

27th July 2020

Devolution - Amendments to the Constitution

Purpose of Report

Following the consent of the Constituent Councils and the MCA to the detail of the devolution deal the MCA's Constitution needed to be updated to reflect the provisions of the deal and the legislative Order that implements the deal. This report sets out the changes to the Constitution and seeks the endorsement of the MCA to the changes.

Thematic Priority

The Constitution is required for good governance

Freedom of Information

A – the paper will be available under the Combined Authority Publication Scheme.

Recommendations

Members approve the changes to the Constitution detailed in the report and the track changed version of the Constitution appended to this report in order to reflect the devolution of further functions and the changes to governance set out in the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 ("Order"). Such changes to take effect from the date that the Order becomes legislation and has effect.

1. Introduction

- 1.1 At its meeting on 15th April 2020 the MCA agreed to submit the consultation response summary, alongside the Governance Review and Scheme to the Secretary of State and delegated authority to take forward and conclude the legal steps necessary to implement the Devolution Deal including consenting on behalf of the Authority to the enabling Powers Order.
- 1.2 Following that MCA meeting the Government circulated a draft Order and requested the consent of the MCA, the Mayor and the Constituent Councils to the laying of the Order in Parliament. These consents were provided in mid-June, and the Order was laid on 29th June 2020. The Order should pass into legislation before Summer recess.

2. Proposal and Justification

- 2.1** The main provisions of the Order are summarised at Appendix 1 to this report, with the significant elements of the order being;
- i. The devolution of education and skills functions, including responsibility for the Adult Education Budget, giving the MCA the ability to link post school learning to the needs 27th July 2020 Devolution - Amendments to the Constitution of the area;
 - ii. The devolution of housing and regeneration functions;
 - iii. The power to create Mayoral Development Corporations;
 - iv. Provisions relating to appointing a political advisor and allowances;
 - v. The granting of the general power of competence to the MCA and Mayor (including facilitating non-statutory Mayoral strategy for spatial planning).

The Order will release gainshare funding of £30m per annum for 30 years, and provide for automatic allocations of further funding from Government funding initiatives.

- 2.2** The Order will mean that the MCA's constitution needs to be updated and amended to reflect both the additional functions devolved to the MCA and the governance changes arising from the Order. A track changed version of the amended sections of the Constitution is set out at Appendix 2. The main changes to the Constitution include;
- i. Amendments to reflect changes to voting, (see Part 2 Article 5 of the attached Constitution);
 - ii. Amendments to reflect the new MCA and Mayoral functions described at para 2.1 above (see Part 3 and 4 of the attached constitution); and
 - iii. Amendments to reflect the new allowances payable for the Mayor and Deputy Mayor (see Part 6D of the attached constitution);
- 2.3** The Constitution has only been updated to reflect the devolution deal/Oder. Other changes not related to devolution e.g. an updated set of procurement rules and amended financial regulations will follow later in the year. These sections, as they have not been amended, are not reproduced at Appendix 2.

3. Consideration of alternative approaches

- 3.1** Given the Order will likely come into legal effect in mid-summer the Constitution needs to be updated to reflect its provisions. There is no reasonable alternative option.

4. Implications

4.1 Financial

None arising directly from this report

4.2 Legal

Having a Constitution is a legal requirement under Local Government legislation.

4.3 Risk Management

Without an up to date Constitution there is a risk to good governance.

4.4 Equality, Diversity and Social Inclusion

None arising directly from this report

5. Communication

5.1 None arising from this report. The new Constitution will be hosted on the MCA's website.

6. Appendices/Annexes

Appendix 1 – Summary of in the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020.

Appendix 2 – Amended sections of the Constitution, with amendments shown in track changes.

REPORT AUTHOR	Steve Davenport
POST	Monitoring Officer
Director responsible	Dave Smith – Chief Executive
Organisation	SCR MCA
Email	Steve.davenport@sypte.co.uk
Telephone	01142211353

Background papers used in the preparation of this report are available for inspection at: 11 Broad Street West, Sheffield S1 2BQ.

Other sources and references: the draft Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020.