant a 25-year lease to the Friends of York Railway Pond and Reserve;
 - a) Do the Friends of Railway Pond have an adopted constitution? Have they held an Annual General Meeting (AGM)?
 - b) Who are the Trustees, how were they appointed, was this opportunity open the wider public?
 - c) What are the mechanisms for planning, oversight and scrutiny of how those funds are spent in pursuit of the objects?

- d) What public meetings have taken place in the since 2017?
- e) The 5 year plan contained in the bid consists only of a list of practical tasks to be accomplished in different areas of the site and shows no strategic thinking or longer term goals for the site.
20. The decision to offer the Friends of Railway Pond and Nature Reserve (“Friends”) the management of the site pursuant to a 25 year lease was based on the premise that a) the group was an offshoot of York Nature Environment Trust (YNET), who previously managed the site and as such, some of its members had been involved in both the management of the site and YNET for decades. Hence, whilst the Friends may be a new organisation it has within its membership considerable experience of managing public open space.
21. Like many similar voluntary organisations, the Friends found it hard to hold a fully open AGM and regular public meetings during the Covid pandemic. The Friends were, in part, also reacting to the Council and waiting to see what response their bid received.
22. At no point in the site’s/pond’s history have the Council had any direct oversight of its operation, including how any funds are used. This is in line with other clubs which use Council owned land e.g. football, bowls, and tennis. Regular informal contact is maintained with the Friends along with ad hoc site visits. Local Ward Councillors also maintain informal local oversight of the pond.
23. Since the bid was submitted (February 2020), the Friends have updated their constitution (November 2021) and decided to retain a committee structure without Trustees. They have increased the amount of public information on display at the site with two large noticeboards. They display committee minutes and notice of their AGM in June 2022, contact numbers, risk assessments, fishing rules, regulations, and events. Practical work also continues on site, with safety and surface improvements to the perimeter path, refurbishment of fishing pegs and improved measures to protect areas set aside for wildlife. This demonstrates a long-term vision for a safe, well-cared for and welcoming site.
24. Having regard to the above, it is recommended to proceed with granting a 25 year lease to the Friends of York Railway Pond and Reserve.

Rowntree Park Tennis Pavilion

25. One response was received from a local resident which sought to clarify if the 'community use' of the pavilion is related to purely sports activities and therefore not likely to cross over/threaten with the work/fundraising ability of the Friends of Rowntree Park in the future for Rowntree Lodge.
26. The Pavilion will be managed by Rowntree Sports Association, a partnership of York Canoe Club and Rowntree Park Tennis Association. Priority for its use will naturally be for these organisations, for example the adjacent tennis courts are used 7 days a week (weather permitting).
27. The building is of modest size, (the largest room being 4.3m x 4.8m), and prone to flooding. It is therefore considered unlikely that any other community use would have detrimental impact in the possible future operation of the Lodge, which has larger rooms, has no risk of flooding and would be free from the daily needs of the tennis and canoe clubs. It is therefore recommended to grant a lease as planned to the Rowntree Park Sports Association for 25 years.

Land at Chapmans Pond

28. One response was received from a local resident who sought to clarify how the Chapman's Pond Community Interest Company (CPCIC) will fund work to the Pond, how will they afford the lease and what would happen to the ground if the lease was not taken on by the CPCIC? The resident also stated that they (CPCIC) cannot stop night fishing.
29. Funding for the care of the pond is provided from fishing income, ward and other 3rd party grants, supported by voluntary labour. This is the model which will be used going forward; projects only go ahead if funding is secured. CPCIC have a history of living within their means. The land is being offered rent free so there is no charge for the lease, in line with other Community Asset Transfers.
30. If the lease were not taken on by the CPCIC (the Committee) the area would revert back to the Council for day to day care and maintenance. The immediate effect of this would be the ceasing of the voluntary fishery bailiff service as there is no resource in the council to manage and support the bailiffs. This would result in unregulated fishing (day or night) with no control of who fished, when angling took place, or how anglers

behaved. Maintenance would revert to core tasks such as grass cutting and litter picking. Without community involvement, further developmental projects are highly unlikely. It is, therefore, recommended to proceed with granting a 10 year lease to CPCIC.

Consultation

31. Consultation with the residents of York has taken place via the Section 123 notice publication process.

Council Plan

32. This proposal supports and contributes to the following Council Plan priorities:

- An open and effective council
- a greener and cleaner city
- Creating homes and a world class infrastructure.

Implications

Financial

33. The change in disposal of the two former herdsman's cottages from freehold to leasehold may impact the level of capital receipt. It is not considered that this will be material. The progress on the remaining community asset transfers is in line with the original proposals and mitigates costs to the Council, if it were to otherwise operate and manage these facilities itself.

Human Resources (HR) – there are no HR implications

One Planet Council / Equalities – there are no One Planet/Equalities implications

Legal

Restricting Future Use of a Property

34. It is possible to restrict the future use of a property when it is sold by imposing a covenant in the freehold conveyance that the property can only be used for certain activities, e.g., a main or principal residence. However, this would be difficult to monitor and enforce compliance with, given the potential complexities in determining whether the buyer/owner

had sublet to someone, or was renting out on short-term basis for holiday let accommodation. The ultimate remedy for breach of a covenant of this nature would be for the Council to apply to court for an injunction. Even if a court agreed that the covenant was valid, binding and enforceable, it is unlikely that a court would grant the Council an injunction preventing the owner from subletting or renting out for holiday accommodation. In fact, a court may only award the Council nominal damages if it considered the covenant was being breached as the court may take the view that breach had not caused any material loss or harm to the Council.

35. A restriction on the future use of a property would be more enforceable if a property was disposed of by way of a long lease, such as 250 years, for a premium payment. The lease could contain a user clause restricting the use to a permanent residence as well as a subletting clause to only allow subletting on assured shorthold tenancies for a minimum of 6 months. There are a number of remedies available for breach of a user restriction in a long lease, although the courts tend to favour ordering a tenant to pay compensation, rather than authorising termination or forfeiture of the lease, or making an injunction.
36. There is a risk with either method of restricting the future use of a property that the buyer or leaseholder could apply to a Tribunal to release or modify a user restriction or covenant under Section 84 of the Law of Property Act 1925. They would need to persuade the Tribunal that the user restriction was obsolete, or prevented a reasonable use of the land, or that a discharge or modification of the covenant would not 'injure' the Council.

Crime and Disorder – there are no Crime and Disorder implications.

Information Technology (IT) – there are no IT implications.

Property – set out in this report.

Other – there are no other known implications.

Risk Management

38. There are no known risks associated with this decision.

Contact Details

Authors:

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Chief Officer Responsible for the report:

Tracey Carter
Director of Housing, Economy and
Regeneration

James Gilchrist
Director of Transport, Environment and
Planning

Report **Date** 4 August 2022
Approved

Specialist Implications Officer(s) List information for all

Implication - Financial
Jayne Close
Principal Accountant
Tel No. 01904 554175

Implication - Legal
Gerard Allen
Senior Lawyer (Property)
Tel No. 01904 552004

Wards Affected:

Dringhouses and Woodthorpe
Fishergate
Micklegate

For further information please contact the authors of the report

Background Papers:

Executive on 26th November 2020 Update on the Asset Management
Strategy 2017-2022

Executive on 18th March 2021 Community Asset Transfer update

Annexes

Annex 1 - 159 Mount Vale. Response to Section 123 Notice from local resident.

Annex 2 – 159 Mount Vale. Response to S. 123 Notice from Micklegate Planning Panel.

Annex 3 – Mayfields South. Response to Section 123 notice from local resident.

Annex 4 – Rowntree Park Pavilion. Response to S. 123 Notice from local resident.

Annex 5 – Chapman’s Pond. Response to S.123 Notice from local resident.

List of Abbreviations Used in this Report

(AGM) Annual General Meeting

(CPCIC) Chapmans Pond Community Interest Company.

(YACIO) York Allotments Charitable Incorporated Organisation

(YNET) York Natural Environment Trust

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Subject: FW: queries from resident re 159 Mount Vale

From:
Sent: 05 January 2022 17:38
To: Allen, Gerard <Gerard.Allen@york.gov.uk>
Subject: RE: 159 Mount Vale

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Gerard

Thank you for this. I think I know the answer to these questions but I'll ask anyway - in view of the major problem which York now has with an overload of short-term holiday lets are there any plans to restrict occupation to primary residence ? And in view of the historical importance of the property have you asked York Conservation Trust if they might be willing to purchase ?

Regards

From: Allen, Gerard <Gerard.Allen@york.gov.uk>
Sent: 04 January 2022 09:08
To:
Cc: Bradley, Tim <tim.bradley@york.gov.uk>
Subject: RE: 159 Mount Vale

Dear Ms

Thanks for your email below. I attach copies of the Statement of Reasons and Plan referred to in the Notice. Hopefully these provide further information regarding the Council's proposal to market the property for sale.

Kind Regards

Gerard Allen | Senior Solicitor (Property)
t: 01904 552004 | e: Gerard.Allen@york.gov.uk
City of York Council | Legal Services
West Offices | Station Rise | York YO1 6GA
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

Please note that I am working from home until further notice. Please continue to contact me by email, phone or work mobile and your call will be diverted to me. Please scan and email documents wherever possible rather than posting them to me.

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Bradley, Tim

From:
Sent: 11 January 2022 15:14
To: Allen, Gerard
Cc:
Subject: DISPOSAL OF COTTAGE AT 159 MOUNT VALE

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Allen

The Micklegate Planning Panel discussed the proposed disposal of Huntsman's Cottage at our recent meeting.

We do not wish to object in principle to the disposal, but have some concerns.

We understand that the cottage is Grade II listed and believe that this would give the Council a high degree of control over any future alterations and extensions.

We are however concerned about the possibility of the cottage being let for holiday use or for AirBnb short lets. We believe that a permanent resident is likely to give the appropriate level of attention to the care and maintenance of the house and grounds. We would therefore welcome the inclusion of a covenant in the sale agreement to ensure future use as a permanent residence (if this was legally possible).

With regards

Chairman of the Micklegate Planning Panel

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From:
Sent: 30 December 2021 14:35
To: Allen, Gerard
Cc: Cllr. S. Fenton; Cllr. P. Widdowson; Cllr. A. Mason
Subject: Proposed disposal of land to the South of Nelson's Lane Dringhouses

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Allen - thank you for the opportunity to comment on this. I am writing to object to this proposal as it stands.

In response to a recent FoI request, I have been sent the background information on the Council's proposal to dispose of this land via award of a 25 year lease to the Friends of York Railway Pond and Reserve. The information confirms my initial concerns about whether the Friends is a 'properly constituted body' to be awarded this lease. It is clear that they are dedicated to the pond and have put in a lot of time and effort to look after it; but they are missing the essential components of a properly constituted body which would ensure that they will manage the site with full and appropriate public engagement and consultation. I have specifically noted that:

- their Constitution was drafted in 2018 but when submitted as part of the bid in 2020 it remained unsigned and unadopted. By definition, the group is not properly constituted without this. The Constitution refers to members and an AGM, but there is no evidence of either to date. This makes it a closed and unaccountable group, and not fit to hold a lease from the Council to manage a public amenity.
- the bid says they have 'a body of local people who have already agreed in principle' to become trustees and 'monitor their work'. There are no names or evidence of this, nor any indication of the process followed to find potential trustees: if they have already appointed trustees, there was no public advertisement or opportunity for people to get involved.
- their claim to be a properly constituted organisation lies in them having a bank account, which is not sufficient. It is not somewhere to hold funds that counts, but the mechanisms for planning, oversight and scrutiny of how those funds are spent in pursuit of the objects.
- the newsletter and notice of public meetings submitted and referred to in their 2020 bid document all date from 2017. There is no evidence (such a minutes) of any later public meetings or notices about these which undermines their claim that they either have held, or intend to hold, such meetings. Without public meetings, there is no accountability or community involvement.
- the 5 year plan contained in the bid consists only of a list of practical tasks to be accomplished in different areas of the site and shows no strategic thinking or longer term goals for the site.

I am very surprised that a 25 lease was granted to an organisation on the basis of this bid, in which it failed to demonstrate that it met the fundamental requirements of being properly constituted, and failed to demonstrate any mechanisms by which it would be accountable to the local community for its plans and actions. This is all in direct contrast to the Mayfields Community Trust (MCT) which manages the land north of Nelson's Lane, and has a membership, a website, a public list of trustees, a contact form and information on work undertaken; and holds an AGM each year to discuss these with both members and the interested public.

The Friends have a done a lot of good work around the Pond and Reserve, but if they are to be entrusted with its management for the next 25 years, they need to do so on a proper basis. The Council should, at the very least, give the Friends a deadline to rectify all of these issues in order to comply with the basic standards that should have been applied when their bid was first assessed by the Council. Only if they put themselves into the same position of accountability and transparency as the MCT should the proposal to offer them this lease be confirmed.

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Subject:

RE: Section 123 - Rowntree Park Pavillion, Rowntree Park, Terry Avenue, York

From:

Sent: 09 January 2022 13:15

To: Colley, Jennifer <jennifer.colley@york.gov.uk>

Subject: Section 123 - Rowntree Park

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Section 123 - Rowntree Park : Pavillion

Just to note comments regarding the above Section 123 notice:

In previous discussions with council links to Rowntree Park it has been suggested that the lease could state the use is for 'sports and ancillary related activities'. The reason for this discussion is that the Friends of Rowntree Park (registered charity) run a range of community events and activities in the park and these activities help raise funds for their work in maintaining and improving the park - caring for a number of areas and funding the gardening and much more. It would be useful to know that the 'community use' on the pavilion is related to sports activities and therefore not likely to cross over/threaten with the work/fundraising ability of the FRP in the future.

Happy to expand in more detail if needed.

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Sent from my iPad

Begin forwarded message:

From:

Date: 15 January 2022 at 11:04:38 GMT

To:

Subject: Ref (lpr1.9353)lease of chapmans pond

Hi good morning, the questions I would like asked are:- we some of the Bramble dene residents went to a meeting quite awhile ago, mostly with the majority being fishermen, with achange in control of the pond,reading between the lines the committee had not got much money? If so how will they afford the lease? Not only that what will happen to the ground if the lease is not taken by the pond committee? What do they propose to do? They cannot stop night fishing as it is,people at all hours with torches? Thanks Bruce Beddows 68 Bramble dene.

Sent from my iPad

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Executive**15 September 2022**

Report of the Director of Environment, Transport and Planning
Portfolio of the Executive Member for Transport

Enhanced Partnership and Bus Service Improvement Plan**Summary**

1. Approval is being sought to:

- Enact a statutory Enhanced Partnership between the council and local bus operators, which will be required to secure the confirmed £17.36 million in Bus Service Improvement Plan (BSIP) funding from DfT.
- Recognise the £17.36m BSIP funding for 2022-25 and confirm that the relevant sums should be added to the council's capital programme and revenue budgets for the current, 2023/24 and 2024/25 financial years.

Recommendations

2. The Executive is asked to approve Option 1, by:

- Delegating to the Director of Transport, Environment and Planning (in consultation with the Executive Member for Transport and the Director of Governance or her delegated officers) the authority to take such steps as are necessary to enact an Enhanced Partnership and to enter into any agreements which may be required to do so.
- Agreeing the inclusion of BSIP funding in the Capital Programme and revenue budgets for 22/23 from mid-October 2022, with further funding in 23/24 and 24/25.
- Delegating the Director of Transport, Environment and Planning (in consultation with the Executive Member for Transport and the Director of Governance or her delegated officers) the authority to enter into any grant agreements to secure the funding.

Reason:

- To help ensure that £17.36m in DfT BSIP funding is secured, accounted for in the council's budget programming, and that the council and bus operators can proceed with the process of delivering the stated York BSIP objectives in line with the National Bus Strategy.

Background

3. Under the original DfT guidance issued alongside the National Bus Strategy in 2021, every Local Transport Authority (LTA) was required to submit a BSIP by the end of October 2021. LTAs were also required to establish either bus franchising arrangements or a statutory Enhanced Partnership for buses (EP) by the end of March 2022, in order for the LTA and local bus operators to continue receiving government support for bus services.
4. On 20th May 2021, the Executive approved a recommendation for the council to pursue an EP in preference to establishing bus franchising arrangements. In their report, titled "York's response to the National Bus Strategy", officers were of the opinion that the challenges of bus franchising outweighed the benefits in comparison to an EP. The full report is available online at the following location:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12511>

5. It should be noted that formation of an EP will not prevent the council from considering a move to bus franchising in future years.
6. Following approval of the draft final BSIP by the Executive Member for Transport and Executive on 18th October 2021, the council submitted its BSIP by the 31st October deadline. A copy of the BSIP is available online at the following location:

<https://www.itravelyork.info/downloads/file/82/york-s-bus-service-improvement-plan>

7. Officers subsequently prepared a draft EP Plan and Scheme for consultation with bus operators in January 2022. However, due to the total value of LTA BSIP requests across the country significantly exceeding the DfT's total budget, plus ongoing government expenditure on Covid support for the bus industry, the DfT delayed the announcement of its BSIP allocations. Recognising that it would be impossible for LTAs to include any BSIP objectives requiring external funding in their EPs, the DfT removed the requirement for finalised post-consultation EPs to be in

place by the end of March, and instead asked that draft EPs be submitted by the end of April instead.

8. After further delays, the DfT's indicative BSIP funding allocations were eventually announced on 4th April 2022. York has been offered an indicative allocation of £17.36 million for the 3 financial years 2022-2025.
9. Whilst this is evidently far less than the c.£48 million ask in the York BSIP, it will nevertheless make it possible to deliver a significant number of the agreed BSIP objectives.
10. The council submitted a draft 'summary table' setting out how it intends to use its BSIP funding, by 2nd May.
11. The DfT provided feedback on the draft summary table in May. The council then submitted a final summary table on 30th June, including letters of support from all local bus operators, a section 151 value for money affirmation and a draft EP.
12. On Monday 8th August, the DfT confirmed the council's funding allocation of up to £17.36m as per the final summary table. The funding is conditional upon the council forming an Enhanced Partnership, taking into account the DfT's feedback. The capital and revenue amounts are allocated by financial year as per the following table:

Financial Year	Revenue	Capital	Total
2022/23	£2,200,000	£2,375,000	£4,575,000
2023/24	£2,300,000	£4,390,000	£6,690,000
2024/25	£2,195,000	£3,900,000	£6,095,000
Total	£6,695,000	£10,665,000	£17,360,000

13. During a conversation with DfT, officers agreed that the council would aim to make its EP as soon as possible in order to help ensure that at least some of the BSIP funding could be released during 2022. Any further required amendments will be made as a bespoke variation to the initial EP, in order to access the 2023/24 and 2024/25 funding elements.
14. The EP is defined in terms of two statutory documents, a Plan and a Scheme.
15. EP Plan

The EP Plan is a high-level strategic document which summarises the current state of the city's bus network and sets out the main objectives for the Enhanced Partnership. The plan includes a competition test to

demonstrate that the EP will not have a negative impact on commercial competition in the local bus market. The objectives in the council's draft EP Plan represent a significant subset of those published in the York BSIP.

16. EP Scheme

The EP Scheme is a detailed, binding legal document which sets out exactly how the EP Plan objectives will be funded and delivered. The EP Scheme also places binding commitments on each of the EP members. The commitments in the council's EP Scheme will represent a significant subset of those published in the York BSIP, and include high-level costings matching the summary expenditure table submitted to DfT.

17. Structure and Governance

The EP Scheme includes information detailing how it will be governed and how variations can be proposed and decided upon.

The York EP will be structured around a principal operational delivery group consisting of council officers and local bus operators. This group will be supported by a number of task-specific subgroups and advised by a wider stakeholder forum.

Subgroups will be established to monitor, report and advise on the following areas:

- Bus performance and reliability
- Bus infrastructure improvements
- Ticketing and commercial issues
- Passenger and stakeholder engagement
- Marketing of bus services

Consultation

18. In order to enact the EP, the Plan and Scheme have been subjected to a statutory 28-day Operator Objection Period (OOP), where bus operators have an opportunity to review, comment on, and register their objections to any part of the scheme. The OOP commenced on Friday 8th July and concluded on Friday 5th August. Some minor amendments were agreed but no bus operators formally objected.

19. The statutory 28-day Stakeholder Consultation Period commenced on Thursday 11th August and concluded on Thursday 8th September. During

this period, members of the public and any other individuals or institutions with a potential stake in the city's bus network were given the formal opportunity to review, comment upon or register their objections.

20. Officers will give a brief summary of the feedback at the Executive Meeting
21. Following the successful conclusion of both consultation periods and confirmation from DfT of its final BSIP funding award, there are no further obstacles to the council enacting the York Enhanced Partnership.

Options

23. Option 1 (recommended):
 - Make, and instruct officers to subsequently vary the York Enhanced Partnership, in order to enable a full award of BSIP funding by DfT.
 - Factor the BSIP funding into the council's capital and revenue budgets for 2022-25.
24. Option 2:
 - Do not make an Enhanced Partnership, in effect rejecting the DfT's £17.36m BSIP funding.
 - Do not factor any BSIP funding into the council's capital and revenue budgets.

Analysis

25. Option 1:
 - This will result in an Enhanced Partnership being made and taking effect from Monday 19th September 2022. Officers will remain in regular contact with DfT to minimise any further delays to the release of the agreed BSIP funding.
 - The £10.6m capital and £6.7m revenue BSIP funding will be accounted for in the council's 2022/23, 2023/24 and 2024/25 budgets.
26. Option 2:
 - This option carries a major financial and reputational risk, resulting in the loss of the entire £17.36m BSIP funding allocation and any ability to deliver the agreed BSIP measures. As a result,

new local fares and ticketing initiatives will not come into effect and several bus services reliant on BSIP support will be reduced, withdrawn or not introduced. The existing Quality Bus Partnership would continue. As HM Government's National Bus Strategy envisages all local authorities forming EP or franchising schemes, the council would still be expected make some form of EP, albeit a much less ambitious one.

Council Plan

27. The proposals in this report contribute to the following key outcomes in the 2019-23 Council Plan:
28. A greener and cleaner city – key BSIP objectives include transferring journeys from car to bus and reducing vehicle emissions.
22. Creating homes and world class infrastructure – BSIP commitments include working with developers to ensure high-quality public transport provision for new developments, and improvements to existing public transport infrastructure.
29. Good health and wellbeing – by moving journeys from car to bus, realising air quality improvements and reducing congestion on the highway network, a secondary effect of the BSIP will be to facilitate complimentary growth in walking and cycling mode shares.
30. A better start for children and young people – BSIP commitments include simpler, lower bus fares for children and young people.

Implications

- **Financial** – Option 2 will result in loss of all BSIP funding if an EP is not formed. Option 1 will commit the council to match funding some revenue items and posts not covered by BSIP funding. These are set out in the EP scheme.
- **Human Resources (HR)** – The BSIP commits the council to providing a number of additional posts in the public transport team, most but not all of which are expected to be funded from BSIP. Specifically, these are:
 - a. An Enhanced Partnership officer to lead on administration of the EP. This post will be wholly funded from BSIP revenue.
 - b. Bus Wardens to provide public assistance, monitoring infrastructure and keeping bus routes clear of obstructions. These posts cannot be funded from BSIP revenue due to their prior existence as two locally-funded secondments until early 2020.

However, as the postholders will be expected to hold Civil Enforcement powers following suitable training, these posts are expected to become at least partly self-funded.

- c. A Commercial Ticketing Officer to manage and grow smart and commercial ticketing schemes. This post will be wholly funded from BSIP revenue.
 - d. A Bus Infrastructure Officer to manage and improve the city's bus infrastructure. This is likely to involve formalising a position filled by a Work with York staff member since 2019.
- **Equalities** – the Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). An Equalities Impact Assessment is being completed as part of this report. Many BSIP/EP measures are intended to improve accessibility, both to the physical bus network and to passenger information, and to improve community engagement between the council, bus operators and passengers.
 - **Legal** – The delivery of the BSIP through either an EP route or a franchise route is mandated by the Transport Act 2000. EP Plans and Schemes are statutory documents. The Bus Services Act 2017 incorporates a duty on local transport authorities to consult on EP Plans and EP Schemes into the Transport Act 2000.

Officers will work closely with Legal Services during the EP in order to enact any BSIP measures requiring the establishment of further legal agreements between the council and bus operators.

- **Crime and Disorder**- none.
- **Information Technology (IT)** – the EP contains a commitment to maintain and grow the iTravelYork website.
- **Property** – Option 1 will result in investment of up to £4m BSIP capital funding to improve the council's Park & Ride sites.

- **Other** – none for option 1 if the EP is enacted and delivered as per the terms set out within it. Significant reputational risk from option 2 if the council fails to enact an EP or fails to deliver on its agreed commitments.

Risk Management

14. Option 1 is the lowest-risk option.

Contact Details

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James Gilchrist
Director of Environment, Transport and Planning
Report **Date** 7/9/2022
Approved

Specialist Implications Officer(s)

Finance -
Legal – Cathryn Moore (Legal Manager, Projects)

Wards Affected:

All **YES**

For further information please contact the author of the report

Background Papers:

Report, 20 May 2021 - "York's response to the National Bus Strategy"
(<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=12511>)

BSIP –

<https://www.itravelyork.info/downloads/file/82/york-s-bus-service-improvement-plan>

Annexes

Annex 1 EP Plan –

<https://www.itravelyork.info/downloads/file/88/york-ep-plan-draft-for-consultation>

Annex 2 EP Scheme –

<https://www.itravelyork.info/downloads/file/89/york-ep-scheme-draft-for-consultation>

Annex 3 EP Scheme Annexes –

<https://www.itravelyork.info/downloads/file/86/draft-ep-scheme-schedules-and-annexes>

Annex 4- BSIP summary table –

<https://www.itravelyork.info/downloads/file/87/schedule-4-bsip-funding-summary-table>

List of Abbreviations Used in this Report

BSIP – Bus Services Improvement Plan

DfT - Department for Transport

EP – Enhanced Partnership

LTA – Local Transport Authority

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THE YORK ENHANCED PARTNERSHIP FOR BUSES



Enhanced Partnership Plan

Draft - for consultation

August 2022

The York Enhanced Partnership Plan

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Introduction

The National Bus Strategy, published by Government in March 2021, sets out an ambitious plan for the improvement and development of bus services in England, to reverse the recent shift in journeys away from public transport and to encourage passengers back to using the bus service.

York's bus network has been delivered by City of York Council (CYC), bus operators and community stakeholders under a voluntary quality bus partnership (the York QBP) since 1999. The partnership has achieved notable successes such as multi-operator ticketing, real-time bus information, unified roadside timetable posters, staff resources to actively manage traffic signals and a coordinated shuttle bus service during major sporting events. Since 1999 the number of bus passengers in York is estimated to have increased by approximately 60% through the actions of the members of the voluntary partnership.

In the partnership, City of York Council provides and manages the roads which bus services use, and the bus stops and shelters used by passengers. The bus operators provide the bus services themselves, including the vehicles and drivers. Whilst the bus operators are accountable for the services running to time, they can only do so if the roads are managed effectively by the council. There are also a number of elements delivered in partnership, such as the roadside display bus timetables in the city, which are produced by the council but financed by the operators. This document sets out how the existing arrangements can be transitioned to an Enhanced Partnership model, in order to meet the challenges set out in the National Bus Strategy.

The Government provided Local Transport Authorities with a choice of pursuing franchising of bus services or the Enhanced Partnership process, with a decision required by the end of June 2021. City of York Council is pursuing the Enhanced Partnership process.

This document sets out City of York Council's Enhanced Partnership Plan (EP Plan), which, along with the accompanying Enhanced Partnership Scheme (EP Scheme), serves to create a formal structure for the purpose of enacting the majority of measures put forward in CYC's Bus Service Improvement Plan (BSIP), published in October 2021. The BSIP describes how CYC will continue its longstanding programme to improve bus services in York to encourage greater use of York's buses, to recover service use to levels seen before the Covid pandemic and enable further growth beyond those levels.

The York EP will supersede the existing voluntary York QBP in order to deliver the wide-ranging measures proposed in the BSIP, many of which would either be substantially more difficult or impossible to accomplish under a voluntary partnership.

The York EP Plan and Scheme have been prepared with due regard to the DfT's Enhanced Partnership guidance, available online at:

<https://www.gov.uk/government/publications/bus-services-act-2017-enhanced-partnership-creation>

Statutory requirements

In accordance with the statutory requirements for an EP Plan, this document:

- (a) specifies the area and the period to which the plan relates,
- (b) sets out an analysis of the local services provided in that area,
- (c) sets out policies relating to local services in that area,
- (d) sets out objectives as regards the quality and effectiveness of local services,
- (e) describes how the related enhanced partnership scheme is intended to assist in implementing those policies and achieving those objectives, and
- (f) describes the intended effect of the related enhanced partnership scheme on neighbouring areas.

The EP Plan has been prepared in accordance with Section 138G(1) of the Transport Act 2000 by City of York Council.

Competition Test

A competition test, as required by section 138F of the Transport Act 2000, has been carried out by City of York Council's legal services team.

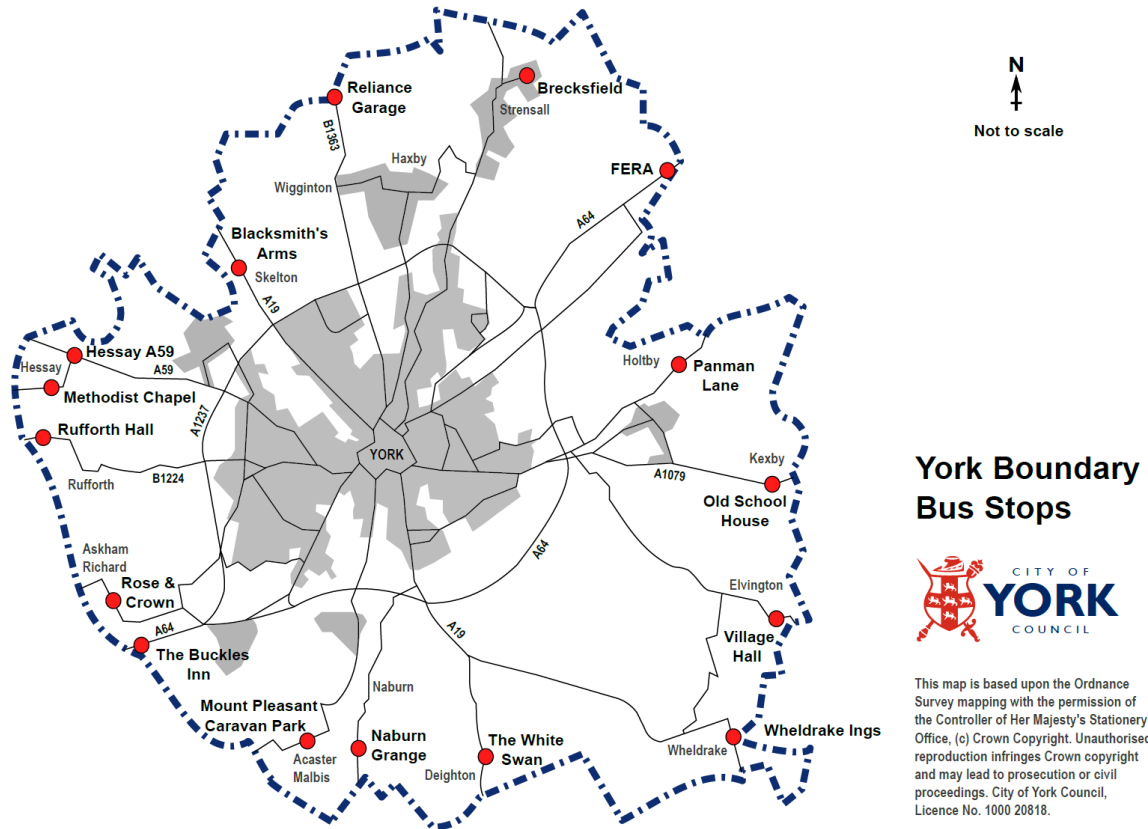
In the council's legal opinion, the various proposals contained within the York EP Plan and EP Scheme either do not constitute a subsidy or they do constitute a subsidy but are within the prescribed regulations (i.e. are not an unlawful subsidy).

The council is therefore satisfied that these proposals will not cause undue distortion to competition in the local bus market.

Part 1: Geographical extent and period of the EP

Geographical extent

This EP Plan covers the same area as the City of York Unitary Authority area. The map below shows the extent of this area, highlighting the locations of bus stops closest to the authority boundary.



Period of Validity

This EP Plan comes into effect on **[date to be confirmed]**.

The EP Plan will be reviewed at least annually by the York Enhanced Partnership Operational Delivery Group (Delivery Group), which forms the principal operational delivery body for the EP.

The EP Plan will continue indefinitely until such time as the Delivery Group decides to dissolve or supercede it.

The members of the Delivery Group and its subgroups will begin reviewing the plan in Autumn each year, with a view to any revisions being adopted by the end of the following March.

A major review of the EP Plan will be undertaken in March 2025 at the conclusion of the 3-year BSIP funding period.

Part 2: Analysis of local bus services in the York area

Current make-up of the bus network

York's bus network forms the city's primary public transport offer for local commuter and leisure trips, and the primary public transport offer for interurban trips which are not served, or are poorly-served by the rail network. Although York is a major rail hub, there are very few stations serving villages and towns in the immediate area, leaving most residents of these areas with a binary choice between car and bus.

Park & Ride offers an important service to visitors and commuters to the city – allowing them to access central York without bringing their cars into the city centre, and also carries many non-visitor trips including to and from York College and the business park and Community Stadium at Monks Cross.

York's bus network consists of:

- Six high frequency Park & Ride services, connecting Askham Bar, Designer Outlet, Grimston Bar, Monks Cross, Rawcliffe Bar and Poppleton Bar Park & Ride sites to the city centre. Poppleton Bar Park & Ride has been closed since April 2020 due to being used as a testing centre with normal service expected to resume in Autumn 2022. The Park & Ride network is operated commercially under a licencing agreement with City of York Council, which sets out the terms under which the service will be operated.
- Four high frequency and seven medium-frequency commercial bus services connecting destinations on the perimeter of the City of York to the city centre. Many of these are cross-city services, linking destinations on opposite sides of York across the centre.
- One high-frequency and one medium-frequency service connecting the University of York to the city centre, operated under contract to the University of York.
- Four medium and low-frequency commercial interurban services, connecting nearby urban centres such as Leeds, Hull, Scarborough and Selby.
- A number of infrequent services connecting towns and villages outside of York. A few of these are commercial but most are supported by local authorities.
- Several seasonal and tourist services including open-top city tours and shuttle services to sporting events at York Racecourse, the LNER Community Stadium and the University of York.

Detailed bus route and timetable information is available online at <https://www.itravelyork.info/buses>

The vast majority of residents in the York area have access to at least an hourly daytime bus service on Mondays-Saturdays. However, some villages only have a service every two hours and there are several areas which do not have any evening or Sunday bus services.

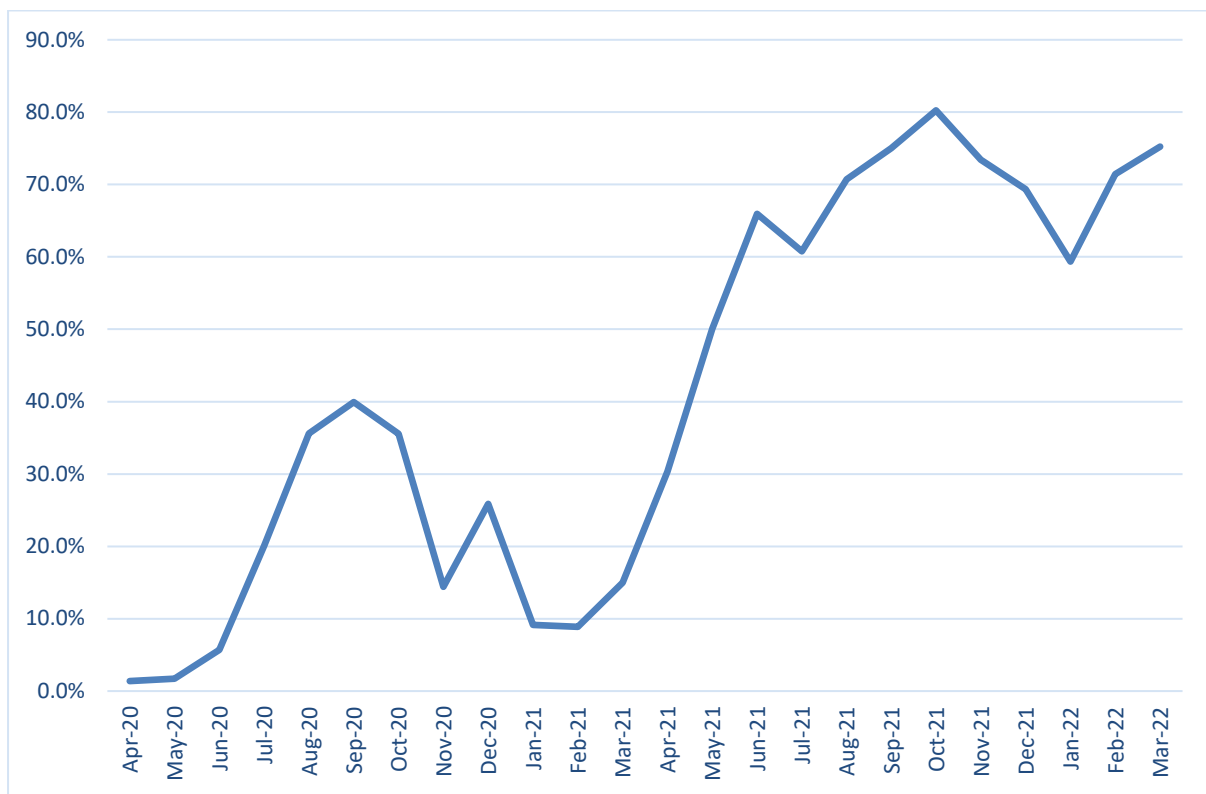
Covid and patronage recovery

In York, pre-Covid, bus services carried a high volume of passengers – nearly 16 million trips in total in 2018/19, with 4 million of those on the Park & Ride network. This represented an increase of 60% on the 10 million bus trips recorded in 2000. As a result, 8% of journeys to work in York in 2018/19 were on the bus, compared to 3% nationally.

During the initial Covid lockdown between March and May 2020, bus patronage fell dramatically. Passenger numbers recovered considerably during the summer then, with Covid cases rising again, dropped during late 2020 and early 2021 due to subsequent lockdown measures.

Patronage recovered strongly during 2021, as restrictions were gradually lifted, peaking at over 80% during the summer. Further restrictions in early 2022 caused another drop in patronage, but by the spring, average patronage had returned to around 80% of pre-Covid numbers.

The below chart illustrates the effect of Covid on patronage across York’s Park & Ride network.



Patronage recovery in York has been strongest in the leisure/tourist market, with patronage reportedly exceeding 100% of pre-Covid levels during some busy weekends. This is likely a result of more people taking holidays in the UK to avoid the hassle, risks and rising costs of travelling abroad.

Bus operators have reported that bus use amongst commuters has recovered more slowly, which is likely attributable to an increase in flexible working with many former office-based workers continuing to work from home for at least part of the week.

The concessions market has seen the slowest level of recovery, with many bus pass holders classed as high-risk from Covid and likely to be making fewer inessential journeys. As of 31st March 2022, concessionary patronage had only recovered to around 60-65% of pre-Covid levels.

Punctuality and journey times

Punctuality of less-frequent bus services in York is generally between 80% and 90%, a significant improvement compared to earlier years and attributable to the work done by the York QBP. By way of comparison, in 2007/8 only 47% of less-frequent services were assessed to be on time.

In parts of York, congested roads continue to slow services down, making them less attractive and increasing operating costs. Furthermore, diesel buses stuck in traffic still use fuel and emit pollution, highlighting an important relationship between measures to cut congestion and work to improve air quality and reduce carbon emissions across York. This was notable during the initial Covid lockdown in spring 2020, when it was possible to operate some routes in York with far fewer buses, but at the same frequencies as normal, because lower traffic volumes meant end-to-end journey times were much shorter.

City of York Council has worked with the Park & Ride operator (First York) to identify the most congested locations on York's bus network, in order to prioritise measures aimed at reducing travel times for bus users.

Fares and ticketing

Fares and ticketing for public transport is in a period of rapid change. Traditional cash fares are being replaced by new ways of paying for tickets, such as smartcards, mobile phone-based payment and payment direct from debit and credit cards, a process which has been accelerated by covid-driven initiatives to reduce cash handling.

York already has a range of multi-operator tickets - branded as "All York". Launched in paper form in 2012, with smart versions available from 2016, it had achieved sales of approximately £250k a year by 2019. There is, however, some way to go before the ticket meets the requirements of multi-operator tickets – available with no premium over single operator tickets – as set out in the National Bus Strategy. Furthermore, whilst "All York" tickets are available on paper and on smartcard, they are not available as an app-based product and can only be purchased off-bus at a limited number of locations- namely the Park & Ride sites and a handful of city centre stops where automated sales kiosks were installed in 2016.

Public perception of the bus network

The York QBP has bought into the Transport Focus Bus Passenger surveys every year since 2013, providing a complete dataset on passenger satisfaction. The passenger satisfaction ratings peaked in the 2014 (in which year we had the highest satisfaction of anywhere surveyed by Transport Focus in England), remaining above 90% until the 2018 survey, but falling more (to 86%) in the 2019 survey. It is likely that some of these changes in passenger satisfaction are related to the loss of passengers since 2018, and further interrogation of the data demonstrates a particular reduction in satisfaction around perceptions of vehicle quality and service punctuality, which have informed the proposals we make in this document.

In 2021, CYC commenced work on York's fourth Local Transport Plan ("LTP"). Survey work undertaken preparing the evidence base for the LTP suggests that members of the public in York saw improvements to frequency, reliability, bus network extent, cheaper fares, better ticketing and better/ electric vehicles as being particularly critical to encouraging greater bus use. In a separate question residents were asked what they may do in the future to travel more sustainably around York, with 17% saying they wanted to use public transport more (on top of 55% who said they were already using it). This was the second most likely behaviour change in York, after converting to using an electric vehicle. It emphasizes the point that an effective bus service in York is essential to achieving large-scale beneficial change in peoples' travel behaviour.

Nearly two-thirds of the residents who responded to the survey said they used the bus at least occasionally. This implies that most residents of the city have a basic understanding of the network- where the routes go, their frequency and fares. The bus network is not a "closed" system to them, although making it more attractive would make them more likely to use it more often. The survey also implies that many of York's bus users currently have access to a car and the right offer would lead to them using the bus for a greater proportion of their trip making. The BSIP intends to build on that – with the intention of increasing use rates so that the person who uses the bus once a month begins to use it once a week, replacing a car trip. The person who uses the service once a week might start to use it three or four times – because the service is more attractive.

Additionally, 69% of the respondents to York's Local Transport Plan questionnaire said that more reliable bus services would encourage their use of buses in York. Poor perceptions of punctuality can also be seen in the data collected about passenger satisfaction in York by Transport Focus.

Part 3: York's public transport policies

Park & Ride

For the last 30 years, Park & Ride has been a keystone of York's transport policy, resulting in the ring of 6 Park & Ride sites, with high-quality, high-frequency bus services, all supported, to some extent, by bus priority lanes on the city's principal radial routes. Park & Ride fares are contractually regulated in order to ensure they are competitively priced in comparison with city centre car parking.

Tendered services

The majority of York's bus network is operated commercially, without public sector financial support.

City of York Council, in line with its obligations in the Transport Act 2000, provides financial support for bus services which it deems to be socially necessary and which bus operators cannot provide on a commercial basis.

These consist of some evening extensions to commercial daytime services plus a number of Mon-Sat daytime services linking areas where no commercial alternatives exist. Over the last five years, the council has provided approximately £700k per annum to support tendered bus services.

The council's stated policy is to limit its subsidy per passenger to £2.67 per passenger journey and to only fund services which carry, on average, nine or more passengers per bus hour operated. Due to the impact of Covid, several tendered services currently do not meet these criteria, however there is an expectation that they will return to normal levels as patronage continues to recover and grow during the EP period.

The York Clean Air Zone and anti-idling measures

Central York is covered by a Clean Air Zone, with bus operators required to use buses of Euro VI or better for any vehicle which operates more than 5 times a day into the zone. To enable this, finance was provided by CYC, although many operators upgraded their vehicles through their commercial fleet replacement policies. For Park & Ride services and tendered services, use of Euro VI, or electric, buses was a tender condition.

York actively promotes anti-idling measures, with signs at city centre bus stops and coach drop-off points reminding drivers that they may be fined if they fail to switch off engines whilst stationary.

York's Draft Local Plan

The city's draft Local Plan envisages an increase in the city's population of around 25% and aims to ensure that new developments have bus services with journey times

that are competitive with the private car. To support the draft Local Plan objectives, there are a number of major projects taking place, particularly:

- York Central – a mixed development on brownfield land on the edge of York city centre, comprising up to 100,000m² of office space and 2,500 homes. This development's planning conditions and Section 106 agreement include three new stretches of bus lane, substantial contributions to new bus services and green travel plan initiatives;
- A rebuilding of the area in front of York Station, to improve its amenity of for pedestrians, cyclists and visitors to the city, as well as providing an improved bus interchange with better facilities for passengers, substantially more bus stops and the opportunity to turn buses, allow some bus layover and more effectively separate local buses from rail replacement services and special event coaches, so that problems on the rail network do not adversely effect local buses; and
- The Castle Gateway project in the south eastern quadrant of York city centre, which will improve the bus interchanges in this area.

Modal shift and the relationship to other sustainable travel modes

As well as having high use of buses, there is also high use of active modes in York, including a particularly high level of cycling. CYC is leading a number of interventions, including some funded from the DfT's Active Travel Fund, to increase cycling and walking levels in York alongside increasing bus use. Obviously, we wish more people to both travel actively and use buses – we don't aim to simply attract pedestrians and cyclists to use the bus for trips they would have otherwise travelled actively.

Consequently, the BSIP includes measures principally aimed at transferring car trips to bus, and/ or to reduce social exclusion by enabling trips which are currently not happening because they are suppressed by absent or poor bus services. Several of the measures in the BSIP have been carefully targeted in this way and are integrated into CYC's more general travel behaviour change work.

This stance is in line with York's current LTP, which prioritises sustainable modes and looks to develop quality alternatives to travelling by car, and will be carried over to the next iteration of the LTP, which is in preparation.

Bus services have a key role in complementing York's policies to encourage walking and cycling. Studies of travel behaviour have shown that people are more likely to adopt walking and cycling as their main means of getting around if a good bus service is also available – even if they only use it when the weather is poor or they have something heavy to carry. In this way, the BSIP is complementary to York's extensive investment in active travel through the Active Travel Fund and the city's walking and cycling projects.

CYC's LTP objectives also include enabling convenient links between bus, taxi and rail journeys in the York area.

Part 4: EP Plan objectives

The vision for bus services in York

Our vision is straightforward and builds on the policies in both York's Local Transport Plan and our draft Local Plan.

We want York to have a bus network which is:

- inclusive - minimizing social exclusion by offering easy, comprehensive and cheap transport around the city
- accessible to all – easy to use by everyone in the city, including people with impaired mobility or senses
- efficient – punctual, reliable , frequent and a fast way to travel around York
- complementary to our strategies to reduce carbon emissions in York and develop our economy
- attractive – enough to mean driving is not the default option for many trips in York
- welcoming – to our many visitors, whether they are coming to York for a day at the races or a four year degree course
- a source of pride for the city and its residents

High-level objectives

The York Enhanced Partnership aims to achieve the following ten objectives:

- 1) Growth in passenger trips to **20 million a year** by 2024/25 (a 25% increase on the peak seen in 2017/18)
- 2) A **40% increase in bus journeys by young persons** aged 5-19 by 2024/25 (compared to 2019).
- 3) A **30% increase in Park & Ride usage** by 2024/25 (compared to 2019).
- 4) **Overall passenger satisfaction of 95%**, as measured by Transport Focus's surveys (2% higher than the previous maximum satisfaction seen in York, in 2014, but 9% higher than the last set of surveys in 2019)
- 5) **90% of less-frequent services to be punctual** by 2024/25.

- 6) **Excess wait time for frequent services to be no more than 45 seconds by 2024/25.**
- 7) **Peak bus journey times on the most congested corridors to decrease by at least 2 minutes by 2024/25 (85th percentile journey times, compared to 2019).**
- 8) **At least 90% of bus services operating predominantly in the York urban area to be operated using electric vehicles by 2024/25.**
- 9) **At least 95% of inter-urban and rural services to be operated using vehicles of Euro VI standard or better by 2024/25.**
- 10) **50% of non-concessionary bus tickets to be purchased using contactless tap-on/tap-off payments by 2024/25.**

Part 5: Specific commitments and outcomes

The BSIP includes a list of distinct commitments and asks, broken down into categories. These commitments and asks (where BSIP funding is available to fulfil them) along with their related objectives, are listed in the tables on the following pages. These form the programme for the EP Plan.

An indicative York BSIP award of £17.3m was announced by the DfT in April 2022. On paper, this is significantly less than the c.£48m requested in the BSIP, however this sum was intended to fund measures over a longer period of time. The £17.3m BSIP award will enable the majority of the commitments and asks set out in the BSIP to be delivered in some form during the period 2022-25.

City of York Council has submitted a revised set of objectives to DfT stating how it intends to utilise the indicative £17.3m during the three financial years 2022-25. The final funding amount is unlikely to be confirmed until summer 2023. As a result, this section, and any related commitments in the EP Scheme, may need to be updated once a final funding settlement has been agreed by the DfT.

The tables on the following pages utilise the same numbering scheme as the original BSIP document, but have been prefaced with 'A' to denote a BSIP 'ask' and 'C' to denote a BSIP 'commitment'.

Some of the reference numbers used in the original BSIP document are missing from the tables on the following pages- this is due to insufficient funding having been made available to deliver these items.

Reliability measures

Reference no.	Commitment	Objective	Funding source(s)
A-R2	CYC will implement a series of tactical small-scale schemes to relieve bottlenecks in the local bus network	To remove identifiable sources of delays to services	DfT BSIP (£125k)
A-R3	CYC will, subject to feasibility studies, public consultation and political approval, implement a series of bus priority measures on key radial routes and in the city centre, including: <ol style="list-style-type: none"> 1. Additional bus priorities on Wigginton Rd 2. Additional bus priorities on Fulford Rd 3. Improvements on Heslington Rd/University Rd 4. A package of measures to improve bus journey times and reliability through York city centre 	To improve 85 th percentile bus journey times on affected corridors by 2 minutes by 2025 (compared to 2019 baseline).	DfT BSIP (£5m), Other government sources (up to £15m)
C-R1	CYC will use best endeavours and whatever funding is available to ensure all existing CCTV, real-time passenger information and bus priority systems in the city are kept in good working order, and to demonstrate their value in improving bus journey times in York.	To continue to improve bus journey times in York	Existing CYC capital and revenue budgets
C-R2	CYC will use its traffic real time model to provide signals-based bus priorities. The model will identify late running buses and prioritise them at junctions, using the methodology which is already proven in South Yorkshire.	To tackle inconsistent journey times	Existing CYC revenue budgets
C-R3	CYC will consider taking the powers to enforce moving traffic offences, if these powers are offered to local transport authorities outside London.	To tackle problems on the road network which delay buses- for example, vehicles entering a yellow box junction before the exit is clear.	Existing CYC revenue budgets, potential income from penalty charges

Reliability measures (continued)

Reference no.	Commitment	Objective	Funding source(s)
C-R4	The Performance Group will take an important role in planning for special events, including sports events and festivals. This will include making decisions on warden and NMO cover for these events – and provision of other staff by operators or CYC.	To minimise disruption to the bus network during special events	Existing CYC revenue budgets
C-R5	The Performance Group will continue to review performance on a monthly basis, publish its punctuality indicator, and agree appropriate mitigations as required.	To ensure bus network performance is made available to the public.	Existing CYC revenue budgets
C-R6	CYC will continue to work with the bus operators to develop a series of small schemes to, where practicable, tackle bottlenecks. This will be financed through an annual capital fund of £50,000 for small schemes, or targeted capital spend for larger schemes, which may require preparation of a business case. The Performance Group and Infrastructure Group will be instrumental in prioritizing the schemes for action.	To reduce bus delays at key network hot-spots	Existing CYC capital budgets (supports A-R2)
C-R7	CYC will work with developers to use S106 settlements to fund and deliver localised bus priority schemes where these are needed to offset the impact of development related traffic. We already have a significant programme of work being progressed this way – particularly connected with the York Central site, but this approach will be applied to other development sites as they come forward.	To ensure new developments have either a minimal impact or a net positive effect on bus journey times.	Future Section 106 developer contributions

Reliability measures (continued)

Reference no.	Commitment	Objective	Funding source(s)
C-R8	The Performance Group will work to identify and prioritise routes requiring “whole corridor” measures. These will be financed through a variety of vehicles, including CYC’s Capital Programme, the DfT BSIP support funding and other funds as they become available. CYC’s transport scheme development funding will be used to make the case for bidding for funds to make larger interventions.	To ensure that larger-scale interventions are prioritised to provide the maximum benefit to cost ratio.	CYC Capital programme, DfT BSIP (dependent on A-R3)
C-R9	CYC will work with developers through the Local Plan to upgrade corridors serving their developments. Measures will be funded through developer contributions (either Section 106 contributions or, if appropriate, tariffs or Community Infrastructure Levies). Bus operators will have an important advisory role in these negotiations. This is discussed at more length in the section of this document which sets out policy in relation to the Local Plan development of York. Bus Rapid Transit (“BRT”) measures may be considered at the larger sites.	To ensure that new developments have bus services with journey times that are competitive with the private car	Future Section 106 developer contributions
C-R10	Bus operators will work with CYC to consider the feasibility of bus priority along routes serving new developments and will work to make the necessary financial case for delivering the measures if a positive business case can be made for the intervention, once its full impacts are assessed. Progress on this aspect of the BSIP will be advised in the 2022 BSIP update, following a study commissioned by CYC, as part of the LTP process, in late 2021. This commitment is dependent on DfT funding the block “ask” for whole corridor measures asked for in the BSIP.	To ensure that any new major developments have suitable bus priority measures.	CYC LTP funding, DfT BSIP (dependent on A-R3)

Bus network support measures

Reference no.	Commitment	Objective	Funding source(s)
A-BN1	<p>1. CYC and the Park & Ride operator will restart the Poppleton Bar Park & Ride service at the earliest possible opportunity and no later than autumn 2022.</p> <p>2. CYC and bus operators will develop the core bus network and introduce a new city centre shuttle service</p>	<p>1. To return the Park & Ride network to its full pre-Covid level</p> <p>2. To fill in gaps in the current network provision and improve city centre access</p>	DfT BSIP (£2.28m)

Environmental measures (greening the bus fleet)

Reference no.	Commitment	Objective	Funding source(s)
C-E1	CYC and the bus operators agree to recognise the importance of improving air quality across York, both by encouraging transfer from car trips to bus trips and through improving emissions from bus services.	To ensure air quality improvements are at the forefront of decision-making	No direct cost
C-E2	CYC has a key role in facilitating/ co-ordinating operators' responses to the various Government grants directed at reducing emissions from public transport. CYC pledges to maintain equality of opportunity for bidding, although it will obviously target activities towards greatest gain for York.	To ensure the maximum possible funding is available for air quality improvements	Existing CYC resources
C-E3	CYC will use the services it specifies as a mechanism to encourage take up of vehicles with lower emission levels.	To reduce levels of harmful vehicle emissions from the bus fleet	CYC revenue budgets, DfT devolved BSOG

Ticketing measures

Reference no.	Commitment	Objective	Funding source(s)
A-T1	The partnership will deliver a tap-on/tap-off capped fares system for single operator tickets by April 2023 and multi-operator tickets by October 2023. CYC will employ a commercial ticketing officer to lead the planning and delivery of the partnership's fares and ticketing objectives.	To encourage bus use by ensuring passengers can automatically get the best fare for their journey	CYC capital programme (£200k), DfT BSIP (£250k)
A-T2	The partnership will deliver fare reductions for young persons from January 2023, including: <ol style="list-style-type: none"> 1. Free travel for up to 3 children when accompanied by an adult 2. Low cost flat fares for the under-19's 3. Targeted fare reductions for the 19-25 age group 	To grow the youth bus travel market by 40% by 2025, helping to build lifelong sustainable travel habits.	DfT BSIP (£3.3m)
C-T1	The partnership will develop an app-based All York ticket.	To ensure multi-operator tickets are as easy to purchase as single operator products across all retail platforms	Dependent on A-T1
C-T2	The partnership will develop All York tickets for purchase off the bus (including monthly and annual products). These can be marketed through employers and to residents of new property developments	To ensure new residents and employees have the best possible opportunity to build sustainable travel habits	Existing budgets

Ticketing measures (continued)

Reference no.	Commitment	Objective	Funding source(s)
C-T3	The partnership will review the range and pricing of All York ticketing products, through the Ticketing Group, to ensure that they are attractive and can contribute fully to delivering York’s transport policies. A particular focus of this work will be to develop a ticket which carries no price premium over single operator tickets.	To give bus passengers access to any service in York on an equal footing.	Dependent on A-T1
C-T4	The partnership will develop a smart All York carnet of journeys ticket product, which can be used alongside fare capping.	To ensure that passengers have easy access to the best value fare for their journey	Dependent on A-T1
C-T5	The partnership will support and promote “PlusBus” and work with train operating companies to develop local rail/bus products. This will include rail add-on tickets to large trip attractors and special events in York, and use of the Park & Ride sites to access rail services.	To ensure the bus and rail networks complement one another as part of an integrated public transport offer	Dependent on A-T1
C-T6	The partnership will work with colleagues in North, East and West Yorkshire to develop a range of tickets to incentivise onward travel in York as an attractively priced add-on to inter-urban tickets.	To ensure that passengers have easy access to the best value fares for inter-urban journeys	Dependent on A-T1
C-T7	The partnership will investigate other opportunities for sales of bus tickets as a means to access York’s many festivals and special events.	To promote public transport as the default travel option for visitors to special events.	Dependent on A-T1
C-T8	CYC will provide £200k finance to allow tap-on-tap-off debit/credit card use on all York’s buses. This will be made easy to implement in York because all seven operators in the city use compatible Ticketer machines, a situation made possible by earlier investment by CYC in ticketing platforms.	To ensure that passengers never have to worry about over-paying for bus travel.	Dependent on A-T1

Passenger information measures

Reference no.	Commitment	Objective	Funding source(s)
A-13	CYC will install 100 new battery-powered real-time information screens at stops outside the city centre	To provide live bus information at stops where the cost of connecting to the mains power supply is prohibitive	DfT BSIP (£800k)
A-14	CYC will replace existing life-expired real-time information screens in the city centre	To ensure live information provision remains reliable and accessible	DfT BSIP (£490k)
C-11	CYC will return to producing composite timetables featuring route maps and services from all operators to all of York's bus stops as soon as is practicable. We will also move back to a maximum of six service change dates a year, to be agreed and published ahead of the start of each year.	To ensure a stable network with consistent timetable information which passengers can rely upon not to change outside of the publicised dates.	Existing CYC revenue budgets
C-12	Bus operators will continue to produce their own timetable leaflets and publicise their services on their websites and via third party apps.	To ensure that passengers have access to both paper and online timetable information.	Existing bus operator revenue budgets
C-13	CYC will maintain the itravel.york.info website, which provides information on buses, Park & Ride and other sustainable transport modes in the York area.	To ensure that there is a trusted, impartial, single point of information for York's bus network.	Existing CYC revenue budgets
C-14	CYC will maintain the on-street real time information screens, with contributions from the bus operators.	To ensure that live bus information is easily accessible at city centre and other key stops.	Existing CYC and bus operator revenue budgets
C-16	CYC will work with bus operators to encourage provision of audio-visual announcements on buses and at bus stops.	To ensure that passengers, especially those with visual or hearing impairments, have the best possible access to live bus information.	Existing CYC and bus operator capital budgets

Stop and shelter measures

Reference no.	Commitment	Objective	Funding source(s)
A-S1	CYC will undertake a programme of bus stop improvements on a route-by-route basis.	To improve passenger facilities	DfT BSIP (£250k)
C-S1	CYC will use best endeavours to maintain bus stops in York. All shelters will be cleaned every quarter, with city centre shelters to be cleaned every month. Stops without a shelter will be serviced annually and whenever their timetables are changed.	To ensure that bus stops and shelters are a safe and attractive environment for passengers.	Existing CYC revenue budgets

Customer service measures

Reference no.	Commitment	Objective	Funding source(s)
C-CS1	The partnership will develop a customer charter to include redress, particularly around late buses and buses which do not run. We will also work with operators to sign them up to a protocol which guarantees any wheelchair user not able to access a wheelchair space on the first bus to arrive at their stop is able to hire a taxi for their journey at no extra cost.	To ensure that passengers, particularly those with disabilities, have confidence in the bus network.	Existing revenue budgets
C-CS2	CYC and the bus operators will work with the York Bus Forum and other representatives of bus passengers to constitute and maintain a consultative group meeting the best practice standards set out in the Transport Focus advice to local authorities on setting up such groups, to ensure that they are representative of a cross-section of bus users in York.	To ensure that bus passengers have a voice and that their concerns are listened to and acted upon appropriately.	Existing revenue budgets

Customer service measures (continued)

Reference no.	Commitment	Objective	Funding source(s)
C-CS3	The partnership will support a regular programme of bus surgeries at a range of locations across the city.	To ensure that bus passengers have an opportunity to speak to council and operator representatives face-to-face.	Existing revenue budgets
C-CS4	CYC will continue to fund annual Transport Focus customer satisfaction surveys, funding them through the Better Bus Area agreement with operators.	To ensure that a comparable, year-on-year customer satisfaction measure continues to be made available.	Existing CYC revenue budgets

Marketing and behaviour change measures

Reference no.	Commitment	Objective	Funding source(s)
A-M1	CYC will carry out a travel behaviour change campaign targeting passengers on corridors receiving new bus priorities (see A-R3)	To raise awareness of public transport improvements	DfT BSIP (£800k)
C-M1	CYC will continue to work with housing developers to encourage residents to use sustainable travel.	To ensure that new residents understand the travel options available to them.	S106 development funding
C-M2	To maintain the marketing group, incorporating it into the Enhanced Partnership.	To ensure that the partnership has an active role in promoting the benefits of bus travel to both users and non-users.	Existing revenue budgets
C-M3	We will continue to promote the use of the existing “York by bus” brand, which is already used for York’s multi-operator ticket, customer charter and roadside information displays.	To ensure continuation of a brand and style with which the York public are already very familiar.	Existing revenue budgets

Operational delivery measures

Reference no.	Commitment	Objective	Funding source(s)
A-OD1	CYC will employ an Enhanced Partnership Officer to administer the functions of the York EP.	To ensure that the EP operates effectively and delivers its objectives	DfT BSIP (£150k)

Park & Ride measures

Reference no.	Commitment	Objective	Funding source(s)
A-PR1	CYC will convert five of the existing Park & Ride sites to multi-modal hubs, with overnight parking, connections with interurban services and other sustainable travel modes	To maximise the ability of Park & Ride sites to remove traffic from the city centre	DfT BSIP (£4m)
C-PR1	CYC and the Park & Ride operator will maintain and improve the existing P&R services so that they continue to enjoy high customer satisfaction and provide an attractive way for visitors and commuters to access central York.	To ensure Park & Ride retains high levels of customer satisfaction and a proven track record of significantly reducing congestion in the city.	Existing revenue budgets and reinvesting revenue from new patronage growth.
C-PR2	CYC and the Park & Ride operator will consider how the estate can be used to cater for other trips by developing it into a series of mobility hubs- for example interchange with inter-urban buses and coach services, Park & Ride services travelling through the sites rather than terminating there. This offers the potential to reduce trip making on the trunk road network.	To maximise the ability of the Park & Ride sites to remove traffic from the city centre.	See A-PR1

New development measures

Reference no.	Commitment	Objective	Funding source(s)
C-D1	CYC will work with developers to establish bus priority into any new development in York, to make buses as time competitive as reasonably possible with private cars. This would include, for example, segregated, grade separated, crossing points of York's outer ring road for bus services into York city centre from new developments outside of the outer ring road.	To ensure bus journey times are competitive with the private car.	Future Section 106 developer contributions
C-D2	CYC, as the planning authority for York, will give careful consideration to how new developments will be served – specifically whether they should be served by completely new services, existing services which are diverted off line of route or extended to the new development, or frequency enhancements to existing services. The key consideration will be to balance the commercial viability of the new/ altered services against providing the most competitive journey times from the new development to key trip attractors such as York city centre and large local employment sites.	To ensure that new developments have sustainable bus services without compromising the attractiveness of the existing network.	Future Section 106 developer contributions
C-D3	In planning services, CYC will look not just at local links, but whether some movements from the developments would be best catered for by providing longer distance express coach links. A good example would be whether there is scope to link the development sites to the east, south and west of York directly to central Leeds through a coach link. New development sites should also be linked to a railway station. In some cases, the most appropriate station may not be York, but could be Poppleton, other existing stations such as Selby, or the proposed station at Haxby.	To ensure that commuters heading to other urban areas do not need to make unnecessary trips through York city centre.	Future Section 106 developer contributions

New development measures (continued)

Reference no.	Commitment	Objective	Funding source(s)
C-D4	CYC will look to include bus operators in discussions about new developments at an early stage so that bus operators are able to input into site design.	To ensure development masterplans facilitate effective bus operation.	No direct costs
C-D5	The partnership will work together to develop a “Bus Service Development Guide” which will form a part of the supplementary planning guidance for the Local Plan. This will set out how developments can be configured to encourage use of bus services.	To ensure bus services to new developments are reliable and attractive.	Existing CYC and bus operator staff time
C-D6	CYC will require that new developments have a clearly identifiable “Public Transport Hub” which will be in the centre of the new developments, co-located with the principal trip generators in each development – for example, schools and nurseries, GP’s surgeries, shops. The hubs will be equipped with very high quality bus stops, comprising, but not limited to, a heated shelter, real time information, information boards, and machines for purchasing bus tickets off the bus.	To ensure that public transport measures in new developments are visible, attractive and easy to access.	Future Section 106 developer contributions
C-D7	CYC will ensure, as a general design guideline, that the services provided to large new developments will be developed to be as attractive as the nearest Park & Ride alternative. As such they will not only include substantial priority within the development and linking the development to the existing road network (as set out in Commitment C-D1), but should also include priorities, many of them new, on the existing road network. BRT may be appropriate for the larger developments.	To ensure that residents in new developments have access to bus services with competitive journey times.	Future Section 106 developer contributions

New development measures (continued)

Reference no.	Commitment	Objective	Funding source(s)
C-D8	CYC will encourage developers to make full use of ICT in any new property to make real time information available to new residents.	To ensure that residents in new developments have easy access to live bus information in order to make good sustainable travel choices.	Future Section 106 developer contributions
C-D9	The partnership will work with developers to provide a range of tickets which will encourage early use of the bus service and also retain bus users on the network over the longer term. This is likely to include developing All York tickets for purchase off the bus, and a range of other products – for example, for scholar travel and carnet/ stored value products, as well as single operator products.	To ensure that residents in new developments are encouraged to use public transport as soon as they move in and to continue doing so in the longer term.	Future Section 106 developer contributions

Part 6: Effect on neighbouring authority areas

Peoples' need to travel is independent of the boundaries of local authorities and analysis suggests around one-third of bus journeys in York originate outside the CYC boundary. Consultation with North Yorkshire County Council (NYCC), East Riding of Yorkshire Council and West Yorkshire Combined Authority formed an important part of CYC's consultation on its BSIP.

York functions as a key trip attractor in a rural area with a population of around 500,000 people. Delays experienced by buses as they travel through York adversely affect their reliability in the rural areas surrounding the city. As such, measures to improve service reliability in York itself have beneficial effects far beyond CYC's boundaries. Many bus passengers travelling into York from outside need to use more than one bus to complete their journey and this has informed the proposals we put forward about developing new ticketing products.

We have taken the decision not to submit a joint plan with NYCC, although there will be considerable joint working on bus services as the York and North Yorkshire mayoral combined authority is developed. The decision not to submit a joint BSIP was taken because of the different development priorities of the York "city" network, as set out in the York Local Transport Plan, and the pre-existence of the York Quality Bus Partnership. However, there has been work together on the ticketing aspects of the proposals set out in the BSIP, a discussion of congestion and delay in York and its effect on services in the county, and work on trying to use similar governance structures.

The submission of separate BSIPs to DfT does not preclude development of a joint BSIP later, with a decision on that being made as proposals for the future combined authority are developed.

North Yorkshire County Council's Enhanced Partnership came into effect on 1st May 2022.

Part 7: Governance

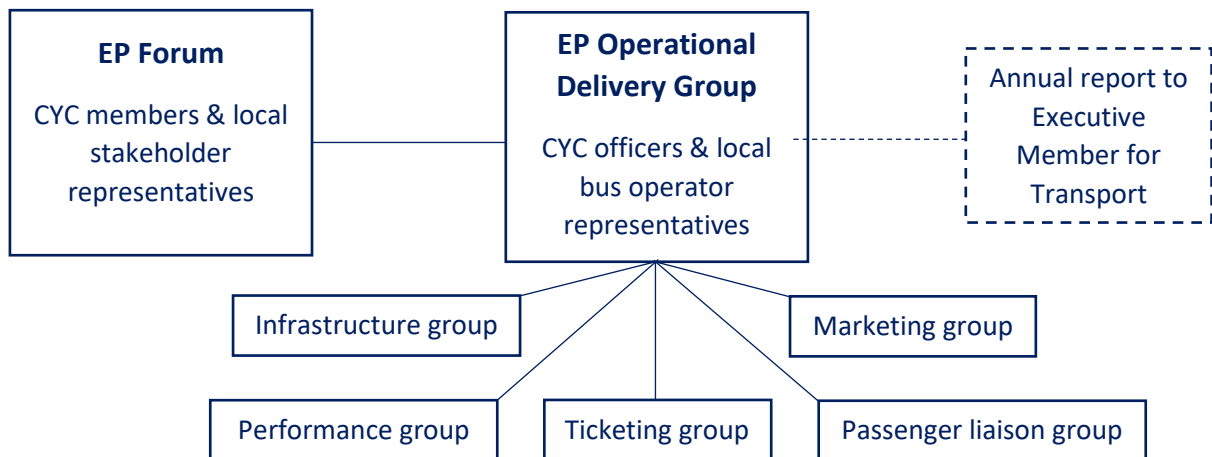
An EP Forum will be established, consisting of CYC elected members and other stakeholder representatives. The forum will meet regularly to review the progress made by the EP and will put forward suggestions and recommendations to the Delivery Group.

The Delivery Group will consist of CYC officers and representatives from each of York's bus operators. The Delivery Group will be responsible for delivering the stated objectives of the BSIP and EP. The group will allocate BSIP funds and monitor scheme delivery progress in order to realise these objectives.

The Delivery Group will also oversee a number of subgroups, with responsibility for ticketing, performance, marketing, infrastructure and passenger representation. These subgroups will work to deliver their specific objectives and make recommendations to

the Delivery Group, the principal operational delivery body within the EP, who will in turn direct the subgroups and monitor their progress.

The formal structure of the Forum, Delivery Group and subgroups are set out in section 8 of the EP Scheme. A visual illustration of this structure is shown below:



The proposed governance structure will supplement CYC's own governance requirements rather than replacing them. It is intended that the proposed governance structure will operate alongside and complement the existing requirements of CYC's constitution.

Part 8: Consultation process

In line with the statutory requirements of the Transport Act 2000, this draft EP Plan and EP Scheme are being put to an operator objection period and public/stakeholder consultation period, each lasting for 28 days. If no significant objections are received and no material changes required following the consultation periods, it is envisaged that the plan and scheme will be approved and enacted by CYC in time for the scheme to commence during September 2022. This timescale is also subject to DfT confirmation of CYC's final BSIP funding allocation.

Due to the tight timescales involved and a strong desire not to delay any BSIP-funded measures, there will be limited scope for wide-ranging alterations to the draft documents ahead of the EP's adoption, however both documents will be subject to regular review once the partnership is in place. With the close involvement of bus operators and passenger groups in forming York's BSIP, CYC is confident that minimal alterations will be needed to the EP Plan and Scheme ahead of their adoption.

Any significant future changes to the EP Plan and Scheme will also be put out to consultation in accordance with section 138F of the Transport Act 2000.

THE YORK ENHANCED PARTNERSHIP FOR BUSES



Enhanced Partnership Scheme

Draft - for consultation

August 2022

1. The York Enhanced Partnership (EP) Scheme

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Schedules and Annex contents:

Schedule 1 – List of bus priority lanes in the City of York area

Schedule 2 – List of All York multi operator tickets and prices

Schedule 3 – Key decision triggers

Schedule 4 – BSIP summary table

Annex A – EP Scheme variation proforma

2. Legal declaration

2.1. The York Enhanced Partnership Scheme for buses is made in accordance with Section 138G(1) of the Transport Act 2000 by CYC.

3. EP Scheme content

3.1. This document fulfils the statutory requirements for an EP Scheme. In accordance with statutory requirements in section 138 of the Transport Act 2000, the EP Scheme document sets out:

- The Scope of the EP Scheme and commencement date
- Obligations on the Local Authorities
- Obligations on Bus Operators
- Governance Arrangements

3.2. This EP Scheme sets out obligations and requirements on both CYC and Bus Operators in order to achieve the intended improvements, with the aim of delivering the objectives of the associated EP Plan.

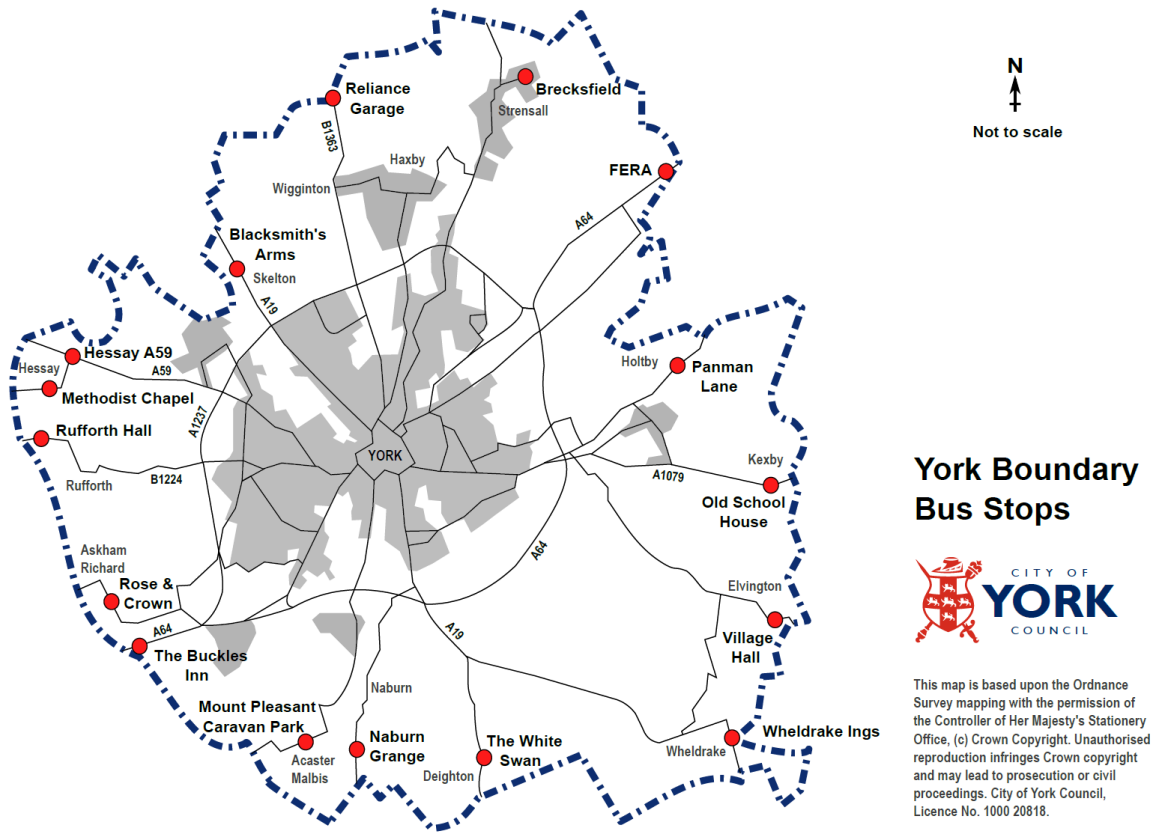
4. Scope of the EP Scheme and Commencement Date

Geographical Coverage

4.1. The EP Scheme will support the improvement of all local bus services operating in the City of York Council Unitary Authority Area.

Map of EP Plan and EP Scheme Areas

4.2. The York EP covers the same geographical area as the City of York Unitary Authority area:



Commencement Date and Review Process

4.3. The EP Plan and EP Scheme are made on **COMMENCEMENT DATE** 2022.

- 4.4. The EP Plan will have no specific end date but will be reviewed annually from the commencement date.
- 4.5. The EP Scheme will have no specific end date but will be reviewed annually from the commencement date.
- 4.6. The EP Scheme will be reviewed by the EP Operational Delivery Group at its final meeting of each calendar year, with a vote to accept or reject any proposed amendments received throughout the year. For the avoidance of doubt, all changes will be subject to the governance arrangements as set out in sections 8 and 9.
- 4.7. Any amendments which are accepted by the EP Operational Delivery Group will be included in a revised EP Plan and EP Scheme, circulated to statutory consultees as required and formally adopted at the end of the following March.
- 4.8. The EP scheme variation process is set out in section 8.

Exempted Services

- 4.9. The following services are exempt from some or all of the requirements of the EP Scheme:
- 4.10. Any service which has part or all of its route registered as a local bus service in the EP Scheme area, but which functions primarily as a pre-booked long-distance coach service is exempted from the EP Scheme.
- 4.11. Registered local bus services operated primarily for the benefit of tourism are exempted from the requirements to meet pre-agreed service change dates and to participate in multi-operator ticketing schemes.
- 4.12. Registered local services operating on fewer than 48 days per calendar year are exempted only from the requirements to meet pre-agreed service change dates.

5. BSIP funding

- 5.1. On 4th April 2022, the DfT made an indicative funding award of £17.3m to CYC. The funding was conditional upon a summary table detailing proposed BSIP expenditure, plus a draft EP Plan and Scheme, which were submitted

to DfT along with letters of support from bus operators by 30th June 2022.

The summary table is included as Schedule 4.

6. Obligations on the Local Authority

Park & Ride

6.1. CYC will continue to provide six Park & Ride facilities located close to the junctions of the main radial A-roads and the Outer Ring Road:

- Askham Bar Park & Ride, located close to A1036/A64 junction.
- Designer Outlet Park & Ride, located close to A19/A64 junction
- Grimston Bar Park & Ride, located close to A1079/A64 junction
- Monks Cross Park & Ride, located close to A1237/Malton Rd/A64 junction
- Poppleton Bar Park & Ride, located close to A59/A1237 junction
- Rawcliffe Bar Park & Ride, located close to A19/A1237 junction

6.2. The sites will continue to be maintained by and served by buses provided by CYC's Contracted Park & Ride Operator, with free parking, frequent services running 7 days per week and fares set at a level competitive with city centre parking charges.

6.3. CYC and its Contracted Park & Ride Operator will maintain and improve the existing Park & Ride services (*EP Plan commitment C-PR1*).

6.4. CYC and its Contracted Park & Ride Operator will convert five of the existing Park & Ride sites to multi-modal hubs, with overnight parking, connections with interurban services and other sustainable travel modes (*EP Plan commitments A-PR1 and C-PR2*).

- This commitment is dependent upon £4m of BSIP capital funding and will be progressed at an average rate of one P&R site every six months during the 30-month BSIP funding period.

6.5. CYC and its Contracted Park & Ride Operator will restart the Poppleton Bar Park & Ride service at the earliest opportunity (*EP Plan commitment A-BN1*).

- This commitment is dependent upon £750k of BSIP revenue funding and will be delivered no later than Autumn 2022.

Bus priority lanes

- 6.6. CYC will provide and maintain the list of bus lanes described in Schedule 1, including automated enforcement using ANPR cameras where listed.
- 6.7. New bus lanes may be added to this list using a bespoke variation under the powers at s.138E of the Transport Act 2000.
- 6.8. All operators running local bus services along any part of the corridor that would be subject to the new bus lanes can object to the proposals. Those proposals will only go ahead if no irreconcilable objections are received.

Signals-based bus priority

- 6.9. CYC will provide bus priority measures using its traffic signals and develop a real-time traffic model which will identify late-running buses, prioritising them at junctions (*EP Plan commitment C-R2*).

Whole Corridor Bus Priority Measures

- 6.10. Subject to feasibility studies and public consultation, CYC will deliver bus priorities on key radial routes into York (*EP Plan Commitment A-R3*). Specifically, these improvements will cover:
 - the Wigginton Road (B1363) corridor;
 - the Fulford Road (A19) corridor;
 - University Road and Heslington Road.
- These measures are dependent on £3m of BSIP capital funding. Further details are set out in the summary table at Schedule 4.

6.11. Subject to a city centre bus routing study, feasibility studies and public consultation, CYC will deliver a package of measures to improve bus journey times and reliability through York city centre. These measures will deliver the best possible routing for bus services and, where required, bus lanes on the approaches to the city centre (*EP Plan Commitment A-R3*).

- These measures are dependent on £2m of BSIP capital funding. Further details are set out in the summary table at Schedule 4.

Moving traffic offences

6.12. CYC will give consideration to taking on powers to enforce moving traffic offences, if legislation is introduced enabling non-London local transport authorities to apply for these powers (*EP Plan commitment C-R3*).

Bus stops

6.13. CYC will undertake a programme of bus stop improvements on a route-by-route basis, with a focus on providing attractive, high-quality, accessible infrastructure (*EP Plan commitment A-S1*).

- This measure is dependent on £250k of BSIP capital funding.

6.14. CYC will continue to provide and maintain its existing bus stop infrastructure in accordance with the following standards (*EP Plan commitment C-S1*):

6.15. All stops, wherever practical, will include Kassel kerbs, a hard standing area of sufficient size to accommodate a wheelchair, a bus stop pole with plate flag and a standard timetable case. Cases and flags will be cleaned once per year or whenever timetables are changed.

6.16. Stops on high-frequency routes, or those served by multiple routes, will include a high-quality bus stop pole and bus stop flag, and two standard timetable cases.

- 6.17. Key stops, wherever practical, will also include a standard bus shelter, large format timetable case and real-time information screen. Shelters will be cleaned once every three months.
- 6.18. City centre stops, wherever practical, and Park & Ride sites, will include Kassel kerbs, a high-quality shelter, large format timetable case, a high-quality bus stop flag and real-time information screen. City centre shelters will be cleaned once per month.
- 6.19. Bus shelters in the city centre and along higher-frequency routes will be supplied and maintained either directly by CYC or under contract via a third party. Additional shelters in parish areas are provided and maintained by parish councils at their own expense and discretion.
- 6.20. CYC will seek to expand the number of 'Key stops' in consultation with the EP Infrastructure Group, subject to funding.

Bus Information

- 6.21. CYC will produce composite timetables featuring route maps and services from all operators at all stops where poster cases are installed (*EP Plan commitment C-I1*). Where services are registered at 70 days' notice on agreed change dates, the council will ensure that posters are in place in time for the service change.
- 6.22. In cases where an operator registers a service change outside of the agreed change dates or at less than 70 days' notice, CYC will use best endeavours, but cannot guarantee that timetable posters will be available in time for the service change date.
- 6.23. CYC will continue to promote the use of the existing 'York by bus' brand (*EP Plan commitment C-M3*).

Real-time passenger information screens

- 6.24. CYC will provide 100 new battery-powered real-time information screens at locations where it is uneconomical to install a mains power feed (*EP Plan commitment A-I3*).
- This commitment is dependent on £800k of BSIP capital funding.

- 6.25. CYC will replace existing life-expired real-time information equipment. (*EP Plan commitment A-I4*).
- This commitment is dependent on £490k of BSIP capital funding.
- 6.26. CYC will use best endeavours and any available funding to provide and maintain all existing real-time passenger information screens in good working order (*EP Plan commitments C-R1 and C-I4*).
- 6.27. CYC will seek to equip real-time information sites with audio-visual announcement technology as funding permits (*EP Plan commitment C-I6*).
- 6.28. CYC will seek to install additional real-time information screens, where the need is identified and as funding permits.

Targeting bottlenecks in the highway network

- 6.29. CYC will provide £50,000 per annum, supplemented by £25,000 from of BSIP capital funding in year 1 and £50,000 per annum in years 2 and 3, in order to fund small schemes targeting causes of delay on the local highway network. Provision of capital funding for larger schemes, including whole-corridor measures with a strong benefit-to-cost ratio will also be considered (*EP Plan commitments A-R2, C-R6 and C-R8*).

Staffing

- 6.30. Enhanced Partnership Officer
- CYC will employ an Enhanced Partnership Officer to lead on the administration of the EP, liaise with Bus Operators, arrange meetings of the EP Forum, Operational Delivery Group and its subgroups, report on progress of EP objectives and help ensure that all EP members are delivering on their commitments (*EP Plan commitment A-OD1*).
 - This commitment is dependent on £50k per annum of BSIP revenue funding.

6.31. Network Monitoring Officers

- CYC will employ Network Monitoring Officers, providing cover between 0700 and 1900 on Monday-Saturdays and during major events.
- The Network Monitoring Officers will be the office-based front line operational liaison between bus operator controllers/duty managers and CYC.
- The Network Monitoring Officers will have access to CCTV traffic cameras and live bus punctuality data, direct control over traffic signals and the @york_travel twitter feed.
- The Network Monitoring Officer will attend the EP Performance Group.
- The council's minimum annual funding commitment in respect of NMO salaries is £60,000.

6.32. Bus Wardens

- Subject to CYC confirmation of funding, CYC will employ Bus Warden(s), providing cover between 0700 and 1900 and Mondays-Saturdays and during major events.
- The Bus Warden(s) will be the street-based public face of the Enhanced Partnership, providing public assistance, monitoring bus stop infrastructure, updating timetable posters and ensuring bus stops and routes are clear of obstructions.
- The Bus Warden(s) will receive Civil Enforcement Officer training, with the power to serve Penalty Charge Notices on any unauthorised vehicles parking on bus stop clearways, double yellow lines on bus routes, abusing Park & Ride facilities or otherwise obstructing the passage of buses along the public highway.
- This commitment is conditional upon approximately £60,000 per annum of revenue funding being allocated for this purpose.

6.33. Commercial Ticketing Officer

- CYC will employ a full-time Commercial Ticketing Officer until March 2025 to manage and grow smart and multi-operator ticketing schemes (*EP Plan commitment A-T1*).
- The Commercial Ticketing Officer will attend the EP Ticketing Group.
- This commitment is dependent on £50,000 per annum of BSIP revenue funding.

6.34. Bus Infrastructure Officer

- CYC will employ a full time Bus Infrastructure Officer to manage and improve the city's bus infrastructure.
- The Bus Infrastructure Officer will attend the EP Infrastructure Group.

Website and apps

6.35. CYC will continue to provide and maintain its sustainable travel information website at www.itravelyork.info (*EP Plan commitment C-I3*)

6.36. The website will include:

- Links to timetables of all bus routes serving the EP Scheme area.
- A comprehensive bus network map
- Detailed information on York's Park & Ride sites and routes
- Links to journey planning resources such as the National Traveline Journey Planner
- Fares information
- Links to real-time information
- Information about upcoming service changes
- Information about upcoming events in York which might impact on bus services
- Information about disruptions and diversions.
- A monthly measure of overall bus punctuality.

- 6.37. CYC will continue to update its live traffic twitter feed, @york_travel, with service updates, disruption information and other urgent travel information.

Behaviour Change Marketing

- 6.38. CYC will run a travel behaviour change marketing campaign, targeting travellers on routes which will benefit from BSIP-funded bus priority (*EP Plan Commitment A-M1*). This commitment is dependent on £800k of BSIP revenue funding.

Bus Lane Enforcement

- 6.39. CYC will continue to use the discretionary powers granted to it under the Traffic Management Act 2004 to enforce certain bus lanes using automated number-plate recognition (ANPR) CCTV cameras. These are located at:
- Coppergate
 - Low Poppleton Lane/Millfield Lane
- 6.40. Additional bus lane enforcement cameras will be considered during the lifetime of the EP Scheme subject to funding and business case requirements.

Managing Roadworks

- 6.41. CYC will give bus operators a minimum of 7 days' notice of planned roadworks affecting bus routes, with a longer advance notice period wherever possible, particularly in regard to major works. The Performance Group will meet on a monthly basis to discuss and provide input into any planned works which could have a major effect on bus journey times. Staff involved in planning and managing major roadworks schemes will be invited to attend the Performance Group on a case-by-case basis.
- 6.42. CYC will use its real-time information screens to advise passengers of delays, diversions and bus stop closures due to planned or unscheduled roadworks, flooding or other emergencies.

- 6.43. CYC will produce and put up information posters to advise passengers of diversions and stop closures due to planned or unscheduled roadworks, flooding or other emergencies at city centre stops.
- 6.44. CYC will publicise diversions and stop closures due to planned and unscheduled roadworks, flooding or other emergencies on its www.itravelyork.info website and on its social media feeds.

Managing events

- 6.45. CYC will give bus operators a minimum of 2 months' notice of any major events expected to be attended by more than 5,000 people. Event organisers will be invited to the Performance Group to discuss issues such as traffic management and event transport with the operators.
- 6.46. The Performance Group will decide upon the appropriate level of cover for Network Monitoring Officers, Bus Wardens and bus operator staff during major events (*EP Plan commitment C-R4*).
- 6.47. CYC will use its real-time information screens to advise passengers of delays, diversions and stop closures due to major events.
- 6.48. CYC will produce and put up information posters to advise passengers of diversions and stop closures at City Centre bus stops due to major events.
- 6.49. CYC will publicise diversions and bus stop closures due to major events on its www.itravelyork.info website and on its social media feeds.

Socially-necessary bus services

- 6.50. CYC will continue to provide financial support for bus services which it considers to be socially necessary under the Transport Act 1985, where no operator is willing to provide a suitable service on a commercial basis.
- 6.51. CYC will use the services it specifies as a mechanism to encourage take-up of vehicles with lower emission levels (*EP Plan commitment C-*

E3) and audio-visual announcement technology (EP Plan commitment C-16).

Air Quality Initiatives

- 6.52. CYC will continue to recognise the benefits of improving air quality by encouraging transfer from car trips to bus trips and improving bus emissions (*EP Plan commitment C-E1*).
- 6.53. CYC will facilitate and coordinate operator responses to Government grants directed at reducing emissions from public transport. The council will maintain equality of opportunity, whilst targeting those initiatives which promise to deliver the greatest gain for York (*EP Plan commitment C-E2*).

Ticketing Initiatives

- 6.54. CYC will continue to provide off-bus ITSO ticket vending machines at Piccadilly, Stonebow, York Rail Station, Rougier St, Exhibition Square, all six Park & Ride sites and Monks Cross Shops. These are capable of selling single-operator ITSO tickets as well as All York tickets. Bus Operators wishing to use this facility to sell single-operator tickets can arrange to do so with CYC.
- 6.55. CYC will provide £200k of capital funding to enable tap-on/tap-off EMV (credit/debit card) ticketing aboard all of the city's buses (*EP Plan Commitment C-T8*).
- This commitment will be delivered by April 2023.

Tree Cutting

- 6.56. CYC will commission tree-cutting work once per annum during the Autumn months to minimise the risk of buses being damaged by branches and foliage overhanging the public highway.

Property Developments

- 6.57. CYC, as the planning authority for York, will give careful consideration as to how new developments will be served by bus. The key

consideration will be to balance the commercial viability of services against providing the most competitive journey times (*EP Plan commitment C-D2*).

- 6.58. CYC will include bus operators in discussions regarding new developments at an early stage in the process (*EP Plan commitment C-D4*).
- 6.59. CYC will consider implementing planning conditions to require provision of express coach links between new developments sites and central Leeds or rail stations (*EP Plan commitment C-D3*).
- 6.60. CYC will work with developers to use Section 106 settlements to fund and deliver localised bus priority schemes to offset the impact of traffic generated by the development (*EP Plan commitment C-R7*).
- 6.61. CYC will work with developers to upgrade transport corridors serving those developments. Measures will be funded through planning conditions, including Section 106 contributions or where appropriate, tariffs or Community Infrastructure Levies (CIF) (*EP Plan commitment C-R9*).
- 6.62. CYC will work with developers to establish bus priority into any new development in York, to make buses as time competitive as reasonably possible with private cars (*EP Plan commitment C-D1*).
- 6.63. CYC will require that new residential developments of 100 or more dwellings and new large commercial developments have a clearly identifiable 'Public Transport Hub' at their centre, incorporating a heated shelter, real time information, poster cases and automated ticket vending machines. (*EP Plan commitment C-D6*).
- 6.64. CYC will require, as a general design guideline, that services to new developments will be as attractive as the nearest Park & Ride alternative (*EP Plan commitment C-D7*).
- 6.65. CYC will encourage developers to make full use of ICT in any new properties in order to make real-time information available to new residents (*EP Plan commitment C-D8*).
- 6.66. CYC will continue to work with housing developers to encourage residents to use sustainable travel (*EP Plan commitment C-M1*).

7. Obligations on Bus Operators

Vehicle Standards

7.1. Any Bus Operator vehicle entering the City Centre Clean Air Zone five or more times per day whilst operating as a local bus service must meet, as a minimum, Euro VI or equivalent emissions standard.

7.2. Bus Operators agree to recognise the importance of improving air quality across York by reducing harmful emissions from bus services (*EP Plan commitment C-E1*).

Timetable change dates

7.3. There will be a maximum of six service change dates per year. These dates will be agreed and published by the Performance Group no later than 30th September of the calendar year preceding the change dates (*EP Plan commitment C-I1*).

7.4. Bus Operators will only make timetable or route changes on those dates agreed in advance by the Performance Group, giving at least 70 days' notice of their intended changes to CYC.

7.5. Exceptions will only be considered where timetable or route changes are required due to:

- Long-term roadworks or road closures
- Major events
- Contract changes by tendering authorities
- Change dates which conflict between neighbouring EP scheme areas (applies to Cross-Boundary Services only).
- At the sole discretion of CYC, any other urgent issue that may arise outside the operator's reasonable control.

7.6. Where a Bus Operator fails to adhere to this policy, they will be fully liable for the cost of materials and labour required to produce timetable posters for any affected stops at a rate of £15 per stop (CPI Indexed). If the operator provides staff to assist with putting up replacement posters, the amount payable will be reduced accordingly.

Timetable information

- 7.7. Bus Operators will ensure that electronic timetable data is made available to the National Traveline service no less than 42 days ahead of any change date, either by providing a copy of their registered timetable to CYC, or directly to Traveline in a valid TransXchange format.
- 7.8. Bus Operators will produce their own timetable leaflets and publicise their services on their websites and via third-party apps (*EP Plan commitment C-12*).

Real-time information

- 7.9. Bus Operators will supply accurate electronic timetable data and live vehicle location data in a timely manner to the lead representative of the Yorkshire Real-Time Information Partnership (currently West Yorkshire Combined Authority).
- 7.10. Bus Operators will provide a combined financial contribution of £50k per annum (CPI Indexed) to the upkeep of York's real-time information infrastructure (*EP Plan commitment C-14*). The contribution per operator will be calculated relative to each operator's scheduled mileage within the EP Scheme area.

Audio-visual information

- 7.11. Bus Operators will ensure that newly-manufactured vehicles are equipped with audio-visual announcement technology and endeavour to fit all other vehicles in their fleet with such equipment where practical and affordable to do so (*EP Plan commitment C-16*).

Service disruptions due to roadworks, emergencies or events.

- 7.12. Bus Operators will publicise diversions and stop closures due to events, planned and unscheduled roadworks, flooding or other emergencies on their websites and social media feeds.

- 7.13. Bus Operators will produce information posters advising of diversions and stop closures due to events, planned and unscheduled roadworks, flooding or other emergencies for bus stops outside the city centre. These posters must be displayed inside the timetable cases. Bus Operators agree to pay the full cost of rectifying any damage to timetable cases which results from their posters being attached to the outside of the case.

Commitment to passengers

- 7.14. Bus Operators will work with CYC to develop a customer charter to include redress, particularly around late buses and buses which do not run (*EP Plan commitment C-CS1*).
- 7.15. Bus Operators will work with CYC to establish a protocol which guarantees any wheelchair user not able to access a wheelchair space on the first bus to arrive at their stop is able to hire a taxi for their journey at no extra cost (*EP Plan commitment C-CS1*).
- 7.16. Bus Operators will engage with the EP Passenger Group (*EP Plan commitment C-CS2*) and support regular bus surgery events (*EP Plan commitment C-CS3*).
- 7.17. Bus Operators will continue to provide sufficient funding to CYC to ensure that annual Transport Focus customer satisfactions surveys continue during the lifetime of the EP Plan (*EP Plan commitment C-CS4*).

Serving new developments

- 7.18. Bus Operators will work with CYC to consider the feasibility of bus routes serving new developments and will work to make the necessary financial case for delivering the route if a positive business case can be made for the intervention, once its full impacts are assessed (*EP Plan commitment C-R10*).

Ticketing

- 7.19. Bus Operators will accept the full suite of All York multi-operator tickets aboard all their local bus services in the EP Scheme area, with the exception of those services provided primarily for major events or the purposes of tourism. A list of current All York tickets and prices is shown in Schedule 2.

8. Joint partnership commitments made by all EP Members.

Ticketing

- 8.1. The EP Members will put in place fare reductions for young persons (*EP Plan commitment A-T2*), consisting of:
- A low, flat fare applicable throughout the EP area for young persons aged under 19.
 - Free bus travel for up to three children when accompanied by an adult.
 - Targeted fare reductions for the 19-25 age group.
 - This commitment is dependent on £3.36m of BSIP revenue funding and will apply from January 2023 until at least March 2025.
- 8.2. The EP Members will jointly develop an app-based All York Ticket (*EP Plan commitment C-T1*). This commitment may be fulfilled either through the use of existing bus operator ticketing apps or via the procurement of a new app.
- 8.3. The EP Members will jointly develop All York tickets for off-bus purchase which can be marketed through employers and to residents of new property developments (*EP Plan Commitment C-T2*).
- 8.4. The EP Members will jointly review the range and pricing of All York Tickets, ensuring they carry no price premium over single-operator tickets (*EP Plan commitment C-T3*).
- 8.5. The EP Members will jointly develop a smart All York carnet of journeys ticket, which can be used alongside fares capping (*EP Plan commitment C-T4*).
- 8.6. The EP Members will support and promote PlusBus and work with train operating companies to develop local rail/bus products. This will include

rail add-on tickets to Major Events and use of Park & Ride sites to access rail services. (*EP Plan commitment C-T5*).

- 8.7. The EP Members will work with colleagues in adjoining areas to develop a range of add-on tickets valid for both an interurban journey and local travel in York (*EP Plan commitment C-T6*).
- 8.8. The EP Members will investigate opportunities for sales of bus tickets as a means to access festivals and Major Events (*EP Plan commitment C-T7*).

Service improvements

- 8.9. The EP Members will work together to deliver improvements to bus service frequencies (*EP Plan commitment A-BN1*). The target will be to achieve a 10-minute (or better) frequency on principal daytime routes and 30-minute (or better) frequencies on secondary and evening bus routes across the EP scheme area. Funding may also be used to deliver new services such as a city centre shuttle service or to provide Sunday services on routes which do not currently have them.
- This commitment is dependent upon £1.53m of BSIP revenue funding.

Property Developments

- 8.10. The EP Members will work together to create a Bus Service Development Guide which will form part of the supplementary planning guidance for York's Local Plan. It will set out how developments can be configured to encourage use of bus services (*EP Plan commitment C-D5*).
- 8.11. The EP Members will work with developers to provide a range of tickets which will encourage early use of the bus service and retain users over the longer term (*EP Plan commitment C-D9*).
- 8.12. The EP Members will work together to consider the feasibility of bus routes serving new developments and work to make the necessary financial case for delivering the route if a positive business case can be made for the intervention. This item is dependent on DfT funding for

Whole Corridor Measures as per the York BSIP ask (*EP Plan Commitment C-R10*).

9. Governance Arrangements

The proposed governance structure will supplement CYC's own governance requirements rather than replacing them. It is intended that the proposed governance structure will operate alongside and complement the existing requirements of CYC's constitution.

Enhanced Partnership Forum

- 9.1. The EP Forum will be established in order for elected members and stakeholders to have strategic oversight of EP delivery and make recommendations to the Enhanced Partnership Operational Delivery Group.
- 9.2. The EP Forum will meet every three months throughout the duration of the EP, either remotely or in person.
- 9.3. Meeting dates for the coming year will be agreed at the last EP Forum meeting of each financial year.
- 9.4. Minutes and agenda papers will be circulated no later than two weeks before a scheduled meeting of the EP Forum.
- 9.5. Membership of the EP Forum will consist of the following:
 - An independent chairperson (initially appointed by CYC).
 - Any elected member of City of York Council (no more than two members per political group may attend any given meeting).
 - CYC's Enhanced Partnership Officer.
 - Representatives of any stakeholders, bus passenger or disability advocacy groups with an interest in the York local bus network (one member per organisation). Applications to join the EP Forum should be made to the independent chairperson, who will not reasonably refuse any application.

- 9.6. For the avoidance of doubt, the independent chairperson of the EP Forum may be a different person to the independent chairperson of the EP Operational Delivery Group.
- 9.7. The EP Forum may vote to dismiss the independent chairperson at any time and nominate a new postholder to the role, subject to a majority vote.
- 9.8. If the independent chairperson chooses to resign their position, the EP Forum will appoint a new postholder to the role, subject to a majority vote.
- 9.9. There are no quoracy requirements for the EP Forum, however the independent chairperson must be present at all meetings.
- 9.10. The EP Forum may invite further representatives from City of York Council and local bus operators to attend its meetings as required on a case-by-case basis.
- 9.11. Members of the public may make a request to the independent chairperson to attend or address a particular meeting of the EP Forum. Any such member of the public shall be permitted to attend wholly at the discretion of the independent chairperson and shall be permitted to address the EP Forum for no more than three minutes.
- 9.12. The EP Forum may discuss any issues involving the York local bus network and issue suggestions and recommendations to the Operational Delivery Group.
- 9.13. The EP Forum may request relevant information from the Operational Delivery Group in order to inform its discussions. Any such information will not reasonably be withheld unless it is considered by the Operational Delivery Group to be commercially confidential or contrary to GDPR.
- 9.14. The EP Forum's recommendations will be advisory and shall not be considered binding upon the EP Operational Delivery Group, its subgroups, the Council or any Bus Operator.
- 9.15. For the avoidance of doubt, CYC elected members, regardless of whether they sit on the EP Forum, are able to exert an appropriate level

of influence over the EP Operational Delivery Group by instructing CYC officers under established council governance procedures.

- 9.16. EP Forum meetings shall be formally minuted and all minutes will be made publicly available online.

Enhanced Partnership Operational Delivery Group

- 9.17. The EP Operational Delivery Group will be the principal technical delivery body for the EP, with the power to:
- Propose and ratify changes to the EP Plan and EP Scheme as detailed in section 8.
 - Make decisions on how to direct any funding which has been allocated to the EP, either from the Council, Bus Operators or BSIP contributions.
 - Approve or reject recommendations made to the EP Operational Delivery Group by the EP Forum and EP subgroups.
- 9.18. The EP Operational Delivery Group will meet every three months throughout the duration of the EP, either remotely or in person.
- 9.19. Meeting dates for the coming year will be agreed at the last EP Operational Delivery Group meeting of each calendar year.
- 9.20. Minutes and agenda papers will be circulated no later than two weeks before a scheduled meeting of the EP Operational Delivery Group.
- 9.21. Membership of the EP Operational Delivery Group will consist of the following persons:
- An independent chairperson (initially nominated by CYC and approved by a majority vote of the Bus Operators).
 - CYC's Director for Transport, Environment and Planning
 - CYC's Head of Highways and Transport
 - CYC's Sustainable Transport Manager
 - CYC's Enhanced Partnership Officer
 - CYC's Public Transport Planner
 - CYC's Finance Manager

- Three representatives from any bus operator with 60% or more of total scheduled mileage in the City of York Unitary Authority Area.
 - Two representatives from any bus operator with between 30% and 59.99% of total scheduled mileage in the City of York Unitary Authority Area.
 - One representative from any bus operator with between 1% and 29.99% of total scheduled mileage in the City of York Unitary Authority Area.
- 9.22. Should any of the specified CYC roles cease to exist due to internal staff reorganisation, the membership position allocated to that role will be reallocated to the holder of the nearest equivalent role at CYC.
- 9.23. Should any CYC or Bus Operator representative be unavailable to attend an EP Operational Delivery Group meeting, they should give their apologies in advance of the meeting and may either nominate a deputy within their organisation who may attend and vote on their behalf, or formally delegate their vote to another existing attendee.
- 9.24. The independent chairperson must be present at all EP Operational Delivery Group meetings and does not have a voting role.
- 9.25. The independent chairperson shall be nominated by CYC and approved by majority of the Bus Operators ahead of the first EP Operational Delivery Group meeting. If the Bus Operators reject CYC's nominated person, CYC will nominate another person until an acceptable postholder is found.
- 9.26. The EP Operational Delivery Group may vote to dismiss the independent chairperson at any time and nominate a new postholder to the role, subject to a majority vote.
- 9.27. If the independent chairperson chooses to resign their position, the EP Operational Delivery Group will appoint a new postholder to the role, subject to a majority vote.
- 9.28. Each of the voting members shall be entitled to cast one vote on any decisions which the group is asked to make, unless further votes have been delegated to them in advance by other group members who are unable to attend. The independent chair will call and count all votes. Normal decisions shall be made on a Simple Majority basis.

- 9.29. Key Decisions shall be required to have a Supermajority vote, with at least two thirds of the group members voting in favour of the Key Decision in order for it to pass.
- 9.30. Key Decisions shall include:
- Any decision with a combined financial impact across all EP Members of more than £50,000 in any financial year.
 - Any change to the EP Plan or EP Scheme.
 - Any other categories listed in Schedule 3.
- 9.31. For the avoidance of doubt, the EP Operational Delivery Group will not have the power to compel CYC to take any action which would place it in breach of its statutory duties, nor will the EP Operational Delivery Group have the power to compel any Bus Operator to take any action which would place it in breach of its Operator's Licence.
- 9.32. An EP Operational Delivery Group meeting shall only be considered quorate if it is attended by a minimum of four members representing the Council and members representing at least four local bus operators. An inquorate meeting shall be immediately adjourned and rescheduled.
- 9.33. Other non-voting persons will be invited to attend meetings of the EP Operational Delivery Group, at the discretion of the EP Operational Delivery Group members:
- A Local Transport Authority officer representing any neighbouring EP Scheme area.
 - A representative from the Confederation of Passenger Transport (CPT).
 - One representative from any bus operator with less than 1% of total scheduled mileage in the City of York Unitary Authority Area.
 - Any individuals with a chairperson role on the EP Forum or one or more of the EP subgroups. Another EP Forum or subgroup member may deputise if the chairperson of that group is unable to attend an Operational Delivery Group meeting.

- 9.34. The EP Operational Delivery Group shall consider recommendations from the EP Forum and EP subgroups. The EP Operational Delivery Group may opt to delegate decisions to its subgroups.
- 9.35. EP Operational Delivery Group meetings shall be formally minuted and all decisions will be made publicly available online.
- 9.36. The EP Operational Delivery Group will produce an annual report summarising its progress and expenditure to CYC's Executive Member for Transport.

Subgroups

EP Performance Group

- 9.37. The Performance Group shall be responsible for:
- Monitoring performance and delays to bus services in the EP Scheme area
 - Agreeing and publishing a monthly bus punctuality measure (*EP Plan commitment C-R5*).
 - Planning for major events, roadworks and emergencies
 - Allocating tasks to the Bus Wardens as required
 - Identifying delay hot-spots on key corridors and advising the EP Operational Delivery Group and EP Infrastructure Group where to prioritise their efforts in resolving these (*EP Plan commitment C-R8*)
- 9.38. The Performance Group shall meet once per month, either in person or remotely as appropriate.
- 9.39. Meeting dates for the upcoming year will be agreed at the final meeting of each calendar year.
- 9.40. Notes and agenda papers will be circulated no later than one week before each meeting.
- 9.41. Membership of the Performance Group will consist of the following:
- CYC's Sustainable Transport Manager

- CYC's Public Transport Planner
- CYC's Sustainable Transport Technical Officer
- One or more representatives from any bus operator serving the EP scheme area
- Network Monitoring Officers
- Bus Wardens (if the role is funded)

9.42. The EP Operational Delivery Group shall nominate and select a chairperson and secretary for the Performance Group.

9.43. Other persons will be invited to attend the Performance Group on certain occasions, for example:

- Representatives of any organisation planning disruptive works on the bus network.
- Representatives of any organisation planning major events in York.
- Representatives of any developer planning major developments with a potential impact on the bus network.
- Emergency Planning Officers.

EP Infrastructure Group

9.44. The Infrastructure Group shall be responsible for:

- Monitoring and reporting on progress of any capital schemes being carried out by the EP.
- Making recommendations to the EP Operational Delivery Group in regard to capital infrastructure schemes within the EP's remit.
- Deciding where to target funding for minor infrastructure schemes, such as provision of new real-time equipment or shelters.
- Advising the council's Bus Infrastructure Manager on which schemes to prioritise.

9.45. Membership of the Infrastructure Group shall consist of the following:

- CYC's Bus Infrastructure Manager (or another CYC officer if the role is not funded and filled)
- Another representative from the CYC's Public Transport Team
- One or more representatives from any bus operator serving the EP scheme area

- 9.46. The Infrastructure Group shall meet every three months, either in person or remotely as appropriate.
- 9.47. Meeting dates for the upcoming year will be agreed at the final meeting of each calendar year.
- 9.48. Notes and agenda papers will be circulated no later than one week before each meeting.
- 9.49. The EP Operational Delivery Group shall nominate and select a chairperson and secretary for the Infrastructure Group.
- 9.50. Other persons will be invited to attend the Infrastructure Group on certain occasions, for example:
- A member of CYC's Transport Projects team.
 - Representatives of any developer planning major developments requiring altered or new bus infrastructure.
 - Representatives of suppliers providing bus infrastructure.

EP Ticketing Group

- 9.51. The Ticketing Group will be responsible for:
- Overseeing the All York Multi-Operator Ticketing Scheme and its administration
 - Reporting to the EP Operational Delivery Group on sales trends of multi-operator tickets
 - Liaising with the EP Marketing Group to promote the take-up of multi-operator tickets
 - Proposing new multi-operator ticket types
 - Proposing changes to multi-operator fares to ensure they remain broadly in step with comparable single operator fares

- Establishing fare capping using tap-on/tap-off EMV technology in combination with a suitable revenue apportionment system (for example, Project Coral or the multi-modal back-office system being developed by Transport for West Midlands).
- Proposing changes to ticketing sales platforms
- Establishing new sales channels, such as through further and higher education establishments, housing developments, workplace travel schemes and the tourist/leisure market.
- Any other issues pertaining to ticketing which may arise, to the extent permitted by competition law and block exemption legislation.

9.52. Membership of the Ticketing Group will consist of the following:

- The CYC's Commercial Ticketing Officer (or another CYC officer if the role is not funded and filled).
- A representative from each bus operator participating in the All York multi-operator ticketing scheme.

9.53. The Ticketing group shall meet at least every six months, either in person or remotely as appropriate.

9.54. Meeting dates for the upcoming year will be agreed at the final meeting of each calendar year.

9.55. Notes and agenda papers will be circulated no later than one week before each meeting.

9.56. The EP Operational Delivery Group will select a chairperson and secretary for the Ticketing Group.

9.57. For the avoidance of doubt, the decision to introduce new ticket types and make changes to fares will be made by the EP Operational Delivery Group, taking into account proposals and recommendations made by the Ticketing Group.

9.58. The existing All York multi-operator ticketing agreement shall be reviewed and updated as soon as practicable following the

commencement of the EP scheme to ensure that it is compatible with the EP governance structure.

EP Passenger Liaison Group

- 9.59. The Passenger Liaison Group shall be responsible for:
- Coordinating regular bus surgery events.
 - Coordinating passenger surveys, such as the annual Transport Focus survey.
 - Summarising and providing passenger feedback to the other groups as appropriate.
 - Making recommendations to the EP Operational Delivery Group.
- 9.60. Membership of the Passenger Liaison Group shall consist of the following:
- At least one representative from the four largest bus operators
 - At least one representative from CYC
 - Six members representing bus passenger interests (as detailed in paragraph 8.72 below)
- 9.61. The Passenger Liaison Group shall meet every three months, either in person or remotely as appropriate.
- 9.62. The EP Operational Delivery Group shall select a chairperson and secretary for the EP Passenger Liaison Group.
- 9.63. Meeting dates for the upcoming year will be agreed at the final meeting of each calendar year.
- 9.64. Notes and agenda papers will be circulated no later than one week before each meeting.
- 9.65. Members of the public and representatives of groups advocating on behalf of bus passengers with disabilities shall be invited to apply to join the Passenger Liaison Group. A panel of six members shall be selected by the chairperson in order to ensure a good representative balance of ages, genders and local areas. At least one of the six

members must represent the interests of bus passengers with disabilities.

9.66. Once selected, members shall remain in the Passenger Liaison Group until they resign or are dismissed by the chairperson.

9.67. The chairperson may choose to dismiss a member if:

- the member fails to attend two consecutive meetings.
- the chairperson is of the opinion that the member's ongoing contribution to the group is of insufficient value.

9.68. Whenever any of the six members resigns or is dismissed from the group, applications shall be reopened in order to find a suitable replacement candidate.

EP Marketing Group

9.69. The EP Marketing Group will be responsible for:

- Designing and commissioning marketing and public information campaigns to promote the use of Local Bus Services in York.
- Evaluating the success of any such marketing and public information campaigns.
- Liaising with the Passenger Liaison Group to ensure marketing and informational campaigns are targeted to both non-bus users and occasional bus users.
- Providing feedback to EP Members regarding the design, legibility and ease of understanding of bus information posters, leaflets and online bus information.
- Promoting the use of Local Bus Services for Major Events.
- Issuing group press releases on behalf of the EP Members as required.
- Reporting and making recommendations to the EP Operational Delivery Group in regard to bus marketing matters.

9.70. Membership of the EP Marketing Group shall consist of the following:

- A representative from the CYC Communications Team.

- A representative from the CYC Public Transport Team.
 - One or more representatives from each of the four largest Bus Operators.
 - Any other Bus Operator representative as appropriate.
- 9.71. The EP Operational Delivery Group shall nominate and select a chairperson for the Marketing Group.
- 9.72. The EP Marketing Group shall meet every three months, either in person or remotely as appropriate (*EP Plan commitment C-M2*).
- 9.73. Meeting dates for the upcoming year will be agreed at the final meeting of each calendar year.
- 9.74. Notes and agenda papers will be circulated no later than one week before each meeting.

10. Arrangements for Varying or Revoking the EP Scheme

- 10.1. Variations to the EP Scheme will be subject to a bespoke mechanism as set out in this section. Changes under section 138E of the Transport Act 2000 shall only be included in the EP Scheme if they satisfy the statutory objection mechanism as set out in The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018.
- 10.2. Any EP Operational Delivery Group member may submit proposed changes or extensions, or a proposal to revoke the scheme by email to CYC at buses@york.gov.uk, using the subject line “Proposed Variation to the York Enhanced Partnership Scheme”. A sample proforma for this purpose is provided as Annex A.
- 10.3. All submissions must include a detailed description of the proposed variation, including an explanation of how the proposed variation will contribute to achieving the objectives set out in the BSIP, EP Plan and current transport policies.
- 10.4. The originator of any proposed variation must state whether their submission is ‘urgent’ or ‘for the annual review’.
- 10.5. CYC will acknowledge receipt of the proposed variation and forward it to all EP Operational Delivery Group members within 5 working days.

- 10.6. Urgent proposals will be considered and voted upon at the next scheduled EP Operational Delivery Group meeting, with any agreed variation being made at the earliest possible date subject to the statutory consultation requirements set out in the Transport Act 2000.
- 10.7. Non-urgent proposals will automatically be considered and voted upon at the final EP Operational Delivery Group meeting of each calendar year, with a view to any agreed variation being made at the end of the following March, subject to the statutory consultation requirements set out in the Transport Act 2000.
- 10.8. If there is an informal consensus among EP Operational Delivery Group members that a proposed variation is of extraordinary urgency, an Extraordinary Meeting of the EP Operational Delivery Group will be convened at the earliest opportunity in order to consider and vote upon the proposal. Any agreed variation will be made at the earliest possible date subject to the statutory consultation requirements set out in the Transport Act 2000.
- 10.9. All EP Scheme variations require a two thirds 'Supermajority' vote on the EP Operational Delivery Group.
- 10.10. Any proposals agreed by the EP Operational Delivery Group to either revoke the EP Scheme or vary it to a level which CYC considers to be a Significant Change shall be required to gain additional approval through both the statutory Operator Objection process (in the case of variation) and CYC's Executive Decision process (in the case of variation or revocation) before they can proceed.
- 10.11. Any other variation proposals not covered in this section shall follow the Operator Objection process as set out in the Enhanced Partnerships and Scheme (Objections) Regulations 2018.

11. Data Protection

- 11.1. It is not proposed that the EP Scheme members jointly handle any personal data. If this changes in future then a full data privacy and security policy will be created and agreed by the EP Operational Delivery Group before any data is collected.

- 11.2. All individual member organisations who handle personal data will abide by the GDPR and have their own individual data privacy and security policies in place.

12. Glossary of terms

All York – the brand name applied to Multi-Operator Tickets sold under the York Multi-Operator Ticketing Scheme.

BSIP – the Bus Service Improvement Plan as submitted by the CYC to the Department for Transport in October 2021.

Bus Operator – a company which holds a valid PSV Operators' licence and operates one or more registered Local Bus Services with stops in the City of York Unitary Authority Area.

Bus Stop – a geographical location defined in the NAPTAN database where it is possible to board or alight from a Local Bus Service.

City of York Unitary Authority Area – the geographical area legally defined as the New District of York in the North Yorkshire (District of York) (Structural and Boundary Changes) Order 1995.

Contracted Park & Ride Operator – a Bus Operator, presently First York, which has been awarded a licence to operate the Council's Park & Ride sites and their associated bus services following a competitive tender exercise.

CPI Indexed – subject to an inflationary increase at the start of every April, according to the Office of National Statistics' Consumer Price Index (CPI) measure.

CYC– City of York Council, the statutory Local Transport Authority, Highways Authority and Planning Authority for the City of York Unitary Authority Area.

Cross-Boundary Service – a registered local bus service with stopping places both within and without the defined geographical area of the EP Scheme.

Enhanced Partnership (EP) – a statutory partnership between one or more local transport authorities and local bus operators, as defined in the Transport Act 2000.

EP Members – CYC and the Bus Operators.

EP Plan – an Enhanced Partnership Plan as defined in the Transport Act 2000.

EP Scheme – an Enhanced Partnership Scheme as defined in the Transport Act 2000.

EP Subgroups – the EP Ticketing Group, the EP Performance Group, the EP Marketing Group and the EP Passenger Liaison Group.

GDPR – the Regulation (EU) 2016/679 (General Data Protection Regulation)

Independent Chairperson – a person who is not associated with (ie. an elected member, director or other employee of) either CYC nor any of the bus operators participating in the scheme. Both the EP Operational Delivery Group and EP Forum are required to have an Independent Chairperson.

ITSO – the UK's standard protocol for contactless smart-card transport ticketing. Concessionary bus passes, smart All York tickets, smart Park & Ride tickets and some single operator smart tickets are all compatible this standard.

Local Bus Service – a bus service which operates to a defined route and timetable, is available to the general public upon payment of a fare and which is registered with the Office of the Traffic Commissioner.

Major Event – a sporting, leisure or commercial event which is to be held within the City of York Unitary Authority Area and which is expected to attract 6,000 or more attendees (consisting of both participants and spectators) on any one day.

Multi-Operator Ticket – a bus ticket valid for travel aboard multiple Local Bus Services operated by multiple Bus Operators within a defined geographical area.

PlusBus – a multi-modal ticket product which allows all-day bus travel in a destination city to be added to a rail ticket.

Project Coral – an initiative being funded and led by the UK's five largest bus operators with the objective to enable automatic price capping of multi-operator tickets across all operators' services.

Significant Change – a proposed change to the EP Plan or Scheme which in the opinion of CYC requires formal democratic oversight by its elected members and/or a re-run of the formal consultation processes.

Simple Majority – more than half of the total votes cast.

Supermajority – at least two thirds of the total votes cast.

York Multi-Operator Ticketing Scheme – any scheme agreed by the EP Members which sets out the scope and availability of Multi-Operator Tickets in the City of York Unitary Authority Area.

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Schedule 1 - List of bus priority lanes in the City of York area (*current as of July 2022*)

- A59 Poppleton Rd inbound, between Holgate Park Drive and Windmill Rise.
- A1079 Hull Rd inbound, between Grimston Bar Park & Ride and Archbishop Holgate's School
- A1036 The Mount inbound, between Knavesmire Rd and Blossom St
- A1036 Malton Rd inbound, between New Lane and Heworth Green roundabout
- A19 Selby Rd inbound, through Fulford Interchange.
- A19 Main St/Fulford Rd inbound, between Fulford Park and Broadway
- A19 Shipton Rd outbound, between Howard Drive and Rawcliffe Bar Park & Ride
- Coppergate
- Corner of Low Poppleton Lane and Millfield Lane

Schedule 2 – List of All York multi-operator tickets and prices (*current as of July 2022*)

Paper Tickets

<u>Name</u>	<u>Eligibility</u>	<u>Period of Validity</u>	<u>Price</u>
"All York Day" ticket	Any passenger (no further concessionary discounts) boarding within scheme area	Valid all day on date of issue and until 0300 on following morning.	£4.90
"All York Family Day" ticket	Up to five people including no more than two adults (age 17 or over), boarding at the same stop within scheme area.	Valid all day on date of issue and until 0300 on following morning.	£11.00
"All York Week" ticket	Any passengers (no further concessionary discounts) boarding within scheme area	Valid on day of issue plus the six consecutive days immediately following the day of issue and until 0300 on the following morning	£19.00
"All York Young Person's Day" ticket	Any passenger aged 16 or under (no further concessionary discounts) boarding within scheme area at any time except for 0600-0859 on non-bank holiday weekdays.	Valid on date of issue and until 0300 on following morning. Not valid between 0600 and 0859 on non-bank holiday weekdays.	£2.30

Smart Tickets

<u>Name</u>	<u>Eligibility</u>	<u>Period of Validity</u>	<u>Price</u>
“All York Multi-Day” ticket	Any passenger (no further concessionary discounts) boarding within scheme area	Each carnet ticket valid from activation time until 0300 the following morning.	£4.20 (available only in multiples of 2, 5, 10 or 20 tickets).
“All York Week” ticket	Any passengers (no further concessionary discounts) boarding within scheme area	Valid on day of issue plus the six consecutive days immediately following the day of issue, until 0300 on the seventh day.	£18.00
“All York Month” ticket	Any passengers (no further concessionary discounts) boarding within scheme area	Valid for one calendar month (ie. from day of issue until 0300 on the corresponding day of the following month).	£66.00

Schedule 3 – Key Decision triggers

1. Any decision with a combined financial impact across all EP Members of more than £50,000 in any financial year.
2. Any proposed material change to the EP Plan or EP Scheme.

Schedule 4 – BSIP summary table

The BSIP summary table is provided as a separate pdf file – please refer to “Schedule 4 - BSIP funding summary table.pdf”

Annex A - EP Scheme Variation proforma

York EP Scheme Variation proposal
Originating organisation:
Date submitted:
Title of Proposed Variation to EP Scheme:
Originator considers this variation: Urgent [<input type="checkbox"/>] Non urgent for consideration at Annual Review [<input type="checkbox"/>] (Please tick one)
Description of proposed variation (including specific sections to be added or amended or deleted):
Reason for proposed variation:
Explanation of how the proposed variation contributes to achieving the objectives of the BSIP, EP Plan and current transport policies:
I am duly authorised to act on behalf my organisation in regard to the York Enhanced Partnership. Name, signature and job title:
Any notes added by CYC ahead of circulation to the EP Board members:

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BSIP funding summary

**Please set out on how you intend to use your BSIP funding allocation - showing your prioritised interventions and costs, with as much detail as possible of how it will be reflected in your EP, or for*

***Each row should include all detail on individual schemes/commitments (e.g. a single row should not cover all bus priority measures, if there is more than one scheme/intervention, these should be*

***Please set out your costs in full - values should not be abbreviated*

****Please ensure that the sums of the figures included in your 'DfT BSIP' funding ask equals your*

*****Totals will automatically be calculated. Do not amend calculations in row 32 or columns T and U*

All figures should be nominal (actual prices, unadjusted for inflation). Please delete guidance

We will finalise funding profiles with you before funding is confirmed. As far as possible,

<i>Capital – spread over years</i>

<i>Resource – spread over years</i>

Please complete as much of this template as you can for the 2 May update deadline - we appreciate !

in *[blue]* when completing the template.

2022/23	2023/24	2024/25
25%	37.5%	37.5%
33%	33%	33%

you may not have everything to hand by then.

Schedule 4 - BSIP funding summary table

Are you a Mayoral Combined Authority?	MCA BUSINESS CASE THRESHOLD	LTA BUSINESS CASE THRESHOLD
N	£50,000,000	£20,000,000

Category	Scheme title or intervention (mandatory)	Detail on intervention [e.g. 'additional bus priority on X corridor of Zkm between A and B', 'flat fares of Y across operators']	Delivery milestones [e.g. bus lane design to be completed by X and implemented by Y; fares initiative to launch on X date]	Outcomes at scheme level [e.g. 'additional bus priority on X corridor will lead to Passenger Vehicle Requirement (PVR) savings or journey time reduction in corridor of X% by X date']	opEX savings (where relevant)	Included in EP or, for franchising authorities, a delivery plan	Source of Funding	2022/23 (£ nominal)		2023/24 (£ nominal)		2024/25 (£ nominal)		Total cost of project or proposal (£ nominal) ***		Business case threshold: (£50m for MCAs, £20m for non-MCAs)	Current patronage as % of pre-Covid (please use best estimates if you do not have LTA-wide robust estimates)	DEMAND FORECAST as % of pre-Covid (this is at a programme level, not for each individual scheme)			
								Resource	Capital	Resource	Capital	Resource	Capital	Resource	Capital			2022/23	2023/24	2024/25	
Bus priority infrastructure	Bus priorities on key radial routes into York - specifically: (1) improvements on the Wigginton Road corridor; (2) improvements on the Fulford Road corridor (3) improvements to support Garden Village developments west of Elvington, west of Wigginton Road and east of Metcalf Lane. Relates to BSIP Ask R3	(1). Additional bus priorities on Wigginton Road at (a) junction of Wigginton Road and Crichton Ave (b) past York District Hospital (c) on Clarence Street (total measure length - 3 lengths of priority summing to approx 1km); aided by signals galing on Wigginton Road north of Crichton Avenue. (2). Additional bus priorities on Fulford Road, including south of the A64/ A19 interchange, outbound to Crockley Hill, plus other measures on Fulford Road (total priority lengths approx 1.2km). (3). Improvements on Heslington Road/ University Road to begin process of upgrading service which will ultimately serve new garden village development west of Elvington. Associated improvements to assist other new services to development sites west of Wigginton Road and east of Metcalf Lane (length of priorities c. 500m).	Micro-simulation modelling is already in progress on Wigginton Road and Fulford Road to identify measures. Concept design will be complete by December 2022, with feasibility complete by April 2023. Consultation will take place in June - August 2023 and measures will be delivered between September 2023 and March 2024 (Wigginton Road); March 2024 and September 2024 (Fulford Road) and September 2024 and March 2025 (to support new services to the 3 development sites). Complements pre-agreed package of radial bus priorities to support York Central development and improvements to existing priorities on Tadcaster Road.	Expectation is relatively small reductions in mean journey time, but large reductions in 85%ile journey times - and hence journey time variability. PVR reductions are unlikely - most routes in York are short with a PVR of approx 6, so there is limited scope to reduce PVR without reducing frequency. However, the measures will improve reliability and hence patronage. Services to adjacent authorities (e.g. North Yorkshire CC, East Riding) will also benefit from the improved reliability. Target is to reduce 85%ile journey times on affected corridors by 2 minutes between 2019 and 2025.	See box to left.	Yes	DIT - BSIP (1) £1000000 (2) £1200000 (3) £800000 DIT other (please specify) [e.g. EXk from a bid to the levelling-up fund] Other Government (please specify) £4,400,000 Private [e.g. EXk from bus operator Y]	500,000		1,250,000		1,250,000		-00	3,000,000	0	85% as at end March 2022	100	110	125	
	City centre and approaches bus priority package. Relates to BSIP Ask R3.	A package of measures to improve bus journey times and reliability through York city centre. To include options relating to the council motion to reduce car use in central York and include consideration of providing a sustainable transport bus/ cycle route through the city centre. To identify and deliver the best routing for services through the city centre and, where required, bus lanes on the approaches to the city centre (e.g. Blossom Street, Clarence Street).	Study assessing options for York city centre is in procurement. Options will be identified by October 2022 and feasibility work will commence. Consultation on options will begin in June 2023 with measures introduced over 2024. Projects will complement pre-agreed bus priority measures being introduced at the same time at York Central and to support York Station new bus interchange.	Improvements to journey time and service reliability across central York. Target is to reduce mean journey time across central York by 1 minute and 85%ile by 3 minutes comparing 2019 to 2025 data. This to be for the principal routes (ie Blossom St to Clarence St, Leeman Road to Piccadilly, Gillygate to Peaseholme Green; Blossom St to Peaseholme Green).			Yes	DIT - BSIP £ 2,000,000.00 [e.g. EXk from levelling-up fund] DIT other (please specify) Other Government (please specify) £ 10,600,000.00 Private [e.g. EXk from bus operator Y]	500,000		750,000		750,000		-00	2,000,000	0				
Other infrastructure	Park and ride interchange package	Conversion of 5 park and ride sites to interchange hubs. BSIP Ask P&R1. There is a high flows of passengers in and out of York and its function as a sub-regional centre, this element of the programme - Gives regional benefits (supporting higher priority levelling up areas to south and east of York) There are significant added benefits from allowing inter-urban travel from P&R interchange sites which should result in the investment performs very well in webtag terms (because it will abstract longer distance car trips from the SRN with consequently high decongestion benefits and do so at a low cost). The P&R interchange also responds to requests from NYCC and ERYC. Although these authorities were not awarded BSIP funding, the inclusion of the P&R interchange schemes mean these area will also gain benefits from York's scheme. The P&R interchanges enable us to reroute other network buses services through the Park and Ride sites something which they are not currently able to do. So enabling these services to reach a wider market and also to be able to use bus priorities which are currently available to them in the network	Identification of programme of measures July 2022; delivery at rate of one site upgrade per 6 months to end March 2025.	Target to increase park and ride use by 30% by end March 2025 (March 2019 baseline), including supporting overnight parking trips and parking for inter-urban bus trips (e.g. to Leeds; National Express). Improvement to Transport Focus satisfaction scores for all sites.	See box to left.																
	Bus stop upgrades	Ongoing programme to improve passenger facilities at stops. BSIP Ask S1	Ongoing programme on a route by route basis to end March 2025		NA	Yes	DIT - BSIP £ 4,000,000.00 DIT - BSIP £ 250,000.00	50,000		100,000		100,000		-00	250,000	0					
	Additional real time information screens	100 battery powered screens, renewal of city centre screen estate which is 8-12 years old. BSIP Asks I3 and I4.	Locations identified by October 2022 with implementation immediately following this.				DIT - BSIP £ 1,290,000.00	800,000		490,000				-00	1,290,000	0					
	Tactical small scale bus priority schemes	Small scale schemes to relieve bottlenecks. BSIP Ask R2	Ongoing programme on a responsive basis to end March 2025				DIT - BSIP £ 125,000.00	25,000		50,000		50,000		-00	125,000	0					
Fares support	Young persons fare reductions	BSIP Ask T2	Deliver young peoples' fare reductions comprising: low flat fare for 19 and under (target = 50p); accompanied children travel free on all services; targeted reductions for 19-25 age group. Launch January 2023.	Target to increase travel by this group by 40% by end March 2025 (March 2019 baseline)	Additional revenue fed back into increasing service frequencies.	Yes	DIT - BSIP 3360000	800,000		1,100,000		1,460,000		3,360,000	-00	0					
Ticketing reform	Development of tap on tap off fares etc	BSIP Ask T1	Develop a tap-on-tap-off fares system for all user classes with multi-operator capped ticketing. Launch for single operators April 2023; for multi-operator October 2023.	Target that 50% non-ENCTS tickets will be tap-on-tap-off by end March 2025.	Additional revenue fed back into increasing service frequencies.	Yes	DIT BSIP 250000 CYC capital 200000	150,000		50,000		50,000		250,000	-00	0					
Bus service support	Development of core network inc city centre shuttle Restart of Poppleton Bar park and ride	BSIP Ask BN1 BSIP Ask BN1	Restart Poppleton Bar park and ride service in October 2022; trial city centre shuttle July 2022, start city centre shuttle December 2022; increase network frequencies from March 2023.	Target that all services are financially self sustaining by end March 2025.	Additional network revenue fed back into making services self-sustaining.	Yes	DIT BSIP 1535000 DIT BSIP 750000	800,000		500,000		235,000		1,535,000	-00	0					
Marketing	Travel Behaviour Change campaign	BSIP Ask M1	Start travel behaviour campaign targeting travellers on the corridors receiving new bus priorities (see above). Start campaign in October 2022, finish in June 2023.	Engage with up to 10,000 individuals, including those at large trip generators on the corridors - for example, York University, York District Hospital. Engage with potential new users of the upgraded park and ride sites (e.g. parking to access York Station, parking overnight because they have overnight stays, parking to use inter-urban bus services).	Additional network revenue fed back into making services self-sustaining.	Yes	DIT BSIP 800000	250,000		350,000		150,000		750,000	-00	0					
EP/franchising delivery; LTA costs	Funded through BSIP	BSIP Ask OD1	Enhanced Partnership in place by end August 2022	NA	NA	Yes	DIT BSIP 125000							-00	-00	0					
[Other - please enter heading(s) or delete if N/A]																					
TOTALS***																					
								2,200,000	3,975,000	2,300,000	10,890,000	2,195,000	11,000,000	6,695,000	25,865,000						

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Executive

15 September 2022

Report of the Chief Operating Officer

Agree the Devolution Deal and Commence Consultation

1.0 Purpose of Report

1.1 This report provides details of the steps needed to be taken following the announcement of “minded to” Devolution Deal for York and North Yorkshire announced on 1 August 2022 and seek permission to approve the governance review, commence the consultation on the Scheme, create a joint committee, agree to cashflow up to £600k of implementation costs and delegate to the S151 Officers to develop the financial arrangements to deliver the Deal.

2.0 Executive Summary

2.1 To seek Executive’s recommendation that Council approves the governance review and commences the consultation process to approve the Devolution Deal and to carry out the relevant next steps to accept the Deal. The report also seeks approval for the creation of a joint committee between North Yorkshire County Council and the City of York to provide a formal mechanism for Members to work together prior to the potential creation of any formal body. In addition, the report seeks agreement for the constituent authorities to cashflow initial implementation costs of £600k ahead of the funding being able to be drawn down and seeks to approve delegation to the S151 Officers of the constituent authorities to develop proposals to manage the financial aspects of the Deal.

2.2 This report is scheduled for discussion at the Full Council meeting on 22nd September.

3.0 Background

- 3.1 On 1 August 2022 the Secretary of State for Levelling Up, Housing and Communities announced that the Government was minded to enter into a Devolution Deal with York and North Yorkshire under which the region would benefit from £540 million of new Government investment to spend on local priorities to produce growth, together with a range of devolved powers. This Devolution Deal is dependent upon the York and North Yorkshire Authorities establishing a Combined Authority for the area with an elected Mayor.
- 3.2 The “minded to” deal states it is “Subject to ratification of the deal by all partners and the statutory requirements including, public consultation, the consents of councils affected, and parliamentary approval of the secondary legislation implementing the provisions of this deal”.
- 3.3 The next steps in developing the proposal in establishing a Mayoral Combined Authority will include the consideration of a governance review and the publication of a Scheme if it is concluded that the exercise of statutory functions are likely to be improved by the creation of a Mayoral Combined Authority.
- 3.4 The Scheme will be subject to an eight week public consultation across York and North Yorkshire which will commence in October 2022.

4.0 Issues

- 4.1 York and North Yorkshire have an ambitious vision for enhancing social and economic prosperity and increasing the wellbeing of our communities. Building upon the existing position, the Authorities wish to increase the region’s contribution to the north and national economies and improve the region’s productivity through enhanced business growth, innovation delivery, skills and infrastructure. The Authorities will work together to ensure that all residents have the opportunity to benefit from and contribute to future growth.
- 4.2 The minded to Devolution Deal represents a significant step forward in improving the environment and delivering more and better jobs to the area. It further delivers new responsibilities and investment that will benefit our communities across York and North Yorkshire and the northern region as a whole. The Deal means that decisions previously taken centrally would now be taken closer to the people affected and the

region is not disadvantaged as other regions acquire their own Devolution Deals.

- 4.3 The Deal can be found on the Government's website, here: <https://www.gov.uk/government/publications/york-and-north-yorkshire-devolution-deal/york-and-north-yorkshire-devolution-deal#summary-of-the-devolution-deal-between-the-government-and-the-local-authorities-of-york-and-north-yorkshire-comprising-city-of-york-council-and-north-yorkshire-council> and is attached at Appendix 7.
- 4.4 The Deal proposes the following benefits for the region:
- £18 million per year in Gainshare funding over 30 years to invest in local priorities;
 - Subject to a full business case, investment of up to £50 million to support and deliver the York Central brownfield regeneration scheme which would generate additional GVA and associated benefits for the whole York and North Yorkshire region;
 - £7 million investment to enable York and North Yorkshire to drive green economic growth towards the ambition to become a carbon negative region;
 - Investment of up to £2.65 million of projects to deliver affordable, low carbon homes;
 - £13 million for the building of new homes on brownfield land across 2023/24 and 2024/25;
 - A commitment to establish a working group to support the development of BioYorkshire;
 - New powers from Government to drive regeneration and build more affordable homes;
 - New transport powers to improve and integrate the regional transport network.
- 4.5 However the Deal requires the York and North Yorkshire Authorities to establish a new Mayoral Combined Authority. This would envisage that the first elections for the Mayor of York and North Yorkshire would be in May 2024. To establish the new Mayoral Combined Authority, the Secretary of State will need to make a Statutory Order under the Local Democracy, Economic Development and Construction Act 2009. This Order will create a new Combined Authority consisting of North Yorkshire Council and the City of York Council and would be Chaired by a Directly elected Mayor who would be given powers directly from government.

- 4.6 The first stage in commencing the statutory process is for the North Yorkshire and York Authorities to undertake a Governance Review.
- 4.7 A Governance Review has been undertaken by officers and approval is sought to agree the review and its conclusions. A report setting out the findings of that Governance Review is attached at Appendix 1 and is considered in more detail below.
- 4.8 The Authorities must then decide whether the criteria in the 2009 Act have been met. The criteria is as follows:
- Whether the proposed creation of a Mayoral Combined Authority for York and North Yorkshire would be likely to improve the exercise of statutory functions in that area (Section 109 of the 2009 Act).
- 4.9 The review in Appendix 1 concludes the creation of a Mayoral Combined Authority does meet the statutory test. If the Councils are satisfied that the criteria has been met, the next stage of the process is for the Authorities to draft and publish a Scheme setting out how it is intended to implement these proposals. A draft scheme is attached at Appendix 2. The Authorities must then carry out public consultation on the proposals. At the end of that consultation period, the Authorities must submit the review, the scheme (as revised if appropriate) and a summary of the responses received to the Secretary of State (currently Rt Hon Greg Clark). He will then decide whether he is satisfied that the statutory criteria is met to allow him to make the necessary orders and whether the Authorities have provided their consent to the making of the Order. It is anticipated that at the time of the decision the relevant authorities will be North Yorkshire Council and the City of York Council.
- 4.10 Attached at Appendix 5 is a briefing which describes in more detail the process of accepting the Deal and answers a number of frequently asked questions.

5.0 Governance Review Executive Summary

- 5.1 The purpose of the Governance Review has been to review the exercise of statutory functions in York and North Yorkshire with a view to deciding whether to publish a Scheme which sets out how these changes will be made and then to undertake public consultation.
- 5.2 The Governance Review has found that the available economic evidence, drawn from national and regional sources, provides a rationale to work across the York and North Yorkshire area, recognising

that it operates as a strong and coherent functional geography. It boasts a strong and diverse population with significant growth potential, underpinned by significant economic assets and infrastructure of national strategic importance. The York and North Yorkshire functional economic market area is characterised by an innovation and knowledge economy driven by the three universities, supporting strong financial, rail-tech and digital sectors, and a broad bioeconomy linked to food and materials production. Tourism, food and drink, and hospitality is strong across the whole sub-region, based on its natural and built assets.

- 5.3 Despite its significant assets and opportunities, the area is yet to reach its economic potential and the review identifies opportunities for improving lives for people in the region through stronger governance arrangements and the proposed Devolution Deal. The review also identifies the challenges facing the region which currently inhibit growth and how these can be addressed through increased investments in the area.
- 5.5 The minded to Devolution Deal represents a significant step forward in delivering more and better jobs to the area it delivers significant new responsibilities and investment that will benefit communities. It means that decisions previously taken centrally can in the future be potentially taken closer to the people affected. The proposed Mayoral Combined Authority will promote local democracy through direct democratic accountability. The introduction of a directly elected Mayor will enable a greater focus for change that will seek to enhance economic growth.
- 5.6 The Governance Review notes that the Devolution Deal is dependent on the establishment of a Mayoral Combined Authority and concludes that this is the appropriate mechanism by which the powers and funding proposed can be devolved to York and North Yorkshire.
- 5.7 Furthermore, the Governance Review concludes that the current governance arrangements do not represent the best model for the ambitions of the Authorities in terms of delivering their long term ambitions for economic growth. In summary the Review concludes that the statutory criteria are met in creating a Mayoral Combined Authority for York and North Yorkshire as it will improve the exercise of statutory functions in the area.
- 5.8 It is therefore recommended that North Yorkshire County Council and the City of York Council progress these proposals by publishing the requisite Scheme and undertaking public consultation.

6.0 The Scheme

- 6.1 As it has been concluded that the statutory criteria have been met, the next stage is to publish a Scheme in respect of the proposals. A draft of the Scheme is attached at Appendix 2. The Scheme explains the following:
- (a) How the new Mayoral Combined Authority for York and North Yorkshire will be created with the newly created North Yorkshire Council and York as the two local authority Members. The newly created Combined Authority will have the Mayor as the Chair.
 - (b) How the Mayoral Combined Authority will make decisions and the powers it will have.
 - (c) How transport will be dealt with on an integrated basis.
- 6.2 As set out in the Scheme the York and North Yorkshire Combined Authority will be a Mayoral Combined Authority and it is expected that the first elections for the Mayor will take place in May 2024. This election will replace the scheduled Police, Fire and Crime Commissioner Elections and the Combined Authority Mayor will take over the Commissioner's responsibilities as well.
- 6.3 It is expected that the Combined Authority will be established as a legal body by the end of 2023.
- 6.4 As a Mayoral Combined Authority, the Mayor will make certain decisions on certain functions. The Combined Authority's Executive will make decisions on all other matters.

7.0 Consultation

- 7.1 If the Executive agrees, the details and timeline of a mayoral-led combined authority for York and North Yorkshire will go forward for public views. The consultation will begin in mid-October and close in mid-December, covering a period of 8 weeks. It is important that the consultation reaches a broad and representative range of responses from across the region and includes the views of people from different backgrounds, groups and organisations, including businesses here. This exercise will therefore be supported by a detailed engagement programme and with input from the Consultation Institute. A consultation partner is also being procured to support the data gathering and analysis (see below).

- 7.2 While this will be a digital-first approach with the primary consultation channel an online survey asking people their views on the draft scheme following a governance review, significant additional engagement will include face-to-face where that is the most effective approach. The survey will be developed in-house, coordinated centrally and hosted on a Devolution branded online survey platform, linked to the City of York and North Yorkshire County Council websites. Questions and Answers from the consultation platform will be captured, with social media polls initiated on the Devolution branded social platforms and those of the two councils. Any written responses and letters will also be captured.
- 7.3 It is essential that everyone is able to participate via their preferred route, so additional non-digital routes such as hard copies of information will also publicly available and well publicised. All information will be available in accessible formats on request.
- 7.4 In addition to this, there will also be a targeted mailshot of postal surveys identified.
- 7.5 The communications for the consultation will include significant proactive communications throughout the consultation period to ensure as many people as possible are reached including under-represented areas. Frequently asked questions will be kept up to date and every effort will be made to answer queries as the consultation progresses.
- 7.6 The consultation partner will then evaluate the responses and ensure we have a representative sample of replies from across the region. At the end of the consultation period, based on this information, the North Yorkshire and York Councils will prepare a summary of the responses received. A further report will be brought to the Executive to provide the outcome of the consultation and will consider whether to submit the scheme as drafted or amended or at all to the Secretary of State.

8.0 Programme Arrangements

- 8.1 The activities required to progress the devolution process, subject to approval from Councils, are broad and significant in scale. It requires a response to each area of the deal, each funding stream identified and each function, whilst creating a new organisation, the MCA, over the next two years. Working across multiple organisations, there is a clear need for a programme structure which provides the necessary governance, transparency and accountability during the transitional period towards a Combined Authority.

- 8.2 Officers are currently liaising with Government to understand the required format for businesses cases, for assurance processes and the terms under which grant funding will be released. This will help to shape the required approach, including the level of resourcing required and the mechanisms by which individuals will be engaged. Proposals will be submitted to the Chief Executive of NYCC and the COO of CYC for agreement.
- 8.3 It is anticipated that a small central team of officers, drawn from councils and the LEP, will form the programme office, supported by officers located within each organisation. The funding for these arrangements will come from the capacity funding agreed as part of the deal, potentially alongside the early gainshare. As detailed in the finance section of this paper, these funds will not be available until November 2023 and so any early expenditure will need to be cash flowed by the two constituent authorities and reimbursed. Proposals will be submitted to the Chief Executive of NYCC and the COO of CYC for agreement, operating within the agreed resources available within the deal, and where relevant such arrangements will be reported to the Joint Committee.
- 8.4 The need for an agreed programme structure is acute for the early funding which will be received prior to the formation of any potential Combined Authority. £2.65m of funding for piloting approaches to affordable low carbon homes is included in the deal, for the current financial year (2022/23). The Government has determined that the money will be split in the following way:
- £2m York Shared Ownership.
 - £0.250m Scarborough enabling works.
 - £0.4m Craven Empty Homes Pilot.
- 8.5 This funding is subject to business case approval by Government, as well as a mechanism for reporting back on progress. As such, it is necessary to implement an interim assurance process which satisfies Government requirements prior to the funding being drawn down. Business cases will be submitted by each local authority, once approved by the S.151 officer, directly to the Department of Levelling Up, Housing and Communities for approval. Once approval has been given, it is understood that the funding will be directly granted to the relevant local authorities.

8.6 Subsequent funding streams, which would be received after the Order establishing the Combined Authority has passed into law, would be subject to a full assurance process, with full business case approval being undertaken locally, by the joint committee (see below) or the Combined Authority once established. The detailed arrangements for this will be considered and approved by the Joint Committee.

9.0 Proposal to create a Joint Devolution Committee

9.1 The Councils in North Yorkshire and York have been working together with Government to obtain a Devolution Deal that can be consulted upon. The recommendation on whether to actually create a Mayoral Combined Authority or not will be considered after the consultation with the public has taken place.

9.2 However in the meantime, to ensure proper governance and transparency, it is recommended that a Joint Committee is created at this stage between North Yorkshire County Council and the City of York to have joint political oversight of the arrangements in working together. This will assist in making accountability clearer and decision making more transparent.

9.3 It is proposed that the Joint Committee have limited powers initially and that the sovereignty of the constituent Councils remains unchanged. However the Committee will provide an open forum for Members from, ultimately, North Yorkshire Council and the City of York to work together in reviewing the actions identified in this report and in considering what is strategically appropriate for the region.

9.4 It is proposed that the Membership of the Committee mirrors the proposed scheme as far as possible at this stage, which means:

- 2 Executive Members for each constituent Council
- Co-opted membership offered to the Police, Fire and Crime Commissioner and the Chair of the LEP

9.5 As this committee would not be chaired by a Mayor (as opposed to a MCA), it is proposed that the Chair is appointed by the Committee itself.

9.6 It is proposed that the Joint Committee is established under Section 101(5) of the Local Government Act 1972 by the Executives of the constituent Councils.

9.7 It is proposed that the terms of reference of the joint Committee include:

- Reviewing collectively the provisions of implementing the Deal if accepted across the region
- Collaborating on projects and plans that benefit the region (subject to each individual authority's approval)

9.8 Attached at Appendix 6, it is further recommended that the final terms of reference are delegated to the Monitoring Officer in consultation with the Leader to approve so arrangements can be mutually agreed by both Councils.

9.9 The Councillors for North Yorkshire Council have been appointed following the elections in May 2022

10.0 Financial Implications

10.1 The following section sets out the funding that would come to the Mayoral Combined Authority as part of the 'Deal' and the anticipated initial implementation costs. This funding is able to fund the MCA set up costs, governance costs and costs associated with delivering the commitments within the deal. It should be noted that the majority of this funding will not be received until November 2023, when the order passes through Parliament and there will be a requirement to cash flow the activity which is required to take place in advance of this date. The recommendations to the Executive include delegation to the S.151 officers of the constituent authorities to work up these costs prior to receipt of the funding and to agree how the risk will be shared. Approval is also sought to cashflow initial implementation costs of up to £600k and for Executive to receive a further report once full implementation costs are known.

10.2 The Table below sets out the key new funding available through the deal and which elements will be received when the Order passes through Parliament and which when the Mayor is elected. In total £52.3m new funding will be received in the CSR period (up to March 2025). This includes:

	2022/23	Passing of the Order (Nov 23)	Election of the Mayor (May 24)
Mayoral Investment Fund		£9m	£18m
Mayoral Capacity Funding		£0.5m	£1m

Transport Capacity Funding		£0.5m	£0.5m
Brownfield Funding		£13.178m	
Net Zero Funding		£7m	
Net zero affordable housing	£2.65m		
Totals	£2.65m	£30.178m	£19.5m

- 10.3 On satisfaction of the conditions within the deal additional funds will also be invested through the MCA route which are currently routed through the two councils. This includes the Consolidated Transport Budget and Adult Education Budget. The current annual value of North Yorkshire's Local Transport Plan is £40m and City of York's £4.4m. It is envisaged that the LTP for North Yorkshire and York will be received directly from government to the MCA as the Strategic Transport Authority rather than directly to the constituent authorities. It is then envisaged that the combined LTP will be distributed to the Constituent Authorities who will retain the delivery responsibility as the statutory Highways Authorities.
- 10.4 As per the scheme, provision should also be made for the Constituent Councils to meet the costs of the Combined Authority and how the costs are to be apportioned between the Constituent Councils. The Mayoral Combined Authority will be funded entirely from the capacity funding set out above plus the Mayoral Investment Fund. It is also expected that future projects and funding pots will include with them an element of capacity funding to support the running of individual schemes.
- 10.5 The Table in Paragraph 10.2 highlights the content within the deal which have funding attached to them at this point. There are wider commitments from government as part of the deal where there is no funding attached or potential funding is not defined at this stage. These include the Digital and Natural Capital. There are potential resource requirements attached to all of the commitments.
- 10.5.1 The Devolution project team are currently holding a series of meetings with the leads of the various work streams to establish the resources that will be required to meet both statutory responsibilities (such as the creation of the Strategic Transport Plan) or the requirements to take full advantage of future funding or the timing of the Deal. The development of this is subject to cash flowing arrangements in advance of the deal being approved and then subsequent funding allocations to the MCA from government.

10.6 Capacity funding available for the implementation includes:

Mayoral Capacity Fund	£1.5m (1.5 years)
Transport Capacity Fund	£1.0m
Brownfield Land Funding	£378k
Total	£2.878m
Mayoral Investment Fund (can also be used to support implementation costs)	£9.0m
Total available to fund implementation costs	£11.878m

10.6.1 Funding of £2.878m is available to fund implementation costs. Additionally the Mayoral Investment Funding can also be used. As detailed in 10.2, £9m Mayoral Investment Funding will be received in November 2023. This makes available funding to support implementation of £11.878m.

10.7 Whilst the funding is set and known, the funding will not be available to draw down until (and if) the Order is approved in November 2023. The work that this capacity fund is intended to cover must start now in order that:

- York and North Yorkshire are prepared and able to invest in Brownfield, Net Zero and Low Carbon Affordable Housing investment which must be defrayed by March 2025 – total £22.45m.
- The MCA is formally created and operational for when the Mayor takes office in May 2024
- Fully compliant governance procedures are followed, both for the consultation phase of approving the deal and also ensuring shadow arrangements are delivered in an open and transparent manner
- Correct legal procedures are followed with regard to TUPE or employees in scope and procurement of MCA support services

10.7.1 Therefore the Constituent Authorities will need to cash flow the funding until November 2023 when the capacity funds become available, subject to an agreement to create a MCA.

10.8 Implementation and set up costs will need to be incurred to cover areas including consultation, additional legal costs and the shadow

governance arrangements and delivery costs in progressing the delivery commitments within the deal. As the detail of these costs is still being worked up, it is proposed that an initial amount of £600k is approved as part of this report to cover the costs of the initial consultation exercise and other early implementation costs and a further report brought back to Executive for approval for the full implementation costs once these are known. These costs, by necessity to meet the timescales, will be incurred before the capacity funding and Mayoral Investment Funding can be drawn down in November 2023. It is proposed that these costs are recovered in full through a first call on the capacity funding / Mayoral Investment Funding once available.

- 10.9 Only the implementation and set up costs will be cash flowed by both Councils in the interim period. The low carbon affordable housing funding will not be spent until a final business case has been approved and any grant conditions are confirmed. This will minimise the risk to both Councils.
- 10.10 There is a risk that if the Deal is ultimately not signed, any costs incurred will be non-recoverable and provision would need to be made for write off in the host authority's financial statements and so it is proposed that this risk is shared between the 2 constituent authorities. Delegation is requested to the S151 Officers of North Yorkshire Council and City of York Council to work up the details of and implement the financial arrangements including agreeing appropriate set up costs, risk share and the funding source.
- 10.11 The Government has determined that of the £2.65m low carbon affordable housing funding included in the deal, £2m will come to City of York Council in support of a programme of shared ownership properties. This is subject to approval of a detailed business case, which is currently being prepared. It is recommended that this funding is added to the Capital Programme, subject to the agreement of the S151 Officer upon business case approval and confirmation of grant conditions.

Risks

- 10.12 The risk to the Authorities funding the activity ahead of the November 2023 date is limited to the risk of a final Deal not being agreed. As detailed in 8.6 above, implementation costs can be drawn from the funding to be received of £11.878m. Therefore the primary risk is the costs expended should the deal not receive formal approval. The risk is expected to diminish as council approvals are achieved by March 2023

but the risk is only eliminated upon the deal finally being approved by government that releases the funding set out in this report.

10.13 The financial model and operating budget of the MCA will be established through a working group of the constituent Authorities and approved as part of the requested Section 151 officer delegation (in consultation with the relevant Executive Members). Consideration will also be given to establishing a Medium Term Financial Plan but this will be subject to further consideration and approvals as the deal progresses.

11.0 Legal Implications

11.1 The legal implications are identified in the report. However for the sake of clarity Section 108 of the 2009 Act provides that two authorities may undertake a review of the exercise of statutory functions in relation to an area. Appendix 1 contains the governance review undertaken for the review area of North Yorkshire and York under Section 108.

11.2 Section 109 of the 2009 Act provides that if a review concludes that the establishment of a combined authority for an area would likely improve the exercise of statutory functions in relation to the area, the authorities may prepare and publish a scheme for the establishment of a combined authority for the area. For “the review area” of North Yorkshire and York, Appendix 1 has concluded that a combined authority would likely improve the exercise of statutory functions in North Yorkshire and York, Appendix 2 provides a draft Scheme for the establishment of a Mayoral Combined Authority.

11.3 Section 103 of the 2009 Act provides that the Scheme area must consist of two or more local government areas in England and the geography of North Yorkshire and York complies with that condition. It is noted that the constituent authorities of a proposed combined authority under the Scheme would be North Yorkshire Council and the City of York Council as the effective date would be after Local Government Reorganisation within North Yorkshire.

11.4 Regulation 7(3)(a) and (b) of the North Yorkshire (Structural Changes) Order 2022 provides that the Executive of North Yorkshire County Council can exercise the functions under Section 108 (review by authorities: new combined authority) and Section 109 (preparation and publication of Scheme: new combined authority) on behalf of North Yorkshire Council.

- 11.5 Section 110 of the 2009 Act provides that the Secretary of State may make an order establishing a combined authority only if:
- (a) He considers that to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates.
 - (b) The constituent council's consent (which at the time of making the order will be North Yorkshire Council and the City of York).
 - (c) Consultation has been carried out, either by the Secretary of State or the constituent councils.
- 11.6 This section also provides that the Secretary of State in making the order must have regard to the need:
- (a) To reflect the identities and interests of local communities.
 - (b) To secure effective and convenient local government.
- 11.7 It is the intention in this report to seek approval for the constituent councils to carry out a public consultation in connection with the proposals contained in the Scheme and if it is subsequently determined to proceed with the Scheme, a summary of the consultation responses will be submitted to the Secretary of State. It will then be a matter for the Secretary of State to consider whether further consultation was necessary.
- 11.8 Section 107A to 107K of the 2009 Act provides that the Secretary of State may make an order to provide that there will be a directly elected Mayor for the area of the combined authority where the constituent councils submit a request for the creation of a Mayor under the Scheme. Further it provides that the Mayor will be a member of and chair the combined authority.
- 11.9 These provisions and Schedule 5C also provide that the Secretary of State must by order make provision authorising any future Mayor to appoint a Deputy Mayor in respect of policing, fire and crime.
- 11.10 This report seeks approval to agree the governance review under Section 108, approve the draft Scheme under Section 109 and to carry out a public consultation under Section 110. A future report will be taken to the Executive to consider the results of the consultation and whether to proceed with and on what basis a submission to the Secretary of State.
- 11.11 A copy of the draft timetable for the various stages is attached at Appendix 5.

11.12 It is also worth noting that Government are currently considering the Levelling Up and Regeneration Bill which, if enacted, would make some changes to the creation of combined authorities which will be kept under review as the Bill passes through the House of Commons and the House of Lords. The Bill looks at making it easier for areas to invoke the relevant governance arrangements necessary for devolution deals. At the time of drafting the report, the bill suggests a new statutory test to create a combined authority, which is that “the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area”. The current legislation and any new changes will therefore be kept under review and the relevant legislation considered if and when a final submission is made to the Secretary of State next year.

12.0 Consultation Undertaken and Responses

12.1 Consultation to be conducted as identified in the report.

13.0 Equalities Implications

13.1 An Equality Impact Assessment is attached at Appendix 3 which must be considered before a decision can be made. It is not expected that the proposals described in this report will have any adverse impact on people with protected characteristics. The aim of promoting growth within the area is expected to have a positive impact on inclusivity for constituent authorities.

14.0 Environmental Impacts/Benefits

14.1 The recommendations within this report do not, in themselves, create direct environmental impacts and it is not appropriate to carry out a full environmental impact assessment. However, the creation of a Combined Authority with significant investment and powers has the potential to create significant environmental benefits, through the pursuit of a carbon negative region and investment agreed by the Government.

14.2 The Deal contains investment of up to £2.65 million on projects that support York and North Yorkshire’s priority to deliver affordable, low carbon homes across the area, subject to final business cases. This investment would support shared ownership and energy efficiency measures, providing environmental benefits alongside positive quality of life and financial impacts.

- 14.3 The Deal also includes £7 million investment to enable York and North Yorkshire to drive green economic growth towards their ambitions to be a carbon negative region. This investment is subject to agreement of submitted business case. This investment will support projects related to low carbon energy, being denied through current work on Local Area Energy Plans.
- 14.4 Should the deal be progressed, the Government has committed to explore the potential benefits of and design options for a place-based approach to delivering retrofit measures. This would explore how Government could simplify and consolidate funds which target net zero initiatives at the local level where this provides the best approach to tackling climate change.
- 14.5 The Combined Authority would also work with Government to develop a Natural Capital Investment plan for York and North Yorkshire. Government will support York and North Yorkshire in the development of a Natural Capital Investment Plan. This support may include: a proportion of revenue funding; specialist expertise; co-ordination of peer support and networking; and/or local partnership working with DEFRA's Arm's Length Bodies (Environment Agency, Natural England, and Forestry Commission).

15.0 Reasons for Recommendations

- 15.1 On the basis of the report and the beneficial Devolution Deal it is recommended that Executive approve the minded to Devolution Deal, approve the Governance Review and approve and publish the Scheme for consultation.

16.0 Recommendations

- 16.1 Executive is asked to recommend that Full Council approve:
- a. The minded to Devolution Deal;
 - b. The Governance Review as identified in Appendix 1; and
 - c. Publication of the Scheme at Appendix 2 for consultation and to delegate to the Monitoring Officer any changes and actions needed to ensure that a full consultation exercise is conducted for the area.
 - d. Delegation to the S151 Officer, in consultation with the Executive Members for Finance and Major Projects, to approve with the City of York to work up the details of, and implement, the financial arrangements including a risk share mechanism and funding source

- e. To cashflow, with NYCC, initial implementation costs of £600k (ahead of the funding being available to be drawn down) and agree to receive a further report once the full implementation costs are known.
- f. The creation of a Joint Devolution Committee with North Yorkshire County Council and delegating to the Monitoring Officer, in consultation with the Leader, the final terms of reference as agreed with North Yorkshire County Council.
- g. The addition of £2m to the Capital Programme for affordable low carbon homes with any expenditure subject to the agreement of the S151 Officer upon business case approval and confirmation of grant conditions.

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Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Executive Report – 23/07/2020 -

<https://democracy.york.gov.uk/ielssueDetails.aspx?IId=59883&PlanId=0&Opt=3#AI55646>

Appendices:

1. Governance Review Report.
2. Draft Scheme.
3. Equality Impact Assessment.
4. Devolution Timetable
5. Devolution Member Briefing
6. Draft Terms of Reference for the Joint Devolution Committee
7. The proposed Devolution Deal

Abbreviations

CA – Combined Authority

GVA – Gross Value Added

IMD – Index of Multiple Deprivation

LEP – Local Enterprise Partnership

LTP – Local Transport Plan

MCA – Mayoral Combined Authority

TUPE - Transfer of Undertakings (Protection of Employment)

YNY – York and North Yorkshire

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**York and North Yorkshire
Devolution
Governance Review**

North Yorkshire County Council
City of York Council

Undertaken in accordance with the
Local Democracy, Economic Development and Construction Act 2009.

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1.0 Executive Summary

- 1.1. Following a submission to Government from all Councils across the sub-region in 2020, Government announced in February 2022 that it would start negotiations on a Mayoral Devolution Deal for York and North Yorkshire. Formal negotiations began soon after and the details of a minded-to deal were published on 01 August 2022.
- 1.2. The proposed 30-year devolution agreement would deliver funding for key policies and strategies, providing better roads and public transport, improving education and job opportunities, boosting the economy, and placing York and North Yorkshire at the forefront of the green energy sector to tackle climate change.
- 1.3. The deal for York and North Yorkshire (YNY) would see the introduction of a mayor for the region, elected by residents, to lead a mayoral combined authority (MCA) and forge close links with Ministers in the Government, as well as civil servants in Whitehall. The proposed deal provides the opportunity to invest an £18 million mayoral gain share each year and the mayor would also have access and influence to new and greater funding for the region.
- 1.4. The mayor, who would be elected in May 2024, would lead a new combined authority that would oversee key strategic projects ranging from major transport improvements to providing more affordable housing and boosting skills and education for York and North Yorkshire.
- 1.5. This minded-to devolution agreement includes:
 - 1.5.1 York and North Yorkshire establishing a combined authority and electing a directly elected mayor to provide overall vision and leadership, seek the best value for taxpayer's money, be directly accountable to the city region's electorate and to receive new powers on transport, housing and skills.
 - 1.5.2 Control of a £18 million per year allocation of investment funding over 30 years 35% capital, 65% revenue, to be invested by York and North Yorkshire to drive growth and take forward its priorities over the longer term.
 - 1.5.3 New powers to improve and better integrate local transport, including the ability to introduce bus franchising, control of appropriate local transport functions e.g., local transport plans, and control of a Key Route Network.
 - 1.5.4 An integrated transport settlement starting in 2024/25 and an additional £1 million to support the development of local transport plans.
 - 1.5.5 New powers to better shape local skills provision to meet the needs of the local economy, including devolution of the core Adult Education Budget, as well as input into the new Local Skills Improvement Plans.
 - 1.5.6 New powers to drive the regeneration of the area and to build more affordable homes including compulsory purchase powers and the ability to establish Mayoral Development Corporations.
 - 1.5.7 Over £13 million for the building of new homes on brownfield land across 2023/24 and 2024/25, subject to sufficient eligible projects for funding being identified.
 - 1.5.8 Investment of up to £2.65 million on projects that support York and North Yorkshire's priority to deliver affordable, low carbon homes across the area, subject to final business cases.
 - 1.5.9 Subject to a full business case, demonstrating the value of the scheme in delivering housing, jobs and GVA to the area, the government is minded to provide additional support to the York Central brownfield regeneration scheme.
 - 1.5.10 £7 million investment to enable York and North Yorkshire to drive green economic growth towards their ambitions to be a carbon negative region. This investment is subject to agreement of submitted business case.

- 1.5.11 York and North Yorkshire Combined Authority will plan and deliver the UK Shared Prosperity Fund (UKSPF) from 2025/26 if there is a continuation of the Fund and the delivery geographies remain the same.
 - 1.5.12 Integration of the York and North Yorkshire Local Enterprise Partnership (YNY LEP) into York and North Yorkshire Combined Authority. This will ensure there continues to be a strong and independent local business voice which informs local decision making.
 - 1.5.13 A commitment to explore a local partnership with Great British Railways so that the mayor can help shape and improve local rail.
 - 1.5.14 Support to develop a Natural Capital Investment plan for York and North Yorkshire.
 - 1.5.15 Commitments to work in partnership with the area on the development and delivery of strategies to realise the region's cultural potential.
 - 1.5.16 Engagement on broadband and mobile infrastructure rollout and on the development of the Scarborough Cyber Cluster.
 - 1.5.17 A commitment to establish a programme working group in support of the BioYorkshire programme.
 - 1.5.18 A key leadership role for the mayor in public safety, taking on the role and functions of the Police Fire & Crime Commissioner and having a clear role in local resilience and civil contingency planning, preparation, and delivery.
- 1.6 The purpose of this governance review, undertaken in accordance with to Section 109 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) is to look at the exercise of statutory functions in York and North Yorkshire, with a view to deciding whether to prepare and publish a scheme which creates new governance arrangements, including a directly elected mayor. A public consultation would then be carried out on the proposals set out in the scheme. The Secretary of State would be provided with a summary of consultation responses and would need to consider whether an order should be made under the 2009 Act to establish a Mayoral Combined Authority (MCA) for the area. Under section 108 of the 2009 Act, the review needs to conclude that the exercise of the power to make an order to establish an MCA for York and North Yorkshire area would be likely to improve the exercise of statutory functions in relation to that area.
- 1.7 The review has found that the economic evidence provides a rationale to work at a York and North Yorkshire geography, reflecting that it operates as a coherent functional geography, with significant links to neighbouring economic areas.
- 1.8 The review concludes that:
- 1.8.1 current regional governance arrangements does not provide the powers or investment potential at a local level that is required to address the economic challenges of the area and fulfil its potential
 - 1.8.2 Other models of devolution, outlined within the Devolution Framework published by Government, do not provide significant benefit to the sub-region, which has already moved to simplified models of governance across local government
 - 1.8.3 a change is required to enable York and North Yorkshire to drive forward its ambitions to be the first carbon negative region and to engage effectively with Government, neighbouring combined authorities and other bodies in pursuit and support of a strong Northern Powerhouse;
 - 1.8.4 the statutory criteria within the 2009 Act for preparing and publishing a scheme are met, i.e., the making of an order to enable the adoption of an MCA model of governance for the area of York and North Yorkshire will likely improve the exercise of statutory functions in that area;

1.8.5 in addition, establishing an MCA model of governance for York and North Yorkshire will:

- 1.8.5.1 have a positive impact on the interests and identities of local communities – these proposals build on the governance arrangements agreed by the Government as part of Local Government Reorganisation which support the effective and efficient provision of services with, and democratic representation of, communities across the area;
- 1.8.5.2 secure more effective and convenient local government by reducing complexity and streamlining the delivery of public services within the area.

1.9 It is therefore proposed that a scheme is published that confirms:

- 1.9.1 an MCA should cover the area of York and North Yorkshire;
- 1.9.2 a Mayor would be elected in May 2024;
- 1.9.3 the mayor would become a member of the Combined Authority, and Chair meetings of the authority.
- 1.9.4 each council would appoint two members to the new MCA, and non-constituent members from the LEP (or its successor arrangements as the Business Committee of the MCA); and
- 1.9.5 the Mayor and MCA will exercise specific statutory functions, and hold some powers concurrently with York and North Yorkshire local authorities. Arrangements for the concurrent exercise of the functions will be a matter for agreement between the combined authority and its constituent councils.

2 Purpose of this Report

- 2.1 City of York Council and North Yorkshire County Council (the “local authorities”) have undertaken a review to assess the effectiveness of current governance arrangements in the delivery of their ambitions for economic growth.
- 2.2 This report has been prepared jointly by the authorities in light of the “minded to” devolution deal agreed with central government. It details the findings of a governance review under section 108 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) in relation to the proposed creation of a new mayoral combined authority for the York and North Yorkshire area, which would comprise the two York and North Yorkshire authorities as constituent authorities.
- 2.3 To ensure compliance with the relevant legislation contained in the 2009 Act, the Governance Review considers whether an MCA is the best governance model and would be likely to:
 - 2.3.1 Improve the exercise of statutory functions in the area of York and North Yorkshire;
 - 2.3.2 Secure more effective and convenient local government for the area; and
 - 2.3.3 have a positive or neutral impact on the identities and interests of our local communities
- 2.4 This report sets out the conclusions of that reviews.

3.0 Methodology for the Governance Review

- 3.1 The governance review has comprised the following:
 - (a) York and North Yorkshire’s context and ambitions
 - (b) A review of the economic evidence to assess:
 - (i) the existence of a Functional Economic Market Area across York and North Yorkshire; and
 - (ii) the economic challenges and opportunities in the York and North Yorkshire area.

- (c) A review of current governance arrangements across the York and North Yorkshire area
- (d) An option appraisal which considers the alternative governance structures which could be pursued in light of the above evidence.
- (e) Consideration of whether the preferred option meets the statutory tests

4.0 Our Ambition – the York and North Yorkshire Context

- 4.1 Local authorities in York and North Yorkshire have an ambitious vision for enhancing social and economic prosperity, and increasing the wellbeing of their communities. Building upon York and North Yorkshire's significant economic, educational and cultural assets, we want to harness their potential in driving growth in both the regional and national economies. Specific research and innovation strengths in the bioeconomy and agri-tech sectors, AI and autonomous systems, digital creativity and rail technology can support sectoral growth to benefit the wider region. A strong tourism industry which harnesses both the region's natural assets and its urban appeal, and major investment in clean energy can sustain the area's attractiveness and quality of life. At the same time, we will work together to ensure that all residents have the ability and opportunity to benefit from and contribute to future growth.
- 4.2 Through a devolution deal, York and North Yorkshire aims for further ambitions in three areas:
- Levelling up such that wage levels and productivity match the UK average
 - Creating the world's leading bioeconomy cluster
 - Become England's first carbon negative region
- 4.3 York and North Yorkshire has a population of approximately 818,000; covers over 8300km² and covers one quarter of the Northern Powerhouse; is home to over 46,000 businesses, and has a total GVA of £20.5 billion.
- 4.4 York and North Yorkshire geographically shares an economic footprint with York and North Yorkshire LEP and has strategic economic connections to its neighbours in the Tees Valley, West Yorkshire, Hull and East Yorkshire, South Yorkshire, across the transpennine route to Manchester and Cumbria, the Northern Powerhouse region, the rest of the UK and internationally.
- 4.5 Whilst York and North Yorkshire enjoys world class natural assets and many economic advantages, there are significant challenges which hinder economic growth which benefits all residents. Despite York, the region's global city and economic hub, having metrics that exceed northern comparators, the broader sub-region suffers from a dominance of lower paid sectors in some areas, meaning wage levels are relatively low. Productivity beyond the economic centres is below national average. Lack of sustainable transport infrastructure and digital inclusion, particularly in rural areas, prevents skilled people accessing good jobs. This leads to population patterns of increasingly aging populations in some areas. And the challenges posed by climate change and the need to transition to a low carbon economy require huge shifts from businesses and residents.
- 4.6 The York and North Yorkshire authorities are of the view that a radical devolution of powers and funding to local areas is needed to respond to our opportunities and address these challenges. The infrastructure issues which restrict growth and the sharing of economic benefits across the sub-region need to be addressed at a sub-regional level. Greater local control of the levers of growth, productivity and inclusion would enable us to better serve our residents and businesses.

- 4.7 York and North Yorkshire have been on a journey of change to governance arrangements, aiming to create efficiency whilst supporting clear democratic accountability. The Local Government Reorganisation process has led to the creation of a new North Yorkshire Council, replacing the previous two-tier arrangements, alongside the existing City of York Council. A new MCA would build upon this foundation of streamlined local governance, to support and accelerate the delivery of local ambitions to address wage levels and productivity, innovation and net zero.

5.0 A functional economic market area

- 5.1 To support the economic growth of a large rural area with a key city, there is a need to provide connectivity to link people and businesses with opportunities. York and North Yorkshire, on the footprint of the county of North Yorkshire, is recognised as a defined area with its own economic characteristics. York provides the main economic centre of the sub-region, whilst the scale of the area means that there are economic overlaps, particularly to the southwest with West Yorkshire, to the southeast with East Riding and the Humber, and north to Tees Valley, North of Tyne and the North East.



Figure 1 - Map of York and North Yorkshire

- 5.2 The York and North Yorkshire functional market area is characterised by an innovation and knowledge economy driven by the three universities, supporting strong financial, rail-tech and digital sectors, and a broad bioeconomy linked to food and materials production. Tourism, food and drink, and hospitality is strong across the whole sub-region, based on its natural and built assets.
- 5.3 Commuting patterns show a mixed picture of travelling for work. Figures available relate to the pre-pandemic context, so are likely to underestimate the number of people working from home. However, the broad patterns are likely to persist. Almost four-fifths of local residents (79%) in employment work in the area (250,000 people) with the remaining fifth (66,000 people) commuting to jobs elsewhere. Around a fifth (21%) of people who work in the area commute from outside - 67,000 in absolute terms. Inward and outward commuting flows are therefore almost in balance: with the number of outward commuters offset by the people who travel into the area to work. This, in itself, indicates a self-contained labour market.

- 5.4 The main destinations for outward commuters from YNY are:
- Leeds, which is the destination for 22,000 commuters, mainly residents of Harrogate, Selby and York.
 - Bradford, which is the destination for around 6,000 commuters, primarily from the Skipton area.
 - The East Riding, the destination for around 5,000 commuters, mostly from York and Selby.
- 5.5 There are also significant flows from Selby to Wakefield. Looking northwards, there is outward commuting to Middlesbrough, Darlington, and Stockton-on-Tees. This reflects the close economic ties with West Yorkshire and Tees Valley.
- 5.6 Relatively few people in employment commute within the YNY area i.e. travel between constituent local authority districts for work, compared with those who commute outside of the area. This is reflective of a polycentric economy with many people employed around the smaller towns and villages in their area. With an area covering over 830,000 hectares, relatively poor east-west connections (both rail and road) limit the potential of travel to the main conurbations for large amounts of the population.
- 5.7 Not surprisingly, York is the largest focal point for inward commuting among residents, with around 12,000 travelling into York and around 9,000 commuting out from York to surrounding districts.

	Live in area, work in area	Live in area, work outside area	Work in area, live outside area	Net inward commuting	Commute within LEP area	Commute outside LEP area	% of residents who live in area, work in area	% residents who work outside area	% of those working in area who live outside area	% residents who commute within LEP area
Craven	11,763	9,131	8,901	-230	786	8,345	56%	44%	43%	4%
Hambleton	20,799	13,989	17,621	3,632	6,197	7,792	60%	40%	46%	18%
Harrogate	45,408	18,423	19,366	943	5,005	13,418	71%	29%	30%	8%
Richmondshire	13,801	7,113	7,255	142	2,990	4,123	66%	34%	34%	14%
Ryedale	12,012	6,473	7,047	574	4,379	2,094	65%	35%	37%	24%
Scarborough	31,348	6,899	5,058	-1,841	3,215	3,684	82%	18%	14%	8%
Selby	14,362	20,937	13,235	-7,702	6,769	14,168	41%	59%	48%	19%
York	62,209	21,187	25,651	4,464	8,995	12,192	75%	25%	29%	11%
LEP area	250,038	65,816	66,523	707	38,336	65,816	79%	21%	21%	12%

Source: Census of Population 2011

Figure 2 - YNY commuting Patterns, people aged 16 and over

- 5.8 This diverse pattern of behaviour is reflective of the geographic diversity of our sub-region, which includes urban, coastal and rural areas. It highlights that York and North Yorkshire has a particular economic role, supporting its own distinct economic area as well as linking the economic centres to the north, east, south and west. There are strong connections and interrelationships with neighbouring areas around the entire periphery, supporting the wider regional economy.
- 5.9 Beyond commuting patterns, there is a reality within the geographic context of York and North Yorkshire that neighbouring areas have established Combined Authorities in West Yorkshire and Tees Valley, whilst progress is being made towards a devolution deal in East Riding and the Humber. With York and North Yorkshire positioned between these existing and emerging arrangements, it is logical that a new Combined Authority would link and complete the geography with similar Mayoral arrangements. The ability of Mayors and Combined authorities to work collaboratively, through similar governance and powers, would provide a greater coherence and consistency to regional working.

6.0 Economic Profile

6.1 The following is provided as a summary of the economic make-up of the sub-region. Further detail can be found in the Labour Market Analysis - [83388 LEP Labour Market Analysis 2021 A4_single pages.pdf \(ynylep.com\)](#)

Structure

- 6.2 There are around 380,000 jobs within the YNY area. Two of the largest sectors are in consumer-facing services like wholesale / retail (58,000 jobs, 15% of the total) and accommodation and food services (39,000 jobs; 10%). This reflects a dominance of the visitor economy in terms of jobs and GVA, but these sectors are very volatile to economic/recession pressures and an over-reliance on them creates an economic risk.
- 6.3 Health and social care (13%; 48,000) and manufacturing (9%; 36,000) also provide a large proportion of jobs. Professional, scientific and technical roles account for 29,000 jobs (8%). Alongside health and social care there are significant numbers of public sector jobs including education (34,000; 9%) and public administration and defence (18,000; 5%).
- 6.4 There are 88,000 public sector employee jobs in the YNY area. This equates to 17% of total employment, only slightly higher than the national average of 16%. Public administration contributes a large proportion of total employment in York and the north of the region.

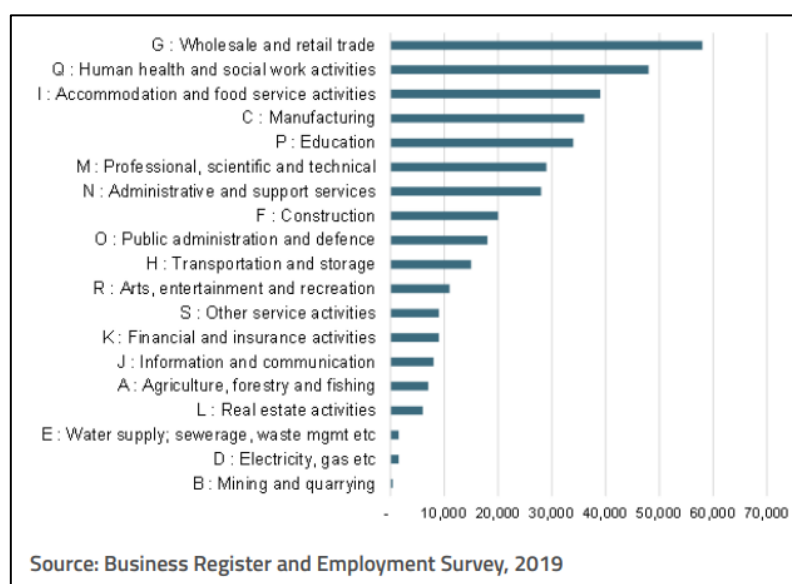


Figure 3 - Employee Jobs by Industry in YNY (SIC Section)

- 6.5 For YNY as a whole, agriculture is proportionately three times larger than the national average but, despite this, employs relatively few people (7,000 or 2% of the total).
- 6.6 The area has a strong quarrying and mining industry presence in parts of the sub region such as across the Yorkshire Dales, North York Moors and Selby.
- 6.7 Manufacturing is strongly represented at YNY level. Underlying this is significant food and drink manufacturing across the whole of YNY, in particular down the A1/A19 and A64 corridors.
- 6.8 Employment in utilities is relatively low for the area as a whole but this conceals a very large concentration of employment in Selby (seven times the national average in proportionate terms), reflecting the importance of energy generation to the area.

Future Economic Opportunities

- 6.9 Recent research, commissioned on behalf of York and North Yorkshire Local Enterprise Partnership explored which economic sectors have the potential to make the greatest contribution to future economic growth and employment in the area.
- 6.10 The first part of the study identified five priority sectors with growth potential, which are:
1. Agri-Food Innovation
 2. Sustainable Energy and Bioeconomy
 3. Health, Pharma and Life Science Innovation
 4. Digitech, Data and Creative Industries
 5. Advanced Manufacturing
- 6.11 Additionally, York has a significant rail technology cluster which is nationally important with potential for further growth. Home to 100 rail companies and 5,500 rail jobs focussed on the operation and development of the network, it represents a significant private sector cluster providing services key to the network and rail operating companies also based in York. York is also home to Network Rails Eastern Region, the largest in the country, which manages the railway network across the eastern side of the country from Scotland to London.
- 6.12 The full report can be found here: [FINAL 220606 Item 6b - ANNEX A Main Board Report Sector Research.pdf \(ynylep.com\)](#)

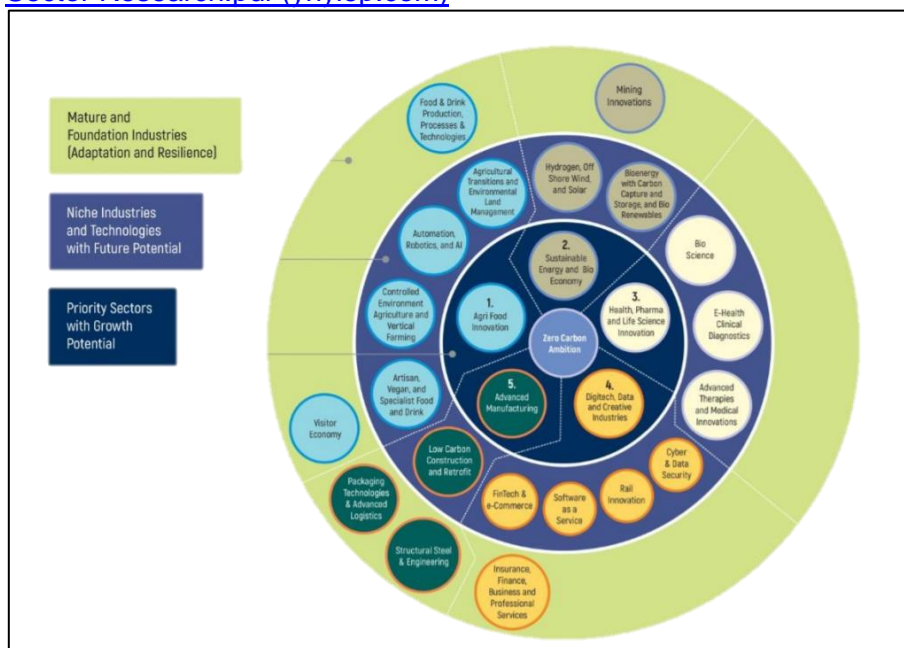


Figure 4 - York and North Yorkshire Priority Sectors

Employment and Skills

- 6.13 The local employment rate is above the national average. The employment rate in YNY, expressed as a proportion of the population aged 16-64, is one percentage point above the national average at 78% (versus 77%) as of July 2019 to June 2020. The local rate has been consistently higher than average over the last 15 years and along with the national average has followed a broadly upward trend in recent years.

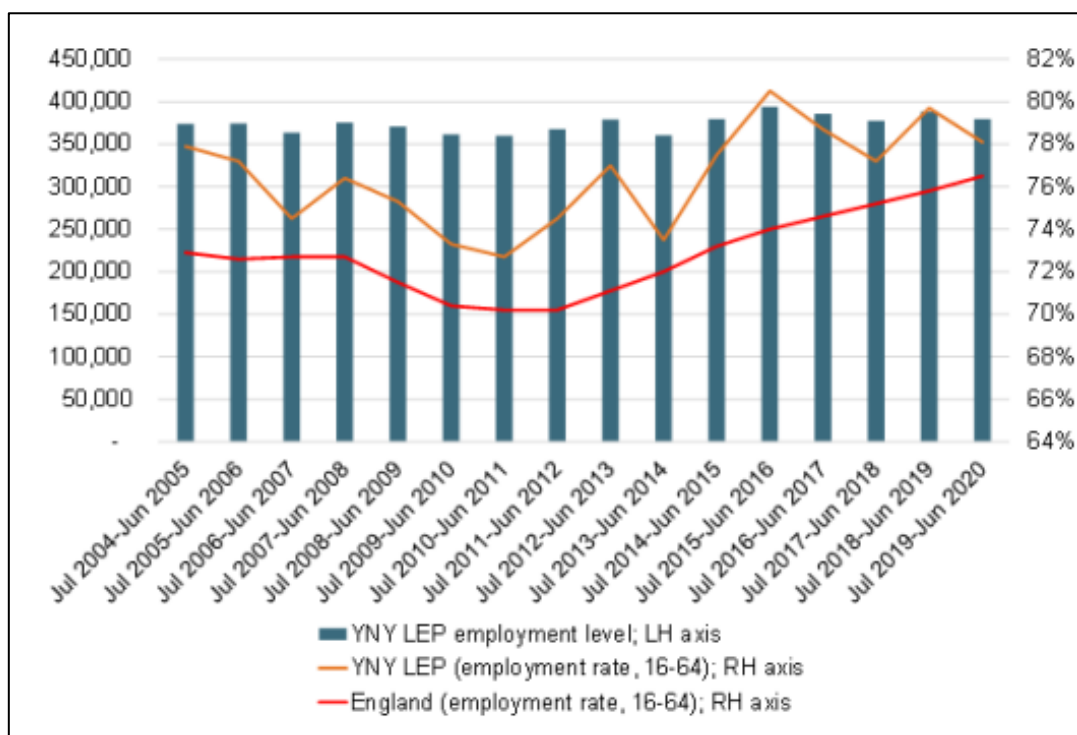


Figure 5 - Trend in employment rate (% of working age (16-64) population in employment).
Source: Annual Population Survey

- 6.14 However, within YNY, there is variation. Five of the eight districts have an employment rate equal to or above the national average; three districts – Craven, Richmondshire and Selby – have rates that are somewhat below the average based on the latest data.
- 6.15 YNY has a strong qualification profile. The proportion of local people qualified at tertiary level (level 4 and above) is slightly higher than the national average (41% versus 40%), whilst the proportion with no formal qualifications is smaller (5% versus 7%). Within these figures, there is variation across the area. York easily outperforms the national average on higher level qualifications whilst North Yorkshire is slightly below the average.
- 6.16 Given the skills advantage that YNY has, there is a deficit of high skilled employment: 46% of employees are in higher skilled roles locally, versus a national average of 50%. There is also a disproportionate reliance on low-skilled jobs. Ensuring there are high skilled jobs to capitalise on the skills levels locally is important in increasing wage levels.

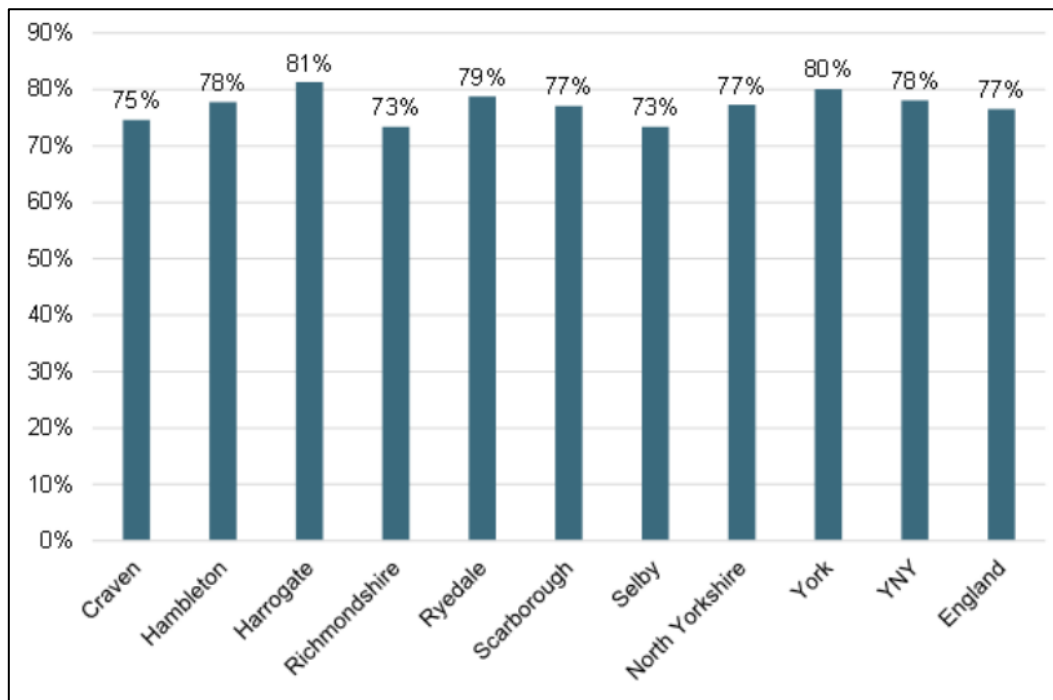


Figure 6 - Employment rate by district (% of population aged 16-64) Source: Annual Population Survey

7.0 Challenges

7.1 Despite the relative strengths of York and North Yorkshire's economy and the significant assets within the sub-region, the performance overall is below what could be expected. There are many reasons for this, some unique to specific areas, but the following represent some of the more universal challenges which are faced in achieving the region's economic ambitions.

Challenge 1: Limited Productivity Growth in some areas

7.2 Within York & North Yorkshire productivity has been stagnant and significantly dropped below the England average after 2004.

7.3 In 2019, GVA per filled job in York and North Yorkshire averaged at £46,998, 1% below the regional average (£47,523), but 18% below the England average (£57,583) and the **ninth lowest of all 38 LEP areas**.

7.4 Within YNY, there are also massive disparities across the patch, with outputs substantially lower in some districts. Productivity per hour worked in York is higher than in the surrounding area, being close to the UK average and with York in the top third of local authority areas on this measure (56th of 168 areas).

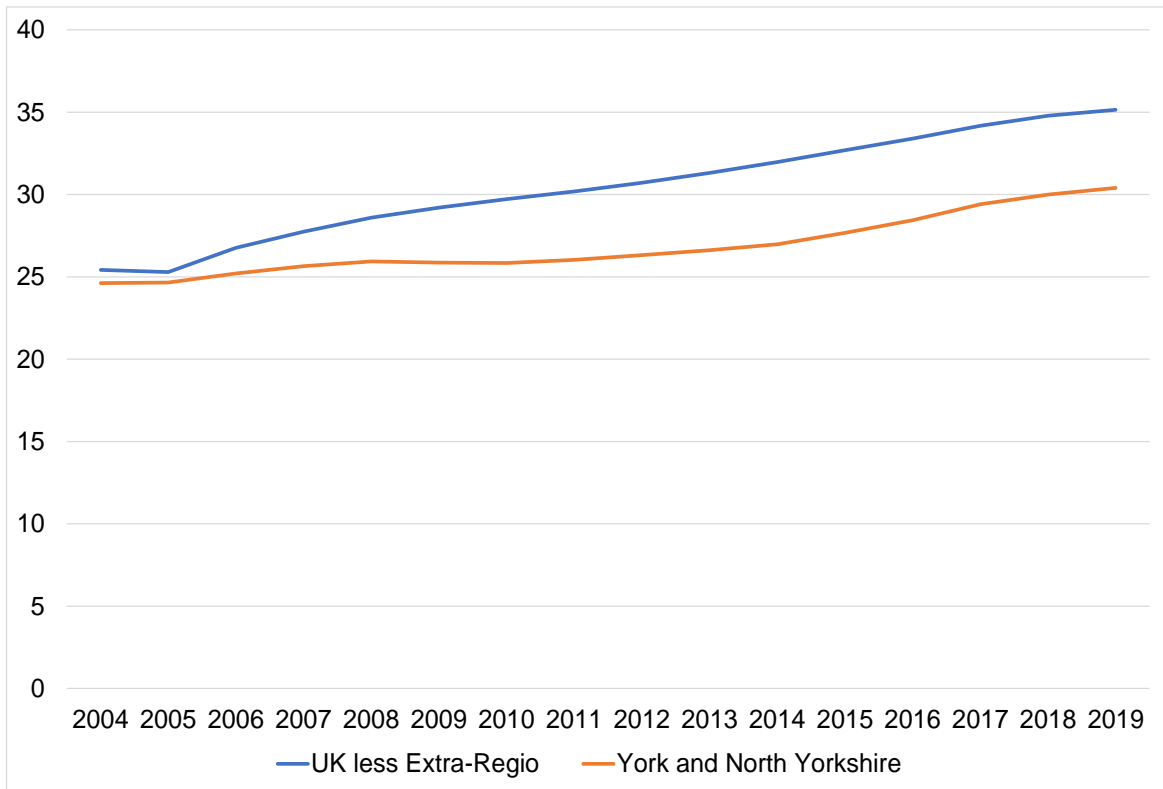
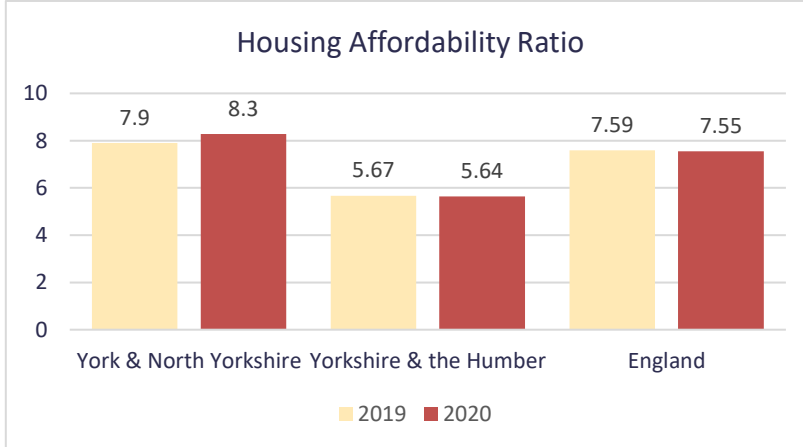


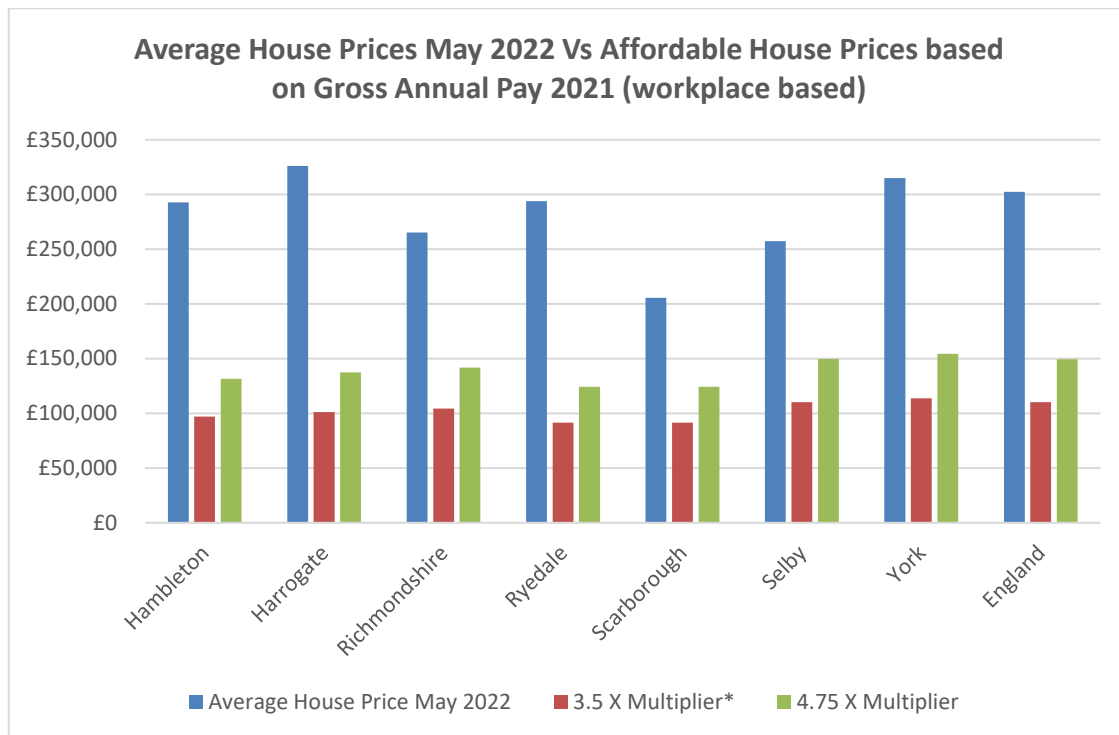
Figure 7 - Nominal (smoothed) gross value-added (£) per hour worked

Challenge 2: Unaffordable & poor quality housing

7.5 YNY has a worse affordability ratio than both regional and national averages. Also, only 35% of homes within YNY have an EPC rating of C or above (to meet climate change targets, we need all homes to be A or B graded as soon as possible).



7.6 Between September 2019 and September 2021, average house prices in YNY saw an increase of 10%. With wage levels unlikely to increase rapidly, affordability is likely to reduce over the coming years.



Source: ONS (Data was not available for Craven district)

*A household is assessed as able to afford to purchase a home if it costs 3.5 times the gross income of a single earner

**Current mortgage lending practices would suggest a 4.75 times single income could be considered

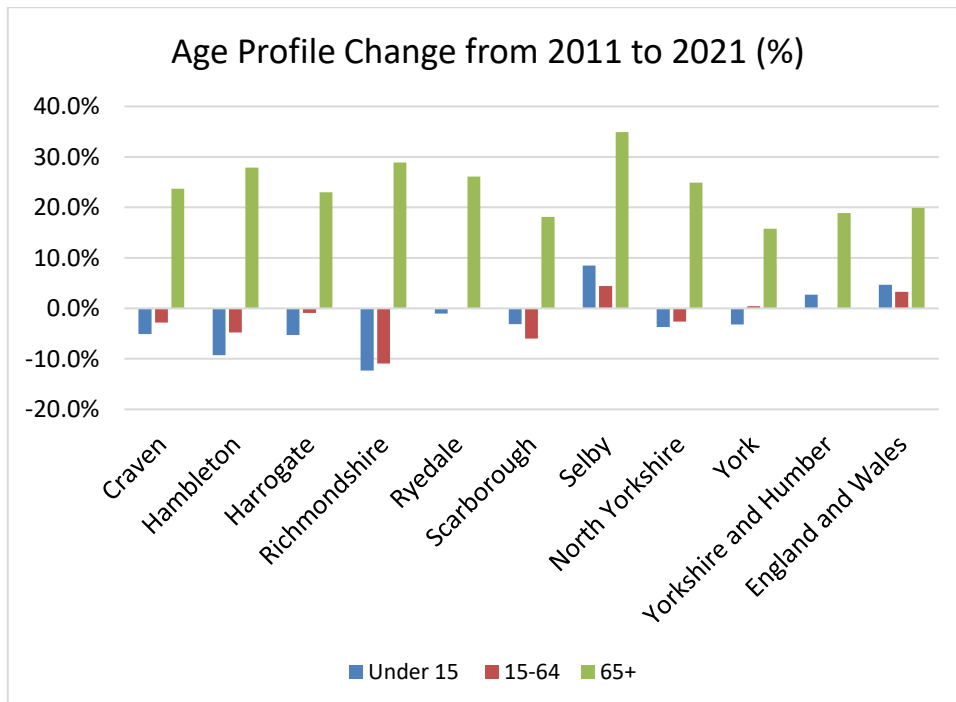
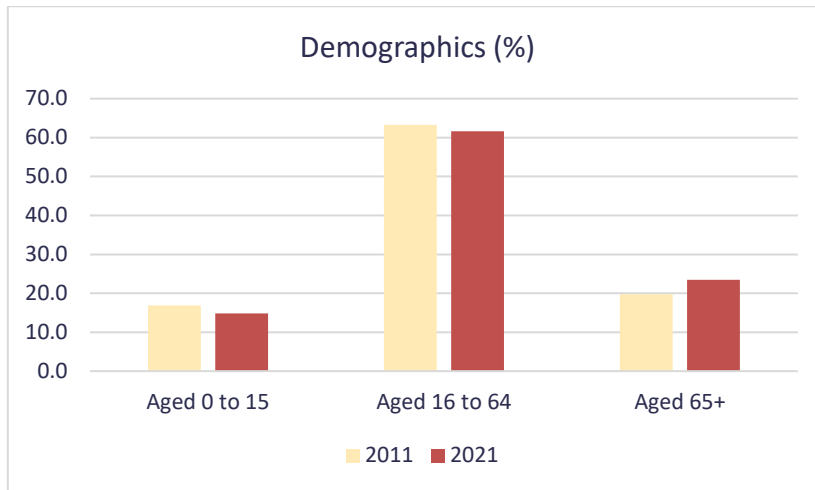
7.7 Relatively expensive housing in comparison to wage levels inevitably creates issues in terms of the ability to retain skilled young people and to attract talent to skilled jobs in the region. For lower paid jobs, it may entirely prevent people living in the areas within which they work. This puts an even higher emphasis on providing good and affordable transport links.

7.8 Across the region, the quality of housing stock is variable. Only 35% of homes within YNY have an EPC rating of C or above (which is key to meeting climate targets).

Challenge 3: Ageing population & decreasing numbers of young people

7.9 Alongside an older population, the levels of younger people in the sub-region are also decreasing. Between 2011 and 2021, the numbers of people aged 15-64 decreased across the region, reducing the proportion of the working age population. This is most pronounced in the rural and coastal areas.

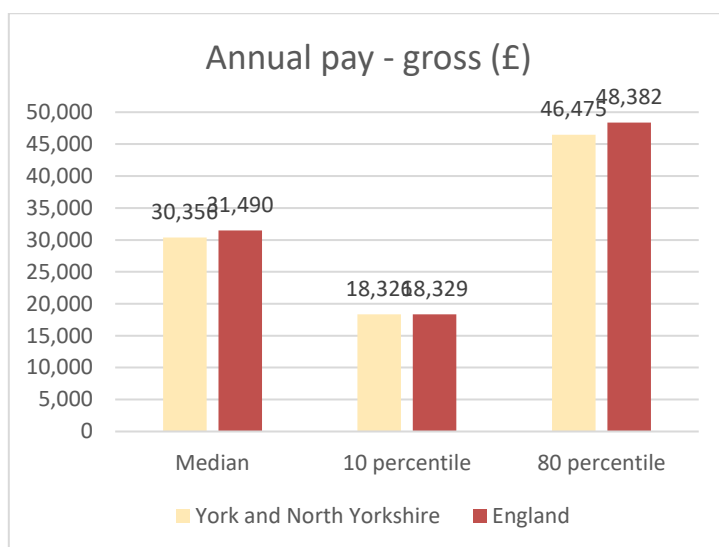
7.10 At the same time, the proportion of older people (65+) is increasing in all areas.



7.11 Linked to this challenge is limited retention of graduates – with only 40% of those from Higher Education institutions in YNY area being retained in Yorkshire and the Humber. Our institutions develop people with high levels of skill, above the national average. However, a deficit of highly skilled jobs within the region means these skills are often lost. High skilled workers are often highly mobile and can be attracted by higher wages and better career opportunities in the south.

Challenge 4: Deficit of higher paid employment

7.12 Median gross hourly pay for full-time jobs is only 83% of the national average and more than a fifth of local jobs in York and North Yorkshire still pay below the Real Living Wage.



7.13 This sub-regional picture does, however, obscure significant variation. Pay in York is close to the national median (across full-time and part-time roles), and higher than much of Yorkshire and the Humber, with York 97th of 204 authorities for full-time weekly pay and 58th of 203 authorities for part-time hourly pay.

7.14 Skills levels are high in the region, but this well-skilled workforce is not matched by enough high-skilled jobs.

Challenge 5: Deprivation in isolated pockets of the region

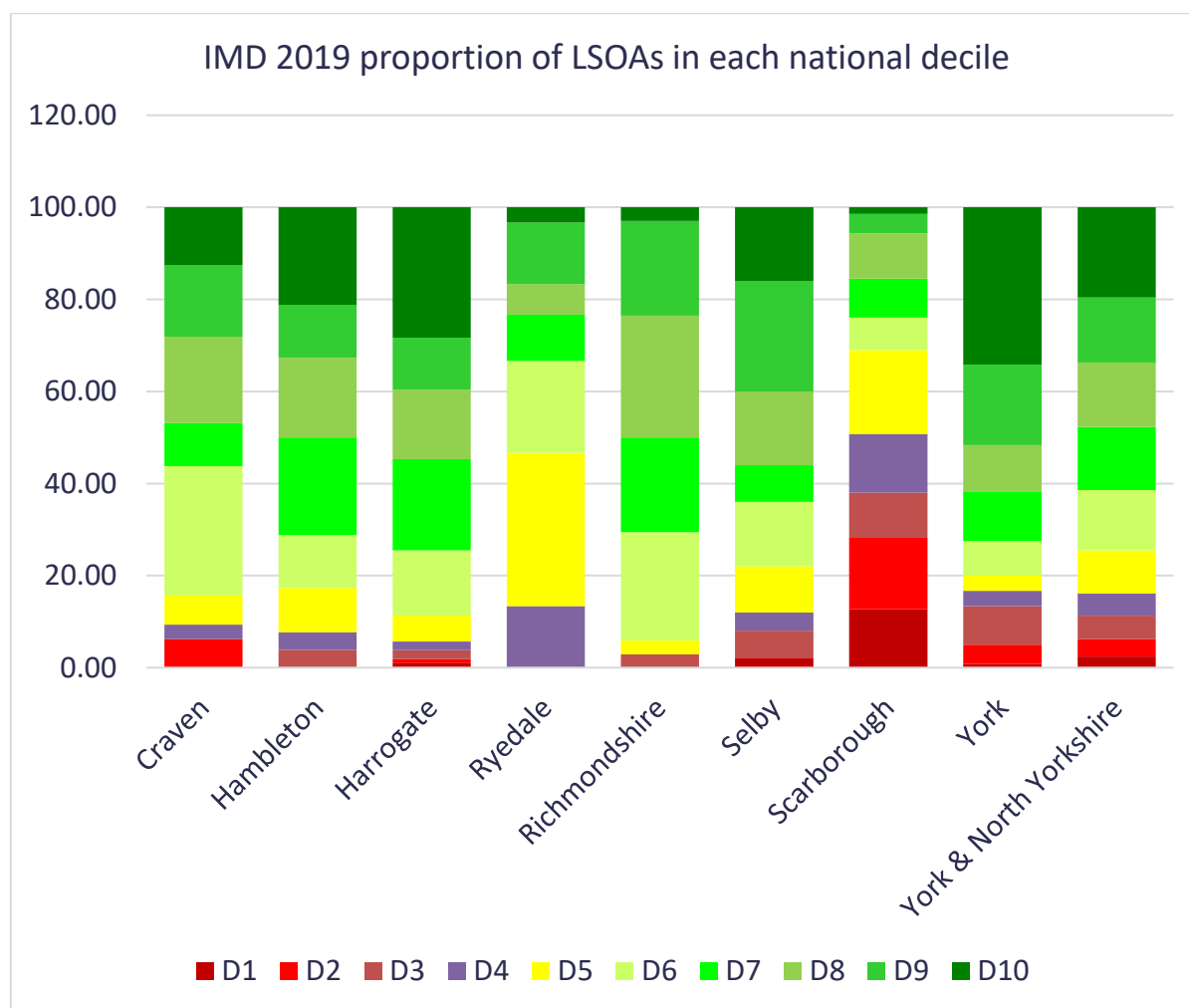
7.15 Generally, York and North Yorkshire is perceived as an affluent area. However, this conceals deep-rooted pockets of deprivation and highly concentrated areas which face challenges, either individually or in combination, including low pay, access to employment, lack of transport, and lack of affordable housing.

7.16 In particular, our coastal communities face considerable deprivation, as shown by the Indices of Multiple Deprivation (IMD). Across the whole of York and North Yorkshire, the worst performance is seen on the following IMD domains:

- Quality of the Local Environment: this indicator measure both 'indoor' living environment, such the quality of housing, and 'outdoor' living environment which includes air quality and road traffic accidents.
- Barriers to Housing and Services: this measures the physical and financial accessibility of housing and local services. This ranks badly due to the rurality of North Yorkshire and the unaffordable housing across the whole of YNY.
- Education, Skills and Training: although YNY generally has high skills attainment (48.4% of 16-64 year olds in 2021 have a NVQ4+), particularly in York, there are stark weaknesses within some areas. Scarborough (9.2%), Selby (10.1%) and Ryedale (13%) have higher levels of people with no qualifications than the UK average (6.4%).

7.17 The chart below shows the proportion of Lower Super Output Areas (LSOAs) in each national decile of deprivation. This shows how the proportion of areas within a place compares to the national average in terms of deprivation, in 10% bands. Decile 1 equates to the 10% of most deprived places in the country, and decile 10 relates to the 10% of least deprived places.

7.18 It is also worth noting that IMD is a useful tool in considering broad deprivation. However, North Yorkshire, by its very nature, has many dispersed communities where single issues are significant and strong, impacting on the lives and opportunities of residents but not necessarily visible within IMD figures.



Challenge 6: Climate Change

- 7.19 YNY is more rural than many areas of the UK, with lower emissions from buildings and industry, but larger % of emissions from agriculture and transport. The region faces specific challenges around private car use, off-gas homes and agricultural emissions.
- 7.20 Over the past 10 years, considerable progress has been made to drastically decrease carbon emissions within York and North Yorkshire. However, there is still a long journey ahead and climate change is a very critical risk if businesses (and communities) don't or can't adapt.
- 7.21 More extreme weather events in future will disrupt global supply chains, damage physical assets and increase costs of purchasing products and resources. The Boxing Day 2015 floods in parts of North and West Yorkshire were illustrative of the type of extreme events that are expected to become more common. The extent and severity of flooding was unprecedented, with over 4,000 homes, almost 2,000 businesses and over 100km² of urban and farm land flooded and an economic cost of over half a billion pounds (Source: Leeds City Region Flood Review Report, West Yorkshire Combined Authority, 2016). There is, therefore, a need to map and implement adaptations to anticipated regional climate change affects to minimise impacts on people, the economy and the environment.
- 7.22 The North & West Yorkshire Emissions Reduction Pathways research assessed the technologies, interventions and policies needed to drive reduction in scope 1 and 2 emissions across the region. It provides multiple scenarios based on interventions and the likelihood of emissions reducing.

7.23 According to a 'Business As Usual' scenario, there will only be 30% reduction in emissions by 2038, with 5.5 MtCO₂e/yr remaining in 2038. It forecasts that all sectors see slow change due to lack of strong incentives for consumers and businesses to switch to low carbon heat, transport and other practices.

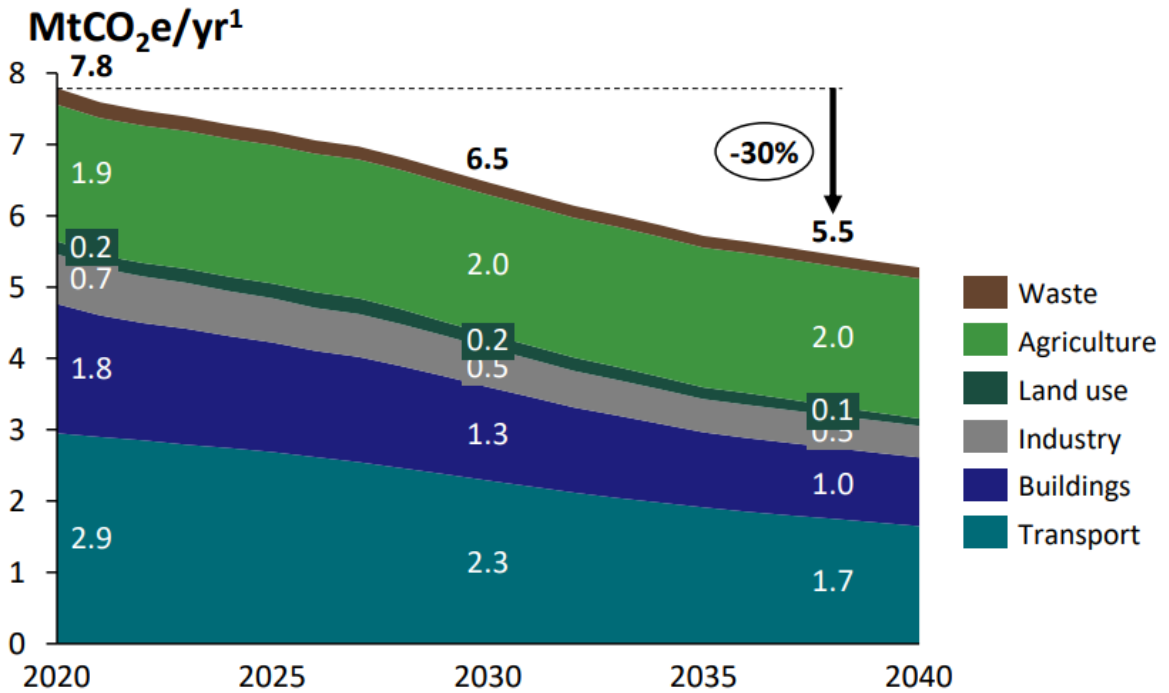


Fig. X – Business as usual scenario

7.24 Comparatively, a 'Max Ambition' scenario (where there is a highly ambitious roll out of electric vehicles, active travel, heat pumps and new forest planting which makes rapid progress), an 86% reduction in emissions by 2038 will occur, with 1.1 MtCO₂e/yr remaining in 2038. When negative emissions from Drax are included, alongside carbon capture from North Yorkshire's natural capital, the region reaches net zero in 2034 and by 2038 is considerably net negative. All sectors see rapid change, requiring strong incentives for consumers and businesses to switch to low carbon heat, transport and other practices.

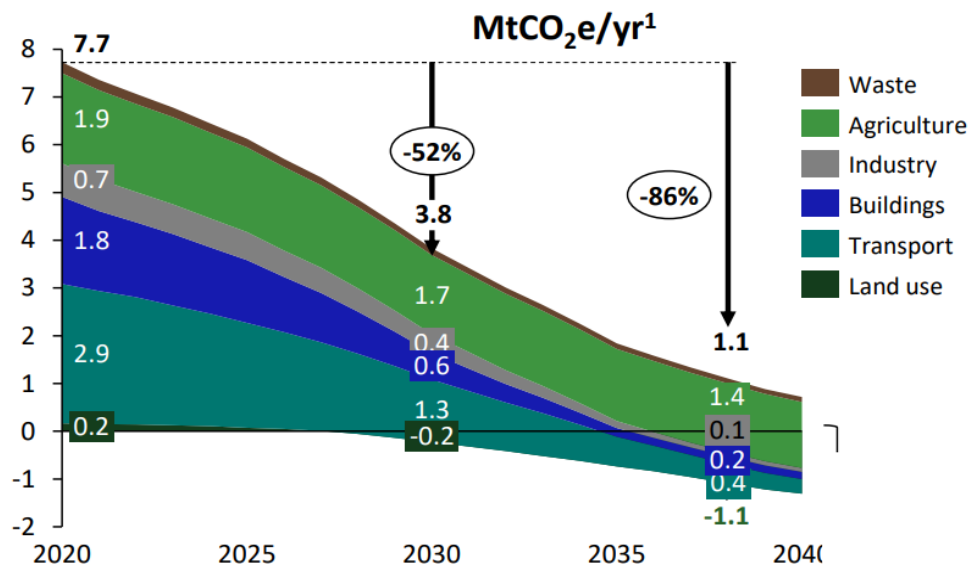


Figure 8 - Max Ambition scenario

Source: North & West Yorkshire Emissions Reduction Pathways, 2021

Challenge 7: Connectivity – Transport and Digital

7.25 Due to the rurality of North Yorkshire compared to urban York, there are some distinctly different challenges across the sub-region. For example, all modes of transport (public transport, walking, cycle, car) within North Yorkshire have longer average journey times to 8 key services when compared to England’s average times.

Average Journey Times to 8 Key Services (Minutes) (2019)

	Public transport or Walking	Cycle	Car	Walking Only
York	16.4	13.6	10	25.1
North Yorkshire	27.0	23.0	12.6	44.3
England	18	16	10	28

Source: Department for Transport

*Red highlights journey times that are longer than England’s averages

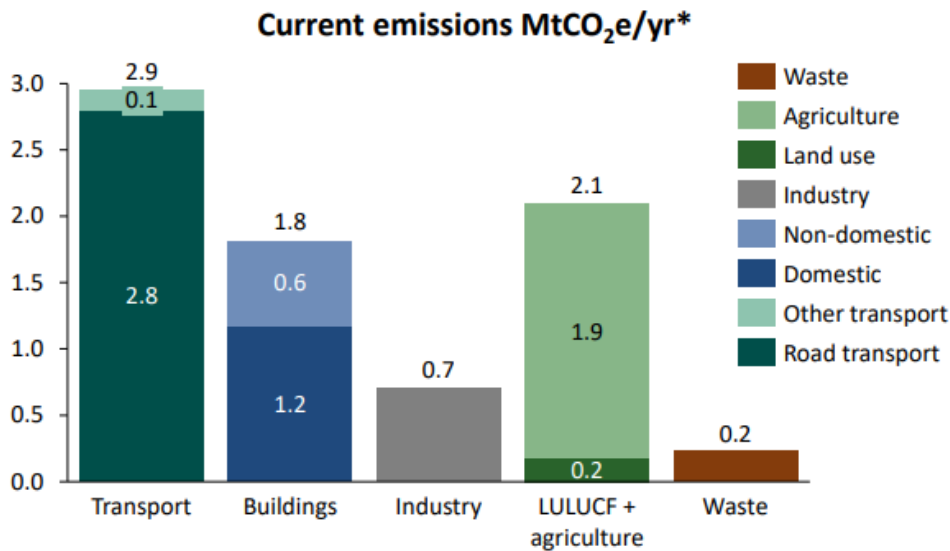
Average Journey Times to FE College (Minutes) (2019)

	Public transport or Walking	Cycle	Car
York	20	11	16
North Yorkshire	35	14	26
England	21	17	11

Source: Department for Transport

*Red highlights journey times that are longer than England’s averages

7.26 Consequently, there is a greater reliance on private car usage and other road transport. This has led to transport being the largest emitting sector within York and North Yorkshire. Reducing emissions from this source and encouraging alternative modes of transport (public and active travel) will be integral to decarbonisation ambitions.



Source: North & West Yorkshire Emissions Reduction Pathways, 2021

- 7.27 Better digital engagement could alleviate this challenge, but connectivity is limited in parts of York and North Yorkshire. Although levels of digital infrastructure have been improving in YNY, they are highly variable and for the most part connectivity is much lower in rural areas than in more densely populated ones. This inequality of coverage affects both broadband and mobile networks.

Levels of Broadband Connectivity across York and North Yorkshire

Area	Premises with Superfast Broadband Availability		Premises with Ultrafast Broadband Availability		Total above 30 MBits/s	Full Fibre Coverage
	(30-300 Mbit/s)		(300+ Mbit/s)			
	Rural	Urban	Rural	Urban		
Craven	74%	92%	7%	4%		
Hambleton	75%	93%	3%	0%		
Harrogate	69%	96%	6%	72%		
Richmondshire	75%	87%	4%	0%		
Ryedale	72%	88%	4%	3%		
Scarborough	80%	94%	0%	0%		
Selby	82%	87%	6%	5%		
York	87%	95%	5%	79%	95%	43%
North Yorkshire					90%	13%
England					96%	8%

Source: ONS and Connected Nations, Ofcom, 2019

8.0 Understanding Current Governance Arrangements

- 8.1 The introductory section of this report referred to the challenges which had been identified with the current governance arrangements across the York and North Yorkshire area. Current arrangements for joint working on economic development, regeneration and transport have developed through partnership between local authorities and the York and North Yorkshire LEP. This section sets out the current arrangements and considers their effectiveness in the continued delivery of these statutory functions.

8.2 Local Authorities

- (a) North Yorkshire [County] Council (Unitary following 1 April 2023)
The Council operates under a “Leader and Executive” governance model. The Leader is appointed by Full Council and who is then responsible for making arrangements to discharge executive functions, whether through the Leader personally, Executive collectively, individual Executive Members, or Officers.

The services currently delivered by North Yorkshire County Council are as follows:

- Births, deaths and marriage registration
- Children's services
- Concessionary travel
- Consumer protection
- Education - including special educational needs, adult education and pre-school
- Emergency planning
- Highways (excluding trunk roads), street lighting and traffic management
- Libraries
- Minerals and waste planning
- Passenger transport (buses) and transport planning
- Public health

- Social services - including care for the elderly and community care
- Trading standards
- Waste disposal

The following services are delivered by both District/Borough and the County Council:

- Arts and recreation
- Economic development
- Museums and galleries
- Parking
- Planning
- Tourism

It was announced in July 2021 that the current county, district and borough councils would be replaced by a new single council for North Yorkshire from 1 April 2023.

Removing the two-tier system of local government – county and district councils – was a condition of unlocking a devolution deal.

County Council elections took place in May 2022 and the 90 councillors elected will serve for five years – an initial one year as members of the County Council – and then continue on as councillors for the new unitary authority when it begins on 1 April 2023.

District and borough councillors will continue in their current capacity until April 2023. From April 2023, North Yorkshire Council will act as the sole unitary council for the area, it is this governance arrangement which has been reviewed as part of this process.

(b) City of York Council (Unitary)

The Council comprises 47 Councillors elected at the same time every 4 years.

The Council operates under a “Leader and Executive” governance model. The Leader is appointed by Full Council and who is then responsible for making arrangements to discharge executive functions, whether through the Leader personally, Executive collectively, individual Executive Members, or Officers.

The Executive is chaired by the Leader of the Council, who has responsibility for political decisions which are the responsibility of the Executive and are taken by the Executive collectively or by individual Executive Members.

(c) District and Borough Councils (Craven, Hambleton, Harrogate, Richmondshire, Ryedale, Scarborough and Selby)

Seven District and Borough Councils currently operate in North Yorkshire.

Following a process of local government reorganisation, the seven district council will be disestablished in April 2023 and their services will be delivered by the single unitary North Yorkshire Council.

The services currently delivered by the District and Borough Councils are as follows:

- Building regulations
- Burials and cremations
- Coastal protection
- Community safety

- Council tax and business rates
- Elections and electoral registration
- Environmental health
- Housing and housing benefits
- Licensing
- Markets and fairs
- Sports centres, parks and playing fields
- Street cleaning
- Waste and recycling collection
- Public toilets
- Harbours

There are a number of services which are delivered independently by both the County Council and District and Borough Councils. These are listed in paragraph (a) above.

As the District and Borough Councils will not be in existence at the proposed start date of the minded-to deal, they have not been considered as part of the process of this review.

8.3 Police, Fire and Crime Commissioner

The Police, Fire and Crime Commissioner for North Yorkshire is responsible for holding the Chief Constable to account and ensuring that the best policing service possible is delivered to the people of North Yorkshire and the City of York.

The North Yorkshire Police Authority was abolished on 22 November 2012 and replaced with one directly elected individual called a Police and Crime Commissioner (PCC).

On 15 November 2018, responsibility for governance and oversight of North Yorkshire Fire and Rescue Service transferred to the Commissioner, whose title changed as a consequence to become the North Yorkshire Police, Fire & Crime Commissioner (PFCC).

Whilst the Chief Constable retains independence regarding operational policing decisions, the PFCC is responsible for ensuring that resources are used efficiently and effectively and will hold the Chief Constable to account.

The PFCC sets the strategic direction of the service and sets performance targets after listening to local people about their views of the police. The PFCC also sets the police budget and raises a precept on local council taxpayers. PFCCs can appoint and, where necessary, remove Chief Constables.

The balance of power and decision making between the PFCC, the Chief Constable and also the Home Secretary is called the 'tripartite' system of governance which is unique to the British Police Service.

8.4 York and North Yorkshire Local Enterprise Partnership (Y&NY LEP)

The York and North Yorkshire Local Enterprise Partnership (Y&NY LEP) was formed in 2011. It is the local enterprise partnership for the area covering the nine local authority areas within York and North Yorkshire. It is a public-private partnership whose Board includes business, educational and Local Authority Leaders.

Y&NY LEP provides strategic economic leadership to the area, driving the delivery of the Strategic Economic Plan, which sets out York and North Yorkshire's vision to strengthen the area's economy and provide more opportunities for businesses and communities. The Y&NY LEP arrangements have delivered a significant number of development and growth

projects which have begun to transform the area, and provide an effective framework to manage and commission the multi-million-pound investment programmes designed to improve and support the region's economy. North Yorkshire County Council acts as accountable body for the York & North Yorkshire LEP.

All LEPs were subject to a wide-ranging review in 2021 to determine their form and function in future years. The outcome of that review was published in March 2022 and placed a requirement on all LEPs to integrate into a combined authority or democratic institution with devolved local powers to improve democratic accountability whilst still providing a strong voice of business. Several routes have been provided to achieve this target and the LEP's required integration plan is grounded in the ambition of a future devolution deal for York and North Yorkshire.

8.5 Yorkshire Dales and North York Moors National Park Authorities

The role of national park authorities is defined under two statutory purposes. These are:

- “to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park”; and
- “to promote opportunities for the understanding and enjoyment of the special qualities of the area by the public”.

In pursuing these purposes, they are also required to seek to foster the economic and social well-being of local communities within the National Park.

National Park Authorities provides some services similar to those provided elsewhere by district and county councils - for example – they are the Local Planning Authority.

Yorkshire Dales National Park Authority has 25 members.

North York Moors National Park Authority has 20 members.

9.0 The Case for Change

9.1 York and North Yorkshire's economy is underpinned by its places, landscapes and natural assets.

With two National Parks, the Yorkshire Coast and City of York, its world-renowned historic and cultural assets shape its urban spaces, whilst the scenic beauty of its vast rural landscape and northern coastline define YNY as one of world's most recognised regions.

Both authorities are committed to strengthening all of these assets and continuing to make the region a truly distinctive place – one which boasts a strong global brand and unrivalled connectivity to three urban giants within the Northern Powerhouse. Strong connections with West Yorkshire, the Humber and Tees Valley, fast rail links to London and two ports, mean its position, scale and connectivity unlocks potential for the whole of the North.

The Northern Powerhouse is a critical vehicle in the drive towards economic growth in the North. Much of the Northern Powerhouse footprint already benefits from value that a devolution deal brings. York and North Yorkshire's neighbours of West Yorkshire, North East, Tees Valley and South Yorkshire are already served by combined authorities. East Yorkshire and Hull are in the process of negotiating a County Deal, and Cumbria was identified in the Levelling Up White Paper as a potential mayoral combined authority area. North Yorkshire and York is a large and diverse County with strong multilateral relationships with a range of partners and neighbouring local authorities. Towns in the north of the region have strong links to the Tees Valley and beyond. Equally, towns such as Harrogate and Skipton have long-standing ties to West Yorkshire.

A devolution deal for York and North Yorkshire presents an opportunity to bridge the regional gap between West Yorkshire and Tees Valley and unlock the potential this region holds. A mayoral combined authority will provide the capacity, powers and governance required to meet the region's own challenges, and to collaborate effectively and efficiently with its neighbours on a level footing to face up to the wider challenge of levelling up nationally and in the North of England.

9.2 The 'minded-to' devolution deal can be summarised as follows. Further information can be found in Section 10, which breaks down the functions of a proposed combined authority.

- (a) Governance
 - a. LEP Integration
 - b. Equal representation from each constituent member
 - c. Chaired by Mayor
- (b) Finance and investment
 - a. £18m per annum Mayoral Investment Fund for 30 Years
 - b. Same devolved opportunities as other MCA's
 - c. LEP Fully Integrated into MCA
 - d. Integration plan in development
 - e. Key role in pre MCA delivery
 - f. Existing LEP programmes routed through MCA
 - g. Future Shared Prosperity Fund routed through MCA
- (c) Skills and Education
 - a. Devolved Adult Education Budget
 - b. Input in Local Skills Improvement Plans
 - c. Strategic Relationship with DWP
 - d. Same Skills Funding as other Mayoral areas
- (d) Skills and employment
- (e) Housing and land
 - a. £2.65m Net Zero Affordable Housing
 - b. £13m Brownfield & Rural Housing
 - c. York Central EZ Extension
 - d. Strategic Partnership with Homes
 - e. England and a resourced action plan
 - f. Housing Pipeline development
- (f) Transport
 - a. £11m for a YNY Strategic Transport Plan
 - b. Responsibility for a Key Route Network
 - c. Current transport budgets will be consolidated through the MCA
 - d. A primary relationship with Great British Rail
 - e. Joint work with DfT targeting EV Charging Infrastructure
- (g) Net zero, climate change and natural capital
 - a. £7m for Net Zero Projects
 - b. Strategic relationship led by Routemap to Carbon Negative
 - c. Explore opportunities for government to fund small scale feasibility funding to develop a recyclable fund
 - d. Relationship with UK Infrastructure Bank
 - e. Natural Capital Investment Plan
 - f. CSR Bid developed
- (h) Public service reform
- (i) Resilience and public safety
 - a. Police Fire & Crime Commissioner Fully Integrated
- (j) Arts, Culture Heritage and tourism
 - a. Strategic review of arts, culture and sport with Arts council, English Heritage, Sport England
 - b. Joint working with Visit England for De Bois Review

- (k) Digital
 - a. Joint working with DCMS around Gigabit UK roll out
 - b. Will target next CSR with any gaps in delivery
- (l) Innovation, trade and investment
 - a. Joint working group with MOD, DCMS, Coventry University to develop Scarborough Cyber Proposition
 - b. Joint Working Group with Innovate UK, UKRI, BEIS, BBRSC to develop Bio Yorkshire Opportunity.

10.0 Functions

- 10.1 The minded-to deal specifies that the new MCA would exercise functions in relation to economic development, regeneration and transport, with the MCA and Mayor exercising distinct new functions. These would be devolved from central Government and set out in legislation, accompanied by significant new funding streams from Whitehall.
- 10.2 The various powers in scope, and their rationale, are considered in the tables below and encompass a broad set of ambitions covering:
- Finance and investment
 - Adult Education, Skills and Employment
 - Economic Development
 - Housing and land
 - Transport
 - Resilience and public safety
- 10.3 The tables refer to the economic challenges outlined above, given the following numbers:
- (1) Limited Productivity Growth in some areas
 - (2) Unaffordable & poor quality housing
 - (3) Ageing population & decreasing numbers of young people
 - (4) Deficit of higher paid employment
 - (5) Deprivation in isolated pockets of the region
 - (6) Climate Change
 - (7) Connectivity – Transport and Digital

Functions – Finance and Investment	Challenges Addressed	Rationale
<p>Powers for the mayor to:</p> <ul style="list-style-type: none"> • set a precept on council tax to fund mayoral functions • charge business rate supplement (subject to ballot). <p>Power for the Combined Authority to:</p> <ul style="list-style-type: none"> • borrow up to an agreed cap for non-transport functions 	1, 2, 3, 4, 5, 6, 7	<p>Alongside the new powers, the deal contains significant investment strands that would create a large investment fund for York and North Yorkshire. If the Mayor decided to use a council tax precept or business rates supplement (subject to agreement with local authorities/ballot), this would bolster the funding already identified a part of the deal, as follows:</p> <ul style="list-style-type: none"> • £18m per annum to the Combined Authority for 30 years (35% capital, 65% revenue), totalling £540m, subject to five-yearly assessments to confirm that the investment has supported economic growth • York and North Yorkshire Combined Authority will be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives. • York and North Yorkshire Combined Authority will be given powers to borrow for its new functions, which will allow it to invest in economically productive infrastructure, subject to an agreed cap with HM Treasury. • York and North Yorkshire Combined Authority will be given powers to borrow for its new functions, which will allow it to invest in economically productive infrastructure, subject to an agreed cap with HM Treasury. • The mayor will have the power to introduce a supplement on business rates for expenditure on a project or projects that will promote economic development in the area, subject to a ballot of affected businesses. • The York and North Yorkshire Combined Authority will be the lead local authority for the planning and delivery of the UK Shared Prosperity Fund (UKSPF) from 2025/26 if there is a continuation of the Fund and the delivery geographies remains the same. The York and North Yorkshire UKSPF allocation - which rises to £13.96 million in 2024/25 - will be subject to a future Spending Review and reconfirmation of overall UKSPF policy and delivery arrangements from 2025/26. • Subject to a full business case, the government is minded to provide additional support to the York Central brownfield regeneration scheme. <p>Additional investment on this scale would allow the acceleration of the economic ambitions for the region, supporting the pursuit of a carbon-negative region, growth and productivity increases, addressing housing challenges and supporting improved transport and digital connectivity.</p>

Functions – Adult Education, Skills and Employment	Challenges Addressed	Rationale
<p>Power for the Combined Authority:</p> <ul style="list-style-type: none"> devolved functions in respect of Adult Education and will control the Adult Education Budget (AEB) from academic year 2025/26 	<p>1, 3, 4, 5</p>	<p>By devolving the annual Adult Education Budget and conferring the relevant powers on the Combined Authority, the provision of adult skills in York and North Yorkshire will be better aligned with locally determined priorities. This will help to ensure the skills system is demand led so that all residents have the skills required to help businesses to grow, innovate and diversify. This can support increased productivity, better jobs and higher pay, supporting younger people to remain in the region and giving access to jobs and opportunities for those from our most deprived communities.</p>
Functions – Economic Development	Challenges Addressed	Rationale
<p>Power for the Mayor:</p> <ul style="list-style-type: none"> functional power of competence <p>Powers for the Combined Authority:</p> <ul style="list-style-type: none"> functional power of competence duty to prepare an assessment of economic conditions 	<p>1, 3, 4, 5</p>	<p>The Mayor will have a functional power of competence which enables the Mayoral CA to do things appropriate or incidental to, or connected with, the Mayor’s and Combined Authority’s functions. It will also aid the delivery of the comprehensive programme of collaboration with Government departments and national agencies which is envisaged in the deal. Areas where collaboration is envisaged include:</p> <ul style="list-style-type: none"> Employment programmes Housing delivery and affordability with Homes England Transport with National Highways, Great British Railways and Active Travel England Net Zero with BEIS and the National Infrastructure Bank Natural Capital with DEFRA Culture and Tourism with DCMS Digital Connectivity with DCMS BioYorkshire with Innovate UK and UKRI Scarborough Cyber Cluster with GCHQ and DCMS <p>The Combined Authority’s powers to prepare an assessment of economic conditions will underpin the longer-term economic strategies and ensure that regional policy making is evidence based and takes account of current and emerging economic conditions. This will be of particular importance over the coming years with cost of living challenges being faced against a backdrop of economic stresses.</p>

Functions – Housing and Land	Challenges Addressed	Rationale
<p>Powers for the Mayor:</p> <ul style="list-style-type: none"> • to designate a Mayoral Development Area and then set up a Mayoral Development Corporation. • housing and land acquisition powers to support housing, regeneration, infrastructure and community development and wellbeing. <p>Powers for the Combined Authority:</p> <ul style="list-style-type: none"> • relating to compulsory purchase • provision of housing and land • land acquisition and disposal • development and regeneration of land. 	<p>2, 3, 5, 6</p>	<p>The powers received would allow the combined authority to accelerate development and delivery of homes and regeneration, in tandem with local authorities and National Parks Authorities, capitalising on opportunities to support local needs. The ability to address need identified in local plans through land assembly and development powers would facilitate development at greater pace.</p> <p>This is underpinned by commitment of £12.7m of devolved capital funding for Brownfield and rural development.</p> <p>Housing delivered would support residents (including younger people) to access affordable housing, address climate change targets through low-carbon homes, and allow targeting of areas of deprivation with sustainable affordable homes.</p>

Functions – Transport	Challenges Addressed	Rationale
<p>Powers for the Mayor</p> <ul style="list-style-type: none"> • to draw up a local transport plan and strategies • bus franchising powers. <p>Powers for the Combined Authority:</p> <ul style="list-style-type: none"> • to set up and coordinate a Key Route Network on behalf of the Mayor (unless otherwise agreed locally, all operational responsibility for Key Route Network roads will remain with the Constituent Councils) 	<p>1, 4, 5, 6, 7</p>	<p>The additional powers devolved to the Mayoral Combined Authority will unlock the devolution a consolidated transport fund. Whilst this is initially only for the one year remaining of this spending review period, Government has committed to work with the combined authority to agree an integrated multi-year transport settlement at the next Spending Review. At this point, opportunities for expanding the integrated transport settlement offer will also be explored. This would provide the ability to plan further ahead on a broader geography to support the development of sustainable transport models at scale.</p> <p>Access to franchising powers under the Bus Services Act 2017 will provide the opportunity for the Mayor to specify bus services as part of an integrated local transport system, should the local context in the future mean that it was advantageous to do so.</p> <p>The establishment of a statutory Key Route Network (KRN) would build on existing local arrangements to enable better collaborative decision-making on major strategic transport issues. The identified KRN will be collaboratively</p>

managed at the York and North Yorkshire level by the respective local highway authorities in partnership with the Combined Authority on behalf of the Mayor (who would be responsible for the overall coordination of the collaborative arrangements).

This potential to co-ordinate the key network at a broader level provides the opportunity to address key challenges which hinder connectivity and hinder economic growth. Connecting people to jobs and education is key in Levelling Up the region.

Functions – Resilience and public safety	Challenges Addressed	Rationale
Powers for the Mayor: <ul style="list-style-type: none"> Police, Fire and Crime Commissioner functions. 	2, 3, 5	Merging the functional responsibilities and support functions would enable opportunities to be explored for efficiencies through wider strategic public service integration. <p>There is also the potential to strengthening links between economic planning and community safety and cohesion, supporting people towards personal wellbeing, relevant and transferable skills, and access to good work. This would build upon the established aims of the OPFCC within the Police and Crime, and Fire and Rescue Plans to work collaboratively in partnership with other agencies and with communities to support the overall wellbeing of residents.</p>

11.0 Criteria

11.1 This section sets out the local and legislative criteria against which possible regional governance options are then considered.

11.2 *Local requirements*

- Add value to York and North Yorkshire's delivery of outcomes through clear, transparent and accountable regional decision making;
- Enable control over additional funding and powers which would otherwise be managed from Whitehall;
- Work more effectively in partnership with others, such as:
- with local authorities at York and North Yorkshire, and Yorkshire level on priorities such as climate change response, affordable housing and clean economic growth;
- across the North of England, for example with Transport for the North on seeking a fair level of transport investment for the North;
- Ensure strategic decisions are made at the most appropriate administrative level, and as locally as possible; and
- Enable efficiency through reduced fragmentation of decision-making and strategic planning.

11.3 *Statutory requirements*

Section 103 of the 2009 Act provides that the Secretary of State may by order establish as a body corporate a combined authority for an area that meets the following conditions:

- (a) The area consists of the **whole** of **two or more** local government areas in England; and
- (b) No part of the area forms part of the area of another combined authority, economic partnership board or integrated joint area.

Both conditions are met in York and North Yorkshire.

Section 109 of the 2009 Act provides that where one or more of the authorities which undertook the review conclude that the exercise of the power to make an order under S104 or 105 would be likely to **improve the exercise of statutory functions in York and North Yorkshire**, they may prepare and publish a scheme relating to the exercise of those functions. The Secretary of State may only make an order if they consider that to do so is **likely to improve the exercise of statutory functions in the Combined Authority's area**. In making any such order, the Secretary of State must have regard to the need:

- (a) To secure more **effective and convenient local government** for the area; and
- (b) To **reflect the identities and interests** of our local communities

A full and transparent consultation process will be undertaken to ensure that both of the requirements above are fully reflected in the proposed scheme.

12.0 Options for Change

12.1 This review has set out the challenges facing York and North Yorkshire, the scope of the minded-to deal negotiated between local authorities and central government, and how those proposals will meet those challenges.

12.2 The Levelling Up White Paper published in 2022 sets out a framework of the Government's approach to future devolution deals. The framework describes three levels of devolution:

- Level 3 – A single institution or County Council with a directly elected mayor (DEM), across a FEA or whole county area
- Level 2 – A single institution or County Council without a DEM, across a FEA or whole county area

- Level 1 – Local authorities working together across a FEA or whole county area e.g. through a joint committee

The summary table below highlights the functions available under devolution deals which are only available to combined authorities and/or mayoral combined authorities.

Function	Detail	L1	L2	L3
Strategic role in delivering services	Host for Government functions best delivered at a strategic level involving more than one local authority e.g. Local Nature Recovery Strategies	✓	✓	✓
	Opportunity to pool services at a strategic level	✓	✓	✓
	Opportunity to adopt innovative local proposals to deliver action on climate change and the UK's Net Zero targets	✓	✓	✓
Supporting local businesses	LEP functions including hosting strategic business voice		✓	✓
Local control of sustainable transport	Control of appropriate local transport functions e.g. local transport plans*		✓	✓
	Defined key route network*			✓
	Priority for new rail partnerships with Great British Railways – influencing local rail offer, e.g. services and stations			✓
	Ability to introduce bus franchising		✓	✓
Investment spending	Consolidation of existing core local transport funding for local road maintenance and smaller upgrades into a multi-year integrated settlement			✓
	UKSPF planning and delivery at a strategic level		✓	✓
Giving adults the skills for the labour market	Long-term investment fund, with an agreed annual allocation			✓
	Devolution of Adult Education functions and the core Adult Education Budget		✓	✓
	Providing input into Local Skills Improvement Plans		✓	✓
Local control of infrastructure decisions	Role in designing and delivering future contracted employment programmes			✓
	Ability to establish Mayoral Development Corporations (with consent of host local planning authority)			✓
	Devolution of locally-led brownfield funding			✓
	Strategic partnerships with Homes England across the Affordable Housing Programme and brownfield funding			✓
Keeping the public safe and healthy	Homes England compulsory purchase powers (held concurrently)		✓	✓
	Mayoral control of Police and Crime Commissioner (PCC) functions where boundaries align^			✓
	Clear defined role in local resilience*		✓	✓
	Where desired offer MCAs a duty for improving the public's health (concurrently with local authorities)			✓
Financing local initiatives for residents and business	Ability to introduce mayoral precepting on council tax*			✓
	Ability to introduce supplement on business rates (increases subject to ballot)			✓

* refers to functions which are only applicable to combined authorities

^ refers to functions which are currently only applicable to mayoral combined authorities

- 12.3 The Levelling Up White Paper therefore provides three options for York and North Yorkshire, in addition to a “do nothing” approach. Each is considered against the local and statutory criteria:

Option 1 - Do nothing/status quo

- 12.4 This would maintain the current levels of collaboration between York and North Yorkshire councils, leaving the Police, Fire and Crime functions separately with the PFCC. Under current statutory guidance, consideration would have to be given to the integration of the LEP into one of the existing organisations.

Criteria	Assessment	Meets Criteria/Addresses challenges?
Statutory Tests:	No additional powers or funding would be available to improve the exercise of statutory functions. The co-ordination benefits of having strategic powers for skills, housing, economic development and transport within a single streamlined authority would be unavailable.	No
<ul style="list-style-type: none"> improve the exercise of statutory functions Secures more effective and convenient local government Whether it has a positive or neutral impact of our local communities. 	Local government would remain as it is, which would not secure more effective or convenient discharge of functions.	
	Retaining existing separate PFCC governance arrangements potentially hinders further opportunities for efficiencies and collaboration through more alignment and integration, for example in recognition of the connections between perceived public safety and the visitor economy.	
	It would have a neutral impact on local communities, as nothing would change from the present arrangements.	
Local criteria	No additional functions would be available to change local strategic planning or decision making.	No
	No additional powers or funding would be available.	
	There would be no change to the partnership working arrangements to support regional ambitions.	

Option 2 - The Local Authorities work together (Level 1)

12.5 This would mean the current arrangements being built upon through a joint committee or economic prosperity board. The Police, Fire and Crime functions would remain separately with the PFCC. Under current statutory guidance, consideration would have to be given to the integration of the LEP into one of the existing organisations.

Criteria	Assessment	Meets Criteria/Addresses challenges?
<p>Statutory Tests:</p> <ul style="list-style-type: none"> • improve the exercise of statutory functions • Secures more effective and convenient local government • Whether it has a positive or neutral impact of our local communities. 	<p>No additional powers or funding would be available to improve the exercise of statutory functions. The co-ordination benefits of having strategic powers for skills, housing, economic development and transport within a single streamlined authority would be unavailable.</p> <p>Local government could benefit from more effective strategic planning at a YNY level, but this would not be supported by any additional or shared powers, or funding.</p> <p>Retaining existing separate PFCC governance arrangements potentially hinders further opportunities for efficiencies and collaboration through more alignment and integration, for example in recognition of the connections between perceived public safety and the visitor economy.</p> <p>It would have a potentially slightly positive impact on local communities through the ability to work collaboratively on certain issues at a YNY level.</p>	<p>No</p>
<p>Local criteria</p>	<p>No additional functions would be available to change local strategic planning or decision making.</p> <p>No additional powers or funding would be available.</p>	<p>No</p>

There would be no change to the partnership working arrangements to support regional ambitions.

Option 3 – A Combined Authority (Level 2)

12.6 This would mean establishing a non-mayoral combined authority for York and North Yorkshire. This would unlock a range of powers but would not on its own bring significant new funding. The Police, Fire and Crime functions would remain separately with the PFCC. Under current statutory guidance, it is likely that the LEP functions would be integrated into the Combined Authority.

Criteria	Assessment	Meets Criteria/Addresses challenges?
Statutory Tests: <ul style="list-style-type: none"> improve the exercise of statutory functions Secures more effective and convenient local government Whether it has a positive or neutral impact of our local communities. 	<p>There would be co-ordination benefits of having, potentially, some transport, skills, housing and resilience functions at a YNY level to aid more strategic planning.</p> <p>The Combined Authority would not, in itself bring additional funding, but there could be some efficiency benefits of integrating the LEP into the CA.</p> <p>Retaining existing separate PFCC governance arrangements potentially hinders further opportunities for efficiencies and collaboration through more alignment and integration, for example in recognition of the connections between perceived public safety and the visitor economy.</p> <p>It would have a potentially positive impact on local communities through the ability to work collaboratively on transport, skills, housing and resilience functions at a YNY level.</p>	Yes
Local criteria	<p>The Combined Authority would receive additional devolved powers, but would not receive additional funding such as gainshare or brownfield housing funding, nor funding certainty through a multi-year integrated transport settlement.</p>	Partially

There would be limited improvement in the ability to work in effective partnership with other neighbouring Combined Authority areas, under similar governance arrangements.

Option 4 – A Mayoral Combined Authority (Level 3)

12.7 This would mean the acceptance of the minded-to Devolution Deal, with the creation of a Combined Authority and election of a Mayor. PFCC functions would be taken on by the Mayor and the LEP integrated with the Combined Authority.

Criteria	Assessment	Meets Criteria/Addresses challenges?
<p>Statutory Tests:</p> <ul style="list-style-type: none"> • improve the exercise of statutory functions • Secures more effective and convenient local government • Whether it has a positive or neutral impact of our local communities. 	<p>There would be co-ordination benefits of having the full range of functions outlined within the minded-to Devolution Deal to be discharged and planned at a YNY level.</p> <p>There would be potential efficiency benefits of integrating the LEP into the CA, whilst the focus on a business voice would be beneficial in planning regional economic, skills and transport strategies.</p> <p>Merging of PFCC functions would maximise opportunities for efficiencies and collaboration through more alignment and integration, for example in recognition of the connections between perceived public safety and the visitor economy.</p> <p>It would have a potentially positive impact on local communities through the ability to work collaboratively on a</p>	<p>Yes</p>

broad range of functions at a YNY level. As evidenced in section 10 above, the range of available powers would directly help to address the economic challenges faced by YNY.

Local criteria

The Combined Authority would receive additional devolved powers, alongside significant additional funding to the area, which would otherwise be unavailable.

Yes

There would be significant improvement in the ability to work in effective partnership with other neighbouring Combined Authority areas, under similar governance arrangements.

The ability of a Mayor to influence regional and national policy would create significant local benefit.

13.0 Conclusion

- 13.1 In summary, from the above analysis, Options 1 (Do nothing) does not provide the opportunity to enhance the exercise of local statutory functions, nor does it create additional efficiency or provide powers, funding or governance to better address local economic challenges. It is not considered that it meets either the statutory or local criteria. The current governance arrangements do not, therefore, represent the best model for the ambitions of the authorities within the York and North Yorkshire area in terms of delivering their long- term ambitions for economic growth.
- 13.2 Option 2 (Joint working – Level 1) does not provide significant opportunity to enhance the exercise of local statutory functions, with no substantial efficiency, powers or funding to address local economic challenges. It is not considered that it meets either the statutory or local criteria.
- 13.3 Option 3 (Combined Authority – Level 2) provides greater opportunity to enhance the exercise of statutory functions, but is sub-optimal in that it does not allow for the merger of PFCC functions which could create efficiency and co-ordination benefits, recognising the very significant connection between public safety and the broader economic and social wellbeing of the area. It also fails to deliver the full suite of powers and funding available through the Mayoral route, and may fall short of delivering what is required to address local economic challenges. It might be considered that it meets the statutory tests, but does not satisfy the local criteria.

- 13.4 Option 4 (Mayoral Combined Authority – Level 3) provides greater opportunity to enhance the exercise of statutory functions and would facilitate efficiency and co-ordination benefits through the merger of PFCC functions. It would allow access to the full suite of powers through the minded-to deal and unlock significant additional funding. A Mayor would provide the greatest potential to influence national and regional policy to the benefit of local communities. It is considered that it is the only option that fully meets both the statutory tests and local criteria. It is, therefore, the preferred and recommended option for YNY.
- 13.5 York and North Yorkshire wants to take on a greater level of responsibility to determine its own future, with a new investment fund, applied more flexibly according to the area's specific needs and opportunities. This is achievable through the minded-to devolution deal; however, the deal itself is not available under the existing governance arrangements, a Level 1 devolution deal, or a Level 2 devolution deal.

14.0 Next Steps

- 14.1 As set out above, the conclusions of this report are that the statutory tests have been met by the proposed Mayoral devolution deal.
- 14.2 If approved, City of York Council and North Yorkshire County Council will then undertake public consultation on the scheme and the results of that consultation will be reported to the Secretary of State who must then decide whether to make the legal order(s) described above to create a new combined authority for the York and North Yorkshire area

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Scheme setting out proposals for the creation, governance and functions of the York and North Yorkshire Combined Authority

(Section 109 of the Local Democracy, Economic Development and Construction Act 2009 and regulation 7(3)(b) of the North Yorkshire (Structural Changes) Order 2022)

York and North Yorkshire Combined Authority

1.0 Preamble and Interpretation

- 1.1 This Scheme has been jointly prepared by:
- City of York Council;
 - North Yorkshire Council.
- 1.2 This Scheme sets out proposals for the creation and governance arrangements of the York and North Yorkshire Combined Authority (the Combined Authority), by adopting a mayoral governance model with the Mayor exercising the functions currently exercised by the Police Fire and Crime Commissioner for North Yorkshire.
- 1.3 It also sets out proposals for the Combined Authority to be delegated additional functions from Government.
- 1.4 On 1 August 2022, the Leaders of the City of York Council and North Yorkshire Council signed a “minded to” devolution deal with HM Government. The deal details £540m of government investment (consisting £18m or gainshare over 30 years), which will be subject to local influence and decision making, enabling spend on local priorities, together with a range of devolved functions. This devolution deal is subject to adopting the model of a Mayor over the Combined Authority area.
- 1.5 City of York Council and North Yorkshire Council must also follow relevant statutory procedures to adopt the model of a directly elected Mayor.
- 1.6 City of York Council and North Yorkshire Council therefore conducted a review under section 108 of the Local Democracy, Economic Development and Construction Act 2009 and Regulation 7(3)(a) of the North Yorkshire (Structural Changes) Order 2022 (the Review) in relation to:
- the creation of and governance arrangements for the Combined Authority; and
 - the delegation to the Combined Authority of functions under section 104 and section 105 of the 2009 Act (transport-related functions of the Secretary of State and functions concurrent to local authorities).
- 1.7 Having considered the findings of the Review, City of York Council and North Yorkshire Council concluded that an order by the Secretary of State to make the changes considered in the review, including delegating functions to the Combined Authority, would be likely to improve the exercise of statutory functions in relation to the Combined Area. City of York Council and North Yorkshire Council have therefore resolved to prepare and publish this Scheme under section 109 of the 2009 Act and Regulation 7(3)(b) of the 2022 Order.
- 1.8 In addition, to secure the devolution of new government investment and the range of additional functions set out in the “minded to” devolution deal, the City of York Council and North Yorkshire Council have included the following proposals in this Scheme:
- to create a Combined Authority and adopt the model of a mayoral combined authority (MCA) for the Combined Authority;
 - for the Combined Authority to be delegated functions under section 105A of the 2009 Act (functions of a public authority); and
 - for the Combined Authority to have certain functions of the Constituent Authorities including the York and North Yorkshire Local Enterprise Partnership.

- 1.9 It is also proposed that the functions currently exercised by the Police Fire and Crime Commissioner for the Combined Area (the PFCC Functions) will be exercised by the Mayor from 2024.
- 1.10 Proposals contained in the Scheme will be subject to public consultation from [a date in October 2022] to [a date in December 2022].
- 1.11 Any transfer to the Combined Authority, or to the Mayor, of existing functions or resources currently held by any Constituent Council must be by agreement with the Constituent Council.
- 1.12 The following definitions shall apply to this Scheme:

“Combined Authority”	means the York and North Yorkshire Combined Authority;
“Constituent Councils”	means: <ul style="list-style-type: none"> • City of York Council; • North Yorkshire Council.
“Combined Area”	means the area consisting of the areas of the Constituent Councils;
“Constitution”	means the constitution adopted by the Combined Authority and as envisaged by the 2009 Act;
“Deputy Mayor for Policing and Crime”	means the deputy mayor for PCC Functions for the Combined Area;
“Financial Management Code of Practice”	means the Revised Financial Management Code of Practice For the Police Forces of England and Wales and Fire and Rescue Authorities created under section 4A of the Fire and Rescue Services Act 2004;
“Fire and Rescue Authority Function” or “FRA Function”	means any function carried out by the PFCCFRA under any fire and rescue enactment as defined by s107EF of the 2009 Act;
“Homes England”	means the non-departmental public body and statutory corporation created by the Housing and Regeneration Act 2008 (as amended by the 2011 Act) (the “Act”) known as Homes England and being the responsibility of and sponsored by the Department for Levelling Up, Homes & Communities;
“Independent Person”	means an independent person meeting the requirements of the 2017 Order;
“LEP”	means the York and North Yorkshire Local Enterprise Partnership (LEP);

“Mayor”	means the directly elected mayor for the Combined Area;
“Mayoral Development Area”	means an area designated by the Mayor as such pursuant to the 2011 Act;
“Mayoral Function”	means any function which is the responsibility of the Mayor, other than a PFCC Function;
“MCA”	means the mayoral combined authority;
“Member”	means a member of the Combined Authority;
“Non-Mayoral Function”	means any function of the Combined Authority which is not a Mayoral Function or a PFCC Function;
“PFCC”	means the Police Fire and Crime Commissioner for North Yorkshire;
“PCC Function”	means any function carried out by a Police and Crime Commissioner under any local policing enactment as defined by s107EG of the 2009 Act;
“PFCC Function”	means collectively PCC Functions and FRA Functions (as at the date hereof, carried out by the PFCC) which under this Scheme are to be exercisable by the Mayor;
“Police, Fire and Crime Commissioner Fire and Rescue Authority” or “PFCCFRA”	means the fire and rescue authority created by article 3(1) Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018;
“Review”	means the review carried out by City of York Council and North Yorkshire Council under section 108 of the 2009 Act and regulation 7(3)(a) of the 2022 Order in [August 2022];
“the 2004 Act”	means the Fire and Rescue Services Act 2004;
“the 2008 Act”	means the Housing and Regeneration Act 2008;
“the 2009 Act”	means the Local Democracy, Economic Development and Construction Act 2009;

“the 2011 Act”	means the Police Reform and Social Responsibility Act 2011;
“the 2017 Order”	means the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017;
“the 2018 Order”	means the Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018;
“the 2022 Order”	means the North Yorkshire (Structural Changes) Order 2022/328;
“TUPE Regulations”	means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).

2.0 Proposed MCA for York and North Yorkshire

2.0.1 The following part of the Scheme sets out how it is proposed that the Combined Authority will operate and discharge its functions as an MCA.

2.1 Geography

2.1.1 The area of the Combined Authority as MCA shall be the area consisting of the areas of the Constituent Councils.

2.2 Name

2.2.1 It is proposed that the name of the Combined Authority as an MCA is York and North Yorkshire Combined Authority.

2.3 Election of Mayor

2.3.1 It is proposed that the first Mayor will be elected in May 2024. The Mayor will be elected by the local government electors for the Combined Area.

2.3.2 As set out in the 2009 Act, the Mayor is to be returned under the simple majority system (‘first past the post’).

2.3.3 It is proposed that the initial term of the Mayor will be Four (4) years and Four (4) years for each subsequent term.

2.3.4 The 2009 Act provides that the Mayor will have the title “Mayor” and the title of the Mayor will be the “York and North Yorkshire Combined Authority Mayor”.

2.4 Membership

2.4.1 It is proposed that the membership arrangements for the Combined Authority are the following:

- the Mayor;
- Four (4) elected Members consisting of a Lead Member for each Constituent Council and One (1) further Member appointed by each of the Two (2) Constituent Councils. Constituent Councils may nominate Two (2) named substitutes for each of their Combined Authority Members;
- One (1) Member appointed by the LEP.

2.4.2 Of these, the Mayor and Four (4) elected Members appointed by the Constituent Councils are voting Members.

2.4.3 Of these, the Member appointed by the LEP is required by statute to be non-voting – see further below.

2.4.4 Where a Member of the Combined Authority ceases (for whatever reason) to be a member of the Constituent Council which appointed them, it is proposed that the Member will cease to be a member of the Combined Authority, and the Constituent Council will appoint a replacement member as soon as possible.

2.4.5 The Members of the MCA (namely the Mayor, the Constituent Council Members and the LEP Member) will be referred to collectively as “the Cabinet” and “Cabinet Member” is to be construed accordingly.

2.5 Role of the Mayor

2.5.1 As provided by the 2009 Act, the Mayor, by virtue of their office, will be the Chair of the Combined Authority.

2.5.2 The Mayor will be responsible for functions of the Combined Authority which are Mayoral Functions, as set out below, and also exercise the PFCC Functions.

Deputy Mayor

2.5.3 The 2009 Act requires the Mayor to appoint one of the Members of the Combined Authority as a Deputy Mayor, who will act in place of the Mayor if for any reason the Mayor is unable to act or the office of Mayor is vacant. The Deputy Mayor will chair meetings of the Combined Authority in the absence of the Mayor.

Deputy Mayor for Policing and Crime and Delegation of FRA Functions

2.5.4 The Mayor will appoint a Deputy Mayor for Policing and Crime – see further paragraph 3.6 (PFCC Functions).

2.5.5 The Mayor may make suitable arrangements for the delegation of FRA Functions.

2.6 Partnership Arrangements and LEP Integration

Partnership Arrangements

2.6.1 As an MCA, the Combined Authority will explore opportunities for further collaboration with its neighbouring local authorities including West Yorkshire Combined Authority, Tees Valley Combined Authority, South Yorkshire Mayoral Combined Authority, Hull and East Yorkshire, Lancashire and Cumbria and across the whole of Yorkshire through the ‘Yorkshire Leaders Board.’ York will remain as a non-constituent member of the West Yorkshire Combined Authority. The Combined Authority may invite representatives from other partner councils to attend (and speak) at any Combined Authority meeting.

LEP Integration

- 2.6.2 The LEP will integrate into the Combined Authority.
- 2.6.3 The staff of the LEP will transfer to the Combined Authority pursuant to the TUPE Regulations (subject to eligibility under the legislation).
- 2.6.4 The existing LEP Board will transition into the Business Committee of the Combined Authority (subject to the LEP integration process) which will be an advisory Committee of the Combined Authority for the purposes of relevant economic decisions.
- 2.6.5 As envisaged by the Levelling-up and Regeneration Bill 2022-23 membership of the Business Committee of the Combined Authority may include non- constituent or associate members.
- 2.6.6 The LEP Member will become a non-voting member of the Combined Authority (unless the Combined Authority resolves to give them a vote on any issue subject to agreement of the Voting Members (in accordance with section 85(5) of the Local Transport Act 2008)).

2.7 Decision-making arrangements**2.7.1 Decisions of the Combined Authority**

- 2.7.1.1 The Combined Authority will be responsible for any function of the Combined Authority which is not the responsibility of the Mayor.
- 2.7.1.2 Decisions on such Non-Mayoral Functions will be taken by the Combined Authority or taken in accordance with arrangements agreed by the Combined Authority, including:
- by a committee or sub-committee of the Combined Authority which has delegated authority for the function, or
 - under joint arrangements agreed by the Combined Authority, or
 - by an officer with delegated authority.
- 2.7.1.3 It is proposed that decisions to be made in exercise of the functions of the Combined Authority will be made by the Constituent Council Members and Mayor working together as the Cabinet. Such decisions will be made by a meeting of the Cabinet except:
- Where responsibility for exercise of the function has been delegated in accordance with the Constitution of the Combined Authority (and which may include delegation of such powers and functions of the Combined Authority to Committees, Sub-Committees or officers as the Combined Authority considers appropriate);
 - Where the matter is to be considered by an Overview and Scrutiny Committee or Audit Committee of the Combined Authority.
- 2.7.1.4 No business of the Combined Authority will be transacted at a meeting unless at least Three (3) voting Members are present consisting of the Mayor (or the Deputy Mayor acting in place of the Mayor) and at least [one] Member of the Combined Authority appointed by a Constituent Council.
- 2.7.1.5 The following voting arrangements will apply at meetings of the Combined Authority:
- Un-weighted voting based on one Member one vote,
 - The LEP Member must be non-voting (a requirement of section 85(4) of the Local Transport Act 2008) but could individually be given a vote on some or all issues voted upon, subject to agreement of the voting Members (in accordance with section 85(5) of the Local Transport Act 2008),and

- The Mayor (or Deputy Mayor acting in their place) will not have a second or casting vote.

2.7.1.6 The Combined Authority aims to reach decisions by consensus. If it is not possible to reach a consensus on a matter that requires a decision, the matter will be put to the vote.

2.7.1.7 Any matter that comes before the Combined Authority will be decided by a simple majority of the Members of the Combined Authority present and voting (whether a motion or an amendment), unless otherwise provided for in legislation or below and the majority must include the vote of the Mayor.

2.7.1.8 In addition, for the following decisions the majority of Members must include the Lead Member from each Constituent Council:

- Approving and amending the Combined Authority's budget (excluding decisions which relate to the Mayor's budget);
- Setting a levy;
- Approving and amending the Combined Authority's Constitution.

2.7.1.9 The Mayor will be required to consult the Combined Authority on their strategies, and this will be subject to the following conditions:

- The Combined Authority will be able to amend the Mayor's budget if Three (3) out of Four (4) of the Members agree to do so.
- The Combined Authority will be able to amend the Mayor's transport strategy if Three (3) out of Four (4) of the Members agree to do so.

2.7.2 Decisions of the Mayor

2.7.2.1 In accordance with the 2009 Act, any Mayoral Function will be exercisable only by the Mayor except where the Mayor delegates such a function to:

- the Deputy Mayor;
- another Member of the Combined Authority;
 - an officer of the Combined Authority;
 - under joint arrangements – see paragraph 3.2.7;
 - the Deputy Mayor for Policing and Crime; and
- such suitable arrangements as are made by the Mayor in respect of the delegation of FRA Functions.

2.7.2.2 It is proposed that any Member or officer of the Combined Authority may assist the Mayor in the exercise of Mayoral Functions, but that the Mayor cannot delegate to their political advisor.

2.7.2.3 The following decisions by the Mayor will require the consent of the Lead Member of the Combined Authority, or substitute Members acting in their place, appointed by the Constituent Council in whose area the decision will apply:

- Designation of any area of land as a Mayoral Development Area leading to the establishment (by Order) of a Corporation (the consent of the relevant national park authority is also required if the land falls within the national park area).
- Compulsory purchase of land or buildings by the Mayor.
- Any decision that could lead to a financial liability falling directly upon that Constituent Council.
- Such other matters as may be contained in the Combined Authority Constitution and agreed with the Mayor.

2.7.2.4 Decision-making arrangements in respect of the Mayor's budget for Mayoral Functions are set out in paragraph 4.3 of this Scheme.

2.7.3 PFCC Functions

2.7.3.1 Decision-making arrangements in respect of PFCC Functions are set out in paragraph 3.6.

2.8 Scrutiny Arrangements

2.8.1 The Mayor and the Combined Authority will be scrutinised and held to account by the Combined Authority's Overview and Scrutiny Committee established and functioning in line with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 and consisting of Twelve (12) Members appointed by the Constituent Authorities.

2.8.2 Six (6) Members will be nominated from each Constituent Council reflecting the political balance of the Constituent Councils at the time of appointment.

2.8.3 The Chair and Vice-Chair of the Overview and Scrutiny Committee will be appointed by the Combined Authority from amongst the members of the Committee, following a proposal put to them by the Overview and Scrutiny Committee.

2.8.4 The Chair and Vice-Chair shall not be a member of a registered political party of which the Mayor is also a member.

2.8.5 The Chair of the Overview and Scrutiny Committee will be an "Appropriate Person" within the meaning of sub-paragraph (5)(a) of Schedule 5A of the 2009 Act and will be an elected member of a Constituent Council.

2.8.6 The Chair of the Overview and Scrutiny Committee will be appointed by the Committee as the first item of business of the Committee in any municipal year.

2.8.7 The Mayor and the Combined Authority may also seek to enhance scrutiny and develop wider conference with all elected members in the Combined Authority's area to engage on key issues.

2.8.8 In accordance with the 2009 Act, the Combined Authority ensures that the Overview and Scrutiny Committee has power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with the any functions which are the responsibility of the Combined Authority;
- (b) make reports or recommendations to the Combined Authority with respect to the functions that are the responsibility of the Combined Authority;
- (c) make reports or recommendations to the Combined Authority on matters that affect the Combined Area or the inhabitants of the Combined Area.

2.8.9 As an MCA, the Combined Authority's arrangements must also ensure that the Overview and Scrutiny Committee has power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the Mayor of any Mayoral Functions,
- (b) make reports or recommendations to the Mayor with respect to the discharge of any Mayoral Functions,
- (c) make reports or recommendations to the Mayor on matters that affect the Combined Authority's Area or the inhabitants of the Combined Area.
- (d) appoint such sub-committees as it deems necessary to fulfil its functions.

- 2.8.10 The Committee's power to "call-in" a decision (that is, direct that a decision is not to be implemented while it is under review or scrutiny by the Committee, and recommend that the decision be reconsidered) extends to decisions taken by the Mayor in connection with Mayoral Functions.
- 2.8.11 There will be separate oversight and scrutiny arrangements in respect of PFCC Functions, which will be carried out by a Police Fire and Crime Panel – see further paragraph 3.6.
- 2.8.12 The Combined Authority will adopt a Code consistent with the 'Nolan Principles' setting out the conduct expected of its Members (and voting co-optees) which will include provision in respect of registering and disclosing interests,
- 2.8.13 The Combined Authority will make arrangements for investigating and determining any allegation of a failure to comply with the Code.
- 2.8.14 In relation to PCC and FRA Functions, any complaints or conduct matters will be dealt with in accordance with provisions made pursuant to paragraph 3.6.15.

2.9 Audit

- 2.9.1 The Combined Authority will establish an Audit Committee of not less than [Eight (8)] Members to exercise responsibility for the Audit functions applicable to the Combined Authority save in respect of PFCC Functions exercisable by the Mayor (in which regard see further below).
- 2.9.2 Membership of the Audit Committee will consist of [Four (4)] members from each Constituent Council and at least one Independent Person appointed by the Combined Authority.
- 2.9.3 Members will be nominated from each Constituent Council reflecting the political balance of the Constituent Councils at the time of appointment.
- 2.9.4 The Combined Authority will have an Audit Committee, which carries out the statutory functions of an audit committee in accordance with the 2009 Act, which include:
- reviewing and scrutinising the Combined Authority's financial affairs;
 - reviewing and assessing the Combined Authority's risk management, internal control and corporate governance arrangements;
 - reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions; and
 - making reports and recommendations to the Combined Authority in relation to reviews the Committee has conducted.
- 2.9.5 It is proposed that membership of the Audit Committee may include co-opted Members and any co-opted Members will be non-voting.
- 2.9.6 For an initial period (to be determined by the Combined Authority on conclusion of the review referred to in paragraph 2.9.8) it is proposed that there shall be both:
- a separate Joint Independent Audit Committee for Policing; and
 - a separate Independent Audit Committee for Fire and Rescue

In order to discharge of the requirements of the Financial Management Code of Practice in respect of PCC Functions and FRA Functions respectively.

- 2.9.7 It is proposed that the Committees referred to at paragraph 2.9.6 shall in practice be the Committees established by the PFCC and the Chief Constable of North Yorkshire Police (in respect of the Joint Independent Audit Committee for Policing) and the PFCCFRA (in respect of the Independent Audit Committee for Fire and Rescue) and that those Committees in place for the time being shall be adopted by the Combined Authority; and that the terms of reference of those Committees shall be amended so as to provide for their remit to extend to PCC Functions and FRA Functions, respectively, exercisable by the Mayor.
- 2.9.8 It is further proposed that the arrangements set out at paragraph 2.9.6 shall be reviewed by the Combined Authority during the initial term of the Mayor with a view to establishing whether it is in the public interest for there to be a single Audit Committee undertaking both the functions set out at paragraph 2.9.4 and the requirements of the Financial Management Code of Practice. Such a review shall:
- be undertaken jointly with the Chief Constable; and
 - have regard to any Self-Assessment of Good Practice undertaken by any of the Committees under the terms of the Chartered Institute of Public Finance & Accountancy guidance *Audit Committees: Practical Guidance for Local Authorities and Police*.

2.10 Appointments

- 2.10.1 The MCA will appoint to the four statutory positions being:
- Head of Paid Service (section 4 Local Government and Housing Act 1989) but see paragraph 2.10.5;
 - Chief Finance Officer (section 73 Local Government Act 1985);
 - Monitoring Officer (section 5 Local Government and Housing Act 1989);
 - Scrutiny Officer (section 9FB Local Government Act 2000).
- 2.10.2 These positions may be held by officers already serving in one or more Constituent Authorities save for that of Scrutiny Officer.
- 2.10.3 It is proposed that the Mayor may appoint one person as the Mayor's political adviser, and that the terms and conditions of any such appointment will be provided for by legal Order.
- 2.10.4 It is proposed that the functions of Head of Paid Service in respect of the following staff shall be exercised by the Chief Fire Officer:
- staff transferred from the PFCCFRA;
 - staff secured by the MCA for the purposes of carrying out the MCA's functions under:
 - section 6 of the 2004 Act; (fire safety);
 - section 7 of that Act (fire-fighting);
 - section 8 of that Act (road traffic accidents);
 - any order under section 9 of that Act (emergencies) which applies to the MCA;
 - section 2 of the Civil Contingencies Act 2004 and any regulations under that Act applying to a fire and rescue authority;
 - any other provision of or made under an enactment which confers functions on a fire and rescue authority.

2.11 Standing Orders

- 2.11.1 It is proposed that the Combined Authority will make standing orders for the regulation of its proceedings and business and may vary or revoke any such standing orders.

2.12 Remuneration

- 2.12.1 An allowance may be paid to:
- the Mayor;
 - the Deputy Mayor, (provided that they are not a Leader of a Constituent Council);
 - the Deputy Mayor for Policing and Crime (provided that they are not a Leader of a Constituent Council);
 - Independent Persons.
- 2.12.2 The voting Constituent Council Members of the Combined Authority's Cabinet shall approve a scheme for allowances, following consideration of a report from an Independent Remuneration Panel, which the Combined Authority may appoint.
- 2.12.3 No remuneration is to be payable by the Combined Authority to its Constituent Council Members (other than allowances for travel and subsistence), provided always that a Constituent Council may, on the recommendation of an Independent Remuneration Panel, pay a special responsibility allowance to any Member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a Member, or substitute Member, of the Combined Authority.

3.0 Functions of the Combined Authority as MCA

- 3.0.1 The prime purpose of conferring functions on the Combined Authority is to improve the exercise of statutory functions in relation to the Combined Area. In pursuit of this prime purpose, the Combined Authority will take on those functions set out in the "minded to" Devolution Deal.
- 3.0.2 Mayoral Functions and PFCC Functions will be the responsibility of the Mayor, and are exercisable only by the Mayor, unless delegated by the Mayor to the Deputy Mayor or Deputy Mayor for Policing and Crime or delegated by the Mayor under such arrangements as are made by the Mayor in respect of FRA Functions. Mayoral Functions are listed in paragraph 3.1, and PFCC Functions addressed in paragraph 3.6.
- 3.0.3 All other functions of the Combined Authority will be Non-Mayoral Functions – see paragraph 3.2.
- 3.0.4 Where any Mayoral or Non-Mayoral Function is concurrent with any Constituent Council, (that is, where Constituent Councils share any function), arrangements for their exercise will be a matter for agreement between the Combined Authority and a Constituent Council.
- 3.0.5 It is proposed that the Constituent Councils and the Combined Authority will agree operating protocols for the exercise of concurrent functions by the Combined Authority where considered appropriate. These protocols will recognise the strategic role of the Combined Authority and safeguard the role of Constituent Councils in local decision making and delivery.

3.1 Functions exercised by the Mayor - overview

Mayoral Functions

- 3.1.1 It is proposed that the Mayoral Functions will be:
- Functional power of competence.
 - Housing and planning:
 - Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation (see consent requirements below).

- Housing and land acquisition powers (see consent requirements below) to support housing, regeneration, infrastructure and community development and wellbeing.
- Finance:
 - Power for the Mayor to set a precept on council tax to fund Mayoral Functions (resulting from the setting of the mayoral budget as set out below)
 - Power to charge business rate supplement (subject to ballot).
- Transport:
 - Power to draw up a local transport plan and strategies (the Combined Authority will be able to amend the Mayor's transport strategy if Three (3) out of Four (4) Constituent Council Members agree to do so).
 - Bus franchising powers.

3.1.2 For the purposes of the discharge of Mayoral Functions the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (functional power of competence).

3.1.3 As stated above, it is also proposed that the Mayor exercises PFCC Functions – see paragraph 3.6.

3.2 Non-Mayoral Functions - overview

3.2.1 The Combined Authority will have a 'function related general power of competence' under Chapter 3 of Part 1 of the Localism Act 2011.

3.2.2 It is proposed that the Combined Authority exercise the following additional Non-Mayoral Functions:

- a) The Combined Authority will become the **Local Transport Authority** for the Combined Area under the Transport Act 2000.
- b) **Transport-related powers** to set up and coordinate a Key Route Network on behalf of the Mayor (unless otherwise agreed locally, all operational responsibility for Key Route Network roads will remain with the Constituent Councils) (see further paragraph 3.3.3).
- c) **Transport-related powers** to collect contributions from utility companies for diversionary works needed as a result of highways works carried out on the Key Route Network (see further paragraph 3.3.3).
- d) Powers to operate a **permit scheme** designed to control the carrying out of works on the Key Route Network (see further paragraph 3.3.3).
- e) **Adult education and skills functions** (see further paragraph 3.4).
- f) **Housing and Land functions** relating to compulsory purchase, plus provision of housing and land, land acquisition and disposal, and development and regeneration of land (see further paragraph 3.5).
- g) **Economic development** – duty to prepare an assessment of economic conditions (see further paragraph 3.5.3.2).
- h) **Finance** – power to borrow up to an agreed cap for non-transport functions (see further paragraph 4.2.3).

3.2.3 It is proposed that all functions given or transferred to the Combined Authority that are not exercisable only by the Mayor (which Mayoral Functions are listed in paragraphs 3.2 and 3.3) will be discharged by the Cabinet.

3.2.4 The Cabinet will exercise its powers and duties concurrently with the Constituent Authorities (where Constituent Authorities have the same functions). No Constituent Council will cede any existing non-transport functions to the Combined Authority without the express agreement of the Constituent Council.

- 3.2.5 Notwithstanding the above, it is proposed that a Constituent Council and the Combined Authority may enter into arrangements under Section 101 of the Local Government Act 1972 and/or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 to allow the delegation of functions from a Constituent Council to the Combined Authority. In all such cases, acceptance of a delegation will require the agreement of Cabinet and the relevant Constituent Council.
- 3.2.6 Under Section 101 of the Local Government Act 1972 it is proposed that the Combined Authority may enter into arrangements with a Constituent Council to allow for the delegation of Non-Mayoral Functions to a Constituent Council. In all such cases, the decision to delegate any function will require the agreement of Cabinet.
- 3.2.7 The Combined Authority may also enter into joint arrangements with any Constituent Council or other local authority, in respect of Non-Mayoral Functions, in accordance with S101(5) of the Local Government Act 1972.

3.3 Transport

- 3.3.1 The Mayor will be given the functions in Part 2 of the Transport Act 2000 to produce a Local Transport Plan and strategies. Members of the Combined Authority will be able to amend the Local Transport Plan and strategies if a majority of Members agree to do so.
- 3.3.2 The Combined Authority will become the Local Transport Authority for the Combined Area under the Transport Act 2000.
- 3.3.3 [It is proposed that the Combined Authority is to become a Constituent Authority of Transport for the North ("TfN") and that the proposed regulations which are to be made under the Local Transport Act 2008 to create TfN as a Sub-National Transport Body for the North of England will be amended accordingly].

3.3.2 Consolidated Transport Budget

- 3.3.2.1 The Mayor will be responsible for a devolved and consolidated multi-year local transport budget for the Combined Area including all relevant devolved highways funding, to enable greater surety of funding, more effective and efficient long-term asset management and procurement arrangements. This budget will be fully devolved and provide a firm funding settlement for a []-year period starting in [].
- 3.3.2.2 It is proposed that the Combined Authority will be able to exercise the functions of a minister of the Crown contained in Section 31 of the Local Government Act 2003 to pay grants to the Constituent Councils for exercising highway functions. This function is a Mayoral Function exercisable concurrently with a Minister of the Crown.

3.3.3 Key Route Network

- 3.3.3.1 The Combined Authority will take on highways powers to set up and coordinate a Key Route Network (KRN) on behalf of the Mayor. The strategy for the KRN will be developed, agreed and co-ordinated by the Combined Authority on behalf of the Mayor. The Combined Authority will be the Highway Authority for the KRN for the purposes of exercising the powers of the Highways Act 1980 and the relevant other primary and secondary legislation.
- 3.3.3.2 Additionally, the Government intends to legislate so that the Mayor will have a power of direction, allowing them to direct highway authorities on exercising their highway powers with regard to the KRN.
- 3.3.3.3 In partnership with Constituent Councils, the Combined Authority and the Mayor will develop a single strategic asset management plan, and where practical, work towards streamlined contractual and delivery arrangements across the Combined Area.
- 3.3.3.4 It is proposed to grant the Combined Authority functions in relation to the KRN as more particularly set out below. These will enable the KRN to be defined and allow the KRN roads to be strategically managed and coordinated at the York and North Yorkshire level by the Combined Authority on behalf of the Mayor. However, unless otherwise agreed locally, all operational responsibility for highways will remain with the Constituent Councils. As such the specific functions of the Combined Authority which relate to operational management of the roads within the KRN will only be exercised with the unanimous approval of the Four (4) Members of the Combined Authority appointed by the Constituent Councils.
- 3.3.3.5 The Combined Authority will be granted the following powers:
- a) Powers equivalent to those contained within the Road Traffic Regulation Act 1984 in relation to traffic orders (including sections 1, 2(4), 9, 23 and 65) and the power to enter into agreements as if it were a traffic authority pursuant to section 121A. The Combined Authority will only exercise such functions with the unanimous approval of the Four (4) Members of the Combined Authority appointed by the Constituent Councils;
 - b) [Powers contained in the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 to enable the Combined Authority to manage street works and issue permit schemes to manage disruption and bid to the Secretary of State for Transport to seek approval to operate a lane rental scheme in relation to KRN roads, including seeking contributions from utility companies through lane rental and exercising the power to create an updated lane rental scheme as needed (subject to the Secretary of State's agreement) together with powers relating to moving traffic offences. The Combined Authority will only exercise such functions with the unanimous approval of the Four (4) Members of the Combined Authority appointed by the Constituent Councils.]
 - c) The Combined Authority will be granted, in respect of the KRN, powers in relation to the enforcement of bus lane contraventions pursuant to the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. The Combined Authority will only exercise such functions with the approval of the Four (4) Members of the Combined Authority appointed by the Constituent Councils. The outcome will be to ensure a consistent approach to the enforcement of bus lanes.
- 3.3.3.6 The Combined Authority will be granted functions equivalent to the below, concurrently with the relevant Constituent Council, unless otherwise stated:
- a) Section 6 of the Highways Act 1980 (enabling the Secretary of State or Highways England to delegate or enter into an agreement with a county council, metropolitan district council or London borough council in relation to the construction, improvement or maintenance of trunk roads). It is proposed that the section should be modified to include the Combined Authority amongst the authorities to which such functions may

be delegated, to support better integration between local and national networks, or the equivalent legislative provision in order to achieve the aim of better integration.

- b) Section 8 of the Highways Act 1980 (enabling local highway authorities and Highways England to enter into agreements with other such authorities in relation to the construction, improvement, maintenance etc. of a highway for which any party to the agreement is the highway authority). It is proposed that the section be modified to allow the Combined Authority to be a party to such agreement as if it were a local highway authority, with the consent of any affected highway authority, or the equivalent legislative provisions in order to allow the Combined Authority to be party to such agreements.

3.3.3.7 Under the Automated and Electric Vehicles Act 2018, 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.

3.3.4 Buses

3.3.4.1 The Combined Authority will be granted powers under section 154 of the Transport Act 2000 to make grants to bus operators.

3.3.4.2 As an MCA, the Combined Authority will become a franchising authority under the Transport Act 2000. This Act provides for the Mayor to carry out functions in relation to making, varying or revoking a franchising scheme.

3.4 Adult Education / Skills and Employment

3.4.1 It is proposed that the Combined Authority will be given devolved functions in respect of Adult Education and will control the Adult Education Budget (AEB) from academic year 2025/26 subject to readiness conditions and parliamentary approval of the required secondary legislation conferring the appropriate functions. These arrangements do not cover apprenticeships or traineeships, even though the latter is funded through the AEB.

3.4.2 These functions include those set out in the following sections of the Apprenticeships, Skills, Children and Learning Act 2009:

- a) section 86 (education and training for persons aged 19 or over and others subject to adult detention);
- b) section 87 (learning aims for persons aged 19 or over: provision of facilities);
- c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees);
- d) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention);
- e) section 100 (provision of financial resources);
- f) 115 (persons with special educational needs) of the Apprenticeships, Skills, Children and Learning Act 2009.

3.4.3 Should the Combined Authority be given the functions set out in this Section 3, then it is proposed that, for the purposes of data sharing, the Combined Authority should be treated as a "Local Authority" for the purposes of Section 122 of the Apprenticeships, Skills Children and Learning Act 2009 and Section 72 of the Welfare Reform and Pensions Act 1999 (Supply of information for certain purposes) so that the Combined Authority can supply and receive information related to employment or training of persons in the Combined Area.

3.4.4 In addition, the Combined Authority will also have the following authority functions to be held concurrently with Constituent Councils:

- a) section 514A of the Education Act 1996 (provision of boarding accommodations);

- b) section 560A of the Education Act 1996 (functions related to the provision of work experience);
- c) sections 10 and 12 of the Education and Skills Act 2008 to ensure that its functions are exercised so as to promote the effective participation in education and training of relevant persons in its area aged 16 and 17, and to make arrangements to enable it to establish (so far as possible) the identities of such relevant persons;
- d) sections 68, 70, 71 and 85 of the Education and Skills Act 2008 to make available to young persons and relevant young adults such support services as it considers appropriate to encourage, enable and assist the effective participation of such persons in education and training, and functions relating to co-operation with other authorities;
- e) section 13A of the Education Act 1996 to ensure that their education and training functions are exercised with a view to promoting high standards, fair access to opportunity for education and training, and the fulfilment of learning potential;
- f) section 51A of the Further and Higher Education Act 1992 to require relevant institutions in the further education sector to provide appropriate education to specified individuals aged between 16 and 18 years.

3.4.5 It is proposed that the MCA will have the duties under Sections 15ZA, 15ZB, 15ZC, 17 and 18A(1)(b) of the Education Act 1996 and the powers under section 514A and 560A of that Act that relate to duties and powers concerning the provision of education and training for persons over compulsory school age.

3.4.6 [It is proposed that the Combined Authority will establish an [Inclusive Growth Board] with the aims of:

- a) Improving the marked disparities in educational attainment that exists within the Combined Area;
- b) Increasing attainment in Science, Technology, Engineering and Mathematics (STEM) subjects;
- c) Deepening the approach to careers information, advice and guidance through the adoption of the Good Career Guidance benchmarks; and
- d) Achieving excellence in teaching, leadership and school governance.

3.4.7 The Board will be responsible for advising on the better coordination of employment, skills and health services across the Combined Area with the aim of increasing the number of people moving into work].

3.5 Housing and Planning Functions

3.5.1 Housing

3.5.1.1 In order to exercise the functions outlined in the “minded to” Devolution Deal, it is proposed that the Combined Authority will be granted the following powers concurrently with the Constituent Councils or Homes England as appropriate.

3.5.1.2 It is proposed that the Combined Authority will be granted devolution of the objectives and functions of Homes England under section 2(1) of the Housing and Regeneration Act 2008 (to be exercised only in respect of the Combined Area) and the following powers contained in the 2008 Act will be exercised by the Combined Authority concurrently with Homes England:

- a) Section 3 (principal power);
- b) Section 4 (general powers);
- c) Section 5 (powers to provide housing or other land);
- d) Section 6 (powers for regeneration, development or effective use of land);
- e) Section 7 (powers in relation to infrastructure);

- f) Section 8 (powers to deal with land etc);
- g) Section 9 (acquisition of land);
- h) Section 10 (restrictions on disposal of land);
- i) Section 11 (main powers in relation to acquired land);
- j) Section 12 (powers in relation to, and for, statutory undertakers);
- k) Section 19 (power to give financial assistance);
- l) Paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.);
- m) Paragraphs 1,2,3,4,6,10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

3.5.1.3 These functions will be Non-Mayoral with the exception of the specific Homes England compulsory purchase powers in section 9 of the 2008 Act (see below).

3.5.1.4 The objectives in section 2(1) of the 2008 Act are to provide the Combined Authority with the necessary powers:

- a) to improve the supply and quality of housing;
- b) to secure the regeneration or development of land or infrastructure;
- c) to support in other ways the creation, regeneration and development of communities or their continued well-being; and
- d) to contribute to the achievement of sustainable development and good design.

3.5.1.5 The functions in this section include powers enabling the achievement of the above objectives. Such powers include the power of compulsory purchase contained in section 9 of the 2008 Act (subject to the authorisation of the Secretary of State). In order to achieve the objectives above, it is proposed that the Combined Authority should also have the benefit of exemption from section 23 of the Land Compensation Act 1961, which is enjoyed by Homes England under section 23(3)(d) of that Act.

3.5.1.6 As set out above, it is proposed that the exercise of the compulsory purchase power contained in section 9 of the 2008 Act, will only be exercisable by the Mayor with the consent of the Lead Member of the Combined Authority appointed by the Constituent Council for the area(s) of land to be compulsorily acquired and the Secretary of State.

3.5.1.7 It is proposed that the Combined Authority should be granted the power to acquire land for the development of housing under section 17 of the Housing Act 1985 and the associated sections 11, 12, 15(1) and 18. It is proposed that the power to acquire land compulsorily under Section 17(3) of the Housing Act 1985 will be a Mayoral Function but will require the consent of the Lead Member of the Combined Authority appointed by the Constituent Council for the area(s) of land to be compulsorily acquired and the Secretary of State. The conferral of such powers on the Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers concurrently.

3.5.1.8 It is proposed that the Combined Authority will be considered “a local housing authority” for the purposes of Section 8(1) of the Housing Act 1985 (periodical review of housing needs) that will require the Combined Authority as a “local housing authority” to consider housing conditions in the Combined Authority area and the needs of the area with respect to the provision of further housing accommodation.

3.5.2 Mayoral Development Corporation

3.5.2.1 It is proposed that the Mayor will have the power to designate an area a Mayoral Development Area (“MDA”) and so create a Mayoral Development Corporation (“MDC”) to help drive regeneration and expedite housing delivery on complex schemes in the area.

The advantage of MDCs is that they have most of the powers of an Urban Development Corporation but are controlled locally rather than by the Secretary of State.

3.5.2.2 It is proposed that Part 8, Chapter 2 of the Localism Act 2011 be modified so that references to the GLA, Greater London and the London Mayor would include the Combined Authority and the Mayor. This would enable the Combined Authority to have functions for the Combined Area corresponding to the following functions contained in the Localism Act 2011 that the Mayor of London has:

- a) Section 197 (designation of Mayoral development areas);
- b) Section 199 (exclusion of land from Mayoral development areas);
- c) Section 200 (transfers of property etc. to a Mayoral development corporation);
- d) Section 202 (functions in relation to town and country planning);
- e) Section 204 (removal or restriction of planning functions);
- f) Section 214 (powers in relation to discretionary relief from non-domestic rates);
- g) Section 215 (reviews);
- h) Section 216 (transfers of property, rights and liabilities);
- i) Section 217 (dissolution: final steps);
- j) Section 219 (guidance by the Mayor);
- k) Section 220 (directions by the Mayor);
- l) Section 221 (consents);
- m) Paragraph 1 of Schedule 21 (membership);
- n) Paragraph 2 of Schedule 21 (terms of appointment of members);
- o) Paragraph 3 of Schedule 21 (staff);
- p) Paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- q) Paragraph 6 of Schedule 21 (committees); and
- r) Paragraph 8 of Schedule 21 (proceedings and meetings).

3.5.2.3 It is proposed that the Mayor's power to designate an area a MDA under Section 197 of the Localism Act 2011 will require the consent of the Lead Member of the Combined Authority appointed by the Constituent Council whose local government area contains any part of the MDA.

3.5.2.4 It is further proposed that the Mayor's power to exclude land from a MDA under Section 199 of the Localism Act 2011 will require the consent of the Lead Member of the Combined Authority appointed by the Constituent Council whose local government area contains any part of the area to be excluded from the MDA.

3.5.2.5 It is also proposed that the London Mayor's power under section 202 of the Localism Act 2011 to decide that a MDC should have certain planning functions in relation to the whole or part of a MDA should be modified in relation to the Mayor so that the Mayor can only exercise this power with the consent of the Lead Member of the Combined Authority appointed by the Constituent Council whose local government area contains any part of the MDA concerned.

3.5.3 Economic Development and Regeneration

3.5.3.1 It is proposed that the Combined Authority will have a duty to prepare an assessment of economic conditions under section 69 of the 2009 Act, concurrently with the Constituent Councils.

3.5.3.2 It is proposed that the Combined Authority will have powers that would allow it to drive strategic economic growth across the functional economic area. This means functions such as:

- setting the area's growth strategy;
- setting the area's economic strategies;

- setting the investment strategy for the area's Investment Fund;
- making decisions with regard to the Investment Fund;
- a co-ordinated approach to inward investment.

3.5.3.3 In addition, the Combined Authority have other powers relating to the provision of further education that would contribute to the economic improvement of the functional economic area.

3.6 PFCC Functions

3.6.1 Legislative Context

3.6.1.1 The Police Reform and Social Responsibility Act 2011 (the 2011 Act) and the 2018 Order established the position of PFCC for North Yorkshire and specifies the core functions of a PFCC and it is proposed that these will be exercisable by the Mayor.

3.6.1.2 The order providing for the Mayor to exercise the functions of a PFCC must provide that there is to be no directly elected PFCC in the Combined Authority area from a specified date.

3.6.2 Policing, Fire and Crime Proposals

3.6.2.1 The Mayor will carry out the PFCC Functions in relation to the Combined Area, which corresponds to the North Yorkshire police area and area of the PFCCFRA. This will provide for a single directly accountable individual responsible for the discharge of the PFCC's Functions, which will be consistent with the current PFCC model and ambition for local people to have a single point direct accountability. Key PFCC Functions in North Yorkshire include but are not limited to:

- securing the maintenance of an efficient and effective police force and holding the Chief Constable to account;
- securing the maintenance of an efficient and effective fire and rescue authority and holding the Chief Fire Officer to account;
- issuing a Police and Crime Plan and Fire and Rescue Plan (or a Police, Fire and Crime Plan), and an Integrated Risk Management Plan;
- appointing and having the power to remove a Chief Constable and being the Appropriate Authority for Chief Constable complaints and conduct;
- appointing the Chief Fire Officer and Deputy Chief Fire Officer;
- being the employer of all Fire and Rescue staff;
- Customer Service functions – including:
 - the handling of functions in relation to complaints against the Police under 'Model 3' of the police complaints reforms (the local policing body having given notice to the Chief Constable under s13A Police Reform Act 2002);
 - the handling of complaints against North Yorkshire Fire and Rescue Service;
 - the handling of expressions of appreciation in respect of North Yorkshire Police and North Yorkshire Fire and Rescue Service;
- issuing Annual Reports on policing and crime services and on fire and rescue services, including an annual fire and rescue statement;

- setting budgets for North Yorkshire Police and North Yorkshire Fire and Rescue Service, and determining the policing and fire and rescue precepts for the Combined Area;
- commissioning policing and crime services, specifically needs assessment and cope and recovery services for victims of crime, and fire and rescue services in the Combined Area;
- enhancing the delivery of criminal justice in the Combined Area and working with partners to improve public safety;
- approving a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011 (pay policy statements);
- approving arrangements to enter into a reinforcement scheme under section 13 of the Fire and Rescue Services Act 2004 (reinforcement schemes);
- approving arrangements with other employers of fire-fighters under section 15 of the Fire and Rescue Services Act 2004 (arrangements with other employers of fire-fighters);
- approving arrangements under section 16 of the Fire and Rescue Services Act 2004 (arrangements for discharge of functions by others);
- approving plans, modifications to plans and additions to plans for the purpose of ensuring that:
 - so far as is reasonably practicable, the Combined Authority is able to perform its fire and rescue functions if an emergency occurs, and
 - the Combined Authority is able to perform its fire and rescue functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it;
- approving any arrangements for the co-operation of the Authority in relation to its fire and rescue functions with other Category 1 responders and Category 2 responders in respect of:
 - the performance of the Authority's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004, and
 - any duties under subordinate legislation made in exercise of powers under that Act management plan;
- Maintaining an Independent Custody Visitor Scheme for the Combined Area.

3.6.2.2 In accordance with the 2009 Act, any PFCC Function is to be taken to be a function of the Combined Authority exercisable by the Mayor acting individually, or by a person acting under arrangements with the Mayor in accordance Schedule 5C of the 2009 Act or as delegated in accordance with this Scheme – see further below.

3.6.2.3 Under the 2011 Act and 2018 Order, the PFCC is simultaneously:

- a Corporation Sole in its capacity as local policing body; and
- separately a Corporation Sole in its capacity as fire and rescue authority

Carrying out the functions of the PFCCFRA. As set out above, it is proposed that the PFCC Functions will be exercised by the Mayor who will have the sole responsibility for the PFCC Functions. However, the following will transfer to the Combined Authority as body corporate although the decision-making in respect of these functions, after the transfer, will remain with the Mayor:

- Real and Personal Property, Rights and Liabilities;
- Appointments;
- Borrowing;
- Contracts.

3.6.2.4 It is proposed that the existing Codes of Corporate Governance (including Schemes of Delegation and Consent) for the time being in place in respect of the PFCCFRA, be adopted by the Combined Authority and interpreted mutatis mutandis in respect of the PFCC Functions exercisable by the Mayor.

3.6.2.5 It is further proposed that the arrangements set out at paragraph 3.6.2.4 shall be reviewed by the Combined Authority during the initial term of the Mayor with a view to establishing whether it is in the public interest for arrangements should be made to consolidate the Codes of Corporate Governance with those adopted by the Combined Authority and in particular whether to do so accords with the requirements of the Financial Management Code of Practice.

3.6.3 Deputy Mayor for Policing and Crime and Delegation of FRA Functions

3.6.3.1 Where an Order provides for the Mayor to exercise PCC Functions, the Secretary of State must by order authorise the Mayor to appoint a Deputy Mayor for Policing and Crime. The 2009 Act precludes the appointment as Deputy Mayor for Policing and Crime of:

- the Deputy Mayor;
- any person listed in section 18(6) of the 2011 Act; or
- any other person of a description specified by order.

3.6.3.2 The Mayor may make suitable arrangements for the delegation of FRA Functions.

3.6.4 PCC Functions

3.6.4.1 A Mayor may delegate any PCC Function to a Deputy Mayor for Policing and Crime, with the exception of functions reserved by Order in accordance with the 2009 Act as exercisable only by the Mayor, as follows:

- 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;
- appointing, suspending or dismissing the Chief Fire Officer; and
- any other function specified by Order.

3.6.4.2 PCC Functions that may only be exercised by the Mayor and/or the Deputy Mayor for Policing and Crime are:

- determining police crime objectives;
- attendance at a meeting of a Police Fire and Crime Panel in compliance with a requirement by the panel to do so;
- preparing an annual report;
- appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (“the 2014 Act”); and
- deciding whether to enter into a liability limitation agreement under section 14.

3.6.4.3 In addition, the Mayor, must by order be authorised to arrange for any other person to exercise any PCC Functions, such as an officer of the Combined Authority, but such an order must prevent the Mayor from arranging for a person to exercise:

- Any PCC Function if the person is listed in section 18(6) of the 2011 Act
- Any PCC Function listed in section 18(7) of the 2011 Act, or
- Any other PCC Function specified by order.

3.6.4.4 The Deputy Mayor for Policing and Crime must also by order be authorised to arrange for any other person to exercise any PCC Functions exercisable by the Deputy Mayor for Policing and Crime, but such an order must prevent the Deputy Mayor for Policing and Crime from arranging for a person to exercise:

- Any PCC Function if the person is listed in section 18(6) of the 2011 Act,
- Any PCC Function of a kind listed in section 18(7)(b),(c) or (d) of the 2011 Act, (determining police and crime objectives, attending at a meeting of the Police Fire and Crime Panel in compliance with a requirement, or preparing an annual report to a Policing Fire and Crime Panel), or
- Any other kind of PCC Function specified by order.

3.6.5 Transfer of properties, rights and liabilities

3.6.5.1 All property, rights and liabilities which are property, rights and liabilities of the PFCC will transfer and vest in the Combined Authority, subject to any exceptions to be agreed. However, all decisions relating to PFCC Functions (and relating to assets and liabilities etc.) will be for the Mayor unless delegated as set out above. The Order will also provide for:

- 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 arising from their use, sale, disposal or otherwise) are to be paid into the Police Fund kept by the Mayor by virtue of section 21 of the 2011 Act.

3.6.6 Continuity

3.6.6.1 The transfer of the functions of the PFCC, and the transfer of property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

3.6.6.2 The Combined Authority is to be substituted for the PFCC in any instruments, contracts or legal proceedings which relate to any of the functions, property rights or liabilities transferred and which were made and commenced before the transfer and anything which was made or done by the PFCC in connection with any of the functions, property rights or liabilities transferred before the transfer has effect as if made or done by the Combined Authority, subject to any exceptions to be agreed.

3.6.6.3 The Mayor may adopt:

- One or more Monitoring Officer Protocol(s);
- A Chief Finance Officer Protocol referencing the Code of Practice on Financial Management;
- A Memorandum of Understanding between the Mayor and the Chief Constable;
- An Information Sharing Agreement and Data Processing Contract between the Mayor, the Combined Authority and the Chief Constable.

3.6.7 Staff of the Police Fire and Crime Commissioner

3.6.7.1 The staff employed by the PFCC as local policing body; and the staff employed by the PFCCFRA, will transfer to the Combined Authority under a statutory transfer order which will replicate the characteristics of a TUPE transfer.

3.6.8 Police Fire and Crime Panel

3.6.8.1 Scrutiny of the discharge of PFCC Functions will be performed by a Police Fire and Crime Panel established in relation to the Combined Area by order in accordance with the 2011

Act, which carries out functions of a police and crime panel (as set out in section 28 and section 29 of the 2011 Act) to effectively scrutinise the actions and decisions of the Mayor and Deputy Mayor for Policing and Crime, supporting them in the effective exercise of PFCC functions and enabling them to be scrutinised in public.

3.6.8.2 The functions of the Panel include reviewing:

- a draft police fire and crime plan,
- the annual report(s) in respect of PFCC Functions,
- proposed senior appointments,
- any proposed precept for PFCC Functions, (including a power of veto), and
- the appointment, suspension or removal of the Chief Constable.

3.6.8.3 In accordance with the 2011 Act, the Secretary of State must also by order provide for the Police Fire and Crime Panel to have power to suspend the Mayor, in respect of the exercise of PFCC Functions, in circumstances corresponding to those mentioned in section 30(1) of the 2011 in relation to a PFCC.

3.6.8.4 In accordance with section 29 of the 2011 Act, the Police Fire and Crime Panel may require the Mayor and members of staff to attend before the Panel to answer any question which appears to the Panel to be necessary in order for it to carry out its functions. If the Panel requires the Mayor to attend, it may also request the Chief Constable to attend on the same occasion. The Panel may also require the Mayor to respond in writing to any report or recommendation the Panel makes to the Mayor.

3.6.8.5 The Police Fire and Crime Panel will exercise the same functions under sections 28 and 29 of the 2011 Act, as police fire and crime panels under the PFCC model, but with some minor modifications, such as reflecting that the Panel only scrutinises the policing component of the precept, which forms a separately identifiable component of a wider Combined Authority precept, rather than the whole precept.

3.6.8.6 The Police Fire and Crime Panel may by order have oversight functions in relation to any Mayoral Function that is exercised by the Deputy Mayor for Policing and Crime. Any such order may disapply or modify provisions relating to the Overview and Scrutiny Committee, in relation to any Mayoral Function coming within the remit of the Panel.

3.6.9 Police Fund and Fire Fund

3.6.9.1 The Mayor will be required to maintain a separate fund in relation to receipts arising and liabilities incurred in the exercise of:

- PCC Functions (the Police Fund); and
- FRA Functions (the Fire Fund)

The Police Fund and Fire Fund will be kept separate to each other and the Mayor's General Fund (see paragraph 4 below) and all receipts arising in respect of PCC and FRA Functions will be paid into the Police Fund or the Fire Fund as the case may be, and liabilities incurred in the exercise of PCC Functions or FRA Functions must likewise be paid out of the Police Fund or Fire Fund as the case may be.

3.6.9.2 Money paid into the Police Fund will be reserved for policing and money paid into the Fire Fund must be reserved for fire and rescue. For example, receipts from the sale of police assets would have to be spent on matters relating to policing. In line with statutory guidance for PFCCs, as set out in the Financial Management Code of Practice, the Mayor would have to publicly account for expenditure from the Police Fund and the Fire Fund.

- 3.6.9.3 The Police Fund, which will include precept income, will also include reserves maintained for policing and crime reduction. The Local Government Finance Act 1992 requires billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Reserves should be maintained in accordance with the relevant guidance, agreed accounting principles and locally agreed financial regulations and schemes of governance.
- 3.6.9.4 The Mayor is responsible for expenditure on PFCC Functions.
- 3.6.9.5 Money in the Police Fund can only be spent on PCC Functions and matters that are incidental to those PCC Functions. Money in the Fire Fund can only be spent on FRA Functions and matters that are incidental to those FRA Functions.
- 3.6.9.6 Decisions on the sale of police or fire assets and reinvestment of receipts must be made by the Mayor and money paid into the Police Fund or the Fire Fund as the case may be.

3.6.10 Borrowing

- 3.6.10.1 The Mayor will be ultimately responsible for decisions relating to borrowing in relation to PFCC Functions, (as laid out in the Financial Management Code of Practice), but may delegate them in practice. The cost of such borrowing will be met from the Police Fund or the Fire Fund as the case may be and as above kept separate to the discharge of other Combined Authority functions, which are not PFCC Functions. This does not detract from the legal status of the Combined Authority as the borrowing party.

3.6.11 Contracts

- 3.6.11.1 Decisions on entering into contracts regarding police matters are functions of a PFCC under the PFCC model (with some scope for consent to the Chief Constable). As such and in keeping with the PFCC model the Mayor will have ultimate responsibility for all contracts relating to police and fire matters, although they may provide consent for contracts to be entered into by the Chief Constable or delegation to another person subject to such delegation being in accordance with the law.
- 3.6.11.2 Decisions on the issuing of policing-related grants would also rest with the Mayor or anyone to whom they delegate responsibility.
- 3.6.11.3 Subject to paragraph 3.6.2.4 but in any event, a Scheme of Consent will be established by the Mayor setting out the extent of consents from the Mayor to the Chief Constable.

3.6.12 Police and Crime Plan, Fire and Rescue Plan, Fire and Rescue Statement and Integrated Risk Management Plan

- 3.6.12.1 The Police and Crime Plan which involves consideration of the strategic policing requirement is a key public facing deliverable. The provisions on police and crime plans as set out in the 2011 Act will still apply to the Mayor carrying out PCC Functions.
- 3.6.12.2 The provisions on Fire and Rescue Plans and Fire and Rescue Statements as set out in the Fire and Rescue Services Act 2004 will apply to the Mayor carrying out FRA Functions.

3.6.12.3 The provisions on integrated risk management plans prepared and published in accordance with the requirements of the Fire and Rescue national Framework prepared by the Secretary of State under section 21 of the Fire and Rescue Services Act 2004 will apply to the Mayor carrying out FRA Functions.

3.6.13 Policing Protocol

3.2.13.1 The Mayor will be required by order to have regard to the Policing Protocol issued by the Secretary of State under section 79 of the 2011 Act.

3.2.13.2 The Policing Protocol sets out ways in which relevant persons should, in the Secretary of State's view, exercise or refrain from exercising functions so as to encourage maintain or improve working relationships (including co-operative working) between relevant persons, and limit or prevent the overlapping or conflicting exercise of functions.

3.6.14 North Yorkshire Police and North Yorkshire Fire & Rescue Service

3.6.14.1 The Chief Constable of North Yorkshire Police remains a Corporation sole as set out in legislation and accordingly North Yorkshire Police will retain its distinct organisational profile.

3.6.14.2 As set out in paragraph 2.10.5 the Chief Fire Officer shall exercise the functions of Head of Paid Service in respect of the staff transferred from the PFCCFRA and accordingly North Yorkshire Fire & Rescue Service shall retain its distinct organisational profile.

3.6.15 Complaints about Conduct (PCC and FRA Functions)

PCC Functions

3.6.15.1 The Order will make provision in respect of its procedures for making, handling and investigating complaints and/or conduct matters in respect of the Mayor and Deputy Mayor for Policing and Crime and relating to the carrying out of PCC Functions.

FRA Functions

3.6.15.2 The Order will make provision in respect of procedures for making, handling and investigating of complaints and/or conduct matters in respect of the Mayor (including the Mayor's delegate(s)) and relating to the carrying out of FRA Functions.

3.6.16 Consequential amendment and modification requirements

3.6.16.1 The following consequential amendment and modification requirements of enactments may be required in their application to the Combined Authority with PFCC Functions:

3.6.17 Primary Legislation

- Amendments to the Police Reform and Social Responsibility Act 2011
- Modifications to the Local Government Act 1972
- Police (Property) Act 1897
- Trustee Investments Act 1961
- Pensions (Increase) Act 1971
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government, Planning and Land Act 1980
- Local Government Finance Act 1988
- Local Government Finance Act 1992
- Road Traffic Act 1988

- Local Government and Housing Act 1989
- Police Act 1996
- Police Reform Act 2002
- Proceeds of Crime Act 2002
- Railways and Transport Safety Act 2003
- Local Government Act 2003
- Fire and Rescue Services Act 2004
- Civil Contingencies Act 2004
- Local Government and Public Involvement in Health Act 2007
- Local Democracy, Economic Development and Construction Act 2009
- Police Reform and Social Responsibility Act 2011
- Localism Act 2011
- Local Audit and Accountability Act 2014

3.6.18 Secondary legislation

- Motor Vehicles (Third Party Risks) Regulations 1972
- Official Secrets Act 1989(Prescription) Order 1990
- Police (Disposal of Sound Equipment) Regulations 1995
- Police (Property) Regulations 1997
- Health and Safety (Enforcing Authority) Regulations 1998
- Motor Vehicles (Driving Licences) Regulations 1999
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- Motor Vehicles (Access to Driver Licensing Records) Regulations 2001
- Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001
- Police Regulations 2003
- Docking of Working Dogs' Tails (England) Regulations 2007
- REACH Enforcement Regulations 2008
- Elected Local Policing Bodies (Specified Information) Order 2011
- Policing Protocol Order 2011
- Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
- Police Appeals Tribunals Rules 2012
- Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012
- Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
- Local Government Pension Scheme Regulations 2013
- Local Audit (Auditor Resignation and Removal) Regulations 2014
- Combined Authorities (Mayors) (Filling of Vacancies) Order 2017
- Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018

3.7 Miscellaneous

- 3.7.1 For the avoidance of doubt, the Combined Authority will be a body specified for the purposes of Section 33 of the Value Added Tax Act 1994. This will entitle the Combined Authority to claim refunds of Value Added Tax charged on supplies to, and acquisitions or importations by the Combined Authority.

3.8 Information Sharing

3.8.1 It is proposed that sections 17A and 115 of the Crime and Disorder Act 1998 should be amended to give the Combined Authority the same standing as a Local or Public Authority for the purpose of information sharing, given that the Mayor will be exercising PFCC Functions.

3.8.2 It is proposed that a non statutory Information Sharing Agreement will be established between the Chief Constable and the Combined Authority.

3.9 Incidental Provisions

3.9.1 It is proposed that the following provisions are to have effect as if the Combined Authority were a “local authority” for the purposes of the functions therein which the Combined Authority will exercise concurrently with the Constituent Councils:

- a) Section 113 of the Local Government Act 1972 (the power to place staff at the disposal of other local authorities);
- b) Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc relating to the functions of the Combined Authority);
- c) Section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
- d) Section 145 of the Local Government Act 1972 (the power to provide and support cultural activities and entertainments);
- e) Section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings); and
- f) Section 69 of the Local Democracy, Economic Development and Construction Act 2009 (duty to prepare an assessment of economic conditions).

3.9.2 It is proposed that the Combined Authority will have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information) whether or not a scheme is made under that section. For the purposes of section 88(1) of the Local Government Act 1985 references to “that area” are to be taken as a reference to the Combined Area.

3.9.3 Section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees) will have effect in relation to the Combined Area.

3.9.4 It is proposed that the Combined Authority will be included in Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013.

4.0 Finance and Investment

4.1 Levy

4.1.1 The Combined Authority will have the power to issue a levy to its Constituent Councils in respect of transport functions under section 74 of the Local Government Finance Act 1988 (levies) and in accordance with the Transport Levying Bodies Regulations 1992.

4.2 Funding of the Mayor and the Combined Authority

4.2.1 Section 107G of the Local Democracy, Economic Development and Construction Act 2009, allows the Secretary of State to make an Order to make provision for the costs of a Mayor for the area of a Combined Authority that are incurred in, or in connection with, the exercise of Mayoral functions to be met from precepts issued by the Combined Authority under section 40 of the Local Government Finance Act 1992.

- 4.2.1 Scrutiny of the Mayoral Budget (and any Mayoral Precepts) will fall within the remit of the Overview and Scrutiny Committee of the Combined Authority. The Budget may be amended if 3 out of 4 Constituent Council Members agree to do so (excluding the Mayor) as set out above.
- 4.2.2 In order to enable the Combined Authority to invest in economically productive infrastructure Regulations should be made pursuant to section 74 of the Local Government Finance Act 1988 to enable the Combined Authority to issue a levy, or levies, to its Constituent Authorities, to meet the expenditure of the Combined Authority that is reasonably attributable to the exercise of non-mayoral functions. Constituent Councils will be able to pay an agreed contribution to meet the cost of Mayoral Functions.
- 4.2.3 It is proposed that Regulations will be made pursuant to section 23 (5) of the Local Government Act 2003 to extend the Combined Authority borrowing powers (for transport functions and policing functions) to other priority infrastructure projects, including but not limited to: transport, highways, housing, investment and economic regeneration, as relevant to the exercise of its functions, both Mayoral and non-Mayoral, within an agreed debt cap with HM Treasury.
- 4.2.4 Provision should also be made for the Constituent Councils to meet the costs of the Combined Authority and how the costs are to be apportioned between the Constituent Councils.

4.3 Business Rate Supplement

- 4.3.1 It is proposed that the Mayor will have the power, with the agreement of the Combined Authority and in consultation with the business community by way of ballot, to raise a Business Rate Supplement to fund infrastructure investment. The Combined Authority will be a levying authority for the purposes of the Business Rates Supplement Act 2009 and the Constituent Councils shall be deemed to be acting jointly through the Combined Authority in accordance with Section 2(3) of the Business Rates Supplement Act 2009.

4.4 Mayor's General Fund

- 4.4.1 It is proposed that provision will be made for the Mayor to keep a fund (to be known as the Mayor's "General Fund") in relation to receipts arising, and liabilities incurred, in the exercise of the Mayor's 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 the Mayor's expenditure in respect of 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.

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Appendix 3

Initial Equality Impact Assessment Screening Form	
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.	
Directorate	
Service area	
Proposal being screened	Progression of devolution process to consultation
Officer(s) carrying out screening	Head of Corporate Policy and City Partnerships
What are you proposing to do?	The proposal is to carry out a Governance Review related to the minded-to devolution deal agreed on 1 st August. A draft scheme has been developed and, if approved, would be consulted upon through October to December.
Why are you proposing this? What are the desired outcomes?	<p>This would allow the statutory process to progress towards final decisions on agreeing a devolution deal with Government. This would see significant additional investment (more than £540m) in the York and North Yorkshire area of the next 30 years, alongside powers devolved to a new Combined Authority and elected Mayor.</p> <p>The desired outcomes (described in more detail in the Governance Review) are that this additional investment and local decision making could better represent and address the needs of residents in YNY and support ambitions for clean economic growth, affordable houses and becoming England's first carbon negative region.</p>
Does the proposal involve a significant commitment or removal of resources? Please give details.	The programme will require significant resources, although the costs of these are included as part of the deal with Government within a large package of investment. It is not envisaged that resources will be diverted from any existing services.
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics	
As part of this assessment, please consider the following questions:	
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? 	

- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your [Equality rep](#) for advice if you are in any doubt.

Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristics			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	The proposal covers a broad scope of areas including local governance, economic development, housing and infrastructure, transport and skills. The proposals, at this stage, do not give specific details of any direct impacts. As the proposals constitute increased investment and local decision making, there is significant potential for positive impacts for communities with protected characteristics.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	The proposals will have an effect on how councils and partner organisations operate in respect of funding and decisions related to local governance, economic development, housing and infrastructure, transport and skills. There is potential for positive impacts, although as detailed proposals are made later in the programme, EIAs will be required to assess the impacts in more detail.		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:
Reason for decision	The proposals at this stage recommend progressing to consulting on a scheme which would lead to legislation allowing the development		

	<p>of a combined authority. The impacts of this have the potentially to be significantly positive for groups with protected characteristics, with additional investment and more local decision making. At this stage, no detrimental impacts have been identified. However, at this stage of the process, the specific arrangements related to individual functions or services are not yet developed which prevents the consideration of detailed implications at this point.</p> <p>EIAs will be required as further detail is developed, if the recommendations are approved.</p>
Signed (Assistant Director or equivalent)	Will Boardman, Head of Corporate Policy and City Partnerships
Date	25/08/22

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Timetable for Devolution

Action	Start	Finish
Dialogue/negotiations between Leaders and Ministers from DLUHC and the Treasury	March 2022	29 th July 2022
“Minded to” Devolution Deal announced	1 st August 2022	1 st August 2022
The Council (through the Executive) to consider the deal, complete a governance review and agree to consult on the creation of a Mayoral Combined Authority (the Scheme)	September 2022	September/ October 2022
Consult with the public	October 2022	December 2022
Councils to consider the results of the consultation and to consider submitting the Governance Review, Scheme (with any revisions) and summary of consultation responses to Government	Late January 2023	End February 2023
Local Government Reorganisation in North Yorkshire and creation of North Yorkshire Council	1 st April 2023	1 st April 2023
Government considers statutory tests, and if SoS consents, drafts relevant Order	March 2023	July 2023
Councils consent to Order	July 2023	
Draft order laid before Parliament for Approval	July 2023	October / November 2023
Formation of Combined Authority		November / December 2023
Mayor Elections		May 2024

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YNY Devolution – CYC Member FAQ briefing – August 2022

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What is in the deal?

- £18 million per year in Gainshare funding over 30 years to invest in local priorities;
- Subject to a full business case, investment of up to £50 million to support and deliver the York Central brownfield regeneration scheme;
- £7 million investment to enable York and North Yorkshire to drive green economic growth towards the ambition to become a carbon negative region;
- Investment of up to £2.65 million of projects to deliver affordable, low carbon homes;
- £13 million for the building of new homes on brownfield land across 2023/24 and 2024/25;
- A commitment to establish a working group to support the development of BioYorkshire;
- New powers from Government to drive regeneration and build more affordable homes;
- New transport powers to improve and integrate the regional transport network.

The full detail can be found in the deal document, here:

<https://www.gov.uk/government/publications/york-and-north-yorkshire-devolution-deal/york-and-north-yorkshire-devolution-deal#summary-of-the-devolution-deal-between-the-government-and-the-local-authorities-of-york-and-north-yorkshire-comprising-city-of-york-council-and-north-yorkshire-council>

What will change?

The funding and powers agreed within the proposed deal will be channelled through a Mayoral Combined Authority for York and North Yorkshire, which is a new organisation. The Mayor plus two representatives from each council will be the voting members of the combined authority who will oversee decisions and spending on several areas, including transport, skills and regeneration.

Funding for transport and the Shared Prosperity Fund, which currently come directly to the Local Authorities will, instead, go to the Combined Authority, which will oversee its spending across York and North Yorkshire. The Combined Authority will be the Local Transport Authority, and the councils will remain the Highways and Traffic Authorities.

The Adult Education Budget for York and North Yorkshire, which is currently held centrally by Government, will instead be managed by the Combined Authority.

The vast majority of existing services delivered by the councils, including children's and adults' services, corporate services, communities, planning, highways and street-based services will continue to be delivered in the same way as currently.

The existing role of Lord Mayor is completely different from a new elected mayor and will continue as it does currently.

What will York get?

The proposed deal outlines what York and North Yorkshire Combined Authority would receive initially. It is not possible to specifically proportion exactly what would be received by each area within York and North Yorkshire as this will be for the Combined Authority (including the Mayor) to decide.

However, if York received its proportional "share" based on population, around a quarter of the gainshare (around £135m) would come to York, and specific elements such as the York Central funding (worth c£50m) would be directly invested within York.

Beyond direct funding, York would also benefit by being part of a Mayoral Combined Authority area in terms of having a Mayor joining the existing group of directly elected Mayors (known as “M10”) with direct access to Government ministers and able to lobby on matters of importance for our area. The existing group of Mayors are seen to be highly influential. As more areas agree devolution deals in the future, the more important it is for the sub-region to have a voice at that level.

[Is this the total of what we will get over the next 30 years?](#)

No. This represents an initial deal with most funding elements related to this Comprehensive Spending review period (which runs to 2024/2025). It is likely that different areas of funding will be available in future spending rounds and the current policy direction of Government is to identify additional powers and functions that can be devolved to Combined Authority Areas. The scope and scale of the deal could well increase, if this is agreed between the York and North Yorkshire Combined Authority and Government.

In fact, other areas with devolution deals have seen significant funding in subsequent spending rounds directly channelled to them, whilst non-mayoral areas have had to competitively bid into remaining national pots. Transforming Cities Funding (TCF) and City Regional Sustainable Transport Settlements (CRSTS) are examples of this. Of £2.45bn TCF funding nationally, £1.08bn was directly awarded to Mayoral Combined Authorities, with all other areas having to compete for the remaining funding. CRSTS funding was awarded in 2022 to Mayoral Combined Authorities, combining existing transport maintenance funding with significant new investment. Tees Valley CA received £310m and West Yorkshire CA £830m, which is additional to what was outlined in their initial devolution deals.

[How does it compare to other deals?](#)

Devolution policy over the last decade has led to bespoke deals for each area, which makes comparison very difficult.

The [Local Government Chronicle](#) has compared the gainshare negotiated within our deal to others. It suggests that the deal is worth £660 per head compared to £485 per head for West Yorkshire CA and £675 for Tees Valley CA. If the York Central funding is added to that (with no equivalent in the WYCA or TCVA deals) the funding is proportionally above that agreed in neighbouring deals.

LGC also suggest that on average, existing deals to date have been worth £577 per head. There is significant variation between different places, however.

With additional areas where there is to be strategic partnership working with government (e.g. Net Zero, Bio Yorkshire, Homes England) the deal compares favourably with other deals across the country.

[How will decisions be taken?](#)

The Combined Authority will have a committee, consisting of the Mayor and two representatives from each constituent council (City of York Council and North Yorkshire Council) – 5 equal voting members in total. One member from each council will act as Lead Member, responsible for giving the consent of the local authority on certain decisions. Most decisions will be taken on a simple majority basis. The Mayor will have to be on the side of the majority for a decision to pass.

There are some other areas where there are specific voting arrangements, as follows:

- The following require the Lead Member from each constituent council to agree:
 - Approving the CA budget (excluding the Mayor’s budget)
 - Setting a levy

- The Mayor will consult the CA on their strategies, and subject to the following conditions:
 - The Combined Authority will be able to amend the Mayor's budget if 3 out of 4 of the members agree to do so;
 - The Combined Authority will be able to amend the Mayor's transport strategy if 3 out of 4 of the members agree to do so.
- The following decisions by the Mayor will require the consent of the Lead Member appointed by the constituent council in whose area the decision will apply:
 - Designation of land as a Mayoral Development area leading to development of Mayoral Development Corporation
 - Compulsory purchase of land or buildings by the Mayor
 - Any decision leading to a financial liability falling directly upon a council
 - Any other matters agreed in the constitution and with the mayor

What specific powers does the Mayor have?

The Mayor's specific powers are:

- A functional power of confidence (so they can only act to do things in support of the functions they have)
- Set up a Mayoral Development area and Mayoral Development Corporation (but needing consent of relevant LA)
- Housing and land acquisition powers to support housing, regeneration, infrastructure and community development and wellbeing (but needing consent of relevant LA)
- Power to set a precept on council tax to fund Mayoral functions (but needing consent of all LAs)
- Power to draw up a local transport plan and strategies (but $\frac{3}{4}$ members can amend)
- Bus franchising powers

Will York be constantly overruled by NY and the Mayor?

The governance arrangements make York and North Yorkshire councils equal partners in the combined authority. The MCA itself is set up to support the priorities of York and North Yorkshire as a whole, and this is the basis upon which a Mayor will be elected. The benefits of programmes around transport, economic development and skills will be felt across the sub-region (and wider) and are not constrained by individual local government boundaries.

The special voting arrangements noted above mean that in many cases, the consent of the local authority is required for a decision which directly impacts on that area. The Mayor is unable to force a decision upon councils. Conversely, the councils are unable to force through decisions on a majority if the Mayor is not in agreement. Collaboration and consensus will be the most effective way of getting things moving.

What other options are there?

The Government's approach to devolution was outlined in the Levelling Up White Paper, published in February 2022

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052708/Levelling_up_the_UK_white_paper.pdf).

The Devolution Framework (p. 140) outlines three levels of devolution possible. The proposed deal is a "Level 3" deal, meaning it would require a directly elected Mayor. This unlocks a Mayoral Investment Fund (AKA gainshare) and other powers which would not be available without a Mayor.

Alternative approaches would be a Level 1 deal, which really consists of councils within an area working together on things where it makes sense to do so. This is largely possible already and is not really devolution of funding or power.

Level 2 would mean a Combined Authority without a Mayor, which also means no gainshare and significantly fewer devolved powers.

Could we have negotiated more money?

The proposed deal compares favourably with others in terms of gainshare and the additional funding available.

Government budgets are set on cycles known as Spending Review periods, and the deal will commence at the end of the current spending review (the final year is 2024/25). For this reason, much of the available funding for departments in this period has already been committed. Departments are (largely) unable to commit to spending within the next period, as they don't know what the available funding will be. For this reason, we recognise that there is limited available funding to be devolved beyond what has been agreed in this initial deal.

The next Comprehensive Spending Review will take place in Autumn 2024, to come into effect in 2025/26. Part of the initial work of the Combined Authority will be to prepare the business cases and submissions to make strong arguments for further investment in the region. Through the links the MCA will have into Government departments, it may also be possible to work with them to identify more devolved, place-based approaches between central and local government. This is stated Government policy, but many departments are not yet fully structured to support working in this way, as they operate within a very centralised set of governance arrangements.

What happens if we reject the deal?

If the deal is not agreed, nothing changes. This means that York and North Yorkshire would not receive the investment outlined in the deal, nor the powers and governance that accompany it. Given that the investment is there to support some of the key priorities of our sub-region, it is likely that the progress of schemes, such as York Central, would be put at additional risk.

It is difficult to accurately predict future government policy, but historically we have seen Mayoral areas receive greater access to funding announced in each spending review period. This has been greater in amount and without the need to compete for funding. Rejecting the deal might, therefore, reduce the likelihood of new government investment in the future. With other areas negotiating more devolution deals, it appears increasingly likely that future funding will be prioritised towards Mayoral Combined Authorities. If an area doesn't have a deal, they will not receive funding in the same way.

Given that a proposed deal has been negotiated with Government, if it is rejected by Councils we expect that other areas will be prioritised above York and North Yorkshire if there was a desire to seek devolution in the future.

What are the next steps?

There is a clear statutory process that is mapped out to take forward the deal. This requires the future constituent councils to agree to carry out a governance review and develop a scheme which outlines how the arrangements will work, and to agree to consult on both these things.

We expect these decisions to happen in September.

Following that, if approved, statutory consultation will commence in the autumn. The results of this will be reviewed and, if agreed by councils, will be submitted to Government in early 2023.

Government will then draft the necessary legislation, which should pass into law in autumn 2023.

The Combined Authority would then be created, ready to elect a Mayor in May 2024.

What is a Governance Review?

A Governance Review is a report produced by officers which considers the context of the proposals and explains how they will work to deliver the desired outcomes. It will consider any other options and explain how the proposals relate to the needs of the area. An example of a Governance review (from WYCA) can be found here: [appendix-1-west-yorkshire-governance-review.pdf \(westyorks-ca.gov.uk\)](#)

The Governance Review is key in providing the evidence for the Secretary of State to assess whether the Statutory Tests have been met – specifically, whether agreeing to create a Combined Authority is likely to improve the exercise of statutory functions in the area.

The Governance Review will be one of the elements consulted upon as part of the statutory process.

What is a Scheme?

A Scheme is a document which builds upon the deal text to provide further information about the arrangements for the Combined Authority. Particularly covering the governance, it outlines the way things will work and how decisions will be taken.

This will also be consulted upon as part of the process.

When and how will a Mayor be elected?

The Mayor would be elected in May 2024, and would assume PFCC powers at that time.

Mayors are elected under a First Past the Post system (following reforms in the Elections Act 2022)

Who agrees the deal?

The Leaders of City of York and North Yorkshire County Councils have approved the deal in principle, subject to the agreement of their councils.

Decisions of whether to proceed with the process will be taken by councils in September 2022.

Following that, there will be a further decision, after consultation, on whether to submit the consultation outcomes to Government and initiate the process of putting the required legislation in place. This is likely to take place in the new year.

How has it been negotiated?

Officers across all the councils have been involved in developing proposals, with a core team of officers from the councils and the LEP negotiating directly with civil servants. The “Asks”, submitted to Government in 2020, provided the starting point, with the negotiations taking into consideration the acceptability of those proposals to Government, available funding and the local need.

How will funding be distributed?

Funding will be considered as part of an annual budget set by the Combined Authority. This will be voted upon by members of the Combined Authority.

Specific projects and programmes will be assessed against an agreed project framework and assurance process, with the Combined Authority ultimately making decisions on which projects will get funding.

How will York’s priorities be supported?

The proposed deal supports many of York’s priorities directly, through the funding available in the deal. Housing, low carbon energy, skills funding, alongside direct funding for York Central will all support areas of need within the city.

Beyond the initial funding, the ability of a Mayor to raise issues to Government at a higher level has the potential to make a difference, with local need better understood in Westminster.

The Combined Authority, working at a sub-regional level, may bring strategic benefit to areas such as transport and regeneration, when schemes and projects can be set within the wider strategic context. The value of addressing York’s challenges (in tandem with those across North Yorkshire) and the impact that has on the wider sub-region and broader economic geography will be considered in each of the decisions the CA takes.

The support to the priorities and challenges faced across York and North Yorkshire will be considered within the Governance Review.

How will climate change action be supported through the deal?

The deal contains an initial £7m for the piloting of low carbon energy projects. It also supports housing projects with some funding for low carbon affordable housing.

It is acknowledged that this initial funding is a tiny amount in comparison with the costs of decarbonisation across the sub-region. However, the initial funding can be used to support pilot and demonstrator projects which will make the case for further investment. An initial focus of the Mayor could be making the case for investment in the next Spending Review.

The Combined Authority will be well placed to feed in and influence national policy, through a “single point of entry” to work with BEIS Local Net Zero Hub. It is clear that national policy needs to respond to a more local, place-based agenda around net zero and the deal creates the opportunities to feed into that.

Who will do what on Transport?

The Combined Authority will become the Local Transport Authority, and the councils will remain the Highways and Traffic Authorities. This means that the Local Transport Plan will be developed by the Combined Authority, working closely with each local authority, and proposed to the CA by the Mayor, for sign off by the CA members.

The LTP will consist of three key elements;

- Strategic Transport Plan for Y&NY, containing a Highways Strategy for its Key Route Network (KRN) developed in conjunction with the Unitary Councils.
- Local Delivery Plan for NYC
- Local Delivery Plan for CYC

The MCA will approve a 5-year Strategic Transport Investment Programme that has been developed in conjunction with the Unitary Councils.

From its Strategic Transport plan, the MCA will approve a Strategic Highway Asset Management Plan and the associated service levels which has been developed in conjunction with the Unitary Councils.

Each Unitary Council will approve a Highway Infrastructure Asset Management Plan (HIAMP) and Highways Policy for their respective area, with intended service levels across the whole of their local highway network including how they will achieve these on the Key Route Network.

The MCA would have powers to introduce bus franchising.

The MCA (as the Local Transport Authority) will move towards a single Bus Service Improvement Plan to be delivered through one or more Enhanced Bus Partnerships. The BSIP and EP(s), and the arrangements for their delivery and management, will be approved by the MCA. In future rounds, a single Enhanced Bus Partnership may be considered, to be managed by the MCA

Powers to deliver Civil Parking Enforcement and Streetworks Management would remain with the Unitary Councils.

Subject to new enabling legislation, the Mayor may have a Power of Direction over the two Unitary Councils in relation to the discharge of the Local Highway Authority function on the Key Route Network only.

The MCA is able to enter into agreements with National Highways, Network Rail and, in the future, Great British Railways to deliver enhanced partnership working arrangements.

The Transport Committee will be chaired by a Combined Authority Member and will consist of the Executive Member with responsibility for highways and transport in each of the two Unitary Councils. Its role will be to review the effectiveness of the LTP, the 5 year Strategic Transport Investment Programme, Strategic Highway Asset Management Plan, Bus Service Improvement Plans, the Enhanced Bus Partnership and the agreements with National Highways and Network Rail.

Who will do what on Housing?

The MCA will have a role in supporting the delivery of housing in the area, mainly around funding of development to deliver houses. It will initially receive some Brownfield Funding to directly support regeneration and rural housing sites. Future national funding for large scale regeneration may well be channelled through the MCA.

The local authority housing functions will remain as they are now. We would expect future housing strategies to be developed by local authorities in conjunction with each other and the Combined Authority, which builds upon the existing sub-regional approach.

The Combined Authority will have a committee focussed on housing (either on its own or in conjunction with other functions.)

What will happen to the LEP?

The LEP will be merged into the CA as it is formed. The LEP functions will become those of the CA and the LEP board will become the business-focussed committee of the CA. The name of this committee is being considered.

The merger process will follow statutory guidance published by Government ([Local Enterprise Partnerships: Integration guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk))

The process by which officers of the LEP move across to the CA will be considered as part of the workstream to establish the Combined Authority as an entity.

What will happen to the PFCC?

The PFCC functions and funding will transfer to the CA upon the election of a Mayor in 2024. The OFPCC staff will move across to CA, the process of which will be considered as part of the workstream to establish the Combined Authority as an entity.

This transfer corresponds with the existing PFCC electoral cycle, so the current PFCC will serve the remainder of her term and then that role will cease to exist. From the Mayor's election, the Mayor will take on the statutory functions for PFCC.

The Mayor will appoint a Deputy Mayor for Police, Fire and Crime. The Deputy Mayor will oversee the day to day discharge of functions, with the Mayor accountable for the overall statutory responsibilities.

The arrangements for scrutiny and oversight will be considered and developed as part of the process to establish the CA.

Will York still be part of WYCA?

Yes. York will remain a non-constituent member of West Yorkshire Combined Authority. This reflects the ongoing strategic connection between our sub-regions and also the legacy arrangements around funding through the West Yorkshire Plus Transport Fund.

Does the gainshare increase in line with inflation?

No. Gainshare is set as a fixed amount each year as part of the deal. This is the same in all devolution deals.

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JOINT DEVOLUTION COMMITTEE – TERMS OF REFERENCE

Summary of the York and North Yorkshire Joint Devolution Committee Functions

The York and North Yorkshire Joint Committee is established under Section 101(5) of the Local Government Act 1972, as applied by Section 9EB of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of City of York Council and North Yorkshire County Council.

The Joint Committee will oversee and make decisions as required to ensure that stages of considering a Devolution deal prior to a potential creation of a mayoral combined authority is considered jointly by members of North Yorkshire Council and the City of York. The Joint Committee will provide a venue to review collaboratively the provisions of implementing the Deal and collaborating on projects that benefit the region through Devolution.

Membership

The Joint Committee will comprise of:

Two Executive Members appointed from City of York Council; and
Two Executive Members appointed from North Yorkshire County Council

- The Executives of the two constituent councils will resolve to establish a joint arrangements to carry out the functions of the Joint Committee. Only Executive Members can be appointed and membership of the joint committee does not need to reflect the political composition of the Council

The following shall be invited to attend and participate in formal meetings of the joint committee however they will not have voting rights and they will not have right to receive any confidential information pursuant to Schedule 12A Local Government Act 1972 which may from time to time be part of a formal agenda:

- The Police, Fire and Crime Commissioner
- A nominated representative of the LEP

Substitutes

Each constituent Council may appoint substitute members from within its Executive only to attend formal meetings of the joint committee.

Appointment Chair and Vice Chair

The Joint Committee, at its first meeting, shall appoint a Chair and Vice Chair from amongst its constituent members. The Chair and Vice Chair will not be from the same constituent Authority.

Quoracy

The four Executive Members appointed to the Joint Committee will constitute a quorum

Voting

Decisions will be made by majority vote. In the event of a vote being required, each Executive Member (or substitute Executive) will have the ability to cast one vote.

Decisions made will be binding on both Constituent Authorities

Rules of Procedure

The Standing Orders for North Yorkshire County Council will be the relevant Standing Orders for Rules of Procedure for formal meetings.

Frequency of Meetings

The Joint Committee shall meet as and when required to do so either at the request of the respective Leaders of the Constituent Councils and or at the request of the Chief Operating Officer of City of York Council and or the Chief Executive of North Yorkshire County Council. Each meeting shall be classed as a formal meeting supported by agenda, reports and minutes.

Administration of the York and North Yorkshire Joint Committee

North Yorkshire Council will take responsibility for the administration and support for the delivery of meetings for the joint committee. This includes production and publication of agendas, hosting of meetings and as such the Standing Orders as they relate to North Yorkshire County Council will be adopted for the purposes of supporting the Joint Committee.

Access to Information

As all the members of a joint committee are members of the executive in each of the constituent authorities then its access to information regime is the same as that applied to the executive.

Review of the terms of reference for the Joint Committee

In the event that the terms of reference for the joint committee require review and or amendment, this will be delegated to the Monitoring Officer in consultation with the Leader of the respective Council and the Chief Executive/Chief Operating Officer of the respective Council.

FUNCTIONS

The Joint Committee will have oversight of the development of the York and North Yorkshire Combined Authority and ensure that it is able to be launched in accordance with the Statutory Orders issued by Government.

The Joint Committee will ensure that sufficient resources are made available to support the creation and implementation of the York and North Yorkshire Combined Authority which includes financial management and oversight, securing of appropriate resources (officers, technical and otherwise) to enable delivery and the development of governance and a policy framework.

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York and North Yorkshire Devolution Deal

Subject to ratification of the deal by all partners and the statutory requirements referred to within this document, including, public consultation, the consent of councils affected, and parliamentary approval of the secondary legislation implementing the provisions of this deal.

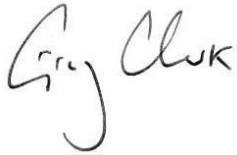


Department for Levelling Up,
Housing & Communities



The new council for
**NORTH
YORKSHIRE**

Signature Page

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive style with a large 'G' and 'C'.

The Rt Hon Greg Clark MP

Secretary of State for Levelling Up, Housing and Communities

A handwritten signature in black ink that reads "Carl Les". The signature is written in a cursive style with a large 'C' and 'L'.

Cllr Carl Les

Leader, North Yorkshire Council

A handwritten signature in blue ink that reads "Keith Aspden". The signature is written in a cursive style with a large 'K' and 'A'. There is a horizontal line drawn under the signature.

Cllr Keith Aspden

Leader, City of York Council

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Introduction

1. The Government has set itself a mission that, by 2030, every part of England that wants a devolution deal will have a devolution deal with powers at, or approaching, the highest level of devolution, with a simplified, long-term funding settlement. The 2022 Levelling Up White Paper makes clear the case for devolution as the engine room of improved productivity and reduced regional disparities. Devolution will be critical to delivering our twelve headline Levelling Up missions, strengthening local leadership to act more flexibly and innovatively to respond to local need, whether on transport, skills or regeneration.
2. In the White Paper, the Government published for the first time a devolution framework, which set out a clear menu of options for places in England that wish to unlock the benefits of devolution. This framework places a strong emphasis on the importance of high profile, directly elected local leadership, strong local governance, and joint working across sensible and coherent economic geographies. The most comprehensive package is a Level 3 deal, for areas with a single institution over a sensible geography, with the strongest and most accountable leadership, such as a mayoral combined authority (MCA), or a single unitary authority or a county council covering a functional economic area or the whole county geography with a directly elected mayor. The Level 2 offer is for devolution to single local government institutions without a directly elected mayor, such as combined authorities, or a single upper tier local authority covering a functional economic area or the whole county geography with the leader and cabinet governance model. The Level 1 offer is for local authorities with looser joint working arrangements, such as a joint committee model.
3. This document sets out the terms of an agreement for a Level 3 devolution deal between the Government and the local authorities of City of York Council and North Yorkshire Council (“York and North Yorkshire”), subject to ratification by the Councils and the statutory requirements for making the secondary legislation implementing the deal. This document describes both the offer of powers and budgets from the Government and the reforms and measures that York and North Yorkshire will need to deliver. Central to this is the election of a directly elected leader across the deal area, to champion the area’s interests, deliver on local priorities, and be accountable to local people. The statutory requirements for implementing the deal include public consultation, the Councils consenting to the legislation and Parliament approving it. Once this legislation is approved and made, the devolution deal will be confirmed.
4. With a population of around 818,000 and a nominal GVA of £20.5 billion York and North Yorkshire offers enormous potential. It is home to over 46,000 businesses and has an employment rate of 79.2%. Together, York and North Yorkshire form a coherent economic area with a number of significant strengths, including growth in the bioeconomy and agri-tech sectors, a tourism industry which harnesses both its natural assets and its urban appeal, and major investment in clean energy, such as the Drax power station.

5. Sizeable parts of York and North Yorkshire enjoy these strengths, but the region also faces challenges which constrain productivity levels and the ability to grow. These include poor rural digital connectivity; poor transport connectivity; high house prices, coupled with low wages; and coastal deprivation, which puts the area in the bottom ten percent for social mobility. Greater local powers are needed to tackle these challenges, to level up, and to harness the huge economic opportunity for the benefit of people in York and North Yorkshire and for the whole UK.
6. Government investment in the area is already helping to tackle these challenges, with £145.9 million of the Local Growth Fund and £15.4 million of the Getting Building Fund invested in York and North Yorkshire. Northallerton has received £6.1 million from the Future High Streets Fund and York Central Enterprise Zone has been awarded over £77 million in Housing Investment Grant funding and £6 million from the Local Growth Fund. York has also benefitted from the Leeds City Region Growth Deal settlement for West Yorkshire and York, which secured £30 million annual funding over 20 years to support the West Yorkshire Plus Transport Fund. £47.5 million improvements to York, Selby, Harrogate and Skipton Railway Stations will continue to be funded from the Transforming Cities Fund through established arrangements with West Yorkshire Combined Authority. Currently, the Government is investing £25.4 million of UK Shared Prosperity Fund (UKSPF) and Multiply funding in York and North Yorkshire, in addition to the £20.2 million and the £17.1 million Town Deals currently being delivered in Scarborough and Whitby respectively.
7. The local authorities of York and North Yorkshire and the Government are now minded to agree a historic mayoral devolution deal which will provide powers and funding to enable York and North Yorkshire to unleash its full economic potential and in doing so level up, raise living standards for its communities and make a full contribution to the UK economy. It will build upon the area's history of collaboration to maximise this investment. The York and North Yorkshire devolution deal shows how levelling up can be done in practice – with clear alignment to the twelve headline Levelling Up missions and long-term, devolved funding underpinning it.
8. The York and North Yorkshire deal will unlock significant long-term funding and give local leaders greater freedom to decide how best to meet local needs and create new opportunities for the people who live and work there. The Government recognises that devolution is a journey, not a one-off event. This agreement is the first step in a process of further devolution. As institutions mature, they can gain greater responsibility, and York and North Yorkshire will be able to deepen their devolution arrangements over time, subject to Government agreement. The Government will continue to work with York and North Yorkshire on important areas of public service reform and infrastructure investment, to

support inclusive economic growth in towns, cities and rural areas whilst tackling the climate emergency, on our journey to 2030.

9. As a mayoral combined authority, York and North Yorkshire will have an important role and voice across the Northern Powerhouse and will be a key partner of central government to drive regional growth and productivity, joining the existing mayoral combined authorities and engaging with the Government as a mayoral combined authority from the date of this deal – 1 August 2022.

Summary of the Devolution Deal between the Government and the Local Authorities of York and North Yorkshire comprising City of York Council and North Yorkshire Council.

The Government and York and North Yorkshire are minded to agree a devolution deal which will provide the area with new powers and funding to increase opportunities and living standards through inclusive growth and productivity improvements.

A devolution agreement is contingent upon York and North Yorkshire proceeding through the steps necessary to establish a mayoral combined authority and meeting the governance criteria required for a Level 3 devolution deal.

This devolution agreement includes:

- York and North Yorkshire establishing a combined authority and electing a directly elected mayor to provide overall vision and leadership, seek the best value for taxpayer's money, be directly accountable to the city region's electorate and to receive new powers on transport, housing and skills.
- Control of a £18 million per year allocation of investment funding over 30 years 35% capital, 65% revenue, to be invested by York and North Yorkshire to drive growth and take forward its priorities over the longer term.
- New powers to improve and better integrate local transport, including the ability to introduce bus franchising, control of appropriate local transport functions e.g., local transport plans, and control of a Key Route Network.
- An integrated transport settlement starting in 2024/25 and an additional £1 million to support the development of local transport plans.
- New powers to better shape local skills provision to meet the needs of the local economy, including devolution of the core Adult Education Budget, as well as input into the new Local Skills Improvement Plans.
- New powers to drive the regeneration of the area and to build more affordable homes including compulsory purchase powers and the ability to establish Mayoral Development Corporations.
- Over £13 million for the building of new homes on brownfield land across 2023/24 and 2024/25, subject to sufficient eligible projects for funding being identified.
- Investment of up to £2.65 million on projects that support York and North Yorkshire's priority to deliver affordable, low carbon homes across the area, subject to final business cases.
- Subject to a full business case, demonstrating the value of the scheme in delivering housing, jobs and GVA to the area, the government is minded to provide additional support to the York Central brownfield regeneration scheme.
- £7 million investment to enable York and North Yorkshire to drive green economic growth towards their ambitions to be a carbon negative region. This investment is subject to agreement of submitted business case.

- York and North Yorkshire Combined Authority will plan and deliver the UK Shared Prosperity Fund (UKSPF) from 2025/26 if there is a continuation of the Fund and the delivery geographies remain the same.
- Integration of the York and North Yorkshire Local Enterprise Partnership (YNY LEP) into York and North Yorkshire Combined Authority. This will ensure there continues to be a strong and independent local business voice which informs local decision making.
- A commitment to explore a local partnership with Great British Railways so that the mayor can help shape and improve local rail.
- Support to develop a Natural Capital Investment plan for York and North Yorkshire.
- Commitments to work in partnership with the area on the development and delivery of strategies to realise the region's cultural potential.
- Engagement on broadband and mobile infrastructure rollout and on the development of the Scarborough Cyber Cluster.
- A commitment to establish a programme working group in support of the BioYorkshire programme.
- A key leadership role for the mayor in public safety, taking on the role and functions of the Police Fire & Crime Commissioner and having a clear role in local resilience and civil contingency planning, preparation, and delivery.

More detail on these commitments is given in the main body of the document below.

Further powers may be agreed over time and included in future legislation.

Governance

10. York and North Yorkshire have already taken bold steps in securing effective and accountable governance. The local government reorganisation process resulted in a model of two unitary authorities, supporting clear local democratic accountability and efficient delivery of local authority functions. The York and North Yorkshire Local Enterprise Partnership (LEP) operates on the same geography as the proposed devolution arrangements, demonstrating effective partnership working at a sub-regional level.

Mayoral Combined Authority

11. A key advantage of the mayoral combined authority model is its joint governance arrangements for key growth levers such as transport, skills, economic development, and regeneration, which allow for strategic prioritisation across its area and integrated policy development. In addition, a directly elected mayor provides greater local accountability and decision-making power, working in partnership with the combined authority and constituent councils.

12. As part of this agreement, York and North Yorkshire will, through the current process set out in the Local Democracy, Economic Development and Construction Act 2009, adopt the model of a directly elected mayor over a combined authority across the area of York and North Yorkshire, with the first mayoral election in May 2024. The new mayor will be elected by the local government electors for the areas of the constituent councils of the new combined authority – North Yorkshire Council and the City of York Council. Mayoral terms will last four years.

13. The York and North Yorkshire Combined Authority will comprise the following members:

Voting members:

- The elected mayor.
- Four elected members, consisting of a Lead Member for each constituent council and one further member appointed by each of the two constituent councils. Constituent councils may nominate two named substitutes for each of their combined authority members.

In addition, there will be:

- One member appointed by the York and North Yorkshire LEP. The LEP Board will become the Business Committee of the combined authority subject to the LEP integration process.

This member will be non-voting unless the combined authority resolves to give them a vote on any issues.

14. The York and North Yorkshire Combined Authority will explore opportunities for further collaboration with its neighbouring local authorities including West

Yorkshire Combined Authority, Tees Valley Combined Authority, South Yorkshire Mayoral Combined Authority, Hull and East Yorkshire, Lancashire, and Cumbria and across the whole of Yorkshire through the Yorkshire Leaders Board. York will remain as a non-constituent member of the West Yorkshire Combined Authority. The mayoral combined authority may invite representatives from other partner councils to attend (and speak) at any mayoral combined authority meeting.

15. The mayor and the other combined authority members will be required to work together. Specifically:
 - The mayor will provide overall leadership and chair combined authority meetings.
 - The mayor may choose to delegate function(s) to members of the combined authority. Where this is the case the member to which a specific mayoral function has been delegated will exercise that function on behalf of the mayor.
 - More generally, members of the combined authority may also act to support and advise the mayor in the exercise of mayoral functions.
 - The mayor may appoint one person as the mayor's political adviser.
 - The combined authority may establish an independent remuneration panel to recommend allowances payable to the mayor and others as appropriate.

16. Functions contained in this deal document will be devolved to the York and North Yorkshire Combined Authority by the Government subject to parliamentary approval. Some of these functions will be exercisable by the mayor and some by the combined authority. Where these functions are local authority functions, they will be held concurrently with the local authorities in the area to ensure joined up decision making. Arrangements for the concurrent exercise of the functions will be a matter for agreement between the combined authority and its constituent councils.

17. The York and North Yorkshire Combined Authority will be given powers in relation to:
 - Economic development and regeneration functions.
 - Adult education and skills functions.
 - Transport functions including to set up and coordinate a Key Route Network (KRN) on behalf of the mayor.
 - Housing functions relating to compulsory purchase (subject to the consent of the constituent council affected by the exercise of the function), plus provision of housing and land, land acquisition and disposal, and development and regeneration of land.
 - Power to borrow up to an agreed cap for non-transport functions.

18. The directly elected mayor for the York and North Yorkshire Combined Authority will autonomously exercise their new functions with personal accountability to the electorate, devolved from central government and set out in legislation. These functions will be:

- Functional power of competence.
- Housing and planning:
 - Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation (see consent requirements below).
 - Housing and land acquisition powers (see consent requirements below) to support housing, regeneration, infrastructure and community development and wellbeing.
- Finance:
 - Power for the mayor to set a precept on council tax to fund mayoral functions (resulting from the setting of the mayoral budget as set out below).
 - Power to charge business rate supplement (subject to ballot).
- Transport:
 - Power to draw up a local transport plan and strategies (the combined authority will be able to amend the mayor's transport strategy if 3 out of 4 constituent council members agree to do so).
 - Bus franchising powers.
- Police, Fire and Crime Commissioner functions.

19. Where existing functions or resources currently held by the constituent authorities are to be shared with the mayor and the combined authority, this must be agreed by the constituent councils. Additionally, the Government intends to legislate so that mayors will have a power of direction allowing them to direct highway authorities on exercising their highway powers with regard to the KRN. The combined authority may exercise functions in relation to its area and may exercise functions outside its area, subject to and in accordance with statutory provisions.

20. Proposals for decision by the combined authority may be put forward by the mayor or any combined authority member. The mayor will have one vote as will other voting members of the combined authority. Any questions that are to be decided by the combined authority are to be decided by a simple majority of the members present and voting, unless otherwise provided for in legislation, and that majority must include the vote of the mayor.

21. In addition, for the following decisions the majority of members must include the lead member from each constituent council:

- Approving the combined authority's budget (excluding decisions which relate to the mayor's budget).
- Setting a levy.

22. The mayor will be required to consult the combined authority on his/her/their strategies, and this will be subject to the following conditions:

- The combined authority will be able to amend the mayor's budget if 3 out of 4 of the members agree to do so.

- The combined authority will be able to amend the mayor's transport strategy if 3 out of 4 of the members agree to do so.
23. The following decisions by the mayor will require the consent of the lead member of the combined authority, or substitute members acting in their place, appointed by the constituent council in whose area the decision will apply:
- Designation of any area of land as a Mayoral Development Area leading to the establishment (by Order) of a Corporation (the consent of the relevant national park authority is also required if the land falls within the national park area).
 - Compulsory purchase of land or buildings by the mayor.
 - Any decision that could lead to a financial liability falling directly upon that constituent council.
 - Such other matters as may be contained in the combined authority constitution and agreed with the mayor.
24. The mayor and the combined authority will be scrutinised and held to account by the combined authority's Overview and Scrutiny Committee(s). Six members will be nominated from each constituent council for each committee, reflecting the political balance of the constituent authorities. The chair and vice-chair of the Overview and Scrutiny Committee will be appointed by the combined authority from amongst the members of the committee, following a proposal put to them by the Overview and Scrutiny Committee. The chair and vice-chair shall not be a member of a registered political party of which the mayor is also a member. The mayor and the combined authority may also seek to enhance scrutiny and develop wider conference with all elected members in the combined authority's area to engage on key issues.
25. The Levelling Up White Paper committed to the Government to produce a reformed accountability framework for all devolved institutions in England. The Government, York and North Yorkshire and other areas with devolution deals will work together to determine how this can best work in practice, so that we can improve the consistency of data and reporting, streamline our approach to focus on clear and transparent outcomes and ensure the right mechanisms are in place to promote good practice, as well as address serious concerns. This is to ensure that local people have confidence that devolution is leading to improvements in their area. This framework will apply to York and North Yorkshire as well as all existing areas that have agreed devolution deals and all future areas. The framework will be published later in 2022.
26. The York and North Yorkshire Combined Authority will commit to working with partners across Yorkshire and the North of England, to promote opportunities for pan-Northern collaboration, including through the Yorkshire Leaders Board, Transport for the North and the NP11, to drive productivity and support Levelling Up across the North.

27. The proposals in this devolution deal are subject to ratification by each constituent council through their normal executive decision-making processes. This will include a governance review, the development and consultation of a scheme, and the submission the outcomes of the consultation to the Government. The implementation of the deal will require consultation with local communities and business on the proposals. Implementation is also subject to the Secretary of State for the Department for Levelling Up, Housing and Communities being satisfied that the required statutory requirements have been met, the consent of each constituent council and parliamentary approval of the required secondary legislation.

LEP Integration

28. The Levelling Up White Paper announced the Government's intention to support the integration of LEP functions and roles into local democratic institutions to ensure a strong business voice at the heart of local decision making. Further guidance on how integration should happen was published on 31 March 2022. This deal confirms the integration of LEP functions in York and North Yorkshire, subject to Government approval of an integration plan and agreement from York and North Yorkshire LEP.

29. The York and North Yorkshire Combined Authority will be supported to take on all the functions and roles set out in section 10 of the guidance on LEP integration published in March 2022.

30. Any long-term future funding for the integration of LEP functions and roles will be subject to future funding decisions and business planning. The Government reserves the right to modify the functions and roles set out in section 10 of the guidance on LEP integration.

31. The York and North Yorkshire LEP will become a non-constituent member of the combined authority. The Levelling Up and Regeneration Bill currently in parliament will, following the LEP integration process, enable the LEP's replacement board or its equivalent body to become a non-constituent member of the combined authority to consult independently on business issues. Integration planning will be undertaken with the Government by autumn 2023.

Finance and Investment

32. York and North Yorkshire will create a fully devolved funding programme covering all budgets for devolved functions (“York and North Yorkshire Investment Fund”), accountable to the York and North Yorkshire Combined Authority.
33. York and North Yorkshire will use the York and North Yorkshire Investment Fund to deliver a programme of transformational long-term investment. The Government agrees to allocate £18 million per annum for 30 years, 35% capital and 65% revenue, which will form part of the York and North Yorkshire Investment Fund. This will be subject to five-yearly gateway review assessments to confirm that the investment has contributed to economic growth and levelling up. Once the Order is made establishing a new mayoral institution and York and North Yorkshire has its Assurance Framework signed off, York and North Yorkshire may have access to the Investment Fund prior to mayoral elections, subject to the agreement with the Government of suitable caps.
34. The York and North Yorkshire Combined Authority will have the flexibility to secure private and public sector leverage. As per local government guidance, York and North Yorkshire Combined Authority will also be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives.
35. York and North Yorkshire Combined Authority will be given powers to borrow for its new functions, which will allow it to invest in economically productive infrastructure, subject to an agreed cap with HM Treasury. York and North Yorkshire Combined Authority will agree overall debt limits with HM Treasury, and update HM Treasury about any deviation from its underlying borrowing plans in order to support HM Treasury in its duty to monitor and forecast changes in the fiscal aggregates. York and North Yorkshire Combined Authority will also provide information, explanation and assistance to support the Office for Budget Responsibility in its duty to produce economic and fiscal forecasts for the UK economy.
36. The costs of the combined authority will be met from the overall resources of the combined authority. To support York and North Yorkshire Combined Authority in its early stages, the Government will provide £500,000 Mayoral Capacity Funding in 2023/24 - once the establishing legislation is made and the Assurance Framework confirmed with the Government - and £1 million in 2024/25. Any future capacity funding will be subject to Spending Review, in line with arrangements for other devolution deals. Additional activities or capital allocations will be supported by revenue allocated to the combined authority in line with practice for all M10 authorities.
37. The mayor will have the power to issue a precept on local council tax bills to help pay for the mayor’s work. This precept can only be raised for mayoral functions.

38. The mayor will have the power to introduce a supplement on business rates for expenditure on a project or projects that will promote economic development in the area, subject to a ballot of affected businesses.

39. The York and North Yorkshire Combined Authority will be the lead local authority for the planning and delivery of the UK Shared Prosperity Fund (UKSPF) from 2025/26 if there is a continuation of the Fund and the delivery geographies remains the same. The York and North Yorkshire UKSPF allocation - which rises to £13.96 million in 2024/25 - will be subject to a future Spending Review and reconfirmation of overall UKSPF policy and delivery arrangements from 2025/26. If the delivery model remains the same as the previous Spending Review period, it is anticipated that the combined authority will have overall accountability for the funding and how the Fund operates in the area, with wide flexibility to invest and deliver according to local needs. In carrying out this role, it will need to engage constituent authorities and other local partners to ensure that the needs of residents can be effectively addressed.

Skills and Education

Adult Education

40. York and North Yorkshire faces a significant and widening gap in its productivity performance (ONS statistics from 2019 demonstrate output per hour worked in the area is 86.5% of the UK average). There is a strong correlation between the relative performance of local areas on skills and their productivity performance. Similarly, pay levels lag behind the national average, reflecting this weak productivity, with 20% of jobs in North Yorkshire and 12% of jobs in York still paying below the National Living Wage. Across a region which includes a city, two national parks and Yorkshire Coast, this presents complex and varied challenges.
41. The Government will fully devolve the Adult Education Budget (AEB) to York and North Yorkshire Combined Authority from academic year 2025/26 subject to readiness conditions and parliamentary approval of the required secondary legislation conferring the appropriate functions. These arrangements do not cover apprenticeships or traineeships, even though the latter is funded through the AEB.
42. Prior to full devolution taking place the Government will work with York and North Yorkshire to support their preparations for taking on the relevant functions, including offering implementation funding on a 'matched-funded' basis and awarded through a business case process.
43. Upon devolution York and North Yorkshire Combined Authority will be responsible for making allocations to providers and the outcomes to be achieved, consistent with statutory entitlements. The Government will not seek to second guess these decisions, but it will set proportionate requirements about outcome information to be collected in order to allow students to make informed choices.
44. The Government will consult with York and North Yorkshire on a funding formula for calculating the size of the grant to be paid to the York and North Yorkshire Combined Authority for the purpose of exercising the devolved functions.
45. In order to proceed with devolution, the Government needs to be assured of the following readiness conditions:
 - a. The Secretary of State for Education and appropriate accounting officer are assured that York and North Yorkshire is operationally ready to administer the adult education budget and is satisfied the required statutory tests have been met.
 - b. Parliament has legislated to enable transfer to York and North Yorkshire Combined Authority of the current statutory duties on the Secretary of State to secure appropriate facilities for further education for adults from this budget and for provision to be free in certain circumstances.

- c. Agreement to a memorandum of understanding between the Department for Education and York and North Yorkshire that provides appropriate assurance that the named parties will work together to ensure the future financial stability of the provider base, including for sharing financial risk and managing provider failure.
- d. Learner protection arrangements are agreed between parties.

Skills and Employment

- 46. Local Skills Improvement Plans (LSIPs) will set out the current and future skills needs of the area and how local provision needs to change to help people develop the skills they need to get good jobs and increase their prospects. They will build a stronger and more dynamic partnership between employers and further education providers and allow provision to be more responsive to the skills needs of employers in local labour markets.
- 47. Working with the designated Employer Representative Body and utilising the intelligence developed by the LEP Skills Advisory Panel, York and North Yorkshire Combined Authority will support and provide input into the LSIP for the area.
- 48. York and North Yorkshire Combined Authority will be considered alongside other MCAs at future Spending Reviews with regard to the devolution of skills funding.
- 49. The Government recognises the challenges facing York and North Yorkshire, with coastal and rural communities experiencing a complex range of issues, such as poor connectivity. There is a need to develop and deliver targeted programmes to address the unique and very different challenges across such a large and diverse region. York and North Yorkshire will work in partnership to develop proactive support for these groups through ongoing engagement with local Department for Work and Pensions Jobcentre Plus.
- 50. The Government and the region will also work together to better target support for these groups by understanding and utilising publicly available local labour market intelligence and analysis (this includes analysis through the Skills Advisory Panel in the 2022-2023 financial year, funded by a Department for Education grant). As part of the development of the economic framework, the Government is committed to working together on the region's strategic priorities and supporting the development of the region's economic framework.
- 51. The Department for Work and Pensions and the York and North Yorkshire Combined Authority will work together on its strategic priorities for employment through enhanced engagement by way of:
 - a. Membership of the joint Department for Work and Pensions and Department for Education Mayoral Combined Authority Advisory Group.
 - b. Regular engagement with the regional Employer and Partnership team in Jobcentre Plus, and strategic labour market partnership teams.

Housing and Land

52. York and North Yorkshire Combined Authority will have broad powers to acquire and dispose of land to build houses, commercial space and infrastructure, for growth and regeneration. They will be able to invest to deliver housing for the area.
53. York and North Yorkshire Combined Authority will have land assembly and compulsory purchase powers, subject to the agreement of the York and North Yorkshire local authority constituent member where the relevant land is located, and to the consent of the Secretary of State for Levelling Up, Housing and Communities.
54. The mayor will have the power to designate a Mayoral Development Area and to create Mayoral Development Corporations, which will support delivery on strategic sites in York and North Yorkshire. This power may be exercised only with the consent of the combined authority member(s) who represent the area in which the Development Corporation is to be established, and the consent of the national park authority, if relevant.
55. As a mayoral combined authority, the York and North Yorkshire Combined Authority will be awarded £12.7 million of devolved capital funding across 2023/24 and 2024/25 to support the building of new homes on brownfield land, subject to sufficient eligible projects for funding being identified.
56. To support the York and North Yorkshire Combined Authority to identify and bring forward a pipeline of housing projects, the Government will also provide £347,000 in capacity funding across 2023/2024 and 2024/2025.
57. The Government recognises the region's priority to deliver affordable, low carbon homes across the area. The government will make a one-off investment in York and North Yorkshire of up to £2.65 million in this Spending Review period to support this ambition, specifically to pilot new energy efficiency or shared ownership schemes.

Working with Homes England

58. York and North Yorkshire and Homes England are committed, with the support of DLUHC, to working collaboratively – combining their skills and capacity – to unlock the barriers to rural affordable housing delivery, the regeneration of market towns and wider housing growth through the development of a pipeline for the region. This will be underpinned by a clear Action Plan setting out workstreams, timescales and milestones, as well as respective roles and responsibilities.

59. Homes England and DLUHC will explore the potential for investing in the delivery of this pipeline – alongside York and North Yorkshire’s wider strategic ambitions around low carbon and modern methods of construction – through current and future funding streams, including the Affordable Housing Programme.
60. Homes England, DLUHC, and the combined authority will also collectively explore how wider measures – including viability assessments and the planning system – could better support York and North Yorkshire’s plans to increase much needed rural affordable housing supply, and in partnership test how the developing Homes England rural strategy could assist in this.

York Central

61. York Central is a large and ambitious city centre brownfield regeneration project that aims to transform underused land adjacent to York railway station and create new city centre and business neighbourhoods. Subject to a full business case, demonstrating the additionality of support and the value of the scheme in delivering housing, jobs and GVA to the area, the Government is minded to provide additional support to the York Central brownfield regeneration scheme.
62. The Government is committed to continuing to develop options on establishing a new hub for government officials in York, that would include a significant expansion of job opportunities for people who live in York and the surrounding areas. The Government welcomes the ongoing support from City of York Council in developing these proposals and will continue in parallel the positive engagement with the York Central Partnership as part of the Places for Growth programme.

Transport

63. A new, directly elected mayor and the York and North Yorkshire Combined Authority will exercise the following powers and functions devolved from central government.

Transport plans

64. Responsibility for an area-wide local transport plan will be conferred to the York and North Yorkshire Combined Authority and exercised by the mayor.

65. In line with best practice as set out in new local transport plan guidance planned for early 2023, York and North Yorkshire will develop a provisional area-wide local transport plan by March 2024 to be finalised by the mayor and the York and North Yorkshire Combined Authority once these are established. The Government recognises the significant changes to governance brought about by this deal and the restructuring of local government across North Yorkshire will require some additional capacity. York and North Yorkshire will be provided with an additional £500,000 of revenue funding in 2023/24 and 2024/25, on establishment of the combined authority, to accelerate this work and implement quantifiable carbon reductions to the higher standard recommended in related guidance. The investment in local transport planning and the consolidated transport budget will provide the new combined authority with the opportunity to design a pipeline of transport schemes.

Consolidated transport budget

66. The mayor will be responsible for a devolved and consolidated integrated local transport budget for the area of York and North Yorkshire, consisting initially of the local highways maintenance funding (pothole and highways maintenance block funding) and integrated transport block. The integrated transport settlement will be available to York and North Yorkshire Combined Authority following the first mayoral election in May 2024, for the final year (2024/25) of the current Spending Review period. The Government acknowledges that York and North Yorkshire desire longer-term certainty that the integrated transport settlement will continue beyond 2025 and will therefore work with the combined authority to agree an integrated multi-year transport settlement at the next Spending Review. At this point, opportunities for expanding the integrated transport settlement offer will also be explored.

Roads

67. York and North Yorkshire Combined Authority will set up and coordinate a Key Route Network (KRN) on behalf of the mayor. The mayor and the combined authority will take on any necessary highways powers to undertake this, to be exercised concurrently with the highways authorities, as agreed locally and set out in the required scheme and consultation. Additionally, the Government intends to legislate so that the mayor will have a power of direction, allowing them

to direct highway authorities on exercising their highway powers with regard to the KRN.

68. In partnership with constituent authorities, the York and North Yorkshire Mayoral Combined Authority and the Mayor will develop a single strategic asset management plan, and where practical, work towards streamlining contractual and delivery arrangements across the region. Unless otherwise agreed locally, all operational responsibility for highways will remain with the constituent Councils.
69. York and North Yorkshire will also be able to enter into agreements with the Government, other local authorities and National Highways, including to determine shared priorities for its strategic and key road networks.
70. The Government will consider the proposals to enhance the A64 from Hopgrove Roundabout to Barton Hill as part of decisions on Roads Investment Strategy 3, taking into account its economic benefits balanced against wider factors.
71. Subject to the full business case, the Government is providing North Yorkshire County Council with £56.1 million to develop the Kex Gill scheme which will improve connectivity between Harrogate and Skipton. The Department for Transport will continue to work with York and North Yorkshire as this scheme progresses. York has also benefitted from the Leeds City Region Growth Deal settlement for West Yorkshire and York, which secured £30 million annual funding over 20 years to support the West Yorkshire Plus Transport Fund.
72. The Government acknowledges the challenges York and North Yorkshire faces with transport connectivity as a large rural area. The Government also recognises the aspirations of York and North Yorkshire to improve public electric vehicle charging infrastructure across the region, which would increase the uptake of electric vehicles in the region and reduce carbon emissions by supporting all motorists in making the switch. The Government is introducing a new £450 million local electric vehicle infrastructure (LEVI) scheme for local authorities to support local EV infrastructure delivery and will work with the combined authority to ensure the area is best placed to respond once funding arrangements for the full fund are announced.

Buses

73. York and North Yorkshire Combined Authority will have access to franchising powers in the Transport Act 2000. In any partnership or franchising arrangements, York and North Yorkshire should seek, within available resources, to facilitate the accelerated delivery of smart, integrated ticketing across all local modes of transport in the city region. York and North Yorkshire will continue to work with relevant partners – Transport for the North, bus and rail operators, Great British Railways and the Department for Transport – to realise this ambition.

74. The Government has allocated indicative funding of up to £17.4 million to City of York Council for their Bus Service Improvement Plan (BSIP). The final funding award will be based on submission and implementation of an Enhanced Partnership which delivers a package of prioritised and ambitious improvements to bus services. The Government will continue to work with City of York Council to develop their Enhanced Partnership further.
75. The Government has provided York and North Yorkshire with £16.2 million to allow them to introduce up to 83 zero emission buses, through the ZEBRA scheme.
76. As per the commitment in the National Bus Strategy, the Government is working on the reform of the Bus Service Operators Grant (BSOG). Following the reform of BSOG, should York and North Yorkshire request BSOG be devolved to them the Department for Transport will work with the combined authority to devolve BSOG to them in line with the consultation outcome.

Rail

77. The Government will support York and North Yorkshire Combined Authority in seeking a new rail partnership with Great British Railways, once established, so that their priorities can be taken into consideration in future decisions regarding their local network. York and North Yorkshire Combined Authority, alongside existing Level 3 authorities, will be considered a priority for these agreements which will provide the ability to influence the local rail offer. Local priorities will need to be coordinated and compatible with surrounding areas and the needs of the national network.
78. £47.5 million improvements to York, Selby, Harrogate and Skipton Railway Stations will continue to be funded from the Transforming Cities Fund through 2022, until completion of delivery in 2023 and delivered through established arrangements with West Yorkshire Combined Authority.

Active Travel

79. The Government has committed to basing its new executive agency, Active Travel England, in York. Active Travel England will be formally established as an Executive Agency and Active Travel England staff are expected to move into a York office later this year.
80. York and North Yorkshire will work with Active Travel England on any future walking and cycling schemes to ensure schemes are delivered to high standards, including compliance with Local Transport Note 1/20 (LTN 1/20). All cycling and walking schemes must be approved by Active Travel England as complying with LTN 1/20.

Net Zero, Climate Change and Natural Capital

Net Zero

81. York and North Yorkshire have the ambition to be net zero by 2034 and become England's first carbon negative region by 2040. The scale of York and North Yorkshire's ambition is based on their unique innovation and industrial capabilities; their nationally significant business base in low-carbon energy (such as Drax's large-scale bioenergy with carbon capture and storage plans); and their diverse and extensive landscapes, owing to the area's rural and coastal geography.
82. As part of its Net Zero strategy, the Government recognises that devolved and local government can play an essential role in meeting national net zero ambitions. Local leaders in York and North Yorkshire and elsewhere are well placed to engage with all parts of their communities and to understand local policy, political, social, and economic nuances relevant to climate action. This is why the devolution framework grants places the opportunity to adopt innovative local proposals to deliver action on climate change and the UK's net zero targets.
83. The Government supports the ambition of York and North Yorkshire to become a carbon negative region and recognises the potential contribution it can make to national net zero goals.
84. York and North Yorkshire have been working closely with the Department for Business, Energy and Industrial Strategy's (BEIS) Local Net Zero Hubs and National Energy Systems Catapult to be a trailblazing region, delivering net zero ambitions whilst creating significant new economic opportunities. They have also undertaken trailblazing work with National Energy Systems Catapult, utilising Community Renewal Funding to deliver a Local Area Energy Plan at a York and North Yorkshire scale.
85. Working with the BEIS Local Net Zero Hub and building on York and North Yorkshire's extensive net zero strategic work to date, the Government will engage with the area through regular dialogue with a single point of entry and reflecting emerging funding and policy opportunities.
86. The Government will provide £7 million investment that will enable the area of York and North Yorkshire to drive green economic growth towards their ambitions to be a carbon negative region. This investment is subject to agreement of a business case from the area.
87. The Government will also explore the opportunities and feasibility of investing to pilot an innovative approach to funding smaller scale feasibility studies in a predominantly rural area, creating a recyclable investment model.

Domestic energy efficiency

88. The Government commits to explore the potential benefits of and design options for a place-based approach to delivering retrofit measures, as part of HMG's commitment in the Net Zero Strategy to explore how we could simplify and consolidate funds which target net zero initiatives at the local level where this provides the best approach to tackling climate change.
89. This work will involve inviting York and North Yorkshire to work with Government through the relevant representative organisations to consider if such an approach could accelerate the meeting of net zero goals and provide better value for money.

Net zero infrastructure and innovation

90. The UK Infrastructure Bank ("the Bank") will increase infrastructure investment across the UK by partnering with the private sector and local government to help tackle climate change and support regional and local economic growth. The Bank's advisory service, when launched, could offer advice and support to local actors, including the York and North Yorkshire Combined Authority, to help deliver on their objectives, including driving investment into net zero infrastructure and innovative local projects. It can also act as a convenor, bringing together local actors for collaborative projects, and where appropriate identifying where projects can be aggregated to achieve greater impacts.
91. BEIS will provide opportunities for York and North Yorkshire to work with the Local Net Zero Hub to explore opportunities for relevant sources of funding for projects identified in their plans, noting that for fully commercial projects the Government would expect the private sector to identify project development capital in the first instance.

Natural Capital

92. North Yorkshire Council has provisionally agreed to act as the responsible authority for the preparation of the Local Nature Recovery Strategy (LNRS) for the area. Formal appointment of responsible authorities will be made following publication of relevant regulations and guidance and confirmation of funding. For York and North Yorkshire, the LNRS will: map the most valuable existing habitat for nature; map proposals for creating or improving habitat for nature and wider environmental goals; and agree priorities for nature's recovery. DEFRA agrees to consider the role of the York and North Yorkshire Combined Authority in the LNRS in due course.
93. Dovetailing with the LNRS, Government will ensure the new environmental land management schemes are implemented in line with local needs and priorities, including those of York and North Yorkshire.
94. York and North Yorkshire is seeking to become a trailblazer in natural capital investment, which will be core to delivering economically whilst also realising its ambition to become England's first carbon negative region. Government, which is committed to increasing private investment in nature's recovery across England,

will support York and North Yorkshire in the development of a Natural Capital Investment Plan. This support may include: a proportion of revenue funding; specialist expertise; co-ordination of peer support and networking; and/or local partnership working with DEFRA's Arm's Length Bodies (Environment Agency, Natural England, Forestry Commission). Any funding provided will be subject to further agreement and approvals, and will be conditional on participation in a programme of evaluation and shared learning.

95. Flood defence schemes worth at least £35 million are projected to be taken forward in York and North Yorkshire over the course of the Government's current six-year capital investment programme, which runs from 2021 to 2027.
96. Through this deal, DEFRA has committed to working with York and North Yorkshire on LNRS, new environmental land management schemes, and a Natural Capital Investment Plan, and will consider other opportunities to work in a place-based way.

Public Service Reform

97. The Government supports York and North Yorkshire in its ambition for public service reform. The Government commits to working with the region to explore initiatives to improve the delivery of public services jointly with its constituent authorities, such as how best to support residents with multiple complex needs. Where appropriate, and as part of its Levelling Up agenda, Government will also consider devolving further powers to York and North Yorkshire Combined Authority to support public service reform, in relation to the statutory duties held by its constituent authorities.

Resilience and Public Safety

98. York and North Yorkshire Combined Authority will have a clear role in local resilience, following Government's full consideration of the role and responsibilities of Local Resilience Forums.
99. The Government, York and North Yorkshire, and the Police, Fire & Crime Commissioner for North Yorkshire will work together with the aim of agreeing a governance model and timetable for transferring the exercise of Police, Fire & Crime Commissioner functions to the mayor, with a view to electing the first mayor with these functions in May 2024.

Culture and Tourism

100. The Department for Culture Media and Sport's (DCMS) Arm's Length Bodies will work in partnership with York and North Yorkshire Combined Authority, alongside other local partners, to build on ongoing work to develop and deliver strategies to realise the region's cultural potential, using the new combined authority as an opportunity for a strategic appraisal of the current culture, sport, and leisure provision.
101. Building on the region's cultural strengths and assets, these strategies will support cultural organisations to provide a strong offer to communities to maximise the contribution of culture, heritage, sport and leisure to place-making in the region's towns and cities, and seek to attract national and international partners. As part of this, the York and North Yorkshire Combined Authority will work with Arts Council England and other local partners to identify how it can support an increase in cultural opportunity in the Selby District Area, which is a 'Levelling Up for Culture' place. In addition, partners will build on the work of the York and North Yorkshire Heritage and Culture Strategy Group in taking forward the recommendations of the Celebrating our Distinctive Heritage report. This will include the direction of investment spending towards agreed priorities, such as the roll out of the High Street Heritage Action Zone programme to coastal and market towns where there is a perceived need, as with the successful projects in Selby, Skipton and Northallerton. Partners will also support York's cultural strategy which aims to exploit the city's distinctive creative, heritage and archaeological assets to strengthen its economy and place-making.
102. This will help realise the region's creative and cultural potential in ways that complement its broader ambitions around place-making, attracting and retaining young people and supporting the growth of the visitor economy.
103. Tourism and the Visitor Economy are crucial industries for York and North Yorkshire, with the region attracting large numbers of leisure and business visitors every year, including through its cultural and heritage offer. To help support this crucial industry, DCMS will work with York and North Yorkshire Combined Authority to explore the best structures and geographies for future Destination Management and Marketing interventions. This will be informed by the DCMS response to the De Bois review of Destination Management Organisations in England.
104. The Government understands that York and North Yorkshire places strategic importance on the refurbishment of Harrogate Convention Centre as an economic asset for the region. It is understood that a bid will be submitted for the Levelling Up Fund Round 2 and if received it will be assessed alongside other potential applicants in line with the Levelling Up Fund Round 2 prospectus and associated technical guidance.

Digital

105. The Government recognises that high quality digital connectivity is crucial for future economic growth and productivity in the region. While rollout of broadband and mobile infrastructure will be delivered nationally through DCMS, the Government will engage with the York and North Yorkshire Combined Authority on a regular basis, on delivery plans in the region, particularly where they involve hard to reach rural areas. The Government is committed to achieving nationwide coverage of gigabit capable broadband by 2030 and to ensuring that rural areas are not left behind including in York and North Yorkshire. Procurements covering York and North Yorkshire are scheduled to launch in 2023, and regular Project Gigabit programme updates will be provided demonstrating progress in delivering for communities across the area.

Innovation, Trade and Investment

106. Through the deeper devolution trailblazer deals announced in the Levelling Up White Paper, Government will bring together a holistic package of powers, roles, functions and strategic relationships to grow the private sector at a local level.
107. The trailblazers are designed as a blueprint for other mayoral combined authorities, and Government will draw lessons from this approach to make a similarly broad and holistic offer to York and North Yorkshire in due course. This offer aims to build the resilience of businesses and households in York and North Yorkshire to cost of living pressures, strengthen York and North Yorkshire's global competitiveness and empower local entrepreneurs.
108. This offer will explore the following, and potentially other, options to:
 - a. Empower York and North Yorkshire to be able to secure greater private investment in local priorities.
 - b. Strengthen York and North Yorkshire's local innovation capacity to help realise the potential of local innovation assets and the innovation potential of small and medium enterprises.
 - c. Help to realise the global export potential of local businesses in York and North Yorkshire and maximise the local benefits of international trade.
 - d. See York and North Yorkshire play a greater role in the delivery of support to local businesses.
 - e. Engage York and North Yorkshire on the delivery of digital infrastructure and potential economic and public service applications of data and data science.

BioYorkshire

109. Innovate UK (IUK) and broader UK Research and Innovation (UKRI) will work with the York and North Yorkshire Combined Authority to formally recognise and seek opportunities to support "BioYorkshire" – a cluster of excellence for the bioeconomy, delivering innovation, inward investment and high value jobs supporting both the UK levelling up objectives and delivering on national net zero ambitions. BioYorkshire is being led and championed locally by Fera Science Ltd., Askham Bryan College and the University of York.
110. A Programme Working Group with senior IUK and UKRI membership including relevant agencies, York and North Yorkshire Combined Authority, University of York, Fera Science Ltd, and Askham Bryan College will be established to:
 - a. Scope a new "end to end" bioeconomy programme of innovation and science for York and North Yorkshire and advise on further potential business case(s) development, with the aim that any programme will become self-sustaining through commercial revenue and private sector investment.

- b. Explore legal structures to maximise private sector investment and patient capital.
- c. Explore central or regional government investment opportunities.
- d. Explore bioeconomy market opportunities, with support from the Department for International Trade in due course.

Scarborough Cyber Cluster

- 111. York and North Yorkshire, working with Coventry University and industry partners including GCHQ and Anglo American have identified the opportunity to establish a national cyber cluster specialising in the development and delivery of Operational Technology in support of UK industry growth and security.
- 112. DCMS will engage with York and North Yorkshire Combined Authority and its cyber cluster to bring together relevant parts of government, supporting the alignment of research and development priorities and identification of potential collaboration and future funding, as York and North Yorkshire mobilise their plan to deliver economic and social transformation for the town and the region, and in the process strengthen the UK's international position as a leader in cyber secure Operational Technology.

York and North Yorkshire's commitments underpinning the Deal

113. The York and North Yorkshire Combined Authority will work with the Government to develop a full implementation plan, covering each policy agreed in this Deal, to be completed ahead of implementation. This plan must be approved by the Government prior to delivery. Any issues of concern with the subsequent delivery of this deal will be escalated to ministers and leaders to resolve, in keeping with the letter and spirit of devolution.
114. The York and North Yorkshire Combined Authority will be required to evaluate the impact of the York and North Yorkshire Investment Fund. The York and North Yorkshire Combined Authority and the Government will jointly commission an independent assessment of the economic benefits and economic impact of the investments made under the scheme, including whether the projects have been delivered on time and to budget. This assessment will be funded by the York and North Yorkshire Combined Authority, but will be agreed at the outset with DLUHC and HM Treasury, and will take place every five years. The next five-year tranche of funding will be unlocked if the Government is satisfied that the independent assessment shows the investment to have met the objectives and contributed to economic growth. The gateway assessment should be consistent with the HM Treasury Green Book, which sets out the framework for evaluation of all policies and programmes. The assessment should also take into account the latest developments in economic evaluation methodology. The Government would expect the assessment to show that the activity funded through the scheme represents better value for money than comparable projects, defined in terms of a benefit-to-cost ratio and considered in the strategic context of local ambitions for inclusive growth across the whole geography.
115. As part of the implementation of the deal, the York and North Yorkshire Combined Authority and the Government will agree a process to manage local financial risk relating to the deal provisions.
116. Prior to the first mayoral elections, the Government will work with York and North Yorkshire to give the public and stakeholders – including Parliament – a clear understanding of: the powers and funding that are being devolved to York and North Yorkshire Combined Authority; where accountability sits as a result of this deal; and how decisions are made.
117. The York and North Yorkshire Combined Authority and its constituent members will continue to adhere to their public sector equality duties, for both existing and newly devolved responsibilities.