

## Mayoral Combined Authority Board 07

June 2021

### Nominations and Appointment 2021/22

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<b>Is the paper exempt from the press and public?</b>	No
<b><i>Reason why exempt:</i></b>	Not applicable
<b>Purpose of this report:</b>	Governance
<b>Funding Stream:</b>	Not applicable
<b>Is this a Key Decision?</b>	No
<b>Has it been included on the Forward Plan?</b>	Not a Key Decision

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#### **Director Approving Submission of the Report:**

Ruth Adams, Deputy Chief Executive

#### **Report Author(s):**

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#### **Executive Summary:**

This report:

- Informs the MCA Board of the second rotational Member appointments, required to ensure the Authority has a majority of constituent Members.
- Seeks approval of the elected member nominations for the Audit and Standards Committee.
- Seeks approval of the appointments of independent members for the Audit and Standards Committee.
- Seeks approval of the elected member nominations to the Overview and Scrutiny Committee.
- Requests confirmation of the preference for either an “independent” or “appropriate” chair for the Overview and Scrutiny Committee.
- Seeks approval of the appointment of Mayor Dan Jarvis to the Transport for the North Board and subsequently the Rail North Committee.
- Seeks approval of Cllr Read as substitute member for the Transport for the North Board.

- Seeks endorsement of the nomination of two members from Sheffield, Barnsley or Doncaster to the Transport for the North Scrutiny Committee.
- Seeks approval of Mayor Ros Jones as the Combined Authority representative on the Welcome to Yorkshire Board.

### **What does this mean for businesses, people and places in South Yorkshire?**

Appointments to these committees will ensure that the MCA and partner Boards can function effectively and make decisions that have a positive impact on the South Yorkshire communities.

### **Recommendations:**

Members are asked to:

- Note the appointment of second rotational Member appointments, required to ensure the Authority has a majority of constituent Members.
- Approve the elected member nominations for the Audit and Standards Committee.
- Approve the continuing appointment of the existing two independent members for the Audit and Standards Committee pending a new recruitment process.
- Approve the elected member nominations to the Overview and Scrutiny Committee.
- Confirm the preference of an “appropriate” chair for the Overview and Scrutiny Committee and appoints accordingly from the options set out in the appendix.
- Approve the appointment of Mayor Dan Jarvis to the Transport for the North Board.
- Approve Cllr Chris Read as substitute member for the Transport for the North Board.
- Endorse seeking two Transport for the North Scrutiny Committee members from Sheffield, Barnsley or Doncaster.
- Approve the nomination of Mayor Ros Jones as the Combined Authority representative on the Welcome to Yorkshire Board.

### **Consideration by any other Board, Committee, Assurance or Advisory Panel**

Not applicable

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## **1. Background**

- 1.1 Appointments are on an annual basis however, due to the cancellation of the MCA and Local Authority AGMs in 2020 the appointments made for the municipal year 2019/20 have remained through 2020/21.

## **2. Options Considered and Recommended Proposal**

### **2.1 Rotational Members**

As required by primary legislation, which dictates that constituent member authorities must have a voting majority on the Mayoral Combined Authority, the Authority has agreed to appoint two second rotational Member appointments to meet this requirement.

The principle of appointing rotational Members will be adhered to until there is any amendment to the obligating primary legislation and there is no requirement for rotational Members to attend Authority meetings unless directed.

For 2021/22 the rotational members will be appointed from Rotherham Metropolitan Borough Council and Doncaster Metropolitan Borough Council.

Nominations, received at time of publishing, for rotational members are included in the appendix.

## **2.2 Audit and Standards Committee**

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 prescribes a number of matters determining how the Combined Authority must make arrangements for an Audit Committee including the need for political proportionality and the appointment of at least one independent person. At present there are two Independent Persons appointed whose initial term is expiring, it is proposed to extend their appointments until the new recruitment process is complete.

The Authority must appoint such a number of members of each of the constituent councils to an Audit Committee, so that the members of the committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together.

Nominations, received by the time of publishing, for the Audit and Standards Committee are included in the appendix. A Chair will be appointed by the Committee following receipt of all nominations.

## **2.3 Overview and Scrutiny Committee**

As determined by the Local Democracy, Economic Development and Construction Act 2009; The Cities and Local Devolution Act 2016 and The Combined Authorities (Overview and Scrutiny, Access to Information and Audit Committees) Order 2017 (SI 67) a number of matters are prescribed in respect of the membership and chairing arrangements of the Overview and Scrutiny Committee.

### **Member Composition**

The Combined Authority must appoint such a number of members of each of the constituent councils to an Overview and Scrutiny Committee, so that the members of the committee, taken as a whole reflect so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together. Non-Labour Member appointees are sought initially from the districts with the largest political minorities.

### **Chairing arrangements**

The Chair of the Committee can be an “independent” person, or if not, they can be an “appropriate” person. An “independent” person is someone who is not a sitting councillor of one of the constituent councils, or a close friend or family member of such a person. Such a person may, however, be a member of a registered political party.

The appointment of an independent Chair is predicated on the undertaking of a public recruitment process. Alternatively, if the Chair is not independent, they must be “appropriate”. This means that they may be a sitting councillor but must be representative of a different political party to the Mayor.

It is wholly at the Combined Authority's discretion whether to pursue the appointment of an "independent" or "appropriate" Chair of the Committee. However, a person may not be appointed as Chair of the Overview and Scrutiny Committee if that person is:

- a) A member of the registered political party which has the most representatives among the members of the constituent councils on the Combined Authority, or
- b) Where two or more parties have the same number of representatives, a member of any of those parties.

As we do not presently have any Independent Persons appointed for this Committee it is recommended that an appropriate person is chosen as chair. Nominations, received by the time of publishing, for the Overview and Scrutiny Committee and the possible candidates for Chair are set out in the appendix.

## 2.4 Thematic Boards

As described in the Authority's constitution, each thematic board comprises:

- one Leader, who is the portfolio lead, from an MCA constituent Local Authority
- a nominated elected member representative for each of the constituent Local Authorities
- a lead Chief Executive from a constituent Local Authority
- two private sector LEP Board members, one of whom will co-Chair the Board
- the MCA Head of Paid Service (or their nominated representative)

In the case of the Transport and Environment Board the Director General of the PTE is also a member.

Nominations, received at time of publishing, for the elected member representative for each of the thematic boards are set out in the appendix.

## 2.5 Appointments to outside bodies – Transport for the North

At the Annual General Meeting (AGM) of the Authority 11th June 2018 the MCA appointed Mayor Dan Jarvis as the MCA TfN Board Member. At the AGM 3<sup>rd</sup> June 2019 the Mayor was re-appointed. The MCA Constitution states that any such appointment shall only remain in force until the next annual general meeting of the Authority, or such earlier time as that person ceases to be a Member of the Authority. In addition, TfN requires each constitute authority to confirm the MCA's nominations by the 27<sup>th</sup> July 2021.

This report seeks approved to re-appoint Mayor Dan Jarvis to the TfN Board and formally re-appoint Cllr Read as the substitute member. Through this appointment Mayor Jarvis and Cllr Read will also represent the Combined Authority on the Rail North Committee.

The role of the appointed Members acting as the TfN Board is specified in the TfN constitution as:

- Collectively be the ultimate policy makers of TfN

- Bring the views of their communities into TfN's decision making process
- Maintain the highest standards of conduct and ethics
- In carrying out the business of TfN, will observe the Code of Conduct for members adopted by their appointing Authority

In addition, TfN requests that constitute authorities nominate a representative and substitute for their Scrutiny Committee. Previously, the two representatives from the MCA have been the relevant portfolio holders from the two authorities who are not providing either TfN Board representative or substitute. This has previously been Barnsley and Rotherham Councils respectively, with Sheffield and Doncaster providing the lead and substitute TfN Board representatives. Subject to agreement for Cllr Read to be the substitute TfN Board representative, it is proposed that two nominees from either Sheffield, Barnsley or Doncaster are sought as Scrutiny Committee members.

## **2.6 Appointments to outside bodies – Welcome to Yorkshire**

It is proposed that Mayor Jones is nominated as the representative from the Combined Authority on the Welcome to Yorkshire Board. Mayor Jones currently a Non-Executive Director of Welcome to Yorkshire and by representing the Combined Authority will receive a second vote.

## **3. Consultation on Proposal**

- 3.1 The MCA Executive Team has consulted with Local Authorities regarding the appointments required.

## **4. Timetable and Accountability for Implementing this Decision:**

- 4.1 Nominations will come into effect immediately.

## **5. Financial and Procurement Implications and Advice**

- 5.1 There are no financial implications associated with the appointments other than the agreed allowance made to independent members of the Audit and Standards Committee.

## **6. Legal Implications and Advice**

- 6.1 The membership requirements of all Boards and Committees is determined by the Constitution and the Local Democracy, Economic Development and Construction Act 2009 (and regulations made there under).

## **7. Human Resources Implications and Advice**

- 7.1 There are no human resources implications relating to these appointments.

## **8. Equality and Diversity Implications and Advice**

- 8.1 The composition of the boards is determined by the nominations made by Local Authorities.

**9. Climate Change Implications and Advice**

9.1 An Impact Assessment is not required for this activity.

**10. Information and Communication Technology Implications and Advice**

10.1 There are no information and communication technology implications relating to this activity.

**11. Communications and Marketing Implications and Advice.**

11.1 There are no communications and marketing implications relating to this activity.

**List of Appendices Included**

A Nominations from Local Authorities – an updated appendix will be provided when additional nominations are received

**Background Papers**

MCA Constitution