

Appendix 5

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 \(westyorks-ca.gov.uk\)](https://www.westyorks-ca.gov.uk/appendix-1-west-yorkshire-governance-review.pdf)

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.