



WMCA Board

Date: Friday 14 September 2018

Time: 11.00 am **Public meeting** Yes

Venue: Council Chamber, Birmingham City Council, Council House, Victoria Square, Birmingham, B1 1BB

Membership

Constituent Members

Andy Street (Chair)
Councillor Bob Sleigh (Vice-Chair)

Councillor Adrian Andrew
Councillor Peter Bilson
Councillor Mike Bird
Councillor Ian Courts
Councillor George Duggins
Councillor Steve Eling
Councillor Patrick Harley
Councillor Brigid Jones
Councillor Abdul Khan
Councillor Roger Lawrence
Councillor Pete Lowe
Councillor Paul Moore
Councillor Ian Ward

Appointing Authority

Mayor of the West Midlands Combined Authority
Solihull Metropolitan Borough Council

Walsall Metropolitan Borough Council
City of Wolverhampton Council
Walsall Metropolitan Borough Council
Solihull Metropolitan Borough Council
Coventry City Council
Sandwell Metropolitan Borough Council
Dudley Metropolitan Borough Council
Birmingham City Council
Coventry City Council
City of Wolverhampton Council
Dudley Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Birmingham City Council

Non-Constituent Members

Councillor George Adamson
Jonathan Browning

Councillor Steven Claymore
Councillor Shaun Davies
Councillor Matthew Dormer
Councillor David Humphreys
Councillor Julie Jackson
Councillor Tony Jefferson
Councillor Peter Nutting
Tim Pile

Councillor Izzi Seccombe
Councillor Michael Stokes
Stewart Towe

Cannock Chase District Council
Coventry & Warwickshire Local Enterprise
Partnership
Tamworth Borough Council
Telford & Wrekin Council
Redditch Borough Council
North Warwickshire Borough Council
Nuneaton & Bedworth Borough Council
Stratford-on-Avon District Council
Shropshire Council
Greater Birmingham & Solihull Local Enterprise
Partnership
Warwickshire County Council
Rugby Borough Council
Black Country Local Enterprise Partnership

Observers Awaiting Membership

Councillor Jonathan Lester
Graham Wynn

Herefordshire Council
The Marches Local Enterprise Partnership

Co-Opted Member

Lee Barron

Midlands Trades Union Congress

Observer Members

Councillor John Edwards
David Jamieson

West Midlands Fire & Rescue Authority
West Midlands Police & Crime Commissioner

Quorum for this meeting shall be at least one member from five separate Constituent councils

If you have any queries about this meeting, please contact:

Contact	Dan Essex, Governance Services Manager
Telephone	0121 214 7505
Email	dan.essex@wmca.org.uk

AGENDA

No.	Item	Presenting	Pages
Items of Public Business			
1.	Apologies for Absence	Chair	None
2.	Declarations of Interest Members are reminded of the need to declare any disclosable pecuniary interests they have in an item being discussed during the course of the meeting. In addition, the receipt of any gift or hospitality should be declared where the value of it was thought to have exceeded £25 (gifts) or £40 (hospitality).	Chair	None
3.	Chair's Remarks (if any)	Chair	None
4.	Minutes - 20 July 2018	Chair	1 - 8
5.	Forward Plan	Chair	9 - 12
Governance			
6.	Governance Review and Scheme for the Transfer of the Police & Crime Commissioner Functions	Henry Kippin	13 - 54
7.	Governance of West Midlands Fire Service - Approval of Statutory Order	Henry Kippin	55 - 82
8.	'Dying to Work' Charter	Deborah Cadman	83 - 86
Finance & Investments			
9.	Financial Monitoring Report 2018/19	Councillor Bob Sleigh	87 - 100
10.	WMCA Funding for Growth Programme Update	Julia Goldsworthy	101 - 110
Cohesion & Integration and Public Service Reform			
11.	Inclusive Growth Framework	Councillor Syeda Khatun	111 - 126
12.	Housing First: Background, Principles, Governance and Delivery	Councillor Mike Bird	127 - 132
Transport			
13.	Congestion Management	Councillor Roger Lawrence	133 - 208

Minutes			
14.	Investment Board - 26 July 2018	Councillor Bob Sleigh	209 - 214
15.	Wellbeing Board - 13 July 2018	Councillor Izzi Seccombe	215 - 220
16.	Housing & Land Delivery Board - 16 July 2018	Councillor Mike Bird	221 - 226
17.	Overview & Scrutiny Committee - 16 July 2018	Councillor Peter Hughes	227 - 230
18.	Transport Delivery Committee - 16 July 2018	Councillor Kath Hartley	231 - 238
19.	Investment Board - 20 August 2018	Councillor Bob Sleigh	239 - 244
20.	Overview & Scrutiny Committee - 4 September 2018	Councillor Peter Hughes	245 - 250
21.	Exclusion of the Public and Press [In accordance with s100(A) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item(s) of business as it is likely to involve the disclosure of exempt information as specified in paragraph 3 of the Act.]		None
Item of Private Business			
Economic Growth			
22.	Industrial Strategy	Councillor Ian Ward	251 - 318
Date of Next Meeting			
23.	Friday 9 November 2018 at 11.00am	Chair	None



**West Midlands
Combined Authority**

WMCA Board

Friday 20 July 2018 at 11.00 am

Minutes

Constituent Members

Andy Street (Chair)

Councillor Mike Bird
Councillor Ian Courts
Councillor George Duggins
Councillor Patrick Harley
Councillor Robert Hulland
Councillor Brigid Jones
Councillor Abdul Khan
Councillor Roger Lawrence
Councillor Marco Longhi
Councillor Ian Ward

Mayor of the West Midlands Combined Authority
Walsall Metropolitan Borough Council
Solihull Metropolitan Borough Council
Coventry City Council
Dudley Metropolitan Borough Council
Solihull Metropolitan Borough Council
Birmingham City Council
Coventry City Council
City of Wolverhampton Council
Walsall Metropolitan Borough Council
Birmingham City Council

Non-Constituent Members

Councillor George Adamson
Councillor Matthew Dormer
Sean Farnell

Councillor David Humphreys
Councillor Julie Jackson
Ninder Johal

Councillor Alex Phillips
Councillor Izzi Seccombe
Councillor Michael Stokes
Councillor Stephen Thirlwell

Cannock Chase District Council
Redditch Borough Council
Coventry & Warwickshire Local Enterprise Partnership
North Warwickshire Borough Council
Nuneaton & Bedworth Borough Council
Black Country Local Enterprise Partnership
Shropshire Council
Warwickshire County Council
Rugby Borough Council
Stratford-on-Avon District Council

Co-Opted Member

Lee Barron

Midlands Trades Union Congress

Observer Members

Councillor John Edwards
Lynnette Kelly

West Midlands Fire & Rescue Authority
Assistant Police & Crime Commissioner

In Attendance

Councillor Kath Hartley
Councillor Peter Hughes
David Lane
Grant Patterson

Transport Delivery Committee
Overview & Scrutiny Committee
Audit, Risk & Assurance Committee
Grant Thornton

- | Item No. | Title |
|-----------------|--|
| 14. | <p>Apologies for Absence</p> <p>Apologies for absence were received from Jonathan Browning (Coventry & Warwickshire LEP), Councillor Shaun Davies (Telford & Wrekin), Councillor Tony Jefferson (Stratford-on-Avon), Councillor Peter Nutting (Shropshire), Tim Pile (Greater Birmingham & Solihull LEP) and Councillor Bob Sleigh (Solihull).</p> |
| 15. | <p>Chair's Remarks</p> <p>The Chair welcomed the recent announcement of a Skills Deal with the Government that would result in over £100m of investment to support skills within the region, including apprenticeships for SMEs, digital skills and more experience and careers skills support for young people. He also congratulated Tim Johnson on his recent appointment as the new Managing Director of the City of Wolverhampton Council.</p> |
| 16. | <p>Minutes - 22 June 2018</p> <p>The minutes of the meeting were agreed as a correct record.</p> |
| 17. | <p>Forward Plan</p> <p>The forward plan of items to be considered at future meetings was noted.</p> |
| 18. | <p>Appointment of Transport Delivery Committee Chair</p> <p>Councillor Roger Lawrence reported on the need to appoint the chair and vice-chairs for the Transport Delivery Committee for 2018/19.</p> <p>Resolved:</p> <ol style="list-style-type: none"> (1) Councillor Kath Hartley be appointed as chair of Transport Delivery Committee for 2018/19. (2) Councillor Roger Horton and Councillor Tim Huxtable be appointed as vice-chairs of Transport Delivery Committee for 2018/19. |
| 19. | <p>Process and Indicative Timetable for Incorporation of West Midlands Police & Crime Commissioner Functions into the Mayoralty</p> <p>The board considered a report from Henry Kippin, Director of Public Service Reform, that outlined the proposed route to achieve the transfer of the West Midlands Police & Crime Commissioner role to the Mayor.</p> <p>The second Devolution Deal confirmed that, in addition to continuing the integration of the West Midlands Fire & Rescue Authority within the WMCA, the Government, WMCA and the Police & Crime Commissioner would work together to agree a detailed governance model and legislative timetable for incorporating the role and powers of the Police & Crime Commissioner into the mayoralty, with a view to electing the first Mayor with these powers in 2020. The Order to enable this would be made by the Home Secretary with the consent of constituent authorities, the WMCA and the Mayor, and it was expected that the Home Office would work closely with them, and the Office of the Police & Crime Commissioner, in developing the secondary legislation required.</p> |

Councillor George Duggins expressed concern that a single public consultation exercise was proposed that would seek views on both the principle of transferring the Police & Crime Commissioner's role into that of the Mayor as well as the specifics of how that would be achieved and the new structures that would then exist within the West Midlands. He considered that a two-stage consultation process, similar to that undertaken in respect of governance changes with the West Midlands Fire & Rescue Authority, was more appropriate. Councillor Ian Ward was also concerned that the consultation exercise was proposed to run between 19 November - 14 January, and suggested that this would limit responses from members of the public otherwise distracted during the Christmas period.

Kayleigh Chapman confirmed that the Home Office had been in discussions with both the WMCA and the Office of the Police & Crime Commissioner, and that it would need the agreed governance review and scheme to be submitted to it by mid-March 2019 to allow for sufficient time to prepare the order and gain Parliamentary approval in time for elections in May 2020. Councillor Mike Bird stressed that any self-imposed delay in the proposed timetable would therefore result in elections for the combined role not being held until 2024, which would be unacceptable given that constituent authorities and the WMCA had agreed to this as part of the second Devolution Deal.

Lynette Kelly, Assistant Police & Crime Commissioner, indicated that the Police & Crime Commissioner was concerned with aspects of the report, particularly in regard to the intention for a single consultation exercise and the lack of detail as to why these governance changes would result in an improved public service. She also suggested that meetings to develop these proposals had been held to which the Police & Crime Commissioner had not been invited to.

The Mayor indicated that discussions with the Police & Crime Commissioner's office had been on-going since December, and considered that the report reflected the outcome of these discussions. The recommendations contained within this report would only authorise further developmental work on the merger proposals, and that a further report would be considered by this board on 14 September.

Resolved:

- (1) The development of a governance review and scheme to enable the proposed amalgamation of the functions of the West Midlands Police & Crime Commissioner into the Mayoralty for the elections to be held in 2020 be agreed.
- (2) A further report on the governance review and scheme be submitted to the WMCA Board on 14 September 2018.

20. West Midlands State of the Region 2018

The board considered a report from Julia Goldsworthy, Head of Strategy, on the key findings from the 'West Midlands State of the Region 2018' report. The State of the Region report was an annual publication that reviewed economic performance across the West Midlands in order to celebrate evidence of sustained economic success and to cast a spotlight on where the region's performance fell short of fulfilling its potential as a driver for in the UK economy.

The report provided data findings across five key areas: economic growth, business competitiveness and productivity, skills, people and place.

Lee Barron welcomed the report, stressing the key role that economic prosperity played in improving people's quality of life. Councillor Alex Phillips suggested that the WMCA should consider what it could do to further help five year business survival rates across the region. Councillor Izzi Seccombe indicated that she wanted the Wellbeing Board that she chaired to take a keen interest in the data relating to 'people' during the course of the next year.

Julia Goldsworthy expressed her thanks to the Black Country Consortium for the work it had undertaken in compiling the State of the Region 2018 report.

Resolved:

- (1) The key findings from the 'West Midlands State of the Region 2018' report be noted.
- (2) The ongoing development of the key indicators be approved, so that they not only provided consistent reference to the Strategic Economic Plan, but also incorporated existing and evolving work, including evidence from the Productivity & Skills Commission, Inclusive Growth Unit, Local Industrial Strategy activity and Office of Data Analytics.
- (3) Delegated authority be given to the WMCA Programme Board to maintain a regular review of portfolio dashboards and responsibility to escalate to the WMCA Board where there were proposed actions for decision/matters of concern arising from them.

21. Environment Portfolio Priorities - Progress Update

The board considered a report from Patrick White, Director of Industrial Strategy, on proposals to strengthen the WMCA's Environment Board. In September 2017, the board agreed environmental priorities with the ambition of becoming the 'best in class' combined authority in its approach to sustainability over the next two years. It subsequently developed seven workstreams, progress against which would be assessed by the Environment Board.

In order to provide leadership across the region, it was proposed that the Environment Board be chaired by the Portfolio Lead for the Environment, and comprise appropriate cabinet members for the seven constituent authorities, along with three representatives from non-constituent authorities. The first meeting of the newly constituted board would be held on 10 September.

Whilst welcoming the report, Councillor Ian Ward stressed the need to ensure that the work of the Environment Board did not duplicate that already being done by local authorities in the region. Patrick White confirmed that the environment portfolio would focus on adding value to the existing work being done.

Resolved:

- (1) The revised membership and remit of the WMCA Environment Board be agreed.
- (2) Progress over the last nine months and emerging priorities be noted.

22. Financial Monitoring Report 2018/19

The board considered a report from Sean Pearce, Director of Finance, on the financial position of the WMCA as at the end of May. This was the first financial monitoring report of 2018/19. The consolidated revenue position showed a £365,000 favourable variance from budget due to variances within the transport and operational budgets due to the timing of activity and the recruitment to vacant posts. The report also provided details of the Mayor's office spend, which was £33,000 underspent to date, largely due to vacant posts yet to be recruited to.

Resolved:

The financial position as at the end of May 2018 be noted.

23. Investment Board - 4 June 2018

The board received the minutes of the Investment Board held on 4 June 2018.

Resolved:

- (1) The minutes of the meeting held on 4 June 2018 be noted.
- (2) The reduction of £8.3m in relation to Investment Programme commitments made by West Midlands Combined Authority be noted.
- (3) The out-turn against the Investment Programme for 2017/18 be noted.
- (4) The previous decision to exclude Sandwell Metropolitan Borough Council from the Collective Investment Fund be revoked following the West Midlands Combined Authority acquiring the necessary borrowing powers.

- (5) The value of the Collective Investment Fund be increased from £60m to £70m following the West Midlands Combined Authority acquiring the necessary borrowing powers.
- (6) The principle of applying the Investment Programme Assurance Framework to Investment Programme schemes only be agreed.
- (7) The Investment Programme-related revenue expenditure for 2017/18 be noted.

24. Transport Delivery Committee - 11 June 2018

The board received the minutes of the Transport Delivery Committee held on 11 June 2018

Resolved:

The minutes of the meeting held on 11 June 2018 be noted.

25. Audit, Risk & Assurance Committee - 21 June 2018

The board received the minutes of the Audit, Risk & Assurance Committee held on 21 June 2018.

David Lane reported that the committee had conducted a thorough review of the accounts for the WMCA and the West Midlands Integrated Transport Authority Pension Fund for 2017/18 and was happy to recommend their approval to this board.

Resolved:

- (1) The minutes of the meeting held on 21 June 2018 be noted.
- (2) The Director of Finance be authorised sign the letter of representation for the West Midlands Combined Authority and the West Midlands Integrated Transport Authority Pension Fund.
- (3) The annual accounts of the West Midlands Combined Authority and the West Midlands Integrated Transport Authority Pension Fund be approved.
- (4) The Audit Findings report presented by Grant Thornton be noted.
- (5) It be noted that Grant Thornton proposed to issue an unqualified audit opinion on the accounts.
- (6) Subject to there being no further issues raised by Grant Thornton, the Mayor and the Director of Finance be authorised to sign the accounts on behalf of the West Midlands Combined Authority.

26. Strategic Economic Plan Board - 4 July 2018

The board received the minutes of the Strategic Economic Plan Board held on 4 July 2018.

Resolved:

The minutes of the meeting held on 4 July 2018 be noted.

27. Exclusion of the Public and Press

Resolved:

In accordance with s100(A) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business as they were likely to involve the disclosure of exempt information as specified in paragraph 3 of the Act.

28. Update on Housing Infrastructure Fund Bids

The board considered a report from Gareth Bradford, Director of Housing & Regeneration, on progress in taking forward work to secure Housing Infrastructure Fund investment agreed in principle from the Government in March 2018.

Resolved:

- (1) Authority be delegated to the Director of Housing & Regeneration in consultation with the Portfolio Lead for Housing & Land, the Director of Finance and the Monitoring Officer, to submit the final Housing Infrastructure Fund Business Case to Government in August 2018, securing the investment agreed 'in principle'.
- (2) The accelerated timetable the West Midlands Combined Authority was working to for submission of the full Housing Infrastructure Fund Business Case relative to other areas, so that it received a positive investment decision in September 2018 in support of the Commonwealth Games, be noted.

29. Midland Metro Construction - Business Support Package

The board considered a report from Phil Hewitt, Director of West Midlands Metro, on a package of support schemes for businesses directly affected by the Metro construction works undertaken by the WMCA under Transport & Works Act Order powers.

Councillor Patrick Harley queried the number of business likely to be eligible for support in Dudley and considered that it could be more than was suggested. Councillor Bird considered that a company's turnover, rather than its profit, was a better measure against which to judge the impact of metro works on a business. The Chair suggested that Overview & Scrutiny Committee be asked to look at these issues in more detail to provide reassurance that they had been considered in the development of the support packages.

Resolved:

- (1) It be agreed that a package of support be developed and implemented, including a financial support scheme that followed the NET Phase 2 principles which provided support to businesses directly affected by the construction of the extension to the Metro network.
- (2) The business support package (including financial support) approved by the WMCA Board be limited to the impact of works undertaken by the WMCA pursuant to its powers to construct Metro works under the Transport and Works Act.
- (3) Authority be delegated in principle to the Managing Director, Transport for West Midlands and the Director of West Midlands Metro to draw up and publish detailed scheme rules and defined boundaries within which the scheme would be operated.
- (4) It be noted that the overall cost of providing the business support and financial assistance was estimated to be £3.7m, which equated to approximately 0.25% of the programme cost.
- (5) Overview & Scrutiny Committee be requested to consider the report further, particularly in respect of the number of businesses likely to be covered by the scheme, the determination of the capping level, the calculations used for determining support, and the scheme's funding arrangements.

The meeting ended at 12.30 pm.

WEST MIDLANDS COMBINED AUTHORITY FORWARD PLAN: NOVEMBER 2018 - JUNE 2019

Title of Report	Description of Purpose	Date of Meeting	Key Decision (Y/N)	Lead Portfolio Holder	Lead Officer	Confidential	Category
Budget Monitoring 2018/19	To review the latest budget monitoring position.	9 November 2018	No	Cllr Bob Sleigh	Sean Pearce	No	Finance
Treasury Management Strategy Mid-Year Report 2018/19	To consider a six-monthly treasury management report.	9 November 2018	No	Cllr Bob Sleigh	Sean Pearce	No	Finance
Pension Fund Governance Arrangements	To consider new pension fund governance arrangements.	9 November 2018	Yes	Cllr Bob Sleigh	Sean Pearce/ Rachel Teoh	Yes	Finance
Police & Crime Commissioner Governance	To seek approval to consult on proposals.	9 November 2018	Yes	n/a	Henry Kippin	No	Governance
HS2 Connectivity Strategy	To consider prioritisation.	9 November 2018	Yes	Cllr Roger Lawrence	Laura Shoaf	No	Transport



Title of Report	Description of Purpose	Date of Meeting	Key Decision (Y/N)	Lead Portfolio Holder	Lead Officer	Confidential	Category
Transforming Cities Fund	To agree the allocation of funding.	9 November 2018	Yes	Cllr Roger Lawrence	Laura Shoaf	No	Transport
Healthy Life Expectancy & Impact on Employment	To consider a report on the impact on employment of healthy lifestyles.	9 November 2018	No	Cllr Izzi Seccombe	Jane Moore	No	Wellbeing
Budget Monitoring 2018/19	To review the latest budget monitoring position.	11 January 2019	No	Cllr Bob Sleigh	Sean Pearce	No	Finance
Draft 2019/20 Budget, Precept and Levy	To consider proposals for the 2019/20 WMCA budget, precept and levy.	11 January 2019	Yes	Cllr Bob Sleigh	Sean Pearce	No	Finance
WMCA 2019/20 Budget, Precept and Levy	To agree proposals for the 2019/20 WMCA budget, precept and levy.	8 February 2019	Yes	Cllr Bob Sleigh	Sean Pearce	No	Finance
Medium Term Financial Plan	To approve the plan.	8 February 2019	Yes	Cllr Bob Sleigh	Sean Pearce	No	Finance



Title of Report	Description of Purpose	Date of Meeting	Key Decision (Y/N)	Lead Portfolio Holder	Lead Officer	Confidential	Category
Police & Crime Commissioner Governance	To seek approval to submit scheme to Home Office.	8 March 2019	Yes	n/a	Henry Kippin	No	Governance
New Stations Outline Business Case - Packages 1 & 2	To approve the outline business cases in respect of new rail stations Willenhall - Darlaston	8 March 2019	Yes	Cllr Roger Lawrence	Laura Shoaf	No	Transport
Budget Monitoring 2018/19	To review the latest budget monitoring position.	12 April 2019	No	Cllr Bob Sleigh	Sean Pearce	No	Finance
Budget Monitoring 2018/19	To review the latest budget monitoring position.	14 June 2019	No	Cllr Bob Sleigh	Sean Pearce	No	Finance

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WMCA Board

Date	14 September 2018
Report title	Governance Review and Scheme for the transfer of the Police and Crime Commissioner Functions
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority email: deborah.cadman@wmca.org.uk tel: (0121) 214 7200
Accountable Employee	Henry Kippin, Director of Public Service Reform email: henry.kippin@wmca.org.uk tel: (0121) 214 7880
Report has been considered by	Programme Board - 31 August 2018

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note progress on the development of the Governance Review and Scheme outlining the proposed model for Mayoral West Midlands Combined Authority (WMCA) governance of the West Midlands Police and Crime Commissioner (PCC) functions.
- (2) Request that this report and attached Governance Review and Scheme are considered by Constituent Authorities and the PCC in line with the requirement to elect a Mayor with PCC responsibilities in 2020, as agreed by the Board on 20th July 2018.
- (3) Agree to receive a further report at November 2018 WMCA Board detailing the outcome of the Constituent Councils and PCC consideration of the content of the Governance Review and Scheme, and setting out the public consultation process.

1. Purpose

- 1.1 To note the contents of the Governance Review (Appendix 1) and Scheme (Appendix 2) which enable the proposed Mayoral WMCA PCC governance model to be discussed and understood prior to seeking Constituent Council consideration, and to provide input to this model prior to public consultation.
- 1.2 To give assurance to the WMCA Board, PCC and regional stakeholders about the process to develop this Governance Review and Scheme; and that key issues raised through the development process have been addressed within the Governance Review, Scheme, and in this covering report.

2. Background

- 2.1 The second Devolution Deal for the West Midlands confirmed that, in addition to continuing the transfer of West Midlands Fire and Rescue Service governance to the WMCA, “the government, the CA and the PCC will work together to agree a detailed governance model and a legislative timetable for incorporating the role and power of the Police and Crime Commissioner into the Mayoralty, with a view to electing the first Mayor with these powers in 2020”.
- 2.2 When considering the Devolution Deal on the 9th February 2018, the WMCA Board agreed that “the Government, West Midlands Combined Authority and the West Midlands Police and Crime Commissioner will enter into discussions with the Mayor regarding a governance model for incorporating the role and powers of the Police and Crime Commissioner into the Mayor’s role and powers, provided that the final governance model proposed following discussions is agreed by each of the Constituent Authorities, the Mayor and the Police and Crime Commissioner”.
- 2.3 At the WMCA Board meeting of 20th July, the WMCA Board agreed to “the development of a Governance Review and Scheme to enable the proposed amalgamation of the functions of the West Midlands Police and Crime Commissioner into the Mayoralty for the elections to be held in 2020”.
- 2.4 It was further agreed that the Governance Review and Scheme be submitted at this Board meeting.
- 2.5 A working group comprising officers of the WMCA, Office of the West Midlands Police and Crime Commissioner (OPCC) and the Home Office (HO) has been working on these materials. Consultation has also taken place with the West Midlands Chief Constable (CC) and Finance Director, the Ministry for Housing, Communities and Local Government (MHCLG), and the Greater Manchester Combined Authority (GMCA). We have also taken advice from the Consultation Institute and sought independent legal counsel.
- 2.6 This report - and the Governance Review and Scheme attached - are the result of the above process. For clarity: the Governance review provides details of the existing governance arrangements, shows how these will evolve, and outlines the attendant assurances, governance arrangements and potential benefits. The Scheme outlines the draft legislative changes that will enable them.

2.7 Our working principle has been to ensure that we are open, collaborative and transparent; that we share draft workings within the tri-partite working group at different stages in the process; and that we do as much as we possibly can to ensure that feedback received from within the group and from wider stakeholders is incorporated.

3. Rationale

3.1 West Midlands Police (WMP) is the largest police force outside of London. It is a critical public service within region, and plays a significant role in national policing and counter-terrorism. The governance of policing with the region is in line with this profile. The PCC plays a key role securing the efficiency and effectiveness of the Force (under powers granted within the Police Reform and Social Responsibility Act 2011 which are outlined in the Governance Review section 2.1 and 2.2), and has developed a portfolio of activities both regionally and nationally which address the wider determinants of crime, the demands on contemporary policing, and the wider societal role of a high-profile, democratically elected individual within the region.

3.2 The changes proposed within the Governance Review and Scheme take this established role and profile as a starting point. They seek to protect and build on the successes of the model to date, and show how the governance of policing will evolve in line with the devolution process and wider changes in the governance and delivery of services to the public across the region and nationally. They demonstrate how we can ensure continuity through transition; and maintain the consistent, visible and robust accountability currently demonstrated through the statutory function of the Police and Crime Panel, and through maintaining the role and function of a Strategic Policing and Crime Board at the point of transfer.

3.3 The Governance Review and Scheme provide clarity on the role of a West Midlands Mayor acting as PCC, and the arrangements, accountabilities and delegations that enable the role to be discharged effectively in practice. They clarify the appropriate separation between a Mayor's role as PCC and as Chair of the Combined Authority – drawing on Home Office, OPCC and stakeholder advice to ensure that the model does not blur lines of accountability, and can continue to provide visible, consistent and clear policing governance.

3.4 The Governance Review and Scheme also suggest areas in which a West Midlands Mayoral PCC model can realise additional benefits across the policing and crime portfolio of a PCC, and for public service outcomes within the West Midlands more broadly. This would be supported in practice by the production of a Police and Crime Plan and a WMCA Business Plan that are necessarily distinct (as per provisions on police and crime plans set out in the 2011 Police Reform and Social Responsibility Act), but strategically aligned and mutually reinforcing.

4. Proposal

- 4.1 In line with the Cities and Local Government Devolution Act 2016 (Schedule 2), it is proposed that the Mayor will exercise in the Combined Authority Area all PCC functions. This is consistent with the current PCC model for policing governance: namely: a single, accountable individual responsible for the discharge of PCC functions who is directly elected by the public. In effect, the role, function and responsibilities do not change – from 2020 they are discharged by the Mayor who becomes PCC. This is underpinned by a number of key underlying principles which are backed up by legislative and policy detail within the Governance Review and Scheme:
- 4.2 *Maintaining the role, functions and profile of the PCC.* The underlying principle here is of ‘continuity’, in that all PCC powers will transfer to the Mayor – who will be elected as a Mayor with PCC powers in 2020, with all of the responsibilities, accountabilities and restrictions that go with these powers. An important difference between the underlying legal basis for the current model and the Mayoral PCC model is that the status of PCC as ‘Corporation Sole’ will change. The meaning and implications of this are explained, and the future proposal further clarified in Section 2.3, section 2.5 and within section 5 of the Governance Review. The Review outlines explicitly ways in which the important protections and assurances currently afforded by this legal status will be maintained within the Mayoral model in future. These have been worked up in collaboration with the Home Office.
- 4.3 *Providing assurance as to the ongoing importance and visibility of the PCC role.* As outlined above, the PCC has responsibility for both ensuring effective governance of policing in the region, and for a wider portfolio (usually described as the ‘and crime’ elements of the role). It is important to us that this governance role continues to be visible and robust, and that this wider portfolio is built upon and further developed. The Review outlines ways in which this will be done, such as the ongoing role of the statutory Police and Crime Panel, proposals to maintain on point of transfer a function which is in line with the current PCC’s Strategic Policing and Crime Board, and clarification of the role, scope and importance of a Deputy Mayor for Policing and Crime.
- 4.4 *Guaranteeing arrangements to ensure operational independence for the Chief Constable.* The operational independence of the Force is a key underlying principle of the PCC model. The Chief Constable is a ‘Corporation Sole’ and this will remain the case. The clear proposal outlined here is for this operational independence to be maintained: both within the underlying legislation proposed in the Scheme, and through the commitments made to continue current good practice around delegations, contracts, finances and to maintain the current scheme of consent at point of transfer. These are outlined within the Governance Review in Section 5.
- 4.5 *Ensuring that good governance and robust accountability are maintained.* It is vitally important that the integrity and professionalism of police governance will continue under a Mayoral PCC model. The Governance Review therefore shows how this will be maintained through a number of the assurances noted above (explained within Section 5); through a commitment to continue arrangements such as the Strategic Policing and Crime Board at point of transfer; and through a commitment to the transfer of OPCC officers through TUPE arrangements that will ensure continuity of support functions.

4.6 *Ensuring the whole scope of the PCC role is sustained and built upon.* The current role and profile of the PCC covers a range of activities (the ‘and crime’ functions) which we would seek to continue and build upon. A number of these are outlined in the Governance Review section 2, and the ways in which a Mayoral PCC model could build on these to generate wider synergies and public service reform benefits are outlined in section 4. We propose that – in line with the commitment to continuity for OPCC staff, contracts and undertakings – this portfolio of activities are sustained at point of transfer, after which they will be subject to the discretion of a Mayoral PCC much as they would any elected PCC.

4.7 *Providing guarantees that key PCC functions related to finance, assets, borrowing and contracts will remain ring-fenced and distinct from wider WMCA activities.* The Governance Review outlines specific ways in which functions currently guaranteed under the ‘PCC as Corporate Sole’ model would be guaranteed under a Mayoral PCC model, including:

- *Properties, Rights and Liabilities* – All decisions relating to PCC functions – and relating to assets, rights and liabilities – will be for the Mayor as directly elected individual, and exercised solely by the Mayor unless delegated appropriately. It is important to note that all police assets and funding will remain ring-fenced and for use within the policing service. These points are explained in the Governance Review section 5.6.
- *Appointments & HR* – All current staff within the OPCC will transfer to the WMCA under TUPE arrangements. The Mayoral Office of Policing and Crime (Mayoral OPCC) will be an independent function managed by a ‘Mayoral OPCC Executive Director’ (a post mirroring the current Chief Executive of the Office of the PCC). The Mayor would be involved with the appointment. This is explained in Section 5.7 of the Governance Review.
- *Borrowing* – The WMCA will have the same borrowing rights for Mayoral PCC functions that are currently enjoyed by the PCC. The Mayor will be responsible for decisions relating to borrowing (as laid out in the Revised Financial Management Code of Practice for Policing). The cost of such borrowing will be met from Police Funds, and kept separate to the discharge of other Combined Authority Functions in line with the ring-fencing of Police Funds outlined in Section 5.11 of the Governance Review.
- *Contracts* – decisions on entering into contracts regarding police matters are the responsibility of a PCC, with scope for some delegation to the Chief Constable. This arrangement will remain in place by law – giving the Mayoral PCC responsibility for all contracts, discharged in practice through a ‘scheme of consent’ that we would maintain along current lines at point of transfer. This is explained in further detail in the Governance Review section 5.12.

- *Police Funds and Police Precept* – the Governance Review outlines how the ring fencing of police funds will work in Section 5.10, including maintaining a distinct finance director role within the Mayor’s Office of Policing and Crime, and replicating current joint-audit arrangements in place between WMP and WMOPCC. The policing precept will be separate from any Mayoral precept, and will be set by the Mayor following consultation with the Police and Crime Panel. This is clarified in Section 5.10 of the Governance Review.

4.8 *Clarifying the role and scope of the Mayoral PCC, Deputy PCC and appropriate delegations.* There are clear statutory provisions governing the ability of a PCC to delegate certain functions to a Deputy PCC or anyone else. Certain functions may not be delegated, which are:

- Issuing a police and crime plan
- Setting the police budget including the council tax requirement; and
- Chief Constable appointments, suspensions and dismissals.

This will not change under proposed arrangements, as explained in Section 5 of the Governance Review. Functions that may be delegated to a Deputy Mayor for Policing and Crime (DMPC) are also outlined in Section 5.4 of the Governance Review, and will be subject to existing statutory prescriptions.

4.9 The Mayor will appoint a DMPC who will provide a strong role in supporting the Mayor in discharging PCC functions. This DMPC needs to be visible and credible (both within the region and nationally), commensurate with the needs of a large police force and in line with the current visibility and presence of the PCC currently. Proposed legislation will exclude Board Members of the Combined Authority from the DMPC role, and will restrict the role to those residing within the Combined Authority area. This is explained further in section 5.3 of the Governance Review.

4.10 *Ensuring a robust consultation process which gives stakeholders and the public the opportunity to input.* The Board has committed to going beyond the strict legal requirements to propose a robust consultation with stakeholders and the public to ensure the best possible arrangements for the West Midlands. Progress on consultation plans and the implications within the agreed timeline are outlined in Section 5 of this report below.

4.11 *Ensuring that transition arrangements are as seamless as possible* – As outlined in various sections above, we propose minimum disruption through the process of electing a Mayoral PCC through the TUPE transfer of current OPCC staff to the WMCA; commitments to ensure continuity of all OPCC protocols and arrangements at point of transfer; underpinned the legal guarantees around finance, contracts, delegations and borrowing outlined above. Section 5 of the Governance Review outlines this in more detail.

5. Next Steps

5.1 Recommendation 2 above asks the WMCA Board to note the Governance Review and Scheme, and to consent to taking these documents back to constituent councils for consideration. *In order to meet the timeline outlined in Section 5.4 below, any written feedback arising from this consideration will need to be submitted to WMCA officers by Friday 19th October.* This will give us time to incorporate feedback to the Governance Review and Scheme in time for November 2018 WMCA Board. At this Board meeting we will be seeking approval to take these documents out to public consultation.

5.2 A decision on the exact design of the consultation itself is not the subject of this report.

5.3 On 20th July 2018, WMCA Board indicated a desire for officers to further consider the most appropriate consultation process. We continue to work on an appropriate design that would meet the requirements of the board. We have taken independent legal advice, sought advice from the Consultation Society, and are in ongoing discussions with the Home Office to ensure that the proposition we will bring back to the Board is fair, lawful and robust. We will continue to work on these options between September and November, and will bring a firm proposal to November Board.

5.4 The indicative timetable is below – showing that the 8th March 2019 is the point at which Board approval to submit the scheme will need to be given. We will continue to work up options for consultation which may impact on the timeline to that point, and which will be brought back to the Board in November.

Action	Who	Date
Programme Board		06 July 2018
Approval to prepare Governance Review and Scheme	CA Board	20 July 2018
Governance Review and Scheme completed	CA/ PCC	Completed by end of August 2018
CA Board consider the Governance Review and Scheme	CA Board	14 th September 2018
Constituent Authorities and PCC consider Governance Review and Scheme and feedback comments to CA Board	Constituent Authorities/PCC	Sept/Oct
Seek Approval to Consult	CA Board	9 Nov 2018
Public Consultation	CA, Constituents and PCC	19 Nov- 14 Jan 2019
Consideration of Consultation Outcomes and final approval by Constituent Authorities/PCC	Constituent Authorities/PCC	Jan/ Feb 2019
Approval to submit	CA Board/PCC	8 th March
Scheme to Home Secretary	CA	Mid-March 2019
Home Secretary Approval	Home Office	April 2019
Preparation of Order	Home Office	April - July 2019
Agreement to Order	CA and Constituent Authorities	August 2019
Lay in Parliament*	Home Office	Oct/Nov 2019
Confirmation of Order	Home Office	December 2019
Election of Mayor with PCC Powers		May 2020

** The Electoral Commission report (September 2016) recommends that legislation impacting an election should be clear at least six months before the date of the scheduled poll. Tabling date will depend on Parliamentary approval processes but will need to be before 7 November at the latest.*

6. Financial implications

- 6.1 The financial implication of a public consultation would be determined by the nature and type of consultation.
- 6.2 The Financial implications of progression of governance arrangements and the statutory order will need to be identified and found through internal resources, with agreed support from the Home Office.
- 6.3 Wider costs of transition will need to be developed as part of any subsequent transition plan and funding identified.

7. Legal implications

- 7.1 The legal implications in terms of legislation are outlined in previous reports. Further legal implications are reported through the Governance Review and Scheme for consideration.

8. Equalities implications

- 8.1 There are no direct equalities implications arising out this report.

9. Schedule of background papers

Governance Review and Scheme

Review of Governance and Functions of the West Midlands Combined Authority

Transfer of Police and Crime Commissioner Functions

The Cities and Local Government Devolution Act 2016 includes provisions which enable the transfer of Police and Crime Commissioner (PCC) functions to elected mayors.

This Review deals with the transfer of the Police and Crime Commissioner (PCC) functions to the Mayor of the West Midlands Combined Authority (WMCA) as a directly elected individual and the implications of this transfer

It is the next phase of the West Midlands Combined Authority WMCA review of governance which builds on the latest (second) Devolution Deal, agreed at the WMCA Board meeting of the 9th February 2018, and previous Governance Reviews.

1.0 BACKGROUND

There are 40 police and crime commissioners across England and Wales. The City of London Corporation governs the City of London Police and the directly-elected mayors in London and Greater Manchester hold PCC functions for their areas. The Mayor of London occupies the Mayor's Office for Policing and Crime (MOPAC), which is a corporation sole defined in primary legislation and is statutorily distinct from other PCCs.

On 22nd November 2017, a second devolution deal for the West Midlands was announced as part of HM Treasury's autumn budget. In relation to policing, the deal conveys a commitment that 'the government, the CA and the PCC will work together to agree a detailed governance model and a legislative timetable for transferring the role and power of the Police and Crime Commissioner into the mayoralty, with a view to electing the first Mayor with these powers in 2020'.

When considering the Devolution Agreement on 9th February 2018 the WMCA board agreed that 'The Government, West Midlands Combined Authority and the West Midlands Police & Crime Commissioner will enter into discussions with the Mayor regarding a governance model for incorporating the role and powers of the Police & Crime Commissioner into the Mayor's role and powers, informed by guidance from the Home Office and the Ministry of Housing, Communities & Local Government.' This was reaffirmed at the CA Board Meeting of the 20th July when the 'development of a Governance Review and Scheme to enable the proposed transfer of the functions of the West Midlands Police & Crime Commissioner into the Mayoralty for the elections to be held in 2020' was agreed.

The necessary legislation to enable this can be found in the Cities and Local Government Devolution Act 2016, Section 4, Functions – 107F Functions of Mayors – Policing.

The geographical boundaries of the WMCA and the West Midlands PCC police area are coterminous.

2.0 EXISTING ARRANGEMENTS

2.1. Existing PCC/ Policing Arrangements

Police and Crime Commissioners were created by the Police Reform and Social Responsibility Act 2011, and the first elections were in November 2012. Each PCC term is 4 years in duration, the next elections are scheduled for May 2020.

Under the Police Reform and Social Responsibility Act 2011, Police and Crime Commissioners must:

1. Secure an efficient and effective police force in their area.
2. Appoint the Chief Constable (CC), hold them to account and if necessary dismiss them.
3. Set the police and crime objectives for their area through a Police and Crime Plan.
4. Set the force budget and determine the precept.
5. Contribute to the national and international policing capabilities set out by the Home Secretary.
6. Bring together community safety and criminal justice partners to make sure local priorities are aligned.

The primary function of the Office of Chief Constable of West Midlands Police is the exercise of operational policing duties under the Police Act 1996 and other relevant enactments. The role of the Police and Crime Commissioner, is to hold the Chief Constable to account for the exercise of these duties thereby securing the maintenance of an efficient and effective police force in the West Midlands.

The PCC is responsible for ensuring their business is conducted in accordance with the law and proper standards, and public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The PCC also has a duty under the Police Reform and Social Responsibility Act 2011 section 1(6) to secure that the police force is efficient and effective.

In discharging this overall responsibility, the PCC is also responsible for putting in place proper arrangements for the governance of their affairs and facilitating the exercise of functions, which includes ensuring a sound system of internal control is maintained through the year and arrangements are in place for the management of risk.

Although the Chief Constable is responsible for operational policing matters, the direction and control of police personnel, and for putting in place proper arrangements for the governance of the Force, the PCC is required to hold them to account for the exercise of those functions and those of the persons under their direction and control. The relationship between the PCC, the Chief Constable, the Police and Crime Panel and the Home Secretary is guided by the Policing Protocol Order 2011.

The Police and Crime Commissioner and the Chief Constable are separate "Corporations Sole". The PCC and Chief Constable have separate legal identities and can be considered as separate organisations - for example both can employ staff, hold funds and can enter into contracts, though the Chief Constable requires the consent of the PCC to do so.

2.2 Police and Crime Commissioner, PCC

The PCC has an over-arching duty to secure an effective and efficient police force. The PCC has a number of statutory roles, which include:

- representing all those who live and work in the communities in their force area and identifying their policing needs;
- setting the priorities for policing;
- deciding the budget for West Midlands Police;
- holding the Chief Constable of West Midlands Police to account for achieving the Commissioner's priorities as efficiently and effectively as possible;
- hiring and, if necessary, dismissing the Chief Constable.

In order to fulfil these roles, the PCC has a range of powers and responsibilities. The PCC:

- must produce a Police and Crime Plan that sets out:
 - Their policing objectives
 - The policing that is to be provided
 - The financial resources that are to be available for policing
 - How policing performance will be measured
- must set the policing "precept", which is the part of local council tax that goes to policing;
- can make Crime and Disorder Reduction Grants;
- has an oversight role in how complaints against the police are managed;
- must keep under review opportunities for collaboration;
- has duties relating to national criminal threats, safeguarding of children, and consulting the public;
- has a role in ensuring the effectiveness of the wider criminal justice system.

In addition to the statutory roles the West Midlands PCC has roles in national policing governance structures, such as chairing the Counter Terrorism Strategic Board, being host for the National Ballistics Intelligence Service, participation in the Specialist Capabilities Programme, direct service design, commissioning and contract management of victim services, restorative justice schemes and large projects supporting the most vulnerable such as novel domestic violence programmes, lead for the National Analytics Service and board member for the Road Safety Trust. In relation to local, regional and national police collaboration other governance functions include area such as counter-terrorism (West Midlands Counter Terrorism Unit), organised crime (West Midlands Regional Organised Crime Unit), motorway policing (Central Motorway Police Group), firearms licensing and aerial surveillance (National Police Air Service).

The OPCC's budget has absorbed cost pressures since its formation in 2012, including the requirement to undertake additional functions that have been transferred from other organisations and the impact of inflation. For example, the government's requirement to have legally qualified chairs at police misconduct hearings from April 2016, introduced in January 2016, the office now supports the Active Citizen Fund initiative distributing funding to Neighbourhood Policing Units to support local projects and commissions victims' services across the region. In addition, the OPCC manages a significant number of external funded projects totalling £11m supporting crime prevention and tackling gangs and violence across the area. Also, the OPCC from April 2018 is administering the new West Midlands Community Safety Partnership which local authorities previously undertook. The office has also recently

taken the responsibility officially for the Appropriate Adults scheme which supports vulnerable adults in custody. The 2018/19 budget includes provision for supporting revised arrangements relating to the handling of complaints as a result of the Police and Crime Act 2017.

As a 'corporation sole' the PCC can employ staff, hold assets, borrow and enter into contracts in the discharge of their functions.

The PCC is also supported by a Strategic Policing and Crime Board.

The Strategic Policing and Crime Board, SPCB, ensures effective engagement, strategic direction and holding to account of West Midlands Police. The SPCB usually meets monthly and its reports include performance information for West Midlands Police. Its meetings are public, and anyone is welcome to attend and observe. The SPCB comprises the PCC, two Assistant Police and Crime Commissioners and seven Board Members. Appointments are based on their skills and experience. Their role is:

- to maintain an overview of the implementation of the PCCs manifesto in order to ensure consistency in approach but having regards to the differing needs in the West Midlands;
- to monitor the implementation and achievement of the Police and Crime Plan and support the PCC in any work required to vary the Plan during his term of office;
- to scrutinise, support and challenge the overall performance of West Midlands Police including against the priorities agreed within the Plan;
- to advise the PCC when exercising his functions in setting the budget and precept;
- to ensure the effective working of arrangements for consulting with and engaging local residents, communities and victims of crime;
- to ensure effective working with the local policing and crime boards and advise the PCC on their effectiveness in achieving the outcomes from his award of crime and disorder reduction grants;
- to advise and support the PCC in his decision-making role and in holding the Chief Constable to account;
- to support the PCC more generally in the fulfilment of his statutory duties, to include equalities and human rights obligations.

Information on the work of the PCC can be found at www.westmidlands-pcc.gov.uk.

The PCC is supported in their work by an executive team, the Office of the Police and Crime Commissioner, (OPCC), headed up by the Chief Executive and Monitoring Officer. The team also has the Commissioner's Chief Finance Officer who is also the PCCs S151 Officer, a Legal Adviser, together with a Policy and Commissioning team, Business Support and an Internal Audit team. The cost of the OPCC in 17/18 was £1.948million with a budget of £2.357million set for 18/19

2.3 Police and Crime Panel

The West Midlands PCC, like other PCCs, is scrutinised and supported by a Police and Crime Panel.

The West Midlands Police and Crime Panel comprises 14 members and is made up of 12 councillors from across the West Midlands, 1 each from Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton with a further 2 nominated by Birmingham, 2 by the Association of Black Country Authorities and 1 nominated by Coventry and Solihull, and two independent members.

The Panel is set up under the provisions of the Police Reform and Social Responsibility Act 2011 and is therefore a statutory requirement as part of any arrangements to discharge the role of a PCC.

The Panel provides checks and balances in relation to the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions. This includes—

- the power of review and initial veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the level of the PCC's proposed precept;
- the power of review and initial veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the PCC's proposed candidate for Chief Constable;
- the power to ask Her Majesty's Inspectors of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a Chief Constable;
- the power to review the draft Police and Crime Plan and make recommendations to the PCC who must have regard to them;
- the power to review the PCC's Annual Report and make reports and recommendations at a public meeting, which the PCC must attend;
- the power to require relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;
- the power to require the PCC to attend the Panel to answer questions;
- the power (outside the Metropolitan Police District) to appoint an acting Police and Crime Commissioner where the incumbent PCC is incapacitated, resigns or is disqualified; and
- responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the IOPC in line with legislation.
- The Panel is administratively supported by Birmingham City Council

Further information on the West Midlands Police and Crime Panel can be found at www.westmidlandspcp.co.uk

2.4 Role of Chief Constable

The West Midlands Chief Constable has overall responsibility for the direction and control of West Midlands Police Force, WMP, 'the force'. The Chief Constable and officers must answer to the courts and the law for how police powers are used. They must also answer to the Police and Crime Commissioner in terms of delivering efficient and effective policing, and the way resources and spending are managed. The Chief Constable must, in exercising the functions of chief constable, have regard to the PCCs police and crime plan and will help the PCC plan the WMPF budget and give them access to information, officers and staff whenever this is needed.

The Chief Constable is responsible for ensuring the WMP business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively.

In discharging this overall responsibility, the Chief Constable is also responsible for putting in place proper arrangements for the governance of the WMP affairs and facilitating the exercise of its functions, which includes ensuring a sound system of internal control is maintained through the year and that arrangements are in place for the management of risk.

The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.

The Chief Constable is responsible to the public and accountable to the PCC for:

- leading the force in a way that is consistent with the attestation made by all constables on;
- appointment and ensuring that it acts with impartiality;
- appointing the force's officers and staff (after consultation with the PCC, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
- supporting the PCC in the delivery of the strategy and objectives set out in the Police and Crime Plan;
- assisting the PCC in planning the force's budget;
- providing the PCC with access to information, officers and staff as required;
- having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities;
- notifying and briefing the PCC of any matter or investigation on which the PCC may need to provide public assurance either alone or in company with the Chief Constable (all PCCs will be designated as Crown Servants under the Official Secrets Act 1989(a), making them subject to the same duties in relation to sensitive material as Government Ministers);
- being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command;
- entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective Policing Bodies;
- remaining politically independent of their PCC;
- managing all complaints against the force, its officers and staff, except in relation to the Chief Constable, and ensuring that the PCC is kept informed in such a way as to enable the PCC to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission in line with legislation;
- exercising the power of direction and control in such a way as is reasonable to enable their PCC to have access to all necessary information and staff within the force;
- having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC.

- The Chief Constable of the West Midlands is supported by a Deputy Chief Constable, six Assistant Chief Constables (one is seconded to the National Crime Agency, with salary and other costs met by the NCA and another ACC is seconded to the National Police Chiefs Council, with salary costs met by the WMP and other costs to be met nationally), a Director of Commercial Services who is also the WMP S151 Officer and a Director of People and Organisational Development.

Further information on West Midlands Police can be found at www.west-midlands.police.uk

2.5 Existing WMCA Arrangement

The WMCA, which came into being 1 June 2016, comprises 7 constituent councils that are coterminous with the area of the CA, 11 non-constituent councils and 4 Local Enterprise Partnerships (LEPs). Through the CA, chaired by the Mayor, they work together to improve the quality of life for everyone living in the West Midlands. The WMCA is the Legal Entity, the Mayor is not a Corporation Sole.

The powers of the WMCA are set out in two Powers and Functions Orders in 2016 and 2017 respectively. Principally they relate to public and passenger transport, Economic Development and Regeneration, contain Highways Functions, contain powers regarding congestion and road safety, powers regarding housing land and infrastructure including CPO, the power to establish a Mayoral Development Corporation, powers relating to skills and learning and the Adult Education Budget, powers to borrow and to propose a Business Rates Supplement.

The Strategy to achieve this is called the Strategic Economic Plan (SEP), which sets out the vision for improving the quality of life for everyone in the West Midlands.

By working with people, organisations and businesses across the region the Mayoral WMCA is focused on delivering the benefits of devolution to the residents of the West Midlands.

The plan shows how we will use devolved powers and resources to deliver a stronger West Midlands with a focus on skills, innovation, transport and inward investment.

To achieve this there are eight priority actions:

1. New manufacturing economy: harnessing the biggest concentrations of high value manufacturing businesses in Europe and their supply chains.
2. Creative and digital: further developing the areas vibrant and flourishing sector.
3. Environmental technologies: securing transformational environmental improvements.
4. Medical and life sciences: enabling the further growth of the medical and life sciences sector and supporting other businesses to diversify and become part of the sector's supply chain.
5. HS2 growth: maximising the benefits of the largest infrastructure project in Europe.
6. Skills for growth and employment for all: ensuring the skills needs of businesses are met and everybody can benefit from economic growth.

7. Housing: accelerating the delivery of current housing plans to increase the level of house building to support increased level of growth.
8. Exploiting the economic geography: making the most of the scale and diversity of the West Midlands' geography to enable economic growth and community wellbeing throughout the urban core and rural areas.

The WMCA governance oversight of this consists of an elected mayor, a WMCA Board and a number of Committees and Boards:

- Audit, Risk and Assurance Committee
- Housing and Land Delivery Board
- Investment Board
- Overview and Scrutiny Committee
- Public Services Reform Board
- Transport Delivery Committee
- Wellbeing Board
- WMCA Board

The Authority also employs a Leadership Team of Directors who are responsible for a range of policy areas and service delivery, together with a Finance Director (s151 Officer) and Monitoring Officer/ Clerk to the Authority.

2.6 Mayor

In the West Midlands the first Mayor was elected in May 2017.

The Mayor is chair of the West Midlands Combined Authority (WMCA), elected by the electorate of the WM on a four-year cycle (first cycle was 3 years to bring in line with the PCC election cycle), the next election will take place in 2020. Specific powers include:

- Economic growth
- Transport
- Housing
- Skills and jobs
- Wellbeing

However, there are a number of other areas that the Mayor focuses on and plays a part in:

- Homelessness and rough sleeping
- Youth unemployment
- Community cohesion
- Air quality
- Public Service reform

Another key role of the Mayor is to serve as an advocate and global ambassador for the West Midlands region, helping to build trade links and attract inward investment.

2.7 WMCA Board

The Board membership consists of the Mayor and two elected councillors, including the leader, from each of the seven constituent councils, which cover the West Midlands conurbation (Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council, and City of Wolverhampton Council). Representatives from ten non-constituent members also form part of the Board and have limited voting rights – Cannock Chase District, North Warwickshire Borough, Warwickshire County, Nuneaton and Bedworth Borough, Redditch Borough, Rugby Borough, Shropshire, Stratford on Avon District, Tamworth Borough and Telford and Wrekin Councils together with the 3 LEPs covered by the WMCA Area, Black Country, Coventry and Warwickshire and Greater Birmingham and Solihull. The PCC and the Fire Authority currently also sit on the Board as Observer members, whilst they do not possess voting rights, they are able to add value by contributing to strategic discussions.

The Board:

- has overall responsibility for developing and delivering the Strategic Economic Plan (SEP);
- has overall responsibility for developing the strategy and delivering Public Service Reform (PSR);
- ensures delivery of the agreed devolution deals;
- negotiates and delivers further devolution deals;
- approves future devolution deal development;
- determines strategy on investment decision;
- allocates resources through the Combined Authority budget & income streams such as devolution deals;
- determines Transport strategy and spending priorities;
- operates a Cabinet model with Constituent Member Leaders 'sponsoring' a portfolio;
- considers and determines applications for Constituent, Non-Constituent and Observer status;
- works with partners to develop the Midlands Engine;
- works with Government to develop and influence national policy;
- sets the fees for membership

It operates through a number of Committees.

Audit, Risk & Assurance Committee

The Audit, Risk and Assurance Committee is a key component of the WMCA's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. The purpose of the Audit, Risk and Assurance Committee is to provide independent assurance to the Authority of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Overview & Scrutiny Committee

To ensure that decisions made by the WMCA, help make the West Midlands region a better place to live, work, study and do business.

To undertake call-in arrangements for the Combined Authority. To make recommendations for consideration by the WMCA Board.

Transport Delivery Committee

The Transport Delivery Committee is a sub-committee of the WMCA Board and is part of the Transport for West Midlands (TFWM) activities. The committee provides oversight of the operational delivery of transport across the West Midlands, and as requested by the WMCA Board or Leader with Transport responsibilities, advise on transport policy matters.

The committee is responsible for the discharge of specified transport functions delegated by the WMCA Board.

The WMCA has a number of priorities which are vested in the Mayor and WMCA portfolio lead members:

Wellbeing – mental health, mental health commission and health devolution;

Economic growth – delivery of Strategic Economic Plan (SEP), access to finance for business, Collective Investment Fund (CIF), WMCA growth company, international trade and exports, digital strategy and the arts and cultural activity;

Housing and Land – land commission, Land Remediation Fund (LRF) housing delivery, one public estate;

Skills and Productivity– skills and productivity commission (including employability), learning for the future and further education (FE) area reviews;

Cohesion & Integration and Public service reform – public service reform agenda, troubled families, criminal justice, welfare reform, shared services and social inclusion;

Transport – delivery of Strategic Transport Plan, Midlands Connect, West Midlands Rail, HS2 delivery transport and Transport Delivery Committee;

Finance and Investment, HS2 – delivery of the WMCA investment agenda.

Environment

3. REVIEW OF THE EXISTING POLICE AND CRIME COMMISSIONER ARRANGEMENTS

Public Services locally across the West Midlands are changing significantly and will continue to do so with the inception of the WMCA as an example. Central Government's expectations around increased efficiencies and reform place an additional expectation on this continued change and transformation.

Police services are not exempt from these expectations and have made significant efficiencies to offset the average 21.2% real terms reductions to total funding since the CSR of 2010 to 2018. The impact on West Midlands Police has been even greater with a 25.1% reduction (equating to £157m) over that period and has resulted in a reduction of police officer numbers of over 2,000. Council tax precept for policing in the West Midlands is the second lowest in the country and to reflect that the HO granted additional flexibility to those Forces in the lower quartile to increase their precept by a maximum of £5 from 2016. For 2018/19 and 2019/20 precept flexibility for all Forces has been raised to £12 per annum and grant levels maintained at 2017/18 levels.

In order to maintain the delivery of efficiencies to meet the funding reductions, the PCC and Chief Constable have implemented and continued to progress 'an ambitious and leading-edge transformational programme' in partnership with Accenture, which is planned to improve services within reducing resource levels. By 2020 the Transformation Programme hopes to deliver:

- increased citizen confidence, participation and satisfaction;
- improved productivity, efficiency, agility and service levels;
- reduced demand using opportunities to prevent crime;
- improved workforce experience
- increase in professional standards;
- improvements in evidence handling;
- a more mobile workforce able to respond at pace.

WMP2020 is a broad programme of organisational, technology and process change. Underpinned by a comprehensive "Target Operating Model", WMP2020 includes a number of projects that will significantly increase WMP's capability to use of new technology in support of offering an efficient and effective service:

- Mobile technology to allow officers to undertake more of their work away from police stations, thereby increasing efficiency and making their work with the public more accessible. This includes, for example, digital witness statements and two-way remote access to Force systems.
- Organisational structures and training that preserves, enhances and clarifies the role of neighbourhood policing, ensuring that resources are concentrated and deployed appropriately
- A "hubbed" Response function that offers increased productivity
- Reconfigured Public Protection, CID and Regional Organised Crime functions to improve service and respond to increased demand
- New engagement tools such as WMNow (a digital messaging service that supports contact with the public and promotes active citizenship) and WMP Cadets (improved engagement with Young People)
- New approaches to recruitment and retention that support more making WMP more reflective of the wider population
- A new online portal allowing the public to obtain information and advice, report crimes and track investigations, including webchat
- New tools for measuring satisfaction with service and confidence in policing
- Much improved information management and visualisation tools that will give WMP the ability to understand and respond to the needs of callers and victims, including a revised

call grading methodology, a new command and control system, and a move to greater use of secure online storage.

- Predictive analytics capabilities that will improve the design, delivery and implementation of preventative activity
- Engagement with national programmes that support local service improvement, such as the National Automatic Number Plate Recognition Service, the Home Office Biometrics Programme, the Single Online Home for Policing, among others.
- Wider use of new technologies that support public confidence in policing and the safety of officers, such as Body Worn Video and Taser

Two examples of the programmes being undertaken are the active citizens and digital revolution initiatives:

Active citizens – research shows that harnessing the power of our people can transform neighbourhoods and transform lives. Active citizenship means getting people involved in their local communities at all levels from street, to ward to borough activity.

Digital revolution – modernising how we engage with people to match their expectations. This project will develop more ways to connect digitally through a variety of online channels. Information sharing leads to better understanding about what is happening in local areas and how the public can prevent crime. Part of the project will look to how best the public can be effectively signposted to the best service to meet their needs.

Devolution provides the opportunity for public service transformation to improve how services are aligned around individuals, to remove the barriers to collaborative working and to bring together social and economic ambitions to support inclusive growth.

The Policing and Crime Act 2017, also places a statutory duty on emergency services to collaborate in the interests of the economy, efficiency, effectiveness and public safety. An Order for the transfer of Fire Authority functions to the Mayor is currently being prepared for submission later this year to Parliament. Once enacted and with both functions the responsibilities of the Mayor will have the benefit of better meeting the duty and identifying opportunity to collaborate and drive innovative reform. The duty to collaborate remains regardless of any transfer of power from the PCC to the Mayor.

4. OPPORTUNITIES AND BENEFITS

The Mayor and the WMCA want to fully grasp the full potential of the devolution opportunity and are already working with local stakeholders to put their aims into action. Government supports these objectives. The government also sees the second devolution agreement as an opportunity to create a step change in the public services agenda, by establishing the building blocks to further public service transformation in the West Midlands in the future and ensuring continued close collaboration between the WMCA and government.

In turn the government, in the second devolution agreement, recognises the ambition of the Combined Authority to improve outcomes for offenders in the West Midlands area and will work with the WMCA and local Police and Crime Commissioner to develop and strengthen the local role in commissioning joined up local criminal justice services whilst recognising and retaining the strong and visible accountability and governance arrangements put into place by the current PCC.

Opportunities include the contribution that can be made to the achievement of both the PCC and WMCA's strategic ambitions and priorities by supporting growth and reducing the total cost of delivering public services through a coordinated, integrated, intelligence led and collaborative delivery of services. Examples of this are provided below.

The transfer presents the ability to join up the leadership of local public services and unlock a range of opportunities for deeper and more meaningful collaboration. The Mayor, the West Midlands Combined Authority and the Police and Crime Commissioner have a number of shared policy areas where positive progress is already being made, examples include Thrive, Mental Health and Justice, and criminal justice reform. The opportunities presented through the transfer of functions broadens these opportunities further to include gains in joining up public services and systems further focusing on key areas of prevention, early intervention and crisis management – including within several policy areas identified within both the WMCA strategic objectives and the current PCC's Police and Crime Plan.

All changes in democratic governance or public service organisation have costs and benefits. A transfer of this size will need to be managed well, and with the right supporting expertise in place. Through the transfer of PCC functions to the Mayoralty we believe the benefits to the public, to business and to public services are clear:

1. Clearer accountability for citizens, business and government – shifting to a Mayoral PCC model means that one person is accountable within the region for the range of functions that currently sit across the Mayor and PCC. This could well be simpler for the public to understand; means people are asked to vote in one election rather than two; and creates a much stronger link between the governance of policing, the factors that influence it, and the social and economic determinants that contribute to crime. The model provides simplicity to other stakeholders too. The various departments of government have a single interface into the region; and the business community know who is accountable for the things that create the right environment for them to thrive.

In effect, the transfer gives us one single figure in the West Midlands who can work across a range of services, who can influence business and government, and who can make sure that policing and crime in the West Midlands is not only as well governed as today, but is integral to the strategic direction of the region overall.

One example of how this works in practice is in Greater Manchester where the role of the Police and Crime Commissioner was amalgamated into the Mayoralty in 2017. Greater Manchester published their Standing Together Plan for Greater Manchester (their Police and Crime Plan) which, as the title suggests is a plan which encompasses the collaboration across public services and communities which the Mayor acting as PCC is in a unique position to provide. It draws on the links between community safety and local authorities, the local health economy, the voluntary and third sector and communities in tackling the complex problems which they are trying to solve, such as modern slavery and domestic abuse.

2. Much better collaboration between services to the public – The transfer gives the West Midlands the opportunity to build much stronger links between different types of public service, and make sure those services are as bespoke to the needs of the public as possible. More specifically a single agency approach means reducing confusion and fragmentation for citizens (particularly those with more complex needs who often end up within the policing and justice systems); reducing the cost of ‘failure demand’ (the leaking of resources as a result of this fragmentation); and being much more proactive about joining up the things that keep people away from crime.

We know, for example, that access to housing, skills, jobs and poor transport can be contributing factors in people offending, and why it is so hard for people to stop offending once they are in the criminal justice system. A Mayor with powers across these areas (as will be the case in the West Midlands) has a unique opportunity to see, support collaborate and innovate across public services to help prevent crime and to work much more closely with the Local Authorities who make up the WMCA’s membership. In London for example, the Mayor’s Office for Policing and Crime was able to identify and respond to an increase in crime on the underground by making changes to the way the transport network responds to reports of offences, the use of CCTV and how evidence is gathered and presented to secure convictions.

3. Reducing demand on Policing through addressing the Causes of Crime – a Mayor with the powers described above can play a key role supporting a more sustainable police force in future. We know that demand for policing is rising, and that recent spikes in violent crime mean that forces around the country have struggled to keep a focus on neighbourhood policing and prevention. With a Mayor as PCC, we would look to create innovative new models of neighbourhood working that align police, fire and other local public services in a way that specifically targets the causes of crime and reduces these spikes in demand.

There are numerous great projects already being commissioned by the PCC in this space – including on crime and economic opportunity, perpetrator management, and prevention for young people at risk. A Mayor as PCC could continue this work but with the opportunity to embed this more obviously within the WMCA’s programme of reform – and therefore leverage the resources available through our skills, housing and economic growth functions, homelessness, mental health, employment support and mentoring programmes, and join up data and intelligence with the region’s emerging Office of Data Analytics.

New York City, although different in scale and composition to the West Midlands, has for many decades had a Mayor responsible for governance of a number of public services, including policing. This has demonstrated that through interlocking partnership strategies NYC successfully cut their numbers of murder and non-negligent manslaughter by 57% from 2000 to 2017, and burglaries by 68% over the same period, the key ambition in NYC was to build cohesive, engaged neighbourhoods. Source: https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/historical-crime-data/seven-major-felony-offenses-2000-2017.pdf

4. Making Sure the Public Pound is Spent as Efficiently as Possible – the transfer to a Mayoral PCC model does not impact on the money spent within the West Midlands on policing – this is mostly set nationally, is ring-fenced, and will not be negatively impacted on under a different model. Similarly, there are many things that the Office of the PCC does now which would continue – both its statutory functions and discretionary activity. The point of this transfer is not to consolidate and make a large cost-saving on office costs either – because we will set up a Mayors Office of Policing and Crime which will need a similar level of expertise and resource as the OPCC has currently.

There are, however, areas where we can make a potential saving for the public. Two elections will be replaced by one, with a marginal saving and whilst the saving made will be to Government in relation to the PCC election, there is a case to argue this is reinvested in the West Midlands. The closer integration of staff and governance can help remove costly duplication and speed up collaborative processes. The opportunity for joining up communication with local partners on police and crime, fire, housing, skills and other areas within the WMCA orbit is significant.

In addition to the above there are a number of specific areas where the transfer of responsibilities to the Mayor could open up opportunities. For example;

1. Opportunities to join up the 'and crime' aspect of the PCC functions. These are often interpreted as the wider factors which impact on offending and reoffending, reducing social harms and promoting positive, healthy, happy and more prosperous communities. There are particular opportunities with regards to partnerships with key stakeholders including but not limited to Local Authorities, health, housing, probation, employers and the business community. Within the current PCC plan 2016-20 there are 7 key priorities, most of which have a partnership element with local authorities, health, the WMCA or other local stakeholders.
2. The potential to drive down demand on policing through ensuring effective collaboration and partnerships in early intervention and prevention, including through improved data sharing and cross-agency working. This should focus on linking policing strategy to the wider suite of local public services, local authority responsibilities and WMCA priorities. It should also consider the impact on policing within the housing strategy, the skills and productivity deal and wider WMCA activity.
3. Digital - Effective digital leadership and governance is key to implementing successful digital change. Working with GDS and MHCLG, the WMCA are drawing up a Digital Capability Framework which sets out the level of skills required to deliver effective digital programmes, and which can be used to disseminate best practice across local government. The WMCA will be an informed, intelligent, efficient customer for digital innovation in the public sector. This will be supported by best practice digital governance.

The WMCA recognises the potential of data to improve public service delivery. Key to exploiting this successfully is that the WMCA continues to use data and analytics securely and effectively for integrated local decision-making, planning and delivery. GDS and DCLG will work with the WMCA to explore further opportunities for using open data and secure data to improve public service delivery.

WMCA have already recognised that digital is the 'golden thread' in the modern economy with the recent launch of their Urban Challenge programme. To further support their ambitions to use technology to solve the complex problems faced by the public sector, the government has encouraged the WMCA to put forward new challenges to the recently announced GovTech Catalyst, which is supported by the new £20m GovTech Fund. The GovTech Catalyst and Fund will support public bodies to work closely with our world-leading tech sector, taking on the most innovative ideas, to boost productivity in UK public services.

4. 5G Technology – The Government has already recognised innovative proposals from the WMCA in the field of Data Analytics, and the WMCA has recently been awarded national 'test bed' status (with substantial funding) for the roll-out of 5G technology through the Urban Connected Communities Fund. The PCC was in support of the bid.
5. Criminal Justice Service - The government has recognised the ambition of the Combined Authority to improve outcomes for offenders in the West Midlands area and is committed to work with the WMCA and local Police and Crime Commissioner and devolving criminal justice responsibilities to the region.
6. Homelessness - The Mayor's Homelessness Taskforce is working with partners to redesign the services and care offered to homeless people across the West Midlands, with a strong focus on prevention. Government has committed £28m for Housing First pilots in three areas across England, one of which will be in the West Midlands. This will pilot the Housing First approach to ending the homelessness of rough sleepers with the most complex needs. Under this approach individuals will be provided with accommodation alongside intensive key worker support to enable them to recover from issues such as mental health or substance abuse and sustain their tenancies.

5. PROPOSED GOVERNANCE MODEL

The transfer presents the ability to join up the leadership of local public services and unlock a range of opportunities for deeper and more meaningful collaboration, some examples of which are outlined in Section 4 above. The spirit and intent of the proposals are to build on the work initiated by the PCC and as such we will seek to replicate all of the existing local governance arrangements and protocols whilst retaining the operational independence of the CC and WMP. This will include the retention of all existing delegations, particularly those outlined in Sections 5.2, 5.6 and 5.12 as of day 1 following transfer. Following the election in 2020 it should be acknowledged that a new Mayoral PCC or PCC may wish to amend delegations and consents,

processes and procedures and governance structures to align with their own approach and intentions.

5.1 Mayor with PCC responsibilities

The existing arrangements for a combined authority mayor exercising PCC functions is consistent with the PCC model; a single, locally elected representative responsible for ensuring local services are accountable to the people they serve. Key to this is the principle that the core characteristics of the PCC model are maintained whether they are discharged by a PCC or by another directly elected individual such as The Mayor. The provisions affecting the operation of the PCC model are set out in primary legislation which would not be changed fundamentally as a result of proposals outlined in this Review. In addition, to ensure a smooth transition and continuity, we would expect to replicate all the existing local arrangements and protocols as at day 1 of the new arrangements.

In line with the Cities and Local Government Devolution Act 2016, Schedule 2 it is proposed that the mayor will exercise in the combined authority area all PCC functions. This will provide for a single directly accountable individual responsible for the discharge of core PCC functions which will be consistent with the PCC model and ambition for local people to have a single point direct accountability. This includes securing that the police force is efficient and effective and holding the Chief Constable to account.

Appropriate remuneration will be paid in respect of the Post of Mayoral PCC and any subsequent Deputy Mayor for Police and Crime, this would be developed with guidance from the Home Office who have advised that this is deemed Mayoral remuneration and so would need to be dealt with by an Independent Remuneration Panel.

5.2 Corporation Sole – Under the 2011 Act the PCC is a Corporation Sole with the ability to discharge the core functions provided for in the 2011 Act. These functions, see ‘Functions’ below, will transfer to the Mayor who will have the sole responsibility for deciding upon and discharging them. There are however areas that are currently solely discharged by the PCC as Corporation Sole that, after the transfer, will reside in the WMCA:

- Properties, Rights and Liabilities
- Appointments
- Borrowing
- Contracts

With the Mayoral PCC model allowed for within the Cities and Local Government Act 2016 it will be the WMCA that becomes the Corporate Body. The Home Office have confirmed that there is no alternative model to that which has been proposed that is allowed by legislation and there is no intention to create new primary legislation or seek to amend Combined Authority legislation to allow for the Mayor to become Corporation Sole.

With this in mind and to facilitate the principle of ‘Corporation Sole’ is retained within the proposed governance framework due regard will be given within the Constitution of the CA to ensure that any necessary ‘ring fencing’ and ‘Chinese walls’ are in place.

Details as to how it is proposed that this will operate in the future can be found in the relevant sections below.

5.3. Deputy Mayor Police and Crime

In line with the existing provision for PCCs to appoint a Deputy PCC (DPCC) and delegate functions to them, the Mayor will appoint a Deputy Mayor for Policing and Crime (DMPC).

The Deputy Mayor will provide a strong role in supporting the Mayor discharge the PCC functions. The role will be both visible and credible, playing a prominent national role befitting the second largest force in the country and as such having an ability to understand and promote best practice not only internally but nationally as well.

In addition to the restrictions laid out in the Police Reform and Social Responsibility Act 2011 and the Cities and Local Government Devolution Act 2016 the Order will require the appointment to exclude Members of the Combined Authority and will restrict the role to those individuals residing in the CA Area.

5.4. Functions

As per the Police Reform and Social Responsibility Act 2011 the following functions in general will exist. A PCC may delegate any policing function to a DPCC, with the exception of those strategic functions reserved as being exercisable only by the PCC. The functions which may not be delegated by a PCC to a Deputy PCC, and as such by a Mayor acting as PCC to a DMPC are:

- issuing a police and crime plan;
- setting the police budget including the council tax requirement; and,
- Chief Constable dismissals, suspensions and appointments.

Functions that may only be exercised by the PCC or DPCC and, correspondingly, may only be exercised by the Mayor acting as PCC or the DMPC are:

- determining police and crime objectives;
- attendance at a meeting of a Police 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 of the 2014 Act.

In addition the Mayor, acting as PCC or the DMPC, may also delegate or sub delegate functions, but not those listed above subject to statutory limitations.

5.5. Existing Local Protocols/ Arrangements

To ensure a smooth transfer, all existing agreed local protocols and arrangements will remain in force at the point of transfer until subsequent review following an election.

5.6 Transfer of properties, rights and liabilities

All property, rights and liabilities which are property, rights and liabilities of the PCC will transfer and vest in the WMCA. However, all decisions relating to PCC functions (and relating to assets and liabilities etc) will be for the mayor as the directly elected individual.

The use of these assets will however be ring fenced within the Order so as to emulate as far as possible the current PCC 'corporation sole' arrangement.

All functions and decisions in relation to such property, rights and liabilities are to be exercised solely by the mayor unless delegated by the mayor in line with 'Functions' above. Any receipts arising from such property, rights and liabilities (whether arising from their use, sale, and disposal or otherwise) are to be paid into the police fund kept by the mayor.

5.7 Office of the Police and Crime Commissioner OPCC

The staff within the OPCC will transfer to the WMCA under a statutory transfer order which will replicate the characteristics of a TUPE transfer.

The Mayoral OPC will be an independent function managed by an 'OPCC Executive Director'.

The Mayor would be involved with the appointment.

5.8 Monitoring Officer and Chief Finance Officer (Section 151 Officer)

There will be a monitoring officer whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be the monitoring officer will be able to cover a range of functional areas, not just policing.

In addition, there will be a chief finance officer (Section 151 Officer) whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be chief finance officer can cover a range of functional areas, not just policing.

The Mayor would be involved with the appointments.

5.9. Police and Crime Panel

There will be no change to the role and arrangements in respect of the Police and Crime Panel. Members of the Combined Authority will not be a member of the PCP.

Scrutiny of the discharge of PCC functions will be performed by a Police and Crime Panel who hold the appropriate powers, set out in the Police Reform and Social Responsibility 2011 Act alongside their responsibilities and membership requirements, to effectively scrutinise and support the actions and decisions of the PCC and enable the public to hold them to account.

The Police and Crime Panel (PCP) will exercise broadly the same functions as PCPs under the PCC model, but with some minor modifications such as ensuring the panel only scrutinises the policing element of the precept, which forms a separately identifiable component of a wider combined authority precept, rather than the whole precept.

5.10 Police Funds

With the existing arrangements for a combined authority mayor PCC, there is a single precept comprising of separate components for the mayor's general functions and one for policing. The PCC component is required to appear separately on council tax bills. The secondary legislation (see the Greater Manchester PCC functions transfer order) requires that the mayor calculates the component of the council tax requirement which relates to policing and which forms part of the precept, taking into account the views of the Police and Crime Panel. It makes clear that the determination of the final amount of the PCC component is for the Mayor acting as PCC. This component is subject to its own referendum criteria. This means government has full flexibility to apply a distinct council tax referendum principle for the policing component of the precept in a mayoral area in the same way as it currently does for all other PCCs across England and Wales. The Home Secretary has the power to give directions to the mayor acting on behalf of the combined authority in relation to the calculation of the component of the council tax requirement which relates to policing, and which forms part of the precept. This is similar to the current power he has in relation to PCCs under section 41 of the Police Act 1996 to prevent the safety of people in the police area being put at risk by a decision that sets the precept too low.

Police Funds will be kept separate to the discharge of other Mayoral Combined Authority functions and into which all receipts arising, and liabilities incurred in the exercise of PCC functions must be paid.

Money paid into the police fund is reserved for policing, 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 PCCs as set out in the Financial Management Code of Practice the Mayor would have to publicly account for how police funds are spent.

The police fund, which will include precept income, will also include reserves maintained for policing and crime reduction. Police reserves should be maintained in accordance with the relevant guidance, agreed accounting principles and locally agreed financial regulations and schemes of governance.

In the case of grants the existing arrangements and protocols will be retained as at day 1.

Current Joint Audit Committee arrangements between PCC and WMP, with an Independent Chair, will be retained on transfer until subsequent review following an election.

Arrangements will also need to be made in the Order to extend the financial year in accounting terms for the WMPCC so that the PCC and CC prepare statement of accounts for the period 1 April 2019 up to the date of transfer. So as to remove the need for having short period within which it would need to open and close accounts before the transfer.

5.11 Borrowing

The Mayor will be ultimately responsible for decisions relating to borrowing in relation to PCC functions, as laid out in the 'Revised Financial Management Code of Practice' for Policing, but may delegate them in practice. This does not detract from the legal status of the Combined

Authority as the borrowing party. The cost of such borrowing will be met from Police Funds and as above kept separate to the discharge of other Mayoral Combined Authority functions.

The WMCA will have the same borrowing rights for Mayor PCC functions that are currently enjoyed by the PCC.

The current WMCA Borrowing Order does not list what functions WMCA can borrow for. Instead, it says that legislation will be put in place to allow “the West Midlands Combined Authority powers to borrow for its new functions.” So it would apply to any functions WMCA add later unless the deal is modified to exclude them.

The WMCA will seek an amendment to its existing debt cap arrangements with HMT to reflect its assumption of new responsibilities relating to the Mayoral PCC. The Mayoral PCC debt cap should be in addition to the WMCAs existing arrangements with HMT.

5.12 Contracts

Decisions on entering into contracts regarding police matters are functions of a PCC under the PCC model (with scope for some delegation to the Chief Constable). They are therefore regarded as PCC functions under the 2009 Act and would therefore be covered by the rules in respect of the delegation of responsibility for exercising PCC functions which are set out at Paragraph 3 of Schedule 5C of the 2009 Act, which makes clear that such decisions can only be taken by the Mayor or anyone to whom they personally delegate responsibility.

As such and in keeping with the PCC model the Mayor will have ultimate responsibility for all contracts relating to police matters, although they may provide consent for contracts to be entered into by the chief constable as per existing the existing scheme of delegation and procurement protocols.

Decisions on the issuing of policing related grants are also PCC functions therefore these powers would rest with the Mayor or anyone to whom they delegate responsibility.

5.13 Police and Crime Plan

The issue of a police and crime plan by the Mayor 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.

5.14 Policing Protocol

As a matter of law, the Policing Protocol will apply to a Mayor acting as PCC as it applies to a PCC. Apart from the changes in governance outlined in this report, all other aspects of existing primary legislation relating to the role and functions of the PCC will remain unchanged.

5.15 Inspection, Investigation and Complaints

The powers of HMICFRS, as set out in the Police Act 1996, and the police complaints procedure, as set out in the Police Reform Act 2002 and subsequent amendments, will still apply.

5.16 Implications on future WMCA Boundary changes

As with all current Mayoral functions any possible future boundary changes would require the Mayor taking on the functions and powers for the newly incorporated area. Such a change would require the implications to be clearly set out in the Governance Review and subsequent scheme, fully consulted on and appropriate Secretary of State agreement and Parliamentary approval. In the case of PCC functions where the area to be incorporated was completely coterminous with the affected PCC and Police Force area the mayor would assume the overall PCC functions of the new CA area. Where the incorporated area was only part of a PCC and Force area, for example a District, then those functions would become mayoral functions with the boundary of the affected area being revised to reflect the change in responsibilities. All of which would be subject to further extensive Governance Reviews and subsequent Secretary of State approval.

6. THE LEGISLATIVE ROUTE TO ENABLING MAYORAL GOVERNANCE

The main pieces of legislation enabling the governance change to be enacted can be listed as follows:

- The Local Democracy, Economic Development and Construction Act 2009
- The Cities and Local Government Devolution Act 2016

The route to achieve mayoral governance of the police service is through the Cities and Local Government Devolution Act 2016 which amends the Local Democracy, Economic Development and Construction Act 2009. This primary legislation provides for secondary legislation to put in place transfer arrangements to enable the WMCA Mayor to exercise PCC functions. This route will enable, through the devolution deal, powers and functions of the PCC to be transferred and exercised only by the Mayor as detailed in 5 above.

The justification and evidence base to support this route has been provided throughout this review and will be listed in the Scheme. The Scheme will be consulted upon and approved locally prior to being submitted to government. The process is detailed below.

Process and timeline:

Action	Who	Date
Programme Board		06 July 2018
Approval to prepare Governance Review and Scheme	CA Board	20 July 2018
Governance Review and Scheme completed	CA/ PCC	Completed by end of August 2018
CA Board consider the Governance Review and Scheme	CA Board	14 th September 2018
Constituent Authorities and PCC consider Governance Review and Scheme and feedback comments to CA Board	Constituent Authorities/PCC	Sept/Oct
Seek Approval to Consult	CA Board	9 Nov 2018
Public Consultation	CA, Constituents and PCC	19 Nov- 14 Jan 2019
Consideration of Consultation Outcomes and final approval by Constituent Authorities/PCC	Constituent Authorities/PCC	Jan/ Feb 2019
Approval to submit	CA Board/PCC	8 th March
Scheme to Home Secretary	CA	Mid-March 2019
Home Secretary Approval	Home Office	April 2019
Preparation of Order	Home Office	April - July 2019
Agreement to Order	CA and Constituent Authorities	August 2019
Lay in Parliament*	Home Office	Oct/Nov 2019
Confirmation of Order	Home Office	December 2019
Election of Mayor with PCC Powers		May 2020

** The Electoral Commission report has recommended that legislation impacting an election should be clear at least six months before the date of the scheduled poll. Tabling date will depend on Parliamentary approval processes, but will need to be before 7 November at the latest.*

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West Midlands Combined Authority

Scheme for the transfer of police and crime commissioner functions

Interpretation

In this Scheme:

“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 2016 Act” means the Cities and Local Government Devolution Act 2016;

“the area” means the area of the combined authority;

“the combined authority” means the West Midlands combined authority, WMCA;

“the deputy mayor for policing and crime” means the deputy mayor for policing and crime for the area;

“the mayor” means the mayor for the area;

“the OPCC” means the office of the police and crime commissioner;

“the police and crime commissioner” PCC means the police and crime commissioner for the West Midlands;

1. Summary

This Scheme is prepared following the decision of the West Midlands Combined Authority (WMCA) on 20 July 2018.

The Scheme provides as follows:

- provision in relation to the transfer of police and crime commissioner (“PCC”) functions from the Police and Crime Commissioner for the West Midlands to the Combined Authority Mayor for the West Midlands in May 2020;
- transfer the property, rights and liabilities of the PCC to the West Midlands Combined Authority

Whilst recognising that the section 4 (1) (107F) 2016 Act does not require this the Scheme has nevertheless been prepared in conjunction with a Review under section 111 of the 2009 Local Democracy, Economic Development and Construction Act, as amended, which concluded that the making of an order conferring additional functions on the WMCA, as set out in the Scheme, and changes to the constitutional arrangements of the WMCA. The proposals in the Scheme will be the subject of a further public consultation. In putting forward the report before Parliament the Home

Secretary will include a description of any consultation taken into account, section 105A (10) of the 2009 Act.

2. Legislative Context

The Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) established the position of PCC and specifies the core functions of a PCC. Section 107F of the Local Democracy, Economic Development and Construction Act 2009 (the “2009 Act”), inserted by section 4 of the Cities and Local Government Devolution Act 2016 (the 2016 Act), provides that a mayor for the area of a combined authority can, by order, be conferred functions of a police and crime commissioner for the area. Section 107F(8) specifies that any PCC function exercisable by the mayor 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 with provision made under Schedule 5C of the 2009 Act. Section 107F also specifies that an order providing for a mayor to exercise PCC functions must provide that there is to be no PCC in that area from a specified date and may cancel any future PCC ordinary elections which would otherwise have taken place in that same area, extend the term of office of the current PCC to the specified date and prevent any PCC by-election taking place in that area within six months of the specified date.

The functions are those conferred on PCCs by or under the following act or any other Act (whenever passed)

- Police Reform and Social Responsibility Act 2011

3. The Scheme

The Scheme provides for the following changes:

3.1 Mayor with PCC responsibilities

In line with the Local Democracy, Economic Development and Construction Act 2009 as amended by the Cities and Local Government Act 2016, Schedule 2 the Mayor will exercise PCC functions in relation to the combined authority area. This will provide for a single directly accountable individual responsible for the discharge of core PCC functions which will be consistent with the PCC model and ambition for local people to have a single point direct accountability. This includes securing that the police force is efficient and effective and holding the chief constable to account.

Under the 2011 Act the PCC is a Corporation Sole with the ability to discharge the core functions provided for in the 2011 Act. As laid out above, and in 3.3 Functions, the functions will transfer to the Mayor who will have the sole responsibility for deciding upon and discharging the functions. There are however areas that are currently solely discharged by the PCC as Corporation Sole that with the transfer will reside in the WMCA as legal entity although the decision making in respect of these functions, after the transfer, will remain with the Mayor as PCC:

- Properties, Rights and Liabilities
- Appointments

- Borrowing
- Contracts

Details as to how it is proposed that this will operate in the future can be found in 3.4, 3.5, 3.9 and 3.10 respectively.

Appropriate remuneration will be paid in respect of the Post of Mayoral PCC and any subsequent Deputy Mayor for Police and Crime, this would be developed with guidance from the Home Office who have advised that this is deemed Mayoral remuneration and so would need to be dealt with by an Independent Remuneration Panel.

3.2 Deputy Mayor Police and Crime

In line with the existing provision for PCCs to appoint a Deputy PCC (DPCC) and delegate functions to them, the Mayor will appoint a Deputy Mayor for Policing and Crime (DMPC).

In addition to the restrictions laid out in the Police Reform and Social Responsibility Act 2011 and the Cities and Local Government Devolution Act 2016 the Order will require the appointment to exclude Members of the Combined Authority and will restrict the role to those individuals residing in the CA Area.

3.3 Functions

As per the Police Reform and Social Responsibility Act 2011 the following functions in general, will exist. A PCC may delegate any function to a DPCC, with the exception of those strategic functions reserved as being exercisable only by the PCC. The functions which may not be delegated by a PCC to a Deputy PCC, and as such by a Mayor acting as PCC to a DMPC are:

- issuing a police and crime plan;
- setting the police budget including the council tax requirement; and,
- Chief Constable dismissals, suspensions and appointments.

Functions that may only be exercised by the PCC or DPCC and, correspondingly, may only be exercised by the Mayor acting as PCC or the DMPC are:

- determining police and crime objectives;
- attendance at a meeting of a Police 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 of the 2014 Act.

In addition the Mayor, acting as PCC or the DMPC, may also delegate or sub delegate functions, but not those listed above subject to statutory limitations.

3.4 Transfer of properties, rights and liabilities

All property, rights and liabilities which are property, rights and liabilities of the PCC will transfer and vest in the WMCA. However, all decisions relating to PCC functions (and relating to assets and liabilities etc) will be for the mayor as the directly elected individual.

In addition to the Mayors existing 'functional power of competence' the Order will also provide for:

- all functions in relation to such property, rights and liabilities are to be exercised by the mayor;
- all decisions relating to such property, rights and liabilities are 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.

Unless delegated by the Mayor in line with 3.3 above.

In addition the use of these assets will also be ring fenced within the Constitution so as to emulate as far as possible the current PCC 'corporation sole' arrangement.

3.5 Office of the Police and Crime Commissioner OPCC

The staff within the OPCC, including any secondments, will transfer under a statutory transfer order which will replicate the characteristics of a TUPE transfer.

The Mayoral OPCC will be managed by an 'OPC' Executive Director'.

Arrangements would be made locally for the Mayor to be involved with any appointment.

3.6 Monitoring Officer and Chief Finance Officer (Section 151 Officer)

There will be a monitoring officer whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be the monitoring officer will be able to cover a range of policy areas, not just policing.

In addition there will be a chief finance officer (Section 151 Officer) whose responsibilities include the Mayor's exercise of PCC functions. The person appointed to be chief finance officer can cover a range of policy areas, not just policing.

Arrangements would be made locally for the Mayor to be involved with any appointments.

3.7 Police and Crime Panel

There will be no change to the role and arrangements in respect of the Police and Crime Panel. Members of the Combined Authority will not be a member of the PCP.

Scrutiny of the discharge of PCC functions will be performed by the Police and Crime Panel who hold the appropriate powers, set out in the Police Reform and Social Responsibility 2011 Act alongside their responsibilities and membership requirements, to effectively scrutinise the actions and decisions of the Mayor PCC and enable the public to hold them to account.

The Police and Crime Panel (PCP) will exercise broadly the same functions as PCPs under the PCC model, but with some minor modifications such as ensuring the panel only scrutinises the policing element of the precept, which forms a separately identifiable component of a wider combined authority precept, rather than the whole precept.

3.8 *Police Funds*

Police Funds will be kept separate to the discharge of other Mayoral Combined Authority functions and into which all receipts arising and liabilities incurred in the exercise of PCC functions must be paid. Within the existing arrangements for a combined authority mayor PCC, there is a single precept comprising of separate components for the mayor's general functions and one for policing. The PCC component is required to appear separately on council tax bills.

Arrangements will need to be made in the Order to extend the financial year in accounting terms for the WMPCC so that the PCC and CC prepare statement of accounts for the period 1 April 2019 up to the date of transfer.

Money paid into the police fund will be reserved for policing, 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 PCCs, as set out in the 'Revised Financial Management Code of Practice' for policing, the Mayor would have to publicly account for how police funds are spent.

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. Police reserves should be maintained in accordance with the relevant guidance, agreed accounting principles and locally agreed financial regulations and schemes of governance.

All decisions on money relating to policing must be made by the mayor. Money in the police fund can only be spent on policing and matters that are incidental to the mayor's PCC functions.

Decisions on the sale of police assets and reinvestment of receipts must be made by the mayor and money paid into police fund from where it can only be spent on matters that are incidental to the mayor's PCC functions.

3.9 *Borrowing*

The Mayor will be ultimately responsible for decisions relating to borrowing in relation to PCC functions, as laid out in the 'Revised Financial Management Code of Practice' for Policing, but may delegate them in practice. The cost of such borrowing will be met from Police Funds and as above kept separate to the discharge of other Mayoral Combined Authority functions. This does not detract from the legal status of the Combined Authority as the borrowing party.

The WMCA will have the same borrowing rights for Mayor PCC functions that are currently enjoyed by the PCC.

The current WMCA Borrowing Order does not list what functions WMCA can borrow for. Instead, it says that legislation will be put in place to allow "the West Midlands Combined Authority powers to borrow for its new functions." So it would apply to any functions WMCA add later unless the deal is modified to exclude them.

The WMCA will seek an amendment to its existing debt cap arrangements with HMT to reflect its assumption of new responsibilities relating to the Mayoral PCC. The Mayoral PCC debt cap should be in addition to the WMCAs existing arrangements with HMT.

3.10 *Contracts*

Decisions on entering into contracts regarding police matters are functions of a PCC under the PCC model (with scope for some delegation to the Chief Constable).

As such and in keeping with the PCC model the Mayor will have ultimate responsibility for all contracts relating to police matters, although they may provide consent for contracts to be entered into by the chief constable or another to whom the Mayor personally delegates responsibility to as per existing agreements and protocols.

Decisions on the issuing of policing related grants would also rest with the Mayor or anyone to whom they delegate responsibility.

3.11 *Police and Crime Plan*

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 in respect of the Mayor acting as PCC.

3.12 *Policing Protocol*

As a matter of law, the Policing Protocol will apply to a Mayor acting as a PCC as it applies to a PCC. Apart from the changes in governance outlined in the Governance Review, all other aspects of existing primary legislation relating to the role and functions of the PCC will remain unchanged.

3.13 *West Midlands Police*

West Midlands Police will remain a distinct and separate organisation.

3.14 *Inspection, Investigation and Complaints*

The powers of HMICFRS, as set out in the Police Act 1996, and the police complaints procedure, as set out in the Police Reform Act 2002 and subsequent amendments, will still apply.

3.15 *Consequential amendment and modification requirements*

The following consequential amendment and modification requirements of enactments will be required in their application to the WMCA with Mayoral PCC functions:

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

Road Traffic Act 1988

Local Government and Housing Act 1989

Police Act 1996

Police Reform Act 2002

Proceeds of Crime Act 2002

Local Railways and Transport Safety Act 2003

Government Act 2003

Local Government and Public Involvement in Health Act 2007

Local Democracy, Economic Development and Construction Act 2009

Police Reform and Social Responsibility Act 2011

Local Audit and Accountability Act 2014

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 55

Local Government Pension Scheme Regulations 2013

Local Audit (Auditor Resignation and Removal) Regulations 2014

Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

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WMCA Board

Date	14 September 2018
Report title	Governance of West Midlands Fire Service - Approval of Statutory Order
Accountable Chief Executive	<p>Deborah Cadman, Chief Executive, West Midlands Combined Authority email: Deborah.cadman@wmca.org.uk tel: (0121) 214 7200</p> <p>Phil Loach, Chief Fire Officer to West Midlands Fire & Rescue Authority email: phil.loach@wmfs.net tel: (0121) 380 6909</p>
Accountable Employees	<p>Karen Gowreesunker, Clerk to the West Midlands Fire & Rescue Authority email: karen.gowreesunker@wmfs.net tel: (0121) 380 6678</p> <p>Henry Kippin, Director of Public Service Reform email: henry.kippin@wmca.org.uk tel: (0121) 214 7880</p>
Report to be/has been considered by	Programme Board - 31 August 2018

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note the Home Office response to the key asks set out in the Scheme document.
- (2) Confirm acceptance of the proposals set out in this report to progress the key asks locally; and confirm delegation to the Chief Executive and Monitoring Officer of the WMCA to consent to the laying of the Order in Parliament subject to the outcome of the final local constituent council cabinet meeting.

1.0 Purpose

- 1.1 The purpose of this report is to progress the journey in relation to the transfer of the governance of the West Midlands Fire and Rescue Service (WMFS) to the Mayoral WMCA; and for WMCA Board agree to the draft Order to be laid before Parliament.
- 1.2 To provide detail on the key asks detailed in the Scheme, the response of the Home Office to these asks; and our proposal as to how these asks will be addressed within the Order and constitution. The Board is asked to approve these resulting constitutional changes.
- 1.3 To outline the timeline and next steps subject to this decision.

2.0 Background

- 2.1 In response to Government policy on fire sector reform and the high level duty placed on emergency services for greater collaboration, WMFRA commissioned an independent review and appraisal of future governance options that would best support the delivery of services. Subsequently, as part of WMFRA's legal requirement to consult upon its Integrated Risk Management Plan (IRMP) every three years, WMFRA engaged with local communities, partners and businesses between 1 December 2016 and 10 January 2017 to understand views and opinions about the provision of services and how this could continue within WMFRA's three year rolling strategy. Accordingly, this presented an opportunity to obtain the views of the public on governance and finance.
- 2.2 Both the independent review and the outcomes of public IRMP consultation identified a Mayoral WMCA model of governance for WMFS as a strong option.
- 2.3 Having reviewed the evidence base, the WMCA on the 3rd March 2017 supported the WMFRA's broad proposal for the transfer of its functions to the Mayoral WMCA, initiating discussions between the Mayor, WMCA, WMFRA and the Home Office for this proposed route.
- 2.4 On the 8 September 2017, the WMCA Board noted an indicative timeline for the proposed governance route and approved the development of a Governance Review and Scheme for a Mayoral WMCA governance of WMFS, pursuant to Sections 111 and 112 (1d) of the Local Democracy, Economic Development and Construction Act 2009.
- 2.5 The Governance Review provided a review of existing governance arrangements and functions, and outlined the new model under the Mayoral WMCA and its benefits. The Scheme detailed the roles, accountabilities, and powers required by each individual and body in the proposed governance model.
- 2.6 Both documents were formally considered and consulted upon by all constituent councils between October and November 2017, in adherence to section 112 of the Local Democracy, Economic Development and Construction Act 2009.
- 2.7 Unanimous support for the Scheme and approval to proceed to consultation was received from all constituent councils with the proviso of securing the following key asks:
 - that WMFS budget, precepts and reserves be ring-fenced,
 - that the Mayor appoint the Chair of the Mayoral Fire Advisory Committee (MFAC) in consultation with constituent council Leaders,

- that the MFAC be composed of no fewer than 15 members to ensure sufficient representation from all constituent councils,
- As part of the support provided for the accountabilities of the Chief Fire Officer (CFO) to include operational independence of WMFS.

The Scheme was subsequently revised to reflect these asks (see Appendix 1).

- 2.8 The Governance Review and Scheme were considered at the WMCA Board on 8 December 2017. The outcomes of constituent council meetings were presented and in accordance with the requirement for the making of an order, approval was provided to proceed to a formal public consultation of the Scheme, pursuant to section 113 (3) of the Local Democracy, Economic Development and Construction Act 2009.
- 2.9 An eight-week public consultation was subsequently undertaken by the WMCA on behalf of the Secretary of State between 11 January and 8 March 2018, and was closely supported by the constituent councils and WMFS.
- 2.10 The consultation sought views on the detail of the proposed Scheme, which included the roles of the Mayor and WMCA, the proposed MFAC and the Chief Fire Officer. It also sought the views of communities on the benefits of the proposed governance change and the transfer of powers to the WMCA.
- 2.11 In May 2018, the Board considered the outcomes of this consultation, and agreed to formally submit proposals to the Home Office to initiate the process of drafting the required Statutory Order that will enable changes to the governance arrangements.
- 2.12 Following submission to the Home Office, extensive discussions between Home Office officials, the WMCA and WMFS continue to take place. We have sought to understand the full implications of the proposals, and to ensure that the key asks are appropriately reflected in the Statutory Order (to enable effective transfer of governance from the WMFRA to the WMCA in April 2019).

Home Office Response to key asks

- 2.13 The Home Office has responded to the Scheme and confirmed its position with respect to the key asks as follows:
- a. Ring-fencing of finances and reserves:
The Home Office confirmed that it was unachievable to ring fence WMFS budget and reserves within the Statutory Order. To do so would require a change to primary legislation and making a submission for a change in primary legislation would significantly delay the timeline, as the Home Office expects legislation relating to BREXIT to dominate the parliamentary timetabling. It was also stated that it was not Treasury policy to hypothecate or ring fence public funding. Our proposed response to this position is outlined in section 2.14 (a) below.
 - b. Composition of MFAC:
The scheme proposed a 'minimum' of 18 members to be appointed to the MFAC. The Home Office expressed concern with the potential to allow the composition of the committee to be increased. Our proposed response to this position is outlined in section 2.14(b).
 - c. The CFO as Head of Paid Service for WMFS and operational independence:

The Home Office also confirmed that it would be unachievable to provide for the CFO to be the head of paid service of WMFS within the Statutory Order, due to the need for primary legislation to enable this. This is because the Local Government and Housing Act 1989 only caters for one Head of Paid Service role within a local authority structure. Pleasingly, however, the draft Order continues to recognise the operational independence and technical responsibilities of the CFO. Our proposed response to this position is outlined in section 2.13c.

Proposed Solutions to achieving key asks

- 2.14 There is clear local will to secure the key asks. So, following discussions with the Home Office, the below proposals were identified as a means to enable these to be met locally:
- a. The ring fencing of budget, precept and reserves can be provided for through agreement of the WMCA Board. Transparency can be provided through a public commitment and scrutiny via WMFS's Section 151 Officer and the WMCA Overview and Scrutiny Committee. The WMCA annual budget setting process which requires the agreement of all Constituent Councils provides an additional check and balance for such an arrangement. Levels of assurance can be provided locally, along with an accountability for the CFO to be designated a clear budget, in order to be able to lead and deliver the strategy of the Fire and Rescue Service through appropriate resources.
 - b. MFAC composition: It is proposed that a minor change is made for the draft Order, setting the committee as being composed of a 'maximum' of 18 members; with 15 elected members and 3 co-optees. The PCC would retain the voting member status as is currently in place on the reformed WMFRA as a co-optee, reflective of the representative model set out in the Policing and Crime Act 2017. This proposal from the Home Office will not present a risk to the Constituent Council representation on the MFAC.
 - c. CFO as Head of Paid Service for WMFS: Whilst the Statutory Order cannot assign this role to the CFO, it can detail those accountabilities which 'will only be exercised' by the CFO. These can align to the key asks proposed in the Scheme. Locally, assurance can be provided through constitutional revisions that designate all organisational and operational matters to the CFO.

2.15 In the report of the 25th May 2018, the Board was informed (paragraph 2.16 of 25th May 2018 report) that all councils had agreed to delegate authority to the Leader and Chief Executive/Managing Director of the council, to approve the draft Order received from Government. This is in order for it to be laid before parliament and to enable the changes for the Mayoral WMCA to assume governance of WMFS. Furthermore, it was stated that all constituent councils including the WMCA, would be formally consulted should there be any major changes to the proposals in the Scheme made in the draft Order.

2.16 Consequently, an urgent letter was issued to constituent council Leaders requesting a decision on the proposed solutions to achieving the key asks (paragraph 2.13).

Constituent Council Responses

2.17 Six Leaders have agreed to the proposed way forward with two qualifications received in relation to:

- Corresponding amendments to the Constitution of the WMCA to be brought forward for approval alongside the Statutory Order process.

- The ring fencing of budget and reserves to be considered by the WMCA Board during its budget setting processes and included in the revised WMCA constitution

One Council has sought further clarification regarding the difficulty in securing the ring fencing of WMFS finances and reserves in the Statutory Order, as well as querying the impact this would have on meeting the outcomes of the public consultation. In recognition of the validity of the clarifications raised and their technical nature, these points have been raised with the Home Office for further exploration. A response received from the Home Office confirmed it has liaised with HM Treasury and Ministry of Housing, Communities and Local Government officials in producing a composite reply. The technical nature of the response is set out in appendix two and gives a clear picture of the central government viewpoint. This Council also asked to be assured of the revised Constitutional provisions required to achieve this local ring fence. To support the reporting of local progress this Council will present a report to its cabinet on 19th September 2018, which is expected to be the final local level review before the draft Order can enter the parliamentary process.

Progressing key asks and finalising Order

2.18 The ring fencing of budget, precept and reserves:

Further to the intention set out in paragraph 2.13 assurances will be provided through ring-fencing of the WMFS budget, precept and reserves in the WMCA constitution. The proposed constitutional wording is set out in paragraph 5.

2.19 MFAC:

2.19.1 Paragraph 2.13 has also confirmed how the issues relating to the MFAC's composition will be overcome.

2.19.2 Following discussions in relation to the functions of the MFAC it was confirmed at WMCA Board on the 25 May 2018, that the function of reviewing decisions made by the Mayor of the WMCA in relation to WMFS, should sit with the WMCA Overview and Scrutiny Committee. This was subsequently made clear in the letter of submission to the Home Office and is now reflected in the draft Order.

2.19.3 It is also noteworthy that the draft Order permits the payment of allowances to members of the MFAC. Allowances will therefore become a local determination. An independent review of Members remuneration would be required in order to give effect to any scheme of member's allowances.

2.20 CFO as Head of Paid Service for WMFS:

2.20.1 Whilst the Statutory Order cannot assign this role to the CFO, it can detail those areas which 'will only be exercised by the CFO' and these can align to the key asks proposed in the Scheme. Locally, additional assurance can be provided through constitutional revisions that designate all organisational and operational matters to the CFO, aligned to the draft Order.

2.20.2 The letter of submission to the Home Office also clarified the point in relation to the appointment and dismissal of the Chief Fire Officer and Principal Officers. Within the Governance Review it was clear that the Chief Fire Officer should be accountable to the Mayor for their actions. However, within the Scheme this was extended in error to other Principal Officers. This has been rectified in the draft Order.

Revised timeline and next steps:

2.21 The timeline presented to the Board has been reviewed to reflect the timeline received from the Home Office:

DETAILS	DATE	Amendment
WMCA approved a governance review and scheme to be developed	8 September 2017	
Development of governance review and scheme, which considered the business case for the change in governance.	September 2017	
Constituent Council approval of the content of the governance review and scheme.	October-November 2017	
WMCA approval of the content of the governance review and scheme and approval to proceed to public consultation.	8 December 2017	
Consultation of proposals set out in the scheme on behalf of the Secretary of State	January- March 2018	
Analysis of consultation responses locally	March 2018	
Constituent councils and WMCA consider outcomes of the public consultation. Seek consent to submit proposal to Secretary of State.	March - May 2018	
Governance review, scheme and analysis of consultation reviewed by Secretary of State (4-12 weeks).	June 2018	
Government development of order required to give effect to the proposed changes.	July - September 2018	August 2018. Local response required by end of September
Constituent council and WMCA approval of detail of order	October - November 2018	September 2018
Order enters Parliamentary process	December 2018 - January 2019	This process requires three months
Home Secretary approves order	February 2019	March 2019
The West Midlands Fire and Rescue Authority functions transfer to the WMCA	1 st April 2019	Target transfer date remains

3.0 Wider WMCA Implications

3.1 Devolution deals I and II made a strategic commitment to this change. Effecting this in 2019 allows WMFS to be in the best possible shape coming into the WMCA, and ensure the full value of this transfer is realised.

3.2 Planning for implementation scenarios has begun, although it is acknowledged that final approval has yet to be obtained. The changes continue to represent a significant piece of work in terms of planning and governance, and ensuring that the WMCA has robust arrangements in place to deliver an orderly transfer and secure the changes set out in the scheme and governance review. A joint implementation team has been convened to enable delivery of the proposals over the coming months, aligned to the strategic intent of the governance change identified in the governance review and scheme. Due diligence work has also commenced in regard to financial issues. There will be resource implications for staff from both WMFS and WMCA as Officers lead the transfer process through project management disciplines.

4.0 Financial implications

4.1 The financial implications have been included in previous reports to Board. Specific issues have arisen at this stage in relation to a number of points that were raised by the Home Office following formal submission of the Governance Review and Scheme.

4.2 The Home Office has referred to some points that cannot be delivered through the Order due to the prevailing legislation covering those issues. This section therefore closely correlates with section 5. These points are set out elsewhere in the report together with proposals which will mitigate the impact of these changes. Additionally, the draft Order has identified MFAC member allowances and paragraph 2.18.3 is referred to.

5.0 Legal implications

5.1 The legal implications have been included in previous reports to Board. The specific issue that has arisen at this stage is in relation to a number of points that were raised by the Home Office following formal submission of the Governance Review and Scheme.

5.2 The Home Office have referred to some points that cannot be delivered through the Order due to the prevailing legislation covering those issues. These points are set out elsewhere in the report together with proposals which will mitigate the impact of these changes. Consultation with the Constituent Authorities has resulted in a request for sight of the proposed amendment to the Constitution which would deal with the issue of a “local” ring-fence for Fire Service budgets, precepts, reserves and assets.

5.3 There will be a more significant number of amendments that will be needed to the WMCA Constitution when the transfer of WMFS governance completes. Drafting has not yet been completed however in order to provide some assurance of the way in which the ring-fence would be achieved, the following drafting is proposed to be included in the WMCA Constitution, along with the other changes mentioned above but yet to be completed. The purpose of the arrangement would be to keep the budget and reserves of the Fire Service entirely separate from any of the other function of the WMCA:

A. The Combined Authority will maintain a separate budget known as the Fire Service budget “the budget”. All receipts due to the Combined Authority in relation to the discharge of Fire Service operations and functions as set out in the Statutory Order West Midlands Combined Authority (Fire and Rescue Functions Order 2019), must be paid into “the budget” and all expenditure related to the same matters, must be paid out of “the budget”.

- B. All assets relating to the discharge of Fire Service operations and functions will be owned by the WMCA as set out in the Order, but ring fenced for use in relation to Fire Service Operations. Any receipts, income or proceeds of sale in relation to Fire Service Assets will be retained within “the budget”.
- C. Any reserves associated with the Fire Service at the point of transfer should be purely for the use of the Fire Service. Future movement in the Fire Service reserves need to be directly linked to the budgetary arrangements set out in A and B above.
- D. The CFO together with the officer responsible for the proper administration of financial affairs of the WMCA under section 151 Local Government Act 1972(11), will propose and be accountable for an annual budget for the fire and rescue service which will ensure the most effective and efficient delivery of services to local communities as set out in the Fire Service Strategy.
- E. Nothing in these provisions shall be taken as precluding any shared services, shared use of assets or other forms of joint working involving assets, personnel or services maintained by “the budget” with the consent of the Mayor and the Chief Fire Officer.

6.0 Equalities implications

There are no equalities implications presently arising from this report. However, this may change as progress develops.

7.0 Schedule of background papers

WMFRA response to the Enable Closer Working between the Emergency Services Consultation – the prelude to the Policing and Crime Bill (October 2015)
 WMFRA Integrated Risk Management Plan Public Outcomes Report (20 February 2017)
 WMFRA report - ‘Route Map to Mayoral Governance’ (20 February 2017)
 WMFRA report – ‘Route map to Mayoral West Midlands, Combined Authority Governance - a Reformed Fire Authority (RFA) and decision (10 April 2017)
 WMCA Board (8th September 2017)
 WMCA Board – WMFRA Governance Review and Scheme (8th December 2017)
 The National Framework for Fire and Rescue Services England 2018
 WMFRA report – Widening CFO Accountabilities 16 April 2018
 Governance of WMFS Public Consultation Outcomes Report (25 May 2018)

Appendix 1 – Revised Scheme

West Midlands Combined Authority Scheme

This scheme is prepared and published following the decision of the West Midlands Combined Authority (WMCA) on 8 September 2017.

The proposals in this scheme will be subject to a further public consultation.

The scheme provides as follows:

1.1 It is proposed that the functions exercisable by the West Midlands Fire and Rescue Authority (WMFRA) across the area that the WMCA covers, should become functions of the WMCA pursuant to sections 105 A of the Local Democracy, Economic Development and Construction Act 2009.

These functions are those as set out in the following acts and other relevant identified sections:

- Local Government Act 1985 (including Part IV, schedule 10).
- Local Government in Housing Act 1989.
- Fire and Rescue Service Act 2004.
- Fire and Rescue Order 2007.
- National Framework for Fire and Rescue Services in England 2012.
- Regulatory (Fire) Reform Order 2005.
- Civil Contingencies Act 2014.

The requirements for change are set in 1.16 of this scheme.

1.2 It is proposed that the properties, rights and liabilities of the WMFRA would become functions of the WMCA.

1.3 It is proposed that the functions relating to fire and rescue referred to in 1.1 should become WMCA functions.

1.4 It is proposed that the fire and rescue functions once they become functions of the WMCA are exercisable only by the Mayor (section 107D (1) Cities and Local Government Devolution Act 2009).

1.5 For the purposes of the exercise of the fire and rescue functions, the Mayor may do anything that the WMCA may do under section 113A of the LDEDC Act 2009 (general power of EPB or combined authority) (1).

1.6 It is proposed that the WMCA has the same borrowing powers in respect to its functions, relating to fire and rescue as are currently exercised by the WMFRA.

1.7 It is proposed that the WMCA retain the same core grant and precept funding arrangements in respect to its functions relating to fire and rescue, as currently exercised by the WMFRA.

1.8 It is proposed that both the funding and reserves for fire are ring fenced within the Mayoral WMCA.

1.9 Any decisions or acts made before abolition of the WMFRA should have effect as if agreed by, or, in relation to the Mayoral WMCA. For example, the setting of the precept for, under section 40 Local Government Finance Act 1988 to the constituent councils in respect of the financial year beginning before transfer in governance, should have effect as if issued by the Mayoral WMCA.

1.10 It is proposed that Members of the WMCA may assist the Mayor in the exercise of the fire and rescue functions in line with delegations, provided that the functions may not include:

- Functions relating to the budget and setting of the precept,
- Functions relating to statutory plans such as the Integrated Risk Management Plan (IRMP) and strategies,
- Functions relating to all properties, rights and liabilities,
- The appointment of the Chief Fire Officer and Principal officers.

Mayoral Fire Advisory Committee

1.11 It is proposed that the Order should contain provision for the Mayor to arrange for a committee of the WMCA (the Mayoral Fire Advisory Committee), consisting of members appointed by the constituent councils, to advise and support the Mayor in relation to West Midlands Fire Service (WMFS).

1.12 It is proposed the committee appointed should consist of a minimum of fifteen elected members from across the constituent councils, the Police and Crime Commissioner (in accordance with the Policing and Crime Act 2017) and two further co-opted members from Health and Ambulance to promote greater challenge, transparency and further collaboration.

1.13 The following additional provisions are proposed to apply to the Mayoral Fire Advisory Committee (the Committee):

Governance

- Appointment of elected members from each of the constituent councils will be made so that the members of the committee taken as a whole, reflect as far as reasonably practicable, the overall balance of political parties prevailing amongst the constituent councils.
- The majority of members of the committee must be members of the constituent councils, all of those members have one vote.
- Where a member is not from a constituent council (a co-opted member) they will not have voting powers.
- Two-thirds of members must be present for a meeting to be quorate.
- The Chair of the Committee will be appointed by the Mayor in consultation with constituent council leaders.

Functions

- The Committee will not be a decision-making committee this responsibility will remain with the Mayor and Chief Fire Officer, as appropriate.
- The Committee will advise the Mayor, support the Mayor and review decisions made by the Mayor.
- Where decisions are reviewed, the Committee will submit a report to the WMCA Overview and Scrutiny Committee.
- The Committee will support the Mayor in providing advice around exercising fire functions, to ensure the right level of detail and understanding is provided to inform the Mayor's role as the Authority.
- The Committee will represent the priorities and strategy of the Mayor and WMFS in their respective local authorities and will report on performance in relation to fire functions.
- The Committee will represent the priorities and strategy of the Mayor and West Midlands Fire Service (WMFS) within the seven constituent councils, regionally with other Fire and Rescue

Services, and nationally through the National Joint Council and Local Government Association.

- The Committee will seek to influence the Government on behalf of the Mayor in matters related to the delivery of fire and rescue services locally, regionally and nationally.
- The Committee will enable the development of partnerships and services to the community through constituent council engagement.

A member's allowance scheme for the committee will be payable by the WMCA.

1.14 The Chief Fire Officer (CFO) as head of paid service will be accountable to the Mayor in the operation of their duties.

1.15 It is proposed that the CFO maintains full accountability for the operational functions of the Fire Service. This will include:

- The management of the Fire and Rescue Service,
- The appointment and development of staff,
- The delivery of WMFS Strategy (including matters relating to exercising functions of the Fire and Rescue Services Act 2004 and other relevant legislation),
- The delivery of staffing structures and models which support current and future Strategy,
- The deployment of resources to meet risk,
- The transformation of services and reform of the workforce to meet WMFS and Mayoral/WMCA priorities.

1.16 Modification requirements of enactments in their application to the WMCA as a Fire and Rescue Authority.

Primary Legislation

Local Government Act 1972

1. In section 138(5) of the Local Government Act 1972 (powers of principal councils with respect to emergencies or disasters) (a), the reference to "metropolitan county fire and rescue authority" is to apply as if it included "the WMCA as a fire and rescue authority".

Local Government in Housing Act 1989

2. (1) The Local Government and Housing Act 1989(c) is modified as follows.
(2) In section 67 (application of provisions about companies in which local authorities have interests), subsection (3)(k) applies as if the reference to "joint authority established by Part IV of that Act" included a reference to "the WMCA as a fire and rescue authority".
(3) In section 155 (emergency financial assistance to local authorities) subsection (4)(g) applies as if the reference to a "joint authority established by Part IV of the Local Government Act 1985" included a reference to "the WMCA as a fire and rescue authority".

Crime and Disorder Act 1998

3.— (1) The Crime and Disorder Act 1998(d) is modified as follows.
(2) In the definition of "fire and rescue authority" in section 5(5) (authorities responsible for strategies), the reference in paragraph (b) to a "metropolitan county fire and rescue authority" is to apply as if it included a reference to "the WMCA as a fire and rescue authority".

(3) In the definition of “relevant authority” in section 115(2), the reference in paragraph (j) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

Local Government Act 2003

4. Section 23(1) of the Local Government Act 2003 (meaning of “local authority” for purposes of Part 1) (a) the reference in paragraph (k) to “a joint authority established by Part IV of that Act” is to apply as if it included a reference to “the WMCA as a fire and rescue authority.”

Fire and Rescue Services Act 2004

5.— (1) The FRS Act 2004(b) is modified as follows.
(2) Section 4A (power to provide for police and crime commissioner to be fire and rescue authority) has effect as if at the end of subsection (3)(b) there were inserted—
“, and (c) outside the Area.”;
(3) Section 4B (1) (changes to existing fire and rescue authorities) has effect as if the reference to fire and rescue authorities in England outside Greater London did not include the WMCA.

Secondary legislation

6. In section 1 of the FRS 2004 Act(1), after subsection (4) insert—
“(5) This section is also subject to an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 which transfers the functions of a fire and rescue authority to a combined authority established under section 103 of that Act”.

7. In paragraph (a) of the definition of “local authority” in regulation 2(1) of the Pipelines Safety Regulations 1996 (interpretation)(c) the reference to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

8. In article 1(2) of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 (application of order to best value authorities) (d) the reference in paragraph (c) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

9. In regulation 3 of the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 (relevant authorities) (e) the reference in paragraph (a) to a “metropolitan county fire and rescue authority established under section 26 of the Local Government Act 1985” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

10.— (1) The Local Government Pension Scheme Regulations 2013(f) are modified as follows. (2) After regulation 64(8), insert—
“(8A) Paragraph (8B) applies where the exiting employer is the WMFRA and the liabilities of the fund in respect of benefits due to the WMFRA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the WMCA by virtue of this Order. (8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

11. In regulation 2(1) of the Explosives Regulations 2014 (interpretation)(g) in the definition of “local authority”, the reference in paragraph (c) to “a metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

12. In regulation 2(1) of the Control of Major Accident Hazards Regulations 2015(a) in paragraph (b) of the definition of “local authority”, sub-paragraph (ii) is to apply as if there were substituted for that sub-paragraph—
“(ii) the Area, the WMCA as a fire and rescue authority;”.

Appendix 2 – Home Office Advice

The Home Office has liaised with HM Treasury and Ministry of Housing, Communities and Local Government (MHCLG) officials and confirmed that there is no primary legislation presently in existence that would allow for the ring fencing of fire and rescue service central funding. The same applies to locally raised funding as council tax is un-hypothecated income to allow precepting authorities to deliver its functions. In the case of a mayoral precept that will include all mayoral functions and as such the Government has said that it cannot ring-fence the fire and rescue service allocation, although it is traceable.

The position is different where a Mayor has Police and Crime Commissioner (PCC) functions. Section 107G of the Local Democracy, Economic Development and Construction Act 2009 as added by s.5(3) of the Cities and Local Government Devolution Act 2016 allows a separate precept component where a mayor has PCC functions. The legislation is cited below.

Cities and Local Government Devolution Act 2016 - legislation

www.legislation.gov.uk

(1) In section 39 of the Local Government Finance Act 1992 (precepting and precepted authorities), in subsection (1) after paragraph (aa) insert— (a) a precept may be issued under this section only in relation to expenditure incurred by the mayor for the authority's area in, or in connection with ...

The Government officials have commented on section 31 grants, which are made to support local authority expenditure, but are not in themselves ring-fenced. Example referred to is the Council Tax freeze grant to local authorities through a section 31 grant and the adult social care precept. The s.31 grant does not require local authorities to spend the grant on a particular function and the adult social care precept is not formally ring-fenced, although it is monitored through a reporting mechanism.

Further, the MHCLG has also confirmed that it presently has no plans to alter its policy in order to enable Fire and Rescue Service funding to be ring fenced under a Mayoral WMCA model via the introduction of primary legislation.

Furthermore, the timetable the Home Office are working to would require draft Order sign off by 24-28th September 2018 to enable the legal drafting scrutiny required, in order that it may be laid before parliament in late November to December 2018 to meet the proposed April 2019 transfer date.

Finally, the Home Office has advised that it expects legislation relating to Brexit will dominate Parliamentary timetabling and therefore, should the proposed timeline be compromised, the prospect of re-entering the parliamentary timetable in the immediate future would be slim.

Appendix 3 – Draft Order for governance change

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Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

LOCAL GOVERNMENT, ENGLAND

FIRE AND RESCUE, ENGLAND

**The West Midlands Combined Authority (Fire and Rescue
Functions) Order 2019**

Made - - - - - [2019]

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 105A(1)(a), (3)(a) and (4)(b), 107D(1), (3)(c)(ii), (4), (5)(b), (7)(b) and (c), and (8), 114, 115 and 117(5) of the Local Democracy, Economic Development and Construction Act 2009^(a) (the “LDEDC Act 2009”).

A proposal for making this Order has been made to the Secretary of State by the West Midlands Combined Authority and the district councils whose areas are comprised in the area of that Combined Authority in accordance with section 105B(1)(a) of the LDEDC Act 2009 by inclusion in a scheme prepared and published under section 112 of the LDEDC Act 2009^(b).

In accordance with section 107D(9) of the LDEDC Act 2009 the West Midlands Combined Authority and the district councils whose areas are comprised in the area of that Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the LDEDC Act 2009, the Secretary of State has laid before Parliament a report explaining the effect of this Order and explaining why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the LDEDC Act 2009.

(a) 2009 c. 20. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016 (c. 1) (“the CLGD Act 2016”). Section 107D was inserted by section 4 of the CLGD Act 2016 and amended by section 8(3) of the Policing and Crime Act 2017 (c. 3). Section 114 was amended by section 23 of, and paragraphs 17 and 26 of Schedule 5 to, the CLGD Act 2016 and by S.I. 2016/997. Section 115 was amended by section 23(1) of, and paragraphs 17 and 27 of Schedule 5 to, the CLGD Act 2016. Section 117(2), (2A) and (3) were substituted by section 13 of the Localism Act 2011 (c. 20) and section 117(5) was inserted by section 23(1), and paragraphs 17 and 29 of Schedule 5 to, the CLGD Act 2016.

(b) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the CLGD Act 2016. Section 105B was inserted by section 7 of the CLGD Act 2016.

PART 1

Introduction

Citation and commencement

1. This Order may be cited as the West Midlands Combined Authority (Fire and Rescue Functions) Order 2019 and comes into force on 1st April 2019.

Interpretation

2. In this Order—

“the FRS Act 2004” means the Fire and Rescue Services Act 2004(a);

“the LDEDC Act 2009” means the Local Democracy, Economic Development and Construction Act 2009;

“the Area” means the area of the WMCA;

“Chief Fire Officer” means the person with the designated responsibilities for managing the fire and rescue service as set out in the body of this Order;

“constituent councils” means the councils for the local government areas of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton;

“excluded function” has the meaning given in article 6(1);

“fire and rescue declaration” means a document which—

- (a) is prepared and published by the WMCA Chief Fire Officer, and approved by the Mayor, in accordance with the Fire and Rescue National Framework, and
- (b) contains a statement of the way in which the Mayor and the WMCA ~~has~~ had regard, in the period covered by the document, to the Fire and Rescue National Framework and to any integrated risk management plan prepared by the WMCA Chief Fire Officer for that period;

“fire and rescue functions” means functions conferred on the WMCA as a fire and rescue authority(b) by, or by virtue of, any enactment;

“Fire and Rescue National Framework” means the document prepared by the Secretary of State under section 21 of the FRS Act 2004(c);

“the fire and rescue service” means the personnel, finances, reserves, estate, fleet, equipment ~~and~~ services ~~and equipment~~ secured by the WMCA for the purposes of carrying out the WMCA’s functions under—

- (a) section 6 of the FRS Act 2004 (fire safety),
- (b) section 7 of that Act (fire-fighting),
- (c) section 8 of that Act (road traffic accidents),
- (d) any order under section 9 of that Act (emergencies) which applies to the WMCA,
- (e) section 2 of the Civil Contingencies Act 2004(d) and any regulations under that Act applying to a fire and rescue authority,
- (f) any other provision of or made under an enactment which confers functions on a fire and rescue authority;

“integrated risk management plan” means a document which—

- (a) is prepared and published by the WMCA Chief Fire Officer, in accordance with the Fire and Rescue National Framework, and

(a) 2004 c. 21.

(b) By virtue of section 120 of the Local Democracy, Economic Development and Construction Act 2009, “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004.

(c) Section 21 was amended by paragraph 9 of Schedule 1 to the Policing and Crime Act 2017.

(d) 2004 c. 36.

(b) sets out for the period covered by the document in accordance with the requirements of the Fire and Rescue National Framework—

- (i) the ~~WMCA's~~ fire and rescue service's priorities and objectives, and
- (ii) an assessment of all foreseeable fire and rescue related risks that could affect its community,

in connection with the discharge of the WMCA's functions as a fire and rescue authority;

“the Mayor” means the mayor for the Area;

“the Mayoral Fire-Advisory Committee” has the meaning given in article 4(3);

“the transfer date” means 1st April 2019;

“the WMCA” means the West Midlands Combined Authority, a body corporate established by the West Midlands Combined Authority Order 2016(a);

“the WMFRA” means the West Midlands Fire and Rescue Authority(b).

PART 2

Transfer of functions

Transfer of functions of the WMFRA to the WMCA

3.—(1) The functions of the WMFRA that were exercisable in relation to the Area immediately before the transfer date are functions of the WMCA.

(2) The WMCA is the fire and rescue authority for the Area for the purposes of the FRS Act 2004, subject to paragraph 5 of the Schedule.

(3) The WMFRA is abolished.

Exercise of fire and rescue functions

4.—(1) Subject to ~~paragraph~~paragraphs (3) and (4), and article 7(1), the fire and rescue functions are exercisable only by the Mayor.

(2) For the purposes of the exercise of the fire and rescue functions, the Mayor may do anything that the WMCA may do under section 113A of the LDEDC Act 2009 (general power of economic prosperity board or combined authority)(c).

(3) The Mayor may arrange for a committee of the WMCA (“the Mayoral Fire Advisory Committee”) to advise the mayor ~~in relation to~~on the exercise of ~~any~~ fire and rescue functions other than any excluded function.

(4) The Mayor ~~may not~~may make any arrangement under section 107D(3) of the LDEDC Act 2009 (functions of mayors: general) that authorises the exercise of any excluded function.

(5) Members and officers of the WMCA may assist the Mayor in the exercise of the fire and rescue functions.

(6) The Mayor may, for the purposes of the exercise of the fire and rescue functions, do anything that the WMCA may do by virtue of—

- (a) section 113A of the LDEDC Act 2009,
- (b) any order made under section 113D of the LDEDC Act 2009,

other than borrow money.

(a) S.I. 2016/653, as amended by S.I. 2017/510.

(b) The West Midlands Fire and Rescue Authority was established under section 26 of the Local Government Act 1985 (c. 51) and the words “fire and rescue authority” were substituted by section 32 of, and paragraph 10 of Schedule 2 to, the Civil Contingencies Act 2004 (c. 36).

(c) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of, and paragraph 25 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

The Mayoral Fire Advisory Committee

5.—(1) The Mayoral Fire-Advisory Committee (“the Ceommittee”) must consist of no more than 18 members, appointed by the Mayor as follows—

- (a) no more than 15 members on the nomination of the constituent councils, provided that—
 - (i) each member must be nominated by a constituent council from one of that council’s elected members,
 - (ii) at least one member must be appointed on the nomination of each of the constituent councils,
 - (iii) the Mayor and the constituent councils must, when appointing or nominating members, ensure so far as is reasonably practicable that the number of members appointed on the nomination of each constituent council is proportionate to the respective sizenumber of ~~that~~electors of each of the constituent ~~council~~councils, and
 - (iv) where the Mayor decides not to appoint a person who has been nominated by a constituent council, that council may nominate a further person from that council’s elected members who will be appointed by the mayor without further veto,
- (b) the Police and eCrime Ceommissioner in relation to the Area,
 - ~~(c) one member on the nomination of the Health Authority for the Area,~~
 - ~~(d) one member on the nomination of the Ambulance Service for the Area.~~
 - (c) two co-opted members from the constituent councils to support wider collaboration to be determined by the Mayor in consultation with the chair of the Committee.

(2) The Mayor and the constituent councils must, when appointing or nominating members, ensure that the members taken as a whole reflect so far as reasonably practicable the balance of the political parties for the time being prevailing among the constituent councils when taken together.

(3) The Mayor must ensure that the majority of the members are members appointed in accordance with paragraph (1)(a).

(4) The Mayor must, after consultation with the leaders of the constituent councils, appoint one of the members of the Committee to serve as chair of the Ceommittee.

~~(5) The quorum for a meeting of the committee is two thirds of the members present.~~

~~(6)(5) †~~On a vote at a meeting of the committee, each member appointed under paragraph (1)(a) or (b) has one vote~~†.~~

~~(7)(6)~~ The WMCA may pay basic allowances, allowances for travel and subsistence to members of the Ceommittee in accordance with a scheme drawn up by the WMCA.

~~(8)(7)~~ A member of the committee appointed in accordance with paragraph (1)(a) ceases to be a member if they cease to be an elected member of the relevant constituent council.

~~(9)(8)~~ A member may resign by written notice served on the proper officer of the constituent council of which they were a member of at the time of their appointment to the committee and the resignation is to take effect on receipt of the notice by the proper officer.

~~(10)(9)~~ The Mayor may at any time terminate the appointment of a member where they have not attended scheduled meetings of the committee throughout a period of six consecutive months from the date of that member’s last attendance.

~~(11)(10)~~ Where a person appointed in accordance with paragraph (1)(a) ceases to be a member by virtue of paragraph ~~(7), (8), (9)~~ or ~~(10)~~, the constituent council that nominated that member must, as soon as practicable, give written notice to the Mayor and nominate another person from that council’s elected members.

~~(12)(11)~~ Where a person appointed in accordance with paragraph (1)(b), or (c) ~~or (d)~~ ceases to be a member ~~by virtue of paragraph (8), (9), or (10),~~ the Mayor must appoint another person to be a member in accordance with paragraph (1)(b), or; (c) ~~or (d)~~ (as the case may be).

Excluded fire and rescue functions

- 6.—(1) The following fire and rescue functions are “excluded functions”—
- (a) the fire and rescue functions specified in the following provisions of the FRS Act 2004—
 - (i) section 13 (reinforcement schemes),
 - (ii) section 15 (arrangements with other employers of fire-fighters), and
 - (iii) section 16 (arrangements for discharge of functions by others),
 - (b) the functions of—
 - (i) appointing, or dismissing, the chief fire officer,
 - (ii) approving the terms of appointment of the chief fire officer, and
 - (iii) holding the chief fire officer to account for managing the fire and rescue service in accordance with article 7(2) and (3),
 - (c) the functions of approving—
 - (i) the integrated risk management plan, and
 - (ii) the fire and rescue declaration,
 - (d) the function of approving plans, modifications to plans and additions to plans for the purpose of ensuring that—
 - (i) so far as is reasonably practicable, the WMCA is able to continue to perform its fire and rescue functions if an emergency occurs,
 - (ii) the WMCA is able to perform its 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, and
 - (e) the function of approving any arrangements for the co-operation of the WMCA in relation to its fire and rescue functions and other general Category 1 responders and general Category 2 responders in respect of the performance of the WMCA’s duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004(a) and any duties under regulations made in exercise of powers under that Act.
- (2) In subparagraphs (d) and (e), “emergency” has the meaning given in section 1 of the Civil Contingencies Act 2004 for Part 1 of that Act.

Delegation of functions of functions to to the Chief Fire Officer

- 7.—(1) The following ~~are the~~ functions must be delegated to ~~of~~ the Chief Fire Officer ~~in relation to the fire and rescue service~~—
- (a) the operational ~~and technical~~ management of the fire and rescue service,
 - ~~(b) the provision of operational and technical advice to the Mayor,~~
 - ~~(c) the preparation and publication of the integrated risk management plan,~~
 - ~~(d) together with the officer responsible for the proper administration of financial affairs of the WMCA under section 151 Local Government Act 1972(b), the proposal of an annual budget for the fire and rescue service,~~
 - ~~(e) the preparation and delivery of the fire and rescue service strategy,~~
 - ~~(f) the functions of the WMCA under—~~
 - ~~(i) sections 6, 7 and 8 of the FRS Act 2004, and any order under section 9 of that Act which applies to the WMCA,~~
 - ~~(ii) section 2 of the Civil Contingencies Act 2004, and any regulations under that Act applying to a fire and rescue authority,~~

(a) 2004 c.36. Category 1 responders general are listed in Part 1, and category 2 responders general are listed in Part 2 of Schedule 1 to the Civil Contingencies Act 2004. There are amendments to section 2 and Schedule 1 which are not relevant to this Order.

(b) 1972 c. 70.

- (iii) any other provision of or made under an enactment which confers functions on a fire and rescue authority.
- ~~(b)~~(g) the appointment and development of all fire and rescue service staff, and the staffing structure.
- ~~(e)~~(h) the dismissal of fire and rescue service staff,
- (i) the ~~delivery~~management and allocation of the estate, finance and reserve, equipment, any other assets and the fleet,
- (j) the management and negotiation of trade union relations.
- (2) The Chief Fire and rescue service strategy officer must have regard to the Fire and Rescue National Framework in carrying out their functions.
 - ~~(a) the deployment of resources to meet risk,~~
 - ~~(b) the preparation and publication of the integrated risk management plan.~~
- (3) The Mayor must hold the Chief Fire Officer to account for the exercise of—
 - (a) the designated functions ~~delegated to~~ of the chief fire officer ~~in accordance with paragraph (1),~~ and
 - ~~(b) the functions of persons under the direction and control of the chief fire officer.~~

PART 3

Transitional arrangements and asset transfers

Transfer of property, rights and liabilities

8.—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before the transfer date were property, rights and liabilities of the WMFRA are transferred to, and by virtue of this paragraph vest in, the WMCA on the transfer date.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in connection with the WMCA's fire and rescue functions on or after the transfer date—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor,
- (b) all decisions relating to such property, rights and liabilities are to be made by the CFO and Mayor as appropriate and as set out in the body of this Order.

(3) Subject to article 6, nothing in paragraph (2) prevents the Mayor from making arrangements under section 107D(3) of the LDEDC Act 2009 in relation to the matters mentioned in paragraph (2).

Secondments

9. In the case of a person who, immediately before the transfer date is seconded to the WMFRA, the secondment is to have effect, after that time, as a secondment to the WMCA.

Continuity

10.—(1) The abolition of the WMFRA, the transfer or abolition of the WMFRA's functions, and the transfer of the WMFRA's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by this Order from the WMFRA to the WMCA.

(3) There may be continued by or in relation to the WMCA anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred, and
- (b) is in the process of being done by or in relation to the WMFRA immediately before the transfer date.

(4) Anything which—

- (a) was made or done by or in relation to the WMFRA for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before the transfer date,

has effect as if made or done by or in relation to the WMCA.

(5) The WMCA is to be substituted for the WMFRA in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred, and
- (b) are made or commenced before the transfer date.

(6) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

Transfers: supplementary provision

11.—(1) All property, rights and liabilities transferred by this Order are to be transferred by that transfer, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.

(4) Paragraphs (1) to (3) above have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property, or
- (b) the doing of any other thing in relation to land or other property, as they have effect in relation to the transfer made by this Order of land or other property.

(5) In this article, “relevant document” means—

- (a) any enactment, other than an enactment contained in the LDEDC Act 2009,
- (b) any subordinate legislation made otherwise than under that Act, or
- (c) any deed or other instrument.

PART 4

Modification of enactments and consequential repeal

Modification of enactments and consequential repeal

12. The modification of enactments in their application to the WMCA as a fire and rescue authority and the consequential repeal set out in the Schedule have effect.

Name

SCHEDULE

Article 12

Modification of enactments in their application to the WMCA as a fire and rescue authority and consequential repeal

PART 1

Modification of primary legislation

Local Government Act 1972

1. In section 138(5) of the Local Government Act 1972 (powers of principal councils with respect to emergencies or disasters)(a), the reference to “metropolitan county fire and rescue authority” is to apply as if it included “the WMCA as a fire and rescue authority”.

Local Government and Housing Act 1989

2.—(1) The Local Government and Housing Act 1989(b) is modified as follows.

(2) In section 67 (application of provisions about companies in which local authorities have interests), subsection (3)(k) applies as if the reference to “joint authority established by Part IV of that Act” included a reference to “the WMCA as a fire and rescue authority”.

(3) In section 155 (emergency financial assistance to local authorities) subsection (4)(g) applies as if the reference to a “joint authority established by Part IV of the Local Government Act 1985” included a reference to “the WMCA as a fire and rescue authority”.

Crime and Disorder Act 1998

3.—(1) The Crime and Disorder Act 1998(c) is modified as follows.

(2) In the definition of “fire and rescue authority” in section 5(5) (authorities responsible for strategies), the reference in paragraph (b) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

(3) In the definition of “relevant authority” in section 115(2), the reference in paragraph (j) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

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- (a) 1972 c.70. Subsection (5) was inserted by section 156(3) of the Local Government and Housing Act 1989 (c. 42) and the words “metropolitan county fire and rescue authority” were substituted by paragraph 10(2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36). Other amendments have been made to section 138 which are not relevant to this Order.
- (b) 1989 c.42. Section 67 has been repealed by sections 216(1) and 241 of, and Part 16 of Schedule 18 to, the Local Government and Public Involvement in Health Act 2007. The repeal has not yet been brought into force. Section 155(4)(g) has been amended by the substitution of the words “an Integrated Transport Authority” by section 77(5) of, and Part 4 of Schedule 4 to, the Local Transport Act 2008. There are other amendments to section 155 which are not relevant to this Order.
- (c) 1998 c.37. In section 5(5) the definition of “fire and rescue authority” was substituted by section 53(1) of, and paragraph 89(1), (2)(b) of, Schedule 1 to, the Fire and Rescue Services Act 2004. In paragraph (b) of subsection (5) the words “metropolitan county fire and rescue authority” were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004. There are other amendments to section 5 which are not relevant to this Order. Paragraph (j) of section 115(2) was inserted by section 22 of, and paragraphs 1 and 7(1), (2) of Schedule 9 to, the Police and Criminal Justice Act 2006 c. 48. Other amendments have been made to section 115 which are not relevant to this Order.

Local Government Act 2003

4. Section 23(1) of the Local Government Act 2003 (meaning of “local authority” for purposes of Part 1)(a) the reference in paragraph (k) to “a joint authority established by Part IV of that Act” is to apply as if it included a reference to “the WMCA as a fire and rescue authority.”

Fire and Rescue Services Act 2004

5.—(1) The FRS Act 2004(b) is modified as follows.

(2) Section 4A (power to provide for police and crime commissioner to be fire and rescue authority) has effect as if at the end of subsection (3)(b) there were inserted—

“, and

(c) outside the Area.”.

(3) Section 4B(1)(changes to existing fire and rescue authorities) has effect as if the reference to fire and rescue authorities in England outside Greater London did not include the WMCA.

PART 2

Modification of secondary legislation

Pipelines Safety Regulations 1996

6. In paragraph (a) of the definition of “local authority” in regulation 2(1) of the Pipelines Safety Regulations 1996 (interpretation)(c) the reference to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

Local Government (Best Value Authorities)(Power to Trade)(England) Order 2009

7. In article 1(2) of the Local Government (Best Value Authorities)(Power to Trade)(England) Order 2009 (application of order to best value authorities)(d) the reference in paragraph (c) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012

8. In regulation 3 of the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 (relevant authorities)(e) the reference in paragraph (a) to a “metropolitan county fire and rescue authority established under section 26 of the Local Government Act 1985” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

Local Government Pension Scheme Regulations 2013

9.—(1) Regulation 64 of the Local Government Pension Scheme Regulations 2013(f) is to be read as if, after paragraph (8), there were inserted—

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- (a) 2003 c. 26. In section 23(1)(k), the words “(fire and rescue services and transport)” were substituted by section 32 of, and paragraph 10 of Schedule 2 to, the Civil Contingencies Act 2004.
- (b) 2004 c. 21. Sections 4A and 4B were inserted by paragraph 5 of Part 1 of Schedule 1 to the Policing and Crime Act 2017.
- (c) S.I. 1996/825, the words “metropolitan county fire and rescue authority” were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c.36).
- (d) S.I. 2009/2393.
- (e) S.I. 2012/1647.
- (f) S.I. 2013/2356; regulation 64(1) is substituted by regulation 22 of S.I. 2015/755, and paragraphs (8A) and (8B) were inserted by S.I. 2017/469.

“(8A) Paragraph (8B) applies where the exiting employer is the West Midlands Fire and Rescue Authority and the liabilities of the fund in respect of benefits due to the West Midlands Fire and Rescue Authority’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the West Midlands Combined Authority by virtue of the West Midlands Combined Authority (Fire and Rescue Functions) Order 2019(a).

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

Explosives Regulations 2014

10. In regulation 2(1) of the Explosives Regulations 2014 (interpretation)(b) in the definition of “local authority”, the reference in paragraph (c) to “a metropolitan county fire and rescue authority” is to apply as if it included a reference to “the WMCA as a fire and rescue authority”.

Control of Major Accident Hazards Regulations 2015

11. In regulation 2(1) of the Control of Major Accident Hazards Regulations 2015(c) in paragraph (b) of the definition of “local authority”, sub-paragraph (ii) is to apply as if there were substituted for that sub-paragraph—

“(ii) the Area, the WMCA as a fire and rescue authority;”.

PART 3

Consequential repeal

Local Government Act 1985

12. Part 6 of Schedule 10 to the Local Government Act 1985 (number of members of joint authorities: West Midlands)(d) is repealed.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of the functions of the West Midlands Fire and Rescue Authority (“the WMFRA”) on the West Midlands Combined Authority (“the WMCA”). It has been made following the publication, on 8th September 2017, of a scheme for the conferral of those functions on the WMCA. The scheme is available from the WMCA at [] or at [web address].

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the LDEDC Act 2009”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority or public authority under sections 104, 105 and 105A of the LDEDC Act 2009, and power to exercise specified functions of any other public authority under section 16 of the Cities and Local Government Devolution Act 2016 (“the 2016 Act”). The Secretary of State may provide for there to be a mayor for the area of the combined authority where the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority consent under section 107B(3) of the LDEDC Act 2009.

(a) S.I. 2019/[tba].

(b) S.I. 2014/1638; to which there are amendments not relevant to this Order.

(c) S.I. 2015/483; to which there are amendments not relevant to this Order.

(d) 1985 c.51. Column 2 of the table in Part 2 was repealed by section 93, and Part 1 of Schedule 9 to the Police and Magistrates’ Courts Act 1994. The words “Integrated Transport Authority” in the heading of column 4 were substituted by section 77(5) and paragraph 53 of Schedule 4 to the Local Transport Act 2008. The West Midlands Integrated Transport Authority was abolished by the WMCA Order 2011.

Article 3 of this Order transfers the functions of the WMFRA to the WMCA on 1st April 2019, and provides that the WMCA is the fire and rescue authority for the area of the combined authority for the purposes of the Fire and Rescue Services Act 2004. The article also abolishes the WMFRA.

Article 4 provides that the fire and rescue functions of the WMCA are to be exercised by the Mayor of the WMCA, and for this purpose the Mayor may exercise similar powers to the WMCA's powers under section 113A of the LDEDC Act 2009. It provides for the Mayor to establish a Mayoral Fire Advisory Committee to advise the Mayor in the exercise of those functions, and also provides that members and officers of the WMCA may assist the Mayor in the exercise of those functions.

Article 5 makes provision about the membership and meetings of the Mayoral Fire Advisory Committee.

Article 6 sets out certain fire and rescue functions which may not be delegated by the Mayor.

Article 7 sets out the fire and rescue functions that must be delegated to the chief fire officer which include, in particular, the operational management of the fire and rescue service.

Articles 8, 9, 10 and 11 make transitional arrangements and supplementary provisions in relation to the transfer of functions, property, rights and liabilities from the WMFRA to the WMCA.

Article 12 and the Schedule make consequential amendments to primary and secondary legislation.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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WMCA Board

Date	14 September 2018
Report title	Dying to Work Charter
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority tel: (0121) 214 7200 email: deborah.cadman@wmca.org.uk
Accountable Employee	Tracy Walters, Head of Human Resources and Organisational Development tel: (0121) 214 7007 email: tracey.walters@wmca.org.uk
Report has been considered by	Leadership Board - 22 August 2018 Programme Board - 31 August 2018

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Agree to sign up to the Trade Union Congress' (TUC's) "Dying to Work" Charter which is seeking to provide greater security for terminally ill employees, ensuring that they are not dismissed due to their condition

1.0 Purpose

- 1.1 To inform the WMCA Board of “Dying to Work”, the TUC’s campaign for terminal illness to be recognised as a protected characteristic.
- 1.2 To seek the WMCA Board’s support and approval for the WMCA to sign up to the “Dying to Work” Charter.

2.0 Background

- 2.1 The “Dying to Work” campaign was developed by the TUC to seek greater security for terminally ill employees and began following the case of Jacqui Woodcock, who was ‘forced out of her job’ after being diagnosed with terminal breast cancer. While equality legislation offers some protection for terminally ill employees, it still allows employers to dismiss a terminally ill employee. The campaign is pressing for additional employment protection for terminally ill employees giving people with terminal conditions the choice of how to spend their final months. Employees with a terminal illness would enjoy a protected period where they could not be dismissed as a result of their condition.
- 2.2 Terminal illness is an incurable disease that cannot be treated and is expected to result in the death of the patient. Usually these are progressive diseases such as cancer. Current UK legislation for disability benefits and Universal Credit specifies that the definition of terminal illness is someone likely to die within 6 months though many patients can have a terminal illness and survive much longer than six months.
- 2.3 The “Dying to Work” Charter is a charter that companies can voluntarily sign up to in support of the Dying to Work campaign. The charter sets out an agreed way in which employees will be supported, protected and guided throughout their employment, following a terminal diagnosis. Nearly 600,000 employees are now covered by the Charter from private and public sector employers.
- 2.4 To sign up to the Charter, the WMCA would be required to:
 - Review our sickness absence policy and include a specific statement in the policy that we will not dismiss anyone by reason of a terminal diagnosis of their conditions. We have amended the policy to reflect this.
 - Provide training to managers to cover how to discuss future plans with any employee who has a diagnosis of a terminal illness, and what adaptations to work arrangements may be necessary.
 - Raise awareness internally that we have committed to the Charter.
- 2.5 Further requirements include the provision of an Employee Assistance Programme and Trade Union involvement. We have secured endorsement from Unison, our recognised Trade Union, and have liaised with TUC. A WMCA Employee Assistance Programme is already in place and we are already able to provide support to employees (and their families) with a terminal illness, including counselling and financial advice. We also use our Occupational Health provider for advice and assistance with medical advice and guidance on adjustments.

2.6 Signing up to the Charter will demonstrate that the WMCA treats employees (and their families) with terminal prognosis with dignity and without applying any undue pressure regarding employment/finances. The adoption of the Charter is in relation to the WMCA only and it remains at the discretion of each organisation in the region to consider whether to sign up to the Charter themselves.

2.7 No WMCA employee has ever been diagnosed with a terminal illness. However, the WMCA takes all reasonable measures, as advised by Occupational Health, to aid an employee with a long-term or/and chronic condition to remain in work. This may include:

- Implementing reasonable adjustments to support the employee to remain at work (e.g. working from home, reducing working hours, phased return to work, amending duties etc.)
- Flexibility in working arrangements to support them to attend medical appointments
- Managers and HR always support employees to achieve their choice of outcome with regards to continued employment. No employee has ever been dismissed due to ill health. Signing up to such a charter would not require a change in how the WMCA supports employees facing a terminal illness.

3.0 Financial implications

3.1 There are no financial implications in relation to this report.

4.0 Legal implications

4.1 Employees who are terminally ill are likely to have been diagnosed with conditions that are automatically treated as a disability under the Equality Act 2010. As per the Act, disability is a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day- to- day activities.

4.2 As an employer, where it is known, or should be known, that an employee is disabled, and that that the employee is being placed at a disadvantage, there is a duty under the Equality Act to make reasonable adjustments to remove the disadvantage and to help the employee to stay in employment. An employee who is dismissed because of a failure to make reasonable adjustments may make a claim at the employment tribunal for disability discrimination.

5.0 Equalities implications

5.1 Employees diagnosed with a terminal illness are generally classified as having a disability. Employers have a duty to make reasonable adjustments where an employee has a disability. The WMCA's approach to this matter is to consider the options available (for example, part-time employment, transfer within the department to a more suitable role or, if the employee is not able to work, ill health retirement).

Appendix

Sample “Dying to Work” Charter



This charter sets out an agreed way in which our employees will be supported, protected and guided throughout their employment, following a terminal diagnosis.

- We recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry.
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.
- We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.



WMCA Board

Date	14 September 2018
Report title	Financial Monitoring Report 2018/19
Portfolio Lead	Councillor Bob Sleigh - Finance & Investments
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority email: deborah.cadman@wmca.org.uk tel: (0121) 214 7552
Accountable Employee	Sean Pearce, Director of Finance email: sean.pearce@wmca.org.uk tel: (0121) 214 7936
Report to be / has been considered by	Programme Board - 31 August 2018

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note the financial position as at the end of July 2018.

1.0 Purpose

- 1.1 To provide an update on West Midlands Combined Authority finances as at the end of July 2018.

2.0 Financial Monitoring

- 2.1 A summary of the revenue and capital financial positions against the approved budget are attached at appendices 1-5. A summary of the Investment Programme along with current commitments is included in appendices 6 and 7 and the balance sheet position in appendix 8.
- 2.2 Appendix 1 shows the overall consolidated revenue position for the West Midlands Combined Authority. The full year position at the end of July shows a £0.916m favourable variance from budget largely owing to favourable variances within the Transport and Operational budgets as a result of planned activity being rescheduled. Further details are provided in sections 3 and 4 below.
- 2.3 This is the first full year reforecast following June quarter end which shows a marginal overall overspend of £0.1m mainly arising from the operational budget in appendix 3.

3.0 Transport

- 3.1 Appendix 2 sets out the position on the Transport Revenue Budget as at the end of July 2018, showing a favourable variance of £0.498m against budget to date. The full year forecast position shows an overall saving of £0.041m.
- 3.2 The year to date position shows that expenditure on travel concessions is £0.466m under budget and the FY position shows savings of £1.708m due to lower bus patronage than budgeted. The majority of these savings will be used to fund the income foregone as a result of the departure charge and roadside information holiday commencing from 1st Oct 2018 within bus services. The timing of planned Bus Services monitoring activity has led to a favourable variance of £0.114m year to date, however the full year position is expected to be in line with budget. Higher than anticipated ticketing commission coupled with the planned timing of Passenger Information activity have led to a favourable variance of £0.116m to date. Investment income is in line with budget.
- 3.3 Other movements in the full year position relate to Business support where temporary staff are being bought in to cover vacant posts and across various infrastructure budgets where upwards cost pressures have been reflected.
- 3.4 Further details are set out in appendix 2.

4.0 West Midlands Combined Authority Operational Budget

- 4.1 Appendix 3 sets out the position on the West Midlands Combined Authority Operational budget as at the end of July 2018.
- 4.2 There is a favourable year to date variance of £0.418m which is primarily as a result of changes in the planned timing of operational activities across the portfolios. The full year position shows an adverse variance from budget of £0.138m following the reforecast largely associated with the Environmental and Economic Growth portfolio where additional support is required.

- 4.3 There is a favourable year to date variance within the Housing and Land Portfolio of £0.207m, primarily reflecting the ongoing recruitment to a number of newly established posts.
- 4.4 There is also a favourable variance within the Health and Wellbeing of £0.190m, again, primarily owing to vacancies that are currently being recruited to and the timing of activity.
- 4.5 Corporate support has a favourable variance of £0.157m partly due to the timing of Communications activity that is anticipated to take place later in the year and partly due to vacant posts that have not yet been recruited to.
- 4.6 There is a favourable variance against the Productivity and Skills budget of £0.229m, largely due to scheduling of activity within the commission budget and the delivery of construction skills training.
- 4.7 Offsetting these variances is an adverse variance within Economic Growth which has occurred due to additional consultancy support, required across the Industrial Strategy and Office of Data Analytics budgets between July and March 2019. This has been reflected in the full year forecast along with costs associated with the new Environmental portfolio relating to management of delivery and air quality.

5.0 Mayor's Office

- 5.1 Appendix 4 details the Mayor's Office spend, which shows a favourable year to date variance of £0.046m, largely owing to vacancies within the Mayor's team that will be recruited to later in the year. The forecast remains unchanged.

6.0 Funding and Priorities

- 6.1 The first reforecast of full year outturn has taken place during July.
- 6.2 WMCA's overall favourable year to date variance of £0.916m primarily comprises £0.498m relating to Transport Delivery and £0.418m in respect of the Operational Budget. As the variation on Transport Delivery is primarily a result of planned activities that will take place later in the year, it is currently anticipated that Transport Delivery will outturn in line with the annual budget and within the Operational budget an overspend of £0.138m is forecast, relating to consultancy support within Economic Growth and Environmental portfolio.
- 6.3 Formal approval of a 2% pay award for 2018/19 is still pending. Revenue budgets currently reflect a 1% award with a further 1% adjustment to be processed once the award has been finalised. The impact across all WMCA budgets is c£0.270m.

7.0 Transport Delivery Capital Programme

- 7.1 Appendix 5 sets out the position on the Capital Programme as at the end of July 2018. Overall there is a favourable variance of £15.4m against budget. This is primarily contained within the TfWM Investment Programme (£14.8m) and predominantly relates to Metro extension schemes.

- 7.2 There is a favourable variance on the Edgbaston Metro Extension scheme of £3.7m as statutory traffic orders relating to complementary highway works are now anticipated to be obtained until later in the year. The favourable variance on the Wolverhampton City Centre Metro Extension scheme (£2.8m) reflects re-profiling of detailed design works, and the purchase of the NCP Car Park (£0.8m) that will now conclude later in the year. The Metro East Birmingham to Solihull Metro Extension (£2.3m) reflects the ongoing completion of surveys and modelling works. In addition the Wednesbury to Brierley Hill Metro Extension (£2.0m) reflects ongoing investigation work on retaining walls and structures. The Metro Centenary Square Extension (£1.8m) is below budget due to lower construction costs arising from re-profiled utility and design works. To compensate, the closure of Paradise Circus from September will facilitate the acceleration of construction costs bringing forward the completion date of the project next year.
- 7.3 The Minor Works programme shows a favourable variance of £0.3m to budget, primarily due to the Managing Short Trips Programme (£0.4m), where work has commenced in July on the 2018/19 Schemes following minor rescheduling of 2017/18 Schemes.
- 7.4 Other Programmes are broadly in line with budget.
- 7.5 The annual forecast shows a £32.8m favourable movement against budget, reflecting a reduction during July of £13.9m, primarily relating to the Wednesbury to Brierley Hill Metro Extension scheme (£12.0m). The overall variance of £22.0m is predominantly relating to a re-profiling of survey and site investigation work on retaining wall and structures impacting on preliminary design progress. In addition a Network Rail corridor acquisition has been rescheduled to December 2018.
- 7.6 In addition there is a favourable variance against the Edgbaston Metro Extension (£5.3m) primarily as a result of the ongoing complementary highway works as well as works to the canal bridge where a change in the delivery solution has been agreed. The Birmingham Eastside Metro Extension (£2.5m) also reflects a reduction owing to the re-phasing of utility works from September 2018 to March 2019. The East Birmingham to Solihull Metro Extension (£2.0m) reflects a reduction owing to ongoing surveys.
- 7.7 For both the Edgbaston and Brierley Hill Metro extensions, the forecast changes represent re-profiling of commitments and have no adverse impact on the timescales for overall delivery.
- 7.8 Within the minor works Programme (£0.6m), there is an adverse forecast movement owing to development costs being underwritten by TfWM on the University Station project. This is a high priority scheme with a vision to deliver a new station by December 2021, in advance of the Commonwealth Games. The outline business case has been submitted to Greater Birmingham & Solihull LEP (GBSLEP) In July 2018 to seek initial funding of £2m, with further submissions planned to secure up to £10m. As the development spend against this scheme is subject to a funding bid with GBS LEP the cash-flow requirement is being financed by WMCA in advance of the funding decision (which is expected to be positive) to ensure development of the project can be advanced. Should the decision not be positive, WMCA would identify budget from flexibilities in future year grants to meet the development costs.
- 7.9 Minor variances against forecast are reflected in other programmes. Further details are set out in appendix 5.

8.0 Investment Programme

8.1 The financial results for the Investment Programme run one month behind the regular management accounts due to the requirement to consolidate outputs across the Metropolitan area. The June results are shown in Appendix 6.

8.2 The year-to-date spend to June 2018 is £19m behind budget although for the full year the programmes are forecast to be broadly in line with the £295m budget.

8.3 The reported Investment Programme budget for the programme life now reflects the recent re-basing exercise. Significant changes compared with the programme budgets reported during 2017/18 are outlined below:

- £415m reduction: UK Central Interchange, following changes agreed during 2017/2018 to remove elements of cost and funding from the programme.
- £629m increase: UK Central Infrastructure in relation to the significant uplift in value funded by the private sector, consistent with Strategic Outline Business Case 2.
- £32m increase: Coventry UK Central Plus in relation to the addition of scope to be funded from the Housing Innovation Fund for Kings Hill.
- £32m reduction: For Wolverhampton Interchange following the agreement between WMCA and City of Wolverhampton Council to meet the cost pressure associated with the scheme.
- £2m reduction: Representing a minor amendment consistent with the 2018/19 returns from Coventry City Council.

8.4 The direct WMCA funding into the above programmes is not affected by these amendments to the project totals.

8.5 The financial summary continues to highlight increased spend against the Wednesbury to Brierley Hill and Birmingham to Solihull Interchange Metro extensions. An exercise is ongoing via the Metro Delivery Board to review and verify the costs to completion for the Metro Programme and the results will be reported in due course.

8.6 The cost to completion against UK Central Interchange remain red status due to the funding gap of c.£205m relating to the Birmingham International Station redevelopment project. Funding sources are being progressed by Solihull MBC/Urban Growth Company.

8.7 Appendix 7 details the commitments made against the Investment Programme which totalled £474m to the end of July 2018.

9.0 Balance Sheet

9.1 Appendix 8 presents the West Midlands Combined Authority Balance Sheet which shows a healthy financial position at the end of July 2018. Main changes reflect Transport for West Midlands capital spend and work-in-progress mainly funded by grants in advance, resulting in the increase in long-term assets.

9.2 The decrease in debtors is largely due to downward revision of accrued grant income from LGF in respect of the Metro Birmingham Eastside extension scheme and settlement receipt from Altram following handover of the Midland Metro network. In contrast, the increase in short term creditors/accruals resulted from the upward revision of the capital accrual for the Metro extension schemes offset by reduced ticketing operator creditor.

9.3 The net decrease in long-term liabilities was the result of PWLB principal loan repayment and funding receipt from DfT for the Metro Edgbaston extension scheme.

10.0 Legal implications

10.1 There are no legal implications.

11.0 Equalities implications

11.1 There are no equalities implications.

12.0 Appendices

- Appendix 1 – WMCA Consolidated Summary – July 2018
- Appendix 2 – WMCA Transport Revenue Summary – July 2018
- Appendix 3 – WMCA Operational Revenue Summary – July 2018
- Appendix 4 – WMCA Mayor Revenue Summary – July 2018
- Appendix 5 – WMCA Capital Transport Delivery Programme – July 2018
- Appendix 6 – WMCA Investment Programme Summary – June 2018
- Appendix 7 – WMCA Investment Programme Commitments – July 2018
- Appendix 8 – WMCA Balance Sheet – July 2018

Appendix 1

WMCA Consolidated Summary – July 2018

	July 2018 YEAR TO DATE			FULL YEAR 2018/19		
	ACTUAL £'000	BUDGET £'000	VARIANCE £'000	FORECAST £'000	BUDGET £'000	VARIANCE £'000
INCOME						
General (un-ringfenced) resources:						
1 - Transport Levy	38,240	38,240	0	114,720	114,720	0
2 - Devolution Deal grant (IP)	36,500	36,500	0	36,500	36,500	0
3 - Devolution Deal grants - other	488	834	(346)	5,589	6,116	(527)
4 - Adult Education Funding	43	67	(24)	509	200	309
5 - Business rates growth	1,500	1,500	0	4,500	4,500	0
6 - Grants from Constituent members	1,548	1,548	0	4,644	4,644	0
7 - Grants from Non Constituent members	142	142	0	425	425	0
8 - Investment Income	298	164	134	560	494	66
9 - Use of Reserves	257	313	(56)	1,767	1,767	0
Total income	79,016	79,308	(292)	169,214	169,366	(152)
EXPENDITURE						
Operating expenditure:						
10 - Transport delivery	37,766	38,264	498	115,680	115,721	41
11 - Operational budget	2,045	2,844	799	11,743	11,822	79
12 - Investment Programme Governance	596	1,553	957	2,549	4,659	2,110
13 - Mayoral Office	232	277	45	823	823	0
14 - Financing Costs	37,538	36,447	(1,091)	38,475	36,341	(2,134)
Total expenditure	78,177	79,385	1,208	169,270	169,366	96
Net	839	(77)	916	(56)	0	(56)

The year to date position at the end of July shows a favourable variance of £0.916m against budget. This is largely due to the timing of recruitment and activity within the Transport Delivery and Operational budgets, where there are net favourable variances of £0.498m and £0.418m respectively.

The transport position shows a favourable movement in the full year position reflecting the expected increase in activity as we move through the year.

Operational budget activity (11) is now gathering pace with recruitment to several posts now underway and consultancy support being commissioned. The latest full year position reflects a £0.138m over spend due to increased activity within the economic growth and environment portfolio, along with a significant increase in planned activity and establishment to the end of the year.

Within the Investment Programme (12) there is a favourable variance against planned expenditure of £0.477m owing to planning borrowing not being necessary due to higher cash balances than anticipated. This has also resulted in investment income being higher than anticipated by £0.133m (8). These favourable variances have resulted in a higher than budgeted transfer into the Investment Programme and risk reserves (14).

Appendix 2

Transport for West Midlands 2018-19 year to date revenue position – July 18

	ACTUAL £000	BUDGET £000	VARIANCE £000	FORECAST £000	BUDGET £000	VARIANCE £000
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As at the end of July there is a £0.498m favourable position in-year with a minor favourable position of £0.041m forecast for the full year. Headline explanations for the variances are set out below.

TRANSPORT FOR WEST MIDLANDS

INCOME								
Transport Levy	38,240	38,240	()	0%	114,720	114,720	0%	
TOTAL INCOME	38,240	38,240	()	0%	114,720	114,720	0%	
EXPENDITURE								
Concessions								
National Bus Concession	16,934	17,400	466	3%	50,537	52,244	1,708	3%
Metro / Rail	1,511	1,511		0%	4,541	4,542		0%
Child Concession	3,288	3,289	2	0%	9,541	9,552	10	0%
Bus Services	21,732	22,200	468		64,619	66,338	1,718	
Bus Stations / Infrastructure	1,629	1,229	(400)	33%	4,958	3,510	(1,448)	41%
Subsidised Network	2,759	2,803	44	2%	8,498	8,498	()	0%
Tendering / Monitoring	162	229	67	29%	686	683	(4)	1%
Accessible Transport	2,416	2,419	3	0%	7,259	7,261	2	0%
Rail and Metro Services	6,966	6,680	(286)		21,401	19,952	(1,449)	
Metro Services	450	504	53	11%	1,546	1,560	15	1%
Rail Services	692	679	(12)	2%	2,317	2,253	(64)	3%
Integration	1,142	1,183	41		3,863	3,814	(49)	
Safety and Security	198	193	(5)	3%	647	614	(33)	5%
Passenger Information	1,540	1,656	116	7%	5,222	5,195	(27)	1%
Sustainable Travel	60	82	22	27%	255	253	(2)	1%
Network Resilience	1,798	1,931	133		6,124	6,063	(61)	
Business Support Costs	230	267	37	14%	829	831	2	0%
Strategic Development	1,068	1,045	(23)	2%	3,395	3,285	(110)	3%
Elected Members	671	727	55	8%	2,250	2,240	(11)	0%
Capital Finance Charges	84	88	4	4%	271	271	()	0%
TOTAL EXPENDITURE	37,767	38,265	498	1%	114,680	114,721	41	0%
NET	473	(25)	498	1089%	40	(1)	41	3537%

Full year forecast savings due to lower patronage than budgeted with Bus concessionary patronage continuing to reduce across operators. The majority of the saving will be used to fund the income foregone as a result of the 12 month Departure charge and Roadside Information holiday commencing from 1 October 2018.

Full year adverse variance forecast due to the income foregone as a result of the agreed introduction of the 12 month Departure charge and Roadside Information holiday commencing from 1 October 2018. The income foregone from this will be funded from savings on Concessions.

In year favourable variance due to phasing on Subsidised Bus survey costs with planned activity reprofiled.

Favourable due to phasing of monitoring activity with less activity taking place year to date than anticipated in the budget profile. Minor variance forecast for full year.

Favourable year to date position and full year saving due to Metro Concessions contract performance deduction.

Adverse variance due to a number of costs pressures seen on Rates, rents, cleaning and CCTV works.

In-year reflects phasing of expenditure compared to budgeted profile and favourable Ticketing Commission income year to date. A minor full year adverse variance is forecast.

In-year adverse and full year adverse forecast variance mostly due to interim resource brought in to cover vacancies and staff turnover in the short term and a lower recovery against the 16 Summer Lane building income target

In-year favourable positions reflects some phasing on External Advice activity, with a minor adverse forecast projected for full year

Favourable in-year position reflects the timing of treasury activity.

Appendix 3

West Midlands Combined Authority Operational Budget - July 2018

FINANCIAL SUMMARY AS AT JULY 2018	JULY 2018 YEAR TO DATE			FULL YEAR 2018/19		
	ACTUAL £000	BUDGET £000	VARIANCE £000	FORECAST £000	BUDGET £000	VARIANCE £000
Contribution - 7 Met Council's	1,548	1,548	0	4,644	4,644	0
Non-Constituent Members	125	125	0	375	375	0
Associate Members / Official Observers	17	17	0	50	50	0
Investment Income	164	164	0	494	494	0
Total Income	1,854	1,854	0	5,563	5,563	0
Economic Growth						
Mayoral Capacity Funding	114	183	(69)	388	388	0
Devo Office of Data Analytics	44	49	(5)	279	200	79
Total Income	158	232	(74)	667	588	79
Culture and Tourism Commission	0	0	0	(60)	(60)	0
Funding for Growth	(258)	(293)	35	(785)	(880)	95
Office of Data Analytics	(44)	(50)	6	(279)	(201)	(78)
Black Country Economic Intelligence Unit	(68)	(80)	12	(240)	(240)	0
Industrial Strategy	(149)	(123)	(26)	(468)	(308)	(160)
Environment	(4)	0	(4)	(90)	0	(90)
Total Expenditure	(523)	(546)	23	(1,922)	(1,689)	(233)
Economic Growth Net Total	(365)	(314)	(51)	(1,255)	(1,101)	(154)
Public Services Reform						
Revenue Contributions to / from Third Parties	(3)	33	(36)	100	100	0
Mayoral Capacity Funding	11	33	(22)	100	100	0
Total Income	8	66	(58)	200	200	0
Public Sector Reform	(152)	(163)	11	(490)	(490)	0
Inclusive growth	(11)	(67)	56	(200)	(200)	0
WM Fire Service Transition	(3)	0	(3)	0	0	0
Total Expenditure	(166)	(230)	64	(690)	(690)	0
Public Service Reform Net Total	(158)	(164)	6	(490)	(490)	0
Health & Wellbeing						
Revenue Contributions to / from Third Parties	29	0	29	33	0	33
Total Income	29	0	29	33	0	33
Mental Health Commission	0	(145)	145	(435)	(435)	0
Well Being	(60)	(76)	16	(275)	(242)	(33)
Total Expenditure	(60)	(221)	161	(710)	(677)	(33)
Health & Wellbeing Net Total	(31)	(221)	190	(677)	(677)	0
Housing & Land						
Devolution Housing & Land	75	277	(202)	732	1,000	(268)
Total Income	75	277	(202)	732	1,000	(268)
WMCA Governance 2015/16	0	0	0	0	0	0
Housing and Land Commission	(121)	(328)	207	(872)	(1,150)	278
Total Expenditure	(121)	(328)	207	(872)	(1,150)	278
Housing & Land Net Total	(46)	(51)	5	(140)	(150)	10
Skills & Productivity						
Devolution Productivity & Skills	113	246	(133)	3,346	3,770	(424)
Adult Education Funding	43	67	(24)	509	200	309
Total Income	156	313	(157)	3,855	3,970	(115)
Productivity and Skills Commission	(184)	(265)	81	(464)	(464)	0
Employment Support Pilot Skills	(13)	(45)	32	(1,404)	(1,829)	425
HS2 Skills	(1)	(19)	18	(175)	(175)	0
Gatsby Skills	(31)	(33)	2	(100)	(100)	0
Construction Skills	(69)	(148)	79	(1,666)	(1,666)	0
Adult Education	(43)	(60)	17	(509)	(179)	(330)
Careers	0	0	0	0	0	0
Total Expenditure	(341)	(570)	229	(4,318)	(4,413)	95
Skills & Productivity Net Total	(185)	(257)	72	(463)	(443)	(20)
Leadership						
Revenue Contributions to / from Third Parties	41	0	41	41	0	41
Total Income	41	0	41	41	0	41
Leadership	(129)	(127)	(2)	(394)	(381)	(13)
Total Expenditure	(129)	(127)	(2)	(394)	(381)	(13)
Leadership Net Total	(88)	(127)	39	(353)	(381)	28
Corporate Support						
Mayoral Capacity Funding	12	0	12	12	0	12
Total Income	12	0	12	12	0	12
Programme, Policy and Support	(575)	(638)	63	(1,982)	(1,914)	(68)
Communications	(54)	(136)	82	(353)	(407)	54
Total Expenditure	(629)	(774)	145	(2,335)	(2,321)	(14)
Corporate Support Net Total	(617)	(774)	157	(2,323)	(2,321)	(2)
TOTAL NET EXPENDITURE	(1,490)	(1,908)	418	(5,701)	(5,563)	(138)
NET RETURN	364	(54)	418	(138)	0	(138)
Devolution grants			334			527
AEB Funding			24			(309)
Use of reserves			23			0
NET RETURN PRESENTED IN CONSOLIDATED SUMMARY	(1,326)	(1,744)	799	(6,180)	(6,259)	79

As at the end of July 2018, there is a favourable variance of £418k within the Operational Budget. Key variances are explained below:

Economic Growth:
The key variances in the Economic Growth portfolio recognise funding being used flexibly across the Portfolio with small favourable variances due to recruitment occurring in the policy team. Environment the forecast shows costs associated with consultancy support for overall management along with work associated with air quality.

PSR:
The overall PSR Portfolio favourable year to date favourable variance is anticipated to return to breakeven by the end of the financial year as recruitment is delivered.

Health & Wellbeing:
The favourable variance on income relates to a contribution from Public Health England in respect of the Implementation Director post. The favourable year to date variance is anticipated to be recovered by the year end as recruitment and work planned in the remainder of the year is undertaken.

Housing & Land:
The majority of the Housing and Land Team have now started with Combined Authority and the Housing Delivery Team budget over the three year MTFP is planned to be fully utilised to support the outcomes of the Housing Deal.

Skills & Productivity:
The Employment Support Pilot is now being delivered and therefore there has been reprofiling across the 3 year programme to accommodate the revision delivery timetable.

Leadership:
The favourable variance relates to a grant received from the LGA to fund leadership costs.

Corporate Support:
The favourable variance relates primarily to scheduling of communications spend and vacant posts within support that will be recruited to later in the year. The FY position remains within budget overall.

West Midlands Combined Authority Mayoral Budget - July 2018

	JULY 2018 YEAR TO DATE				FULL YEAR 2018/19			
	ACTUAL £000	BUDGET £000	VARIANCE £000		FORECAST £000	BUDGET £000	VARIANCE £000	
MAYORAL OFFICE								
Other Grants	0	12	(12)	100%	558	558	0	0%
Use of Reserves	231	265	(34)	13%	265	265	0	0%
TOTAL INCOME	231	277	(46)	17%	823	823	0	0%
Staff Costs	(193)	(234)	41	18%	(662)	(692)	30	4%
Agency Staff	(3)	0	(3)	0%	(1)	0	(1)	0%
IT	0	(3)	3	100%	(10)	(10)	0	0%
Travel & Subsistence	(4)	(13)	9	69%	(40)	(40)	0	0%
Other	0	(1)	1	100%	(2)	(2)	0	0%
Direct Recharges	(5)	0	(5)	0%	(29)	0	(29)	0%
Indirect Recharges	(26)	(26)	0	0%	(79)	(79)	0	0%
TOTAL EXPENDITURE	(231)	(277)	46	17%	(823)	(823)	0	0%
NET	0	0	0	0%	0	0	0	0%

As at the end of July 18 the Mayoral budget has a favourable variance of £0.046m against budgeted expenditure. This is largely due to vacant posts which have not yet been recruited to.

The FY position is in line with budget.

WMCA Transport Delivery Capital Programme – July 2018

Financial Summary Month Ending July	YEAR TO DATE			FULL YEAR 2018/19		
	ACTUAL £000	BUDGET £000	VARIANCE £000	FORECAST £000	BUDGET £000	VARIANCE £000
TFWM Directly Delivered Investment Programme Schemes						
<u>HS2 Connectivity Programme:</u>						
Bilston Road Track Replacement Phase 2	(25)	0	(25)	(276)	(250)	(26)
Sprint Network	(450)	(1,345)	895	(4,735)	(5,227)	492
Investment Programme Rail Programme	(1,991)	(1,905)	(86)	(9,184)	(9,184)	0
Metro Centenary Square Extension	(4,406)	(6,218)	1,812	(17,450)	(17,422)	(28)
Metro Edgbaston Extension	(3,259)	(6,997)	3,738	(12,001)	(17,289)	5,288
Metro Wolverhampton City Centre Extension	(3,846)	(6,695)	2,849	(13,196)	(13,593)	397
<u>Other TFWM Investment Programme Schemes</u>						
Metro Birmingham Eastside Extension	(1,705)	(3,072)	1,367	(20,355)	(22,859)	2,504
Metro East Birmingham to Solihull Extension	(2,895)	(5,193)	2,298	(11,259)	(13,273)	2,014
Metro Wednesbury to Brierley Hill Extension	(3,984)	(5,968)	1,984	(12,489)	(34,510)	22,021
TOTAL TFWM INVESTMENT PROGRAMME	(22,561)	(37,393)	14,832	(100,945)	(133,607)	32,662
TFWM Other Major Schemes						
Longbridge Connectivity Package	(21)	(21)	0	(3,557)	(3,557)	0
Connected and Autonomous Vehicles	(73)	(163)	90	(431)	(1,100)	669
TOTAL TFWM INVESTMENT PROGRAMME	(95)	(184)	89	(3,988)	(4,657)	669
TFWM Minor Works Programme						
TFWM Minor Works Programme	(1,530)	(1,836)	306	(14,380)	(13,758)	(622)
TOTAL TFWM INVESTMENT PROGRAMME	(1,530)	(1,836)	306	(14,380)	(13,758)	(622)
TFWM Administered Programme						
TFWM Administered Programme	(148)	(294)	146	(3,158)	(3,201)	43
TOTAL TFWM INVESTMENT PROGRAMME	(148)	(294)	146	(3,158)	(3,201)	43
GRAND TOTAL TFWM CAPITAL PROGRAMME	(24,334)	(39,707)	15,373	(122,471)	(155,223)	32,752

Year to Date Variances

At the end of July 2018, actual expenditure was £14.8m lower than the budget with the overall variances relating to cash flow reprofiling. An explanation of the main variances is as follows:

The favourable cashflow variance on the Metro Edgbaston Extension and Centenary Square is due to the requirement to obtain Statutory Traffic Regulations Orders prior to commencing elements of work and the consequent profiling of activities to achieve the delivery of the scheme within the original timescales.

The favourable cashflow variance for the Wolverhampton City Centre scheme accommodates changes within the programme plan that are intended to be recovered over the remaining life of the project as they are not on the critical path.

The Metro East Birmingham to Solihull Metro Extension variance is reflective of ongoing surveys and modelling works, requiring the reprofiling of the Transport Works Order request from December 2018 to March 2019.

The Metro Wednesbury to Brierley Hill Extension reflects ongoing investigation work on retaining walls and structures, impacting on preliminary design progression.

The Annual Forecast Variances

Changes have been made since April 2018 to the forecast out-turn which again relate to timing of expenditure rather than being indicative of project slippage. The main variances are as follows:

The Edgbaston and Centenary Square Metro Extension forecasts have been reduced by £5.2m owing to the complimentary highway works and the 2018/19 impact of the Traffic Regulation Orders as detailed above.

The Birmingham Eastside Extension and Solihull Extension forecast revisions are representative of the full year effect of the cash flow variations to the end of July.

The main variation within the Metro Wednesbury to Brierley Hill Extension follows the Network rail corridor acquisition which has been reprofiled to December 2018 and submission of the Target Cost which has been rescheduled from October 2018 to December 2018.

The variances against these Metro extensions represent re-profiling of commitments and have no adverse impact on the timescales for overall delivery.

At the end of July 2018, there was a minor underspend of £0.089m. This is almost entirely due to the Connected and Autonomous Vehicles TestBed (CAV), which was launched in March 2018 one month behind plan.

The Annual Forecast has been reduced in July 2018 relating to the CAV project and is cash-flow related following the decision to procure Highway and Road Traffic control equipment toward the end of Q1 19/20, following a review of work packages with key stakeholders. This has no impact on the delivery of the 2 year programme.

At the end of July 2018, there was a minor underspend of £0.306m against budget. The main variance is contained within the Sustainable Travel Programme (£0.489m) and relates to the construction of walking and cycling routes offset by development costs for the University Station (£0.142m) which have been underwritten in advance of securing Greater Birmingham & Solihull LEP funding which is awaiting a decision following submission of the Outline Business Case in July 2018.

The annual forecast has been increased in July 2018 by £0.5m to reflect the ongoing University Station development project. This project is a high priority with a vision to deliver a new station by December 2021, in advance of the Commonwealth Games. The development spend against this scheme is subject to a funding bid with GBS LEP and the cash-flow requirement is being financed by WMCA in advance of the funding decision which is expected to be positive. If this is not the case, additional grant from future years would be applied to the spend to date.

A revised Programme has been received with respect to the Clean Bus Technology (£0.1m), resulting in funding brought forward from 19/20.

Rescheduling of Transport Modelling Strategy for the Commonwealth Games. Mobilisation has commenced in July 2018 with some reprofiling into the remaining quarters

WMCA Investment Programme Financial Summary period ending 30th June 2018

	2018 / 2019 YEAR TO DATE			2018 / 2019 FULL YEAR			COST TO COMPLETION					
	ACTUAL	BUDGET	VARIANCE	BUDGET	FORECAST	VARIANCE	PRIOR PERIOD SPEND	2018/19 FORECAST	FUTURE YEARS FORECAST	TOTAL FORECAST OUTTURN	TOTAL BUDGET	VARIANCE
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
UK CENTRAL : HS2 INTERCHANGE	3,070	3,501	431	12,718	9,978	2,740	3,947	9,978	590,667	604,593	604,612	19
UK CENTRAL : HS2 INFRASTRUCTURE	638	2,204	1,566	13,425	14,024	(599)	2,155	14,024	1,260,414	1,276,592	1,277,603	1,011
CURZON STREET STATION MASTERPLAN	0	0	0	4,406	4,406	0	0	4,406	551,894	556,300	556,300	0
METRO BIRMINGHAM EASTSIDE	1,219	1,885	666	22,859	22,859	0	6,217	22,859	108,124	137,200	137,200	0
METRO BIRMINGHAM TO SOLIHULL INTERCHANGE	2,074	3,318	1,244	13,273	13,273	0	4,102	13,273	717,625	735,000	675,000	(60,000)
HS2 WIDER CONNECTIVITY PACKAGE	12,525	25,992	13,467	112,197	107,096	5,101	106,997	107,096	892,210	1,106,303	1,106,303	0
BRIERLEY HILL METRO EXTENSION	2,442	3,743	1,300	34,510	34,510	0	7,368	34,510	301,722	343,600	310,000	(33,600)
NATIONAL COLLEGE FOR HIGH SPEED RAIL	78	78	0	78	78	0	25,431	78	0	25,509	25,509	0
HS2 GROWTH STRATEGY PROGRAMME MANAGEMENT	61	60	(1)	239	243	(5)	615	243	2,174	3,032	3,032	(0)
HIGH SPEED SUPPLY CHAIN & BUSINESS SUPPORT	0	0	0	TBC	TBC	-	11,270	0	338,730	350,000	350,000	0
HS2 GROWTH STRATEGY TOTAL	22,108	40,781	18,674	213,706	206,468	7,238	168,102	206,468	4,763,560	5,138,130	5,045,559	(92,571)
COVENTRY UK CENTRAL PLUS CONNECTIVITY	455	1,149	694	8,922	7,822	1,100	2,341	7,822	493,967	504,130	504,130	0
COVENTRY CITY CENTRE REGENERATION	704	773	69	25,394	25,395	(1)	5,821	25,395	326,554	357,770	357,770	0
COLLECTIVE INVESTMENT VEHICLE	939	939	0	20,000	20,000	0	20,785	20,000	959,215	1,000,000	1,000,000	0
LAND RECLAMATION	0	0	0	20,000	27,394	(7,394)	0	27,394	172,606	200,000	200,000	0
COMMONWEALTH GAMES	0	0	0	0	0	0	0	0	25,000	25,000	25,000	0
DEVOLVED TRANSPORT INVESTMENT	0	0	0	0	0	0	0	0	1,299,000	1,299,000	1,299,000	0
EZ EXPANSION EXCLUDING CURZON	0	0	0	0	0	0	0	0	20,000	20,000	20,000	0
EMPLOYMENT EDUCATION & SKILLS	0	0	0	2,000	2,000	0	0	2,000	18,000	20,000	20,000	0
BUSINESS INNOVATION	0	0	0	5,000	5,000	0	25	5,000	44,975	50,000	50,000	0
OTHER INVESTMENT PROGRAMME SCHEMES	2,098	2,861	763	81,316	87,611	(6,295)	28,972	87,611	3,359,317	3,475,900	3,475,900	0
GRAND TOTAL	24,206	43,642	19,436	295,022	294,078	943	197,073	294,078	8,122,877	8,614,029	8,521,459	(92,571)

The financial results for June are shown above.

The financial summary continues to highlight increased spend against the Wednesbury to Brierley Hill and Birmingham to Solihull Interchange Metro extensions. An exercise is ongoing via the Metro Delivery Board to review and verify the costs to completion for the Metro Programme and the results will be reported in due course.

The cost to completion against UK Central Interchange remains red due to the funding gap of c.£205m relating to the Birmingham International Station redevelopment project. Funding sources are being progressed by UGC.

For 2018/19, the YTD spend to June is £19.4m behind budget. This is comprised of £13.5m relating to the HS2 Connectivity Programme with the key projects making up this variance being as follows: Metro Extensions for Edgbaston (£3.3m), Wolverhampton (£2.9m) and Centenary Square (£1.3m); Coventry Station Masterplan (£3.4m) and VLR (£2.0m); and SPRINT Hagley Road (£0.6m).

The remaining YTD underspend is primarily comprised of Metro projects as follows: Birmingham Eastside (£0.7m); East Birmingham to Solihull (£1.2m); and Wednesbury to Brierley Hill (£1.3m).

The 2018/19 full year forecast underspend of £7.2m for the HS2 Growth Strategy relates primarily to the Metro Edgbaston extension and HS2 Interchange.

The other major full year variance to forecast is an over spend regarding Land Reclamation (£7.4m) relating to the timing of grant payments given the pipeline approved in 2017/18 currently awaiting developments progressing and contracts to be prepared.

Appendix 7

WMCA Investment Programme Commitment Profile

£m	Committed	2018 / 2019			2019 / 20				2020/21	2021/22	2022/23	2023/24	2024/25	Post 2025	TOTAL
		Q2	Q3	Q4	Q1	Q2	Q3	Q4							
UKC Interchange	29.3	8.3						303.1						56.8	397.5
UKC Infrastructure	13.2		28.8	13.0	19.6	2.7	42.4	56.2	76.6					36.0	288.4
HS2 Connectivity (Sprint)	4.1		23.5				44.4	20.0	29.3	60.6	30.7				212.7
HS2 Connectivity (Metro)	102.3														102.3
HS2 Connectivity (Rail)	5.2		5.7	7.6		2.5	16.4	35.2	8.7					104.8	186.1
HS2 Connectivity (City Centre First incl. CSMP)	39.4	0.6		11.0											51.0
HS2 Connectivity (Coventry VLR)	12.2			9.0				33.8							55.0
HS2 Programme Governance	0.7			2.4											3.1
Wednesbury Brierley Hill Metro				103.0											103.0
SUB TOTAL INVESTMENT PROGRAMME	206.4	8.9	58.0	146.0	19.6	5.2	103.2	448.3	114.7	60.6	30.7			197.6	1399.1
Coventry North	0.2		1.8							19.7					21.6
Coventry South	0.8	6.6	1.0	0.5		0.8	44.2	6.5				46.2		50.0	156.5
Coventry Regeneration	150.0														150.0
Land Remediation	90.3	2.5	5.0	5.2							97.0				200.0
Business Innovation	0.5				0.6	3.3			11.4	12.9	11.4			10.0	50.0
Employment Education & Skills	0.8			4.2				5.0	5.0	5.0					20.0
Commonwealth Games	25.0														25.0
OTHER INVESTMENT PROGRAMME	267.5	9.1	7.8	9.9	0.6	4.1	44.2	11.5	16.4	37.5	108.3	46.2		60.0	623.0
CUMULATIVE APPROVALS	473.9	492.0	557.7	713.6	733.8	743.0	890.3	1350.2	1481.3	1579.4	1718.4	1764.6	1764.6	2022.1	

Appendix 8

WMCA Balance Sheet as at 31 July 2018

	31 July 2018 £'000	30 June 2018 £'000	Movement £'000
Property, plant and equipment	307,730	303,199	4,532
Long-term assets	307,730	303,199	4,532
Debtors	43,505	47,351	(3,846)
Short-term deposits	105,760	105,600	160
Cash and bank	355	140	215
Current assets	149,620	153,091	(3,471)
Loans - interest due	(970)	(1,587)	617
Short-term creditors/accruals	(37,335)	(36,568)	(767)
Current liabilities	(38,305)	(38,155)	(150)
Net current assets	111,315	114,936	(3,622)
Provisions	(6,324)	(6,354)	30
Finance lease liabilities	0	0	-
PWLB	(119,258)	(141,330)	22,072
Other loans - Barclays	(10,000)	(10,000)	-
Dudley MBC	(7,873)	(7,873)	-
Grants receipts in advance	(75,620)	(55,207)	(20,412)
Long-term liabilities	(219,075)	(220,764)	1,690
Net assets	199,970	197,371	2,600
General fund balance	3,132	3,014	118
Earmarked reserves	120,835	118,822	2,013
Capital grants unapplied reserve	247	247	-
Usable reserves	124,214	122,083	2,131
Revaluation reserve	6,947	6,948	(1)
Deferred capital grants account	300,778	296,245	4,534
Capital financing account	(231,664)	(227,600)	(4,064)
Accumulated absences account	(305)	(305)	0
Unusable reserves	75,756	75,288	469
Total reserves	199,970	197,371	2,600

The WMCA Balance Sheet reflects a healthy financial position. Main changes since June reflect TfWM capital spend and work-in-progress funded mainly by grants in advance, resulting in an increase of £4.5m net of depreciation in property, plant and equipment.

The decrease in debtors is mainly due to downward revision of accrued grant income from LGF in relation to the Metro Birmingham Eastside extension scheme and settlement receipt from Altram.

The increase in short-term creditors/accruals is largely due to upward revision of capital accrual for the Metro extension schemes offset by reduced ticketing operator creditor.

PWLB principal loan repayment and the funding receipt of DfT for the Metro Edgbaston extension scheme contributed to the net decrease in long-term liabilities.

The overall increase in the usable reserves is due to the net settlement from Altram following the handover of the Midland Metro network.



WMCA Board

Date	14 September 2018
Report title	WMCA Funding for Growth Programme Update
Portfolio Lead	Councillor Bob Sleight - Finance & Investments
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority email: deborah.cadman@wmca.org.uk tel: (0121) 214 7200
Accountable Employee	Julia Goldsworthy, Director of Strategy email: julia.goldsworthy@wmca.org.uk tel: (0121) 214 7941
Report has been considered by	WMCA Programme Board - 31 August

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note the approach taken to date and the next steps being undertaken.

1.0 Purpose

- 1.1 To update the Board on the status of the WMCA Funding for Growth Programme, the updated governance, current areas of focus and findings to date.

2.0 Background

- 2.1 The Funding for Growth Programme is a key part of the region's approach to devolution. The Programme supports the aspiration for the region to develop income generating opportunities that support the investment programme in the West Midlands.

The Funding for Growth programme was set up to focus on generating and implementing funding solutions particular, in summary the programme's objectives are as follows:

- Consideration of existing financing/funding powers and sources
- Analysis of the West Midlands region, in terms of levels of public expenditure and tax revenue
- Consideration of the potential options available to the West Midlands, in terms of additional powers that could be devolved from Government, and incremental funding sources that could be used locally
- Making recommendations as to how the West Midlands could increase control over local spending and create new funding opportunities.

- 2.2 The last update to the Board was in March 2018.

3.0 Revised governance structure

- 3.1 Under the original governance structure public and private sector representatives attended a number of sessions aimed at identifying new funding opportunities that the region should consider. Thereafter, work focused on providing a high level valuation of the impact of the opportunities as well as their deliverability.
- 3.2 The sessions were successful at generating ideas but were not the appropriate forum to drive forward the ideas that emerged. Accordingly, we have revised the governance and focus of the programme.
- 3.3 In recognition that the CA's attention needs to be on securing both funding for specific projects and the priority income sources we have identified we have established a number of Project Groups. These are set out in Appendix 1.
- 3.4 The revised approach means that we will only need to hold a meeting of the full Funding for Growth Group for strategic input on an annual basis. We will draw on the expertise of the group to input into the Project Groups. This will give the CA leverage of the skills and knowledge of the Group without having to draw too heavily on everyone's time.

4.0 Progress on immediate priorities

- 4.1 The most active Project Groups have been those dealing with immediate priorities for the CA, namely:
- Funding the Metro
 - Business Rate Supplement, and
 - Funding the Industrial Strategy
- 4.2 **Funding the Metro** – the CA has been approached by a number of funders who are seeking to invest in public sector infrastructure programmes.
- 4.3 We have modelled how the fare box of the Metro is anticipated to increase as the network expands as a basis for engaging with investors. In addition we have advised the Local Authorities (impacted by the extensions) of the discussions with the potential investors.
- 4.4 Work is ongoing to develop an investible proposition that could bring in private sector funding to support the infrastructure ambitions of the region. Any firm proposal will be subject to the existing governance processes of the CA. Existing mechanisms for funding the Metro will progress in parallel with discussions with investors.
- 4.7 **Business Rate Supplement ('BRS')** – BRS is one of the key components required to fund the Investment Programme. There is a separate BRS Board and a Steering Group driving the process forward
- 4.8 The Statutory Instrument which confers the powers to raise a BRS in West Midlands was finalised on 18 July 2018.
- 4.9 We are progressing with the planning of the steps which would have to be undertaken in the event that the CA decides to move forward with a ballot to seek approval for a BRS. This will include consultation with business on the benefits of the portfolio of investment covered by the supplement.
- 4.10 Discussions are on-going with the Ministry of Housing, Communities and Local Government regarding the regulations required to hold the ballot.
- 4.11 The progress made and the decisions required from the WMCA Board will be the subject of a separate discussion.
- 4.11 **Funding the Local Industrial Strategy ('LIS')** – the draft LIS is the subject of a separate update. In order to support its development we considering how to determine:
- The taper away of Local Growth and EU structural funds in the region
 - What is needed by when to replace those funding streams
 - What organisational capability is required to prepare the CA for the introduction of the Shared Prosperity fund, and

- How we take forward the recommendations of the Employment Support Framework to identify how future funding delivers regional employment and skills activity

4.12 This work will help the CA to plan for the future funding environment and test the levels of additional funding required to support the LIS.

5.0 Plans to address longer term priorities

5.1 The development of longer term priorities, including Investible propositions and New mechanisms, continue to be progressed through engagement with members of the Funding for Growth group that are revisiting the long list of potential additional funding streams and considering new ones that might support the region's growth ambitions.

5.3 It remains the case that whilst a number of funding opportunities are being actively considered, that these do not represent opportunities that will deliver funding in the near term. For instance, legislation would need to be passed in order to allow some of the opportunities to be developed further.

6.0 Financial implications

6.1 The CA's Director of Finance is having discussions with HM Treasury regarding alternative funding mechanisms. This will be the subject of a separate update to the Board.

6.2 HM Treasury is responding positively to exploring how they might be able to support the CA. The mechanisms set out below are being considered for their suitability:

- Mayoral Community Infrastructure Levy
- EU structural funds
- Wider public sector asset monetisation
- Hotel or Tourist Tax
- Airport Land Fee
- Enterprise Zones
- Sovereign Wealth Fund
- Investment Vehicles
- Public Service Reform gain share, and
- Digital Income Generation

We are in the process of outlining the size and scope of the above opportunities, how we might use them and the support that we would require from Treasury.

7.0 Legal implications

7.1 There are no immediate legal implications arising from this report. It will be necessary to continue to keep subsequent proposals under review to ensure that they are within the legal powers available to the Combined Authority now or in the future. No specific delegations are being requested from the Board at this stage so proposals in the future may also require Board approval to implement but this can be considered as and when necessary through liaison with the Legal/Governance team within the Combined Authority.

8.0 Equalities implications

8.1 There are no immediate equalities implications arising from this report.

9.0 Schedule of background papers

9.1 None

10.0 Appendices

10.1 Appendix 1 – Funding for Growth Governance and Project Summary

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West Midlands
Combined Authority

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Funding for Growth Revised governance



Funding for Growth - Governance

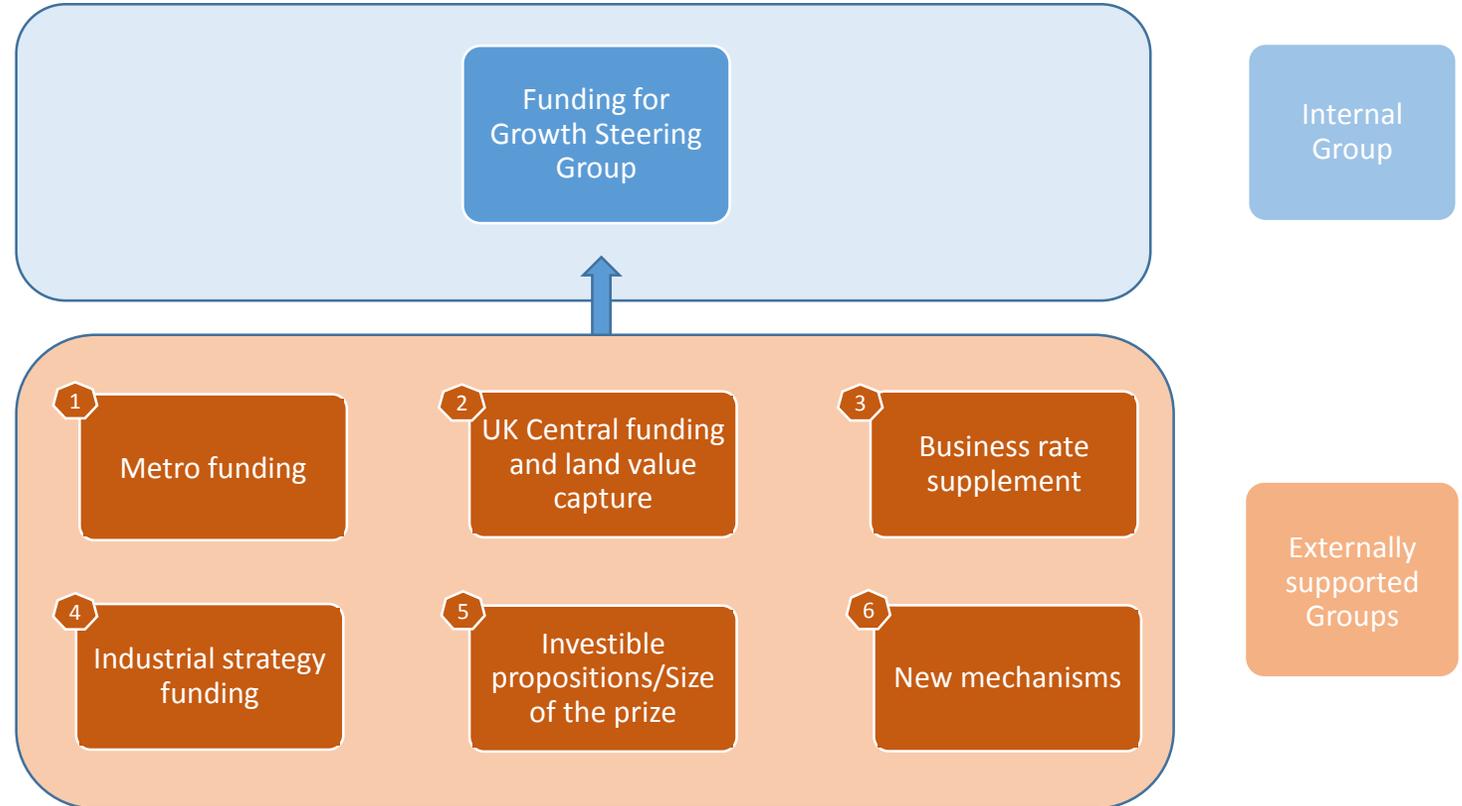
Summary

The current programme structure for Funding for Growth needs to be amended in order to focus on the current priorities. This paper sets out the revised structure.

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Funding for Growth Steering Group to be led by Julia Goldsworthy and consisting of Sean Pearce, Andrew Browning and Rob Wood. Role: to establish, monitor, challenge and report progress of the Project Groups. Monthly meetings.

Project Groups to address specific elements of the Fund for Growth programme. Draw on the talent of the original group membership to progress.



Project Groups overview – Funding for Growth 1 of 2

No.	Group name	Area	Description	Next steps
1	Metro funding	Projects	Develop a private sector investment package to support Metro expansion plans.	<ul style="list-style-type: none"> • Draft an “Investment prospectus” to highlight the private sector investment potential • Meet with investors who has expressed an interest to explore their appetite for investment • Build the “cocktail” of funding sources that will support the expansion of the network
2	UK Central funding and land value capture	Projects	Determine the funding solutions for UKC. Progress land value capture options.	<ul style="list-style-type: none"> • Consider feedback from Finance Directors on land value capture toolkit • Secure government funding streams currently not “green” rated • Explore additional sources of funding if a gap remains
3	Business rate supplement (‘BRS’)	Existing sources	Develop a BRS scheme as set out in the investment programme	<ul style="list-style-type: none"> • Develop an outline BRS scheme and prospectus, for consideration, setting out: <ul style="list-style-type: none"> • The implications of the scheme for the West Midlands • How the scheme will operate • The plan to communicate with ratepayers if the scheme is to be put them
4	Industrial Strategy funding	Projects	Determine the funding solutions for the priorities of the Industrial Strategy.	<ul style="list-style-type: none"> • Create a matrix similar to the Infrastructure programme to highlight: <ul style="list-style-type: none"> • Industrial Strategy investment priorities • Sources of funding • Potential to fund via Shared Prosperity Fund



Project Groups overview – Funding for Growth 2 of 2

No.	Group name	Area	Description	Next steps
5	Investible propositions and Size of the Prize	New sources	<p>Establish the suite of solutions that are capable of drawing in private sector funding to the Combined Authority</p> <p>Illustrate the overall size of the broader West Midlands investments and the proportion supported by confirmed funding streams.</p>	<ul style="list-style-type: none"> • Review suggestions collated to date • Prioritise solutions based on size of potential investment and ease of implementation • Support delivery Project Groups to attract additional funding streams • Create an overview of overall West Midlands investment pipeline in WMCA policy areas • Show broad chronology of investments • Illustrate levels of funding secured to meet investment programme
6	New mechanisms	New sources	<p>Establish the suite of public resource solutions that are capable of supporting the Combined Authority's priorities, including placed based solutions and tax raising powers.</p>	<ul style="list-style-type: none"> • Review suggestions collated to date • Prioritise solutions based on size of potential investment and ease of implementation • Support delivery Project Groups to attract additional funding streams





WMCA Board

Date	14 September 2018
Report title	Inclusive Growth Framework
Portfolio Lead	Councillor Steve Eling - Cohesion & Integration and Public Service Reform
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority tel: (0121) 214 7200 email: deborah.cadman@wmca.org.uk
Accountable Employee	Henry Kippin, Director of Public Service Reform tel: (0121) 214 7880 email: henry.kippin@wmca.org.uk
Report has been considered by	Public Service Reform Board – 6 September 2018

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Endorse the first iteration of the Inclusive Growth Framework.
- (2) Note that the composition of the Inclusive Growth Framework and its underlying metrics will be adapted as the WMCA draws from Member, partner and citizen insight.
- (3) Recommend areas for further thought or development.

1.0 Purpose

- 1.1 To share the first iteration of the Inclusive Growth Framework, which seeks to capture the positive social and environmental outcomes that the West Midlands would like to realise as a consequence of its economic activity.
- 1.2 To provide a resource for Member Authorities and other interested organisations to understand how inclusive the economy of the West Midlands is, providing a basis for investment, commissioning and policy-shaping. It is the first of several tools to inform delivery, rather than a performance management framework.
- 1.3 To provide a solid basis for citizen and other stakeholder involvement in developing a definition, vision and set of useful tools relating to inclusive growth.

2.0 Background

- 2.1 The WMCA wants to “*link cranes with communities,*” to ensure that investment into transport, homes, and business premises benefits all citizens, across the region. This encompasses two ways of looking at the same ambition: citizens shaping and growing their local economy, and citizens benefiting from that growth in their homes and neighbourhoods. Both are important, but different: one is about the skills, support, resources and capacity to do purposeful, valuable and productive work, the other, about delivering the things that people value by doing that work. Defining and measuring inclusive growth should therefore encompass the agency to choose how to participate, the ability to participate, and the outcomes of that participation.
- 2.2 While not new, inclusive growth is a concept that is rising in prominence, driven by two global trends: “*widespread concern about the scale and consequences of inequality,*” and the “*growing economic and political importance of cities*”¹. Both trends are pertinent to the places of the West Midlands. As such, leaders from across the region have seized the inclusive growth agenda as a way of meeting the social and environmental challenges of their places, and to build a stronger, more productive economy by doing so. The Inclusive Growth Framework is the first step in realising that vision, and draws on emerging best practice from other cities and city-regions around the world. This includes the Thriving Places Index², Manchester’s Inclusive Growth Unit and Scotland’s Centre for Regional Inclusive Growth (SCRIG), among others. Nonetheless, this is a new way of working, and the West Midlands has the opportunity to show international leadership, and to be forward-thinking and innovative in its approach.
- 2.3 The structure of the Inclusive Growth Framework (*Figure 1*) is based on an economic model from Kate Raworth’s ‘Doughnut Economics’, which lends itself to simply and accurately reflecting the social, economic and environmental factors that need to be balanced in order to create an inclusive economy. The inner circle of the doughnut shows the social need we wish to meet, the type of economy we want, and broad participation in both. The outer circle shows the environmental limits to achieving the inner circle goals: limits which can in themselves be seen

¹ Lee, Neil - Inclusive Growth in cities: a sympathetic critique (2018): <http://www.lse.ac.uk/International-Inequalities/Assets/Documents/Working-Papers/III-Working-Paper-25-Lee-Inclusive-growth-in-cities.pdf>

² Thriving Place Index website: <http://www.thrivingplacesindex.org/>

as an economic opportunity. Birmingham-based business Acleron³ is a good example of how to capture this opportunity – it repurposes and recycles lithium-ion batteries to meet demand from both vehicle manufacturers and individual consumers, preventing waste and decarbonising the economy. This takes us to the middle circle – the space where social need, economic ambition and our responsibilities to the environment are in balance. This is the space we are aiming to occupy.

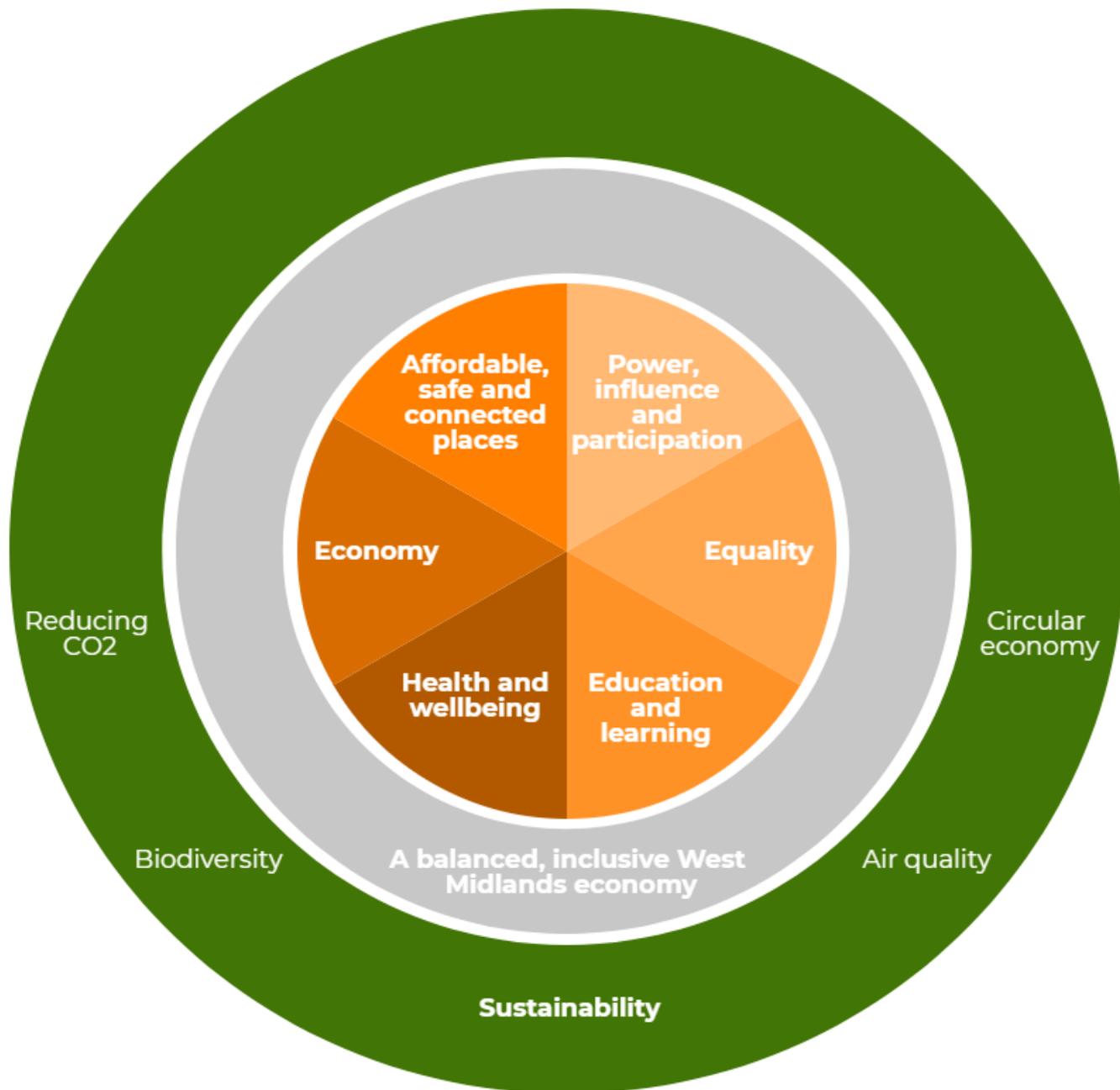


Figure 1 Inclusive Growth Framework - the space for a balanced, inclusive economy is where social challenges can be met without degrading the environment

³ Acleron website: <https://www.aceleronenergy.com>

- 2.4 This is the first iteration of the framework, which reflects the health of the region's 'balanced' economy. This will be amended subject to consultation with Members, partners and citizens, and reshaped as it is used by all of those groups. It will enable the Mayoral WMCA, its Member Authorities and other partners from across the region to shape and prioritise investments and policy interventions.
- 2.5 In June 2017, WMCA Board approved its Policy Research Plan, which placed inclusive economic growth as one of four priorities for further thought and development. In September 2017, the Productivity & Skills Commission's call for evidence backed this direction of travel, with the Joseph Rowntree Foundation saying "*a more inclusive West Midlands economy would see more people in employment, and more jobs with decent pay and prospects, bringing economic benefits*". In January 2018, WMCA Board supported the next steps for developing the Cohesion and Integration portfolio, which included specific deliverables around 'Sharing Economic Growth', including the establishment of the Inclusive Growth Unit. In June 2018, the WMCA's Inclusive Growth Unit was launched, which will enable leaders of place from across the region to shape and deliver this agenda. This was shortly followed by the publication of the Leadership Commission, which made recommendations to improve the diversity and inclusivity of our regional, cross-sector leadership. Finally, in July 2018, the WMCA State of the Region – drawn from the WMCA Performance Management Framework – demonstrated the link between delivery of the WMCA's Strategic Economic Plan and inclusive growth.
- 2.6 If this framework is correctly and collectively assembled, it will enable everyone who is trying to define, shape and deliver inclusive growth to understand the path to our future economy, and how to prioritise investments into places and people in order to get there. GVA features in the framework as the headline indicator of the Economy theme, but its limits are more clearly understood. It is a good indicator of our ability as an 'economic footprint' to deliver those things which allow human beings to thrive within their environment, but not of whether that occurs in reality. Taken in isolation, it can point us in the wrong direction. For example, GVA would increase simply by building, knocking down, and rebuilding the same house, thousands of times over. As such, focusing on the purpose of economic activity as well as the amount will give us much better insight into how well we are doing.
- 2.7 The themes indicated in the 'doughnut' are underpinned by a selection of sub-topics and indicators:

Figure 2 Inclusive Growth Framework – top-line structure.

Theme	Sub-topics	Headline indicator
Affordable, Safe and Connected Places	<i>Local Centres & Neighbourhoods</i>	<i>Number of offenders and rate per 1,000 population.</i>
	<i>Reducing Crime</i>	
	<i>Homes for All</i>	
	<i>Digital Connectivity</i>	
	<i>Place Connectivity</i>	
Health and Wellbeing	<i>Long lives</i>	<i>Healthy Life Expectancy at Birth - (Males and Females)</i>
	<i>Healthy development</i>	
	<i>Mental health</i>	
	<i>Being active</i>	
	<i>Food and water</i>	
	<i>Relationships</i>	
	<i>Preventing chronic conditions</i>	
	<i>Living with disability</i>	
Education and Learning	<i>School readiness</i>	<i>% of adults with Level 4 qualification or above</i>
	<i>School age</i>	
	<i>Transitions to work</i>	
	<i>Working age</i>	
	<i>Access to learning</i>	
Economy	<i>Productivity</i>	GVA
	<i>Skills</i>	
	<i>Future-proofing</i>	
	<i>Spending power</i>	
	<i>Stability</i>	
Power, Influence and Participation	<i>Economic participation</i>	<i>Total vote turnout (inc postal votes rejected and votes rejected at count)</i>
	<i>Democratic participation</i>	
Sustainability	<i>Reducing CO₂</i>	<i>CO2 emitted within SEP area by transport, businesses and homes</i>
	<i>Improving air quality</i>	
	<i>Circular economy</i>	
	<i>Biodiversity</i>	
	<i>Land use</i>	
Equality	<i>Income and wealth</i>	<i>Average Index of Multiple Deprivation (IMD) Score</i>
	<i>Social mobility</i>	
	<i>Protected characteristics</i>	
	<i>Public services</i>	

2.8 Each ‘theme’ is weighted as being of equal importance to the balanced economy. Appendix 1 contains a list of the metrics that underpin each sub-topic, which are divided into four types. Understanding the gaps – e.g., ensuring that we have each indicator type for each theme, will help us to create a set of indicators that points those who are using it in the right direction, as well as enabling them to appreciate the pace at which change is possible:

- **Headline:** the measure that tells us most about how we are doing overall;
- **Short-term progress:** indicators that show movement towards or away from inclusive growth which can change quickly, by focused investment (or disinvestment);
- **Long-term outcome:** indicators that change slowly as a consequence of sustained improvement in population outcomes;
- **System:** measures of types of system collaboration, required to meet the desired outcomes.

- 2.9 For each of the indicators, the ability to ‘dig deeper’ will vary – some, like GVA, are most meaningful at the region level, and will become distorted at lower spatial levels. Others will yield better insight when compared across different areas and different demographics. Employment levels among women look different in different wards, and vary by age and ethnic background. Youth offending is another example: arrests data shows that males comprise the majority of young people arrested (84%), but considering that data by ethnicity gives us better insight still, as it shows us that young people who are Black or Black British are overrepresented. This enables West Midlands Police and others to tailor their support and systems to prevent young people from becoming involved in (and victims of) crime, and improving their chances of building a good life.
- 2.10 As new iterations of this framework are created, new indicators will suggest themselves. For example, the University of Birmingham’s Mental Health Policy Commission⁴ has made a recommendation on categorising public spending according to whether it is preventative or ‘late action’. As such, feedback on the indicators and suggestions for others would help in creating a framework that points decision-makers, policy-makers and citizens in the right direction.
- 2.11 Sandwell MBC has already started work on its Inclusive Growth Framework, which is composed of existing public data and a new ‘Sandwell Barometer’, which will collect softer insights from citizens as to how they feel about the economy and their place in it – see Appendix 2 for a case study. WMCA is working closely with Sandwell in order to learn from its work, and to offer support where required. One of the key functions of the new Inclusive Growth Unit will be to enable the WMCA and Member Authorities to create space to learn from one another, so that good practice is shared.
- 2.12 The WMCA is one of myriad organisations that can change how the West Midlands is shaped and developed, and is a recent addition to the region’s socioeconomic system. As such, this is not a Performance Management Framework, but a tool to inform delivery. The majority of these indicators are drawn from existing (and evolving) WMCA Dashboards and Performance Management Frameworks, and as a consequence, are already being managed appropriately.

3.0 Financial implications

- 3.1 There are no immediate financial implications arising from this report.

⁴ Burstow, P., Newbigging, K., Tew, J., and Costello, B., 2018. Investing in a Resilient Generation: Keys to a Mentally Prosperous Nation. Birmingham: University of Birmingham:

<https://www.birmingham.ac.uk/Documents/research/policycommission/Investing-in-a-Resilient-Generation-report.pdf>

4.0 Legal implications

4.1 There are no immediate legal implications arising from this report.

5.0 Equalities implications

5.1 There are no immediate equalities implications arising from this report.

6.0 Other implications

6.1 The initial and ongoing engagement around how inclusive growth is defined and delivered is integral to its success. In the report 'Inclusive Growth Indicators for Cities'⁵, which reviews many of the existing inclusive growth frameworks, a clear recommendation is that "*a consultative, participatory approach to indicator development can help to build a shared understanding around what is to be achieved*". Some elements of the initial engagement are already underway, notably the Social Economy Taskforce and the civil society-focused engagement led by Localise West Midlands, commissioned via the WMCA Inclusive Growth Unit. Other elements – including the involvement of citizens, councillors and businesses – are still being shaped. As such, there is plenty of space for Board Members and others to inform how this works, by getting in touch with Claire Spencer: claire.spencer@wmca.org.uk or 0121 214 7669.

⁵ Hughes, Ceri – Inclusive Growth Indicators for Cities: considerations and options (2017):
<http://hummedia.manchester.ac.uk/institutes/mui/igau/briefings/igau-briefing-6-indicators.pdf>

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Indicators	Theme	Sub-domain	Broad Indicator	Indicator type	Comments
% of Households with Internet Access	Affordable, Safe & Connected Places	Digital Connectivity	Internet Access	Proximal	
Average weekly private rent vs (social and affordable) rent	Affordable, Safe & Connected Places	Homes for All	Affordable Homes for Rent	Distal	
Median monthly rents for private sector dwellings	Affordable, Safe & Connected Places	Homes for All	Affordable Homes for Rent	Distal	
Fuel Poverty	Affordable, Safe & Connected Places	Homes for All	Cost of Living	Distal	
Homelessness per 1,000 households (i) Households in Temporary Accommodation (ii) Children in Temporary Accommodation	Affordable, Safe & Connected Places	Homes for All	Homelessness	Distal	
Social and private housing in poor condition as a proportion of all housing	Affordable, Safe & Connected Places	Homes for All	Quality of Homes for Rent	Distal	
Social Fragmentation Index	Affordable, Safe & Connected Places	Homes for All	Social Cohesion	Distal	
Additional Affordable Housing Supply	Affordable, Safe & Connected Places	Homes for All	Supply of Affordable Homes	Proximal	
Difficulty of access to owner-occupation (local authority district level) – proportion of households aged under 35 whose income means they are unable to afford to enter owner occupation	Affordable, Safe & Connected Places	Homes for All	Supply of Affordable Homes	Distal	
House Price to Income Ratio	Affordable, Safe & Connected Places	Homes for All	Supply of Affordable Homes	Distal	
Ratio of lower quartile house prices to lower quartile earnings	Affordable, Safe & Connected Places	Homes for All	Supply of Affordable Homes	Distal	
Car vehicle traffic thousand vehicle miles per capita	Affordable, Safe & Connected Places	Local Centres & Neighbourhoods	Congestion	Proximal	
Ratio of enterprises to local units	Affordable, Safe & Connected Places	Local Centres & Neighbourhoods	Health of Local Centre	Distal	
Voids in local centres	Affordable, Safe & Connected Places	Local Centres & Neighbourhoods	Health of Local Centre	Distal	
Rate of complaints about noise per thousand population	Affordable, Safe & Connected Places	Local Centres & Neighbourhoods	Quality of Life	Proximal	
% of killed or seriously injured casualties out of all casualties	Affordable, Safe & Connected Places	Local Centres & Neighbourhoods	Road Safety	Distal	
Road traffic accidents rate (per 1000 resident and workplace population)	Affordable, Safe & Connected Places	Local Centres & Neighbourhoods	Road Safety		
Mode Share of all Journeys: i). Mode Share of all journeys by car, public transport, cycling & walking ii). Percentage of car journeys non-single occupancy	Affordable, Safe & Connected Places	Place Connectivity	Modal shift to public transport and active travel	Proximal	
Number of domestic abuse related incidents by police force area (WM)	Affordable, Safe & Connected Places	Reducing Crime	Domestic Violence	Distal	
% of re-offenders who re-offend	Affordable, Safe & Connected Places	Reducing Crime	Risk of Exposure to Crime	Distal	
Crime Severity Score by police force area/CSP area	Affordable, Safe & Connected Places	Reducing Crime	Risk of Exposure to Crime	Distal	
Number of first time entrants into the youth justice system	Affordable, Safe & Connected Places	Reducing Crime	Risk of Exposure to Crime	Distal	
Number of offenders and rate per 1,000 population	Affordable, Safe & Connected Places	Reducing Crime	Risk of Exposure to Crime	Headline	
Violent crime (including sexual violence) - violence offences per 1,000 population	Affordable, Safe & Connected Places	Reducing Crime	Risk of Exposure to Crime	Distal	
Value of Exports*	Economy	Future-Proofing	Health of Export-based Economy	Distal	
% of employees in knowledge intensive sectors and high-tech manufacturing	Economy	Future-Proofing	Health of Knowledge Sectors	Distal	
Business expenditure on R&D per head (£)	Economy	Future-Proofing	Innovation	Proximal	
Gross Expenditure on Research and Development as % of GDP*	Economy	Future-Proofing	Innovation	Proximal	
GVA per employee	Economy	Productivity	Productivity	Headline	
% of employers reporting that candidates with specific types of qualifications are important when recruiting	Economy	Skills	Shortage of Skilled Workers	System	
% of Hard-to-fill vacancies as a proportion of all vacancies	Economy	Skills	Shortage of Skilled Workers	Distal	
% of skill shortage vacancies	Economy	Skills	Shortage of Skilled Workers	Distal	
Average rateable value of non - domestic properties (Mean average of the rateable value: total rateable value divided by total number of rateable properties)	Economy	Spending Power	Business Rates Income	Distal	SB - may not need, duplicates HLE
Average annual earnings	Economy	Spending Power	Wages and Earnings	Headline	
Regional Gross Disposable Household Income*	Economy	Spending Power	Wages and Earnings	Distal	
% of people who are on permanent contracts (or on temporary contracts and not seeking permanent employment), who earn more than 2/3 of the UK median wage, and are not overworked (i.e. <49 hours a week), or underworked (unwillingly working part-time).	Economy	Stability	Economic Instability	Distal	
% of workers who are self-employed	Economy	Stability	Economic Instability	Distal	
Travel time to nearest FE college by PT/walking (minutes)	Education & Learning	Access to Learning	Supply of FE-level education	Proximal	
% of children achieving a good level of development at the end of primary school	Education & Learning	School Age	Child Development	Distal	
% of half days missed by pupils due to overall absence	Education & Learning	School Age	Child Development	Proximal	
% of children achieving a good level of development at the end of reception (ii) % free school meal status with a good level of development	Education & Learning	School Readiness	Child Development	Distal	
% of children with a good level of development at age 2½	Education & Learning	School Readiness	Child Development	Distal	
% of 16-18 years olds not in education or training (NEETs)	Education & Learning	School-to-Work	NEETs	Proximal	
% of adults with level 4 qualification or above	Education & Learning	Working Age	Shortage of Skilled Workers	System	
% of establishments providing off-the-job training	Education & Learning	Working Age	Supply of Training for Adults	System	
% of establishments providing on-the-job training	Education & Learning	Working Age	Supply on Training for Adults	System	
% of adults who have participated in education or training in the last four weeks	Education & Learning	Working Age	Take-up of training for adults	Proximal	
% of people receiving on-going training in the work place (ii) % of people receiving on the job training in the last 4 weeks	Education & Learning	Working Age	Take-up of training for adults	System	
% of employees earning above the living wage	Equality	Income & Wealth	Low Pay	Distal	
% of full-time employees with low relative income (less than 70% of UK median wage)	Equality	Income & Wealth	Low Pay	Distal	
80/20 percentile ratio of weekly earnings (a bigger ratio means there is a bigger difference between percentiles and thus more inequality)	Equality	Income & Wealth	Low Pay	Distal	
Average of road distance to post office, a primary school, general store or supermarket and GP surgery	Equality	Public Services	Access to public services	Distal	
Investment of public service spend - illness vs. prevention, social care as a proportion of overall local government spend	Equality	Public Services	Access to public services	Proximal	
The cost of transport for areas of low income	Equality	Public Services	Affordable Mobility	Proximal	
Income Deprivation Affecting Children	Equality	Social Mobility	Poverty	Distal	
Social Mobility Index Ranking	Equality	Social Mobility	Social Mobility	Distal	
Average Index of Multiple Deprivation (IMD) Score	Equality		Multiple Deprivation	Headline	
Income Deprivation Affecting Older People	Health & Wellbeing	Ageing Well	Poverty	Proximal	
% of adults doing 150+ minutes physical activity per week	Health & Wellbeing	Being Active	Physical Activity	Distal	
% of physically inactive adults (< 30 min exercise a week)	Health & Wellbeing	Being Active	Physical Activity	Distal	
Utilisation of outdoor space for exercise/health reasons	Health & Wellbeing	Being Active	Physical Activity	Proximal	
Food bank access	Health & Wellbeing	Food & Water	Affordable and adequate nutrition	System	
Proportion of children aged 2-2½yrs offered ASQ-3 as part of the Healthy Child Programme or integrated review	Health & Wellbeing	Healthy Development	Child Development	Proximal	
% of those with a reported long term illness disability (that limits day-to-day activities a lot)	Health & Wellbeing	Living With Disability	Ability to conduct day-to-day activities	Distal	
Comparative Illness and Disability Ratio – an age and sex standardised measure of morbidity and disability	Health & Wellbeing	Living With Disability		Distal	
% rate health as very good, good, or fair	Health & Wellbeing	Long Lives	General good health	Distal	
Infant Mortality - rate of deaths of infants (under 1) per 1,000 live births	Health & Wellbeing	Long Lives	Infant Mortality	Distal	
Healthy Life Expectancy at Birth - (Males and Females)	Health & Wellbeing	Long Lives	Life Expectancy	Headline	
Mortality from causes that are preventable	Health & Wellbeing	Long Lives	Life Expectancy	Distal	
Years of Potential Life Lost – an age and sex standardised measure of premature death	Health & Wellbeing	Long Lives	Life Expectancy	Distal	
Access to Woodland - % of the population in the West Midlands with access to a two or greater hectare wood that is within 500 metres of their home	Health & Wellbeing	Mental Health	Access to green spaces	Distal	
% of people aged 16+ who rate their anxiety as low	Health & Wellbeing	Mental Health	Anxiety	Distal	
Age-standardised mortality rate from suicide and injury of undetermined intent per 100,000 population	Health & Wellbeing	Mental Health	Death and harm from suicide or attempted harm	Distal	

Average rating of positive mental wellbeing for people aged 16+	Health & Wellbeing	Mental Health	General good mental health	Distal
% of people aged 16+ that rate their happiness as very high (9 or 10)	Health & Wellbeing	Mental Health	Happiness	Distal
% of people aged 16+ who rate their Life Satisfaction as very high (9 or 10)	Health & Wellbeing	Mental Health	Life Satisfaction	Distal
% of respondents to GP Patient Survey reporting a long-term mental health problem	Health & Wellbeing	Mental Health	Long-term poor mental health	Distal
Index of all mental health disorders from Fingerprints (Mixed anxiety and depressive, generalised anxiety, depressive, all phobias, OCD, panic, eating disorders, and PTSD)	Health & Wellbeing	Mental Health	Poor mental health	Distal
The percentage of all respondents to the question "What is the state of your health today?" who answered "moderately anxious or depressed", "severely anxious or depressed" or "extremely anxious or depressed".	Health & Wellbeing	Mental Health	Poor mental health	Distal
% obesity and overweight in children in Year 6 (2014/15)	Health & Wellbeing	Preventing Chronic Conditions	Obesity	Distal
Smoking prevalence – 15 year olds - current smokers	Health & Wellbeing	Preventing Chronic Conditions	Poor health	Distal
Total vote turnout (inc postal votes rejected and votes rejected at count)	Power, Influence & Participation	Democratic Participation	Voter turn-out	Headline
Works in home area (%)	Power, Influence & Participation	Economic Participation	Distance of work from home	Distal
Works in the WMCA (%)	Power, Influence & Participation	Economic Participation	Distance of work from home	Distal
Works outside of the region (%)	Power, Influence & Participation	Economic Participation	Distance of work from home	Distal
% five or more GCSEs A* to C including English and Maths	Power, Influence & Participation	Economic Participation	Employability	Distal
% of working age population receiving out of work benefits	Power, Influence & Participation	Economic Participation	Employability	Distal
% respondents with no qualifications or level unknown - aged 16-64	Power, Influence & Participation	Economic Participation	Employability	Distal
Receipt of in-work benefits	Power, Influence & Participation	Economic Participation	In-work poverty	Distal
Employment rate of working age population - (i) by gender, (ii) by ethnic group, (iii) by ethnic group and gender	Power, Influence & Participation	Economic Participation	Levels of employment	Distal
Unemployment rate of working age population - (i) by gender, (ii) by ethnic group, (iii) by ethnic group and gender	Power, Influence & Participation	Economic Participation	Levels of employment	Distal
Job seekers (% of working population)	Power, Influence & Participation	Economic Participation	People seeking work	Distal
Number of Apprenticeships	Power, Influence & Participation	Economic Participation	Supply of job opportunities	Proximal
Sites in positive conservation management	Sustainability	Biodiversity	Biodiversity	Proximal
% of household waste that is recycled	Sustainability	Circular Economy	Recycling rates	Distal
% of non-household waste that is recycled	Sustainability	Circular Economy	Recycling rates	Distal
No. of days poor air quality per year (rated 4 or higher on the Daily Air Quality Index)	Sustainability	Improving Air Quality	Poor air quality	Headline
CO2 emitted within SEP area by transport, businesses and homes	Sustainability	Reducing CO2	CO2 emissions	Headline
Per capita Local CO2 emission estimates; industry, domestic and transport sectors	Sustainability	Reducing CO2	CO2 emissions	Headline
Average domestic energy consumption per capita (tonnes of oil equivalent)	Sustainability	Reducing CO2	Energy use	Distal
Renewable electricity generation	Sustainability	Reducing CO2	Low carbon energy generation	Proximal

A note on the indicators:

Appendix 2 | Inclusive Growth in Sandwell – Vision 2030

Sandwell MBC has a vision for its towns and citizens for 2030: they will be **thriving**, **optimistic** and **resilient**. It sees inclusive growth as the approach that will take Sandwell to that vision: and is working to develop its definition, metrics and delivery tools.

Like other partner authorities in the West Midlands, Sandwell owns its vision and is building inclusive growth around it – but the PSR team at WMCA has been supporting key officers and sharing insight, to ensure that both institutions can learn from one another.

Sandwell’s Ambitions for People

	1. Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.
	2. Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for.
	3. Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.
	4. Our children benefit from the best start in life and a high quality education throughout their school careers with outstanding support from their teachers and families.
	5. Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.

	6. We have excellent and affordable public transport that connects us to all local centres and to jobs in Birmingham, Wolverhampton, the airport and the wider West Midlands.
	7. We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.
	8. Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
	9. Sandwell has become a location of choice for industries of the future where the local economy and high performing companies continue to grow.
	10. Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

One key aspect of Sandwell's approach is a complementary set of 'soft' insights on how people are feeling: the Sandwell Barometer. The Barometer results will be combined with other metrics to build a picture of progress across the six towns: Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury, and West Bromwich. This is a key area for WMCA to learn from.

As it matures, the Inclusive Growth Unit will create the space for Councils and others to develop, share and refine their approaches to defining and delivering inclusive growth. The WMCA's aspiration is that differences will arise from the distinctiveness of places and people, but not from ignorance of one another's work.

A summary of an early iteration of Sandwell's tracker is below:

Theme	Key Factor	Indicator
How we do things	Designing our work	Co-production
		Commissioning/procurement
	Engagement	Listening
		Engagement
Health and Wellbeing	Children get the best start in life	Healthy pregnancies
		Child development and school readiness
		Social Mobility
		Growing up into healthy adults
		Emotional and mental wellbeing
		Additional support needs
		Better physical and mental health
	Life Expectancy at birth	
	Hospital admissions alcohol attributable. Working age population with ESA cases with mental health and behaviour disorder diagnosis.	
	Additional support needs	
	Social Isolation	

	Vulnerable people will be given the right support	Adverse Childhood Experiences
		Older people health and independence
		Additional support needs
Community	Aspiration and optimism	Child and parent aspiration
		Optimism for the future
		Engagement in Education
	Safety	Feeling Safe
		Child Exploitation
		Anti-social behaviour
	Revitalised town centres	Domestic Abuse
		Prosperity
		Living in town centres
	Sustainable environment	Community Activity
		Accessibility by public transport
		Pollution
	Business	Employment land
		Apprenticeships
		Business community optimism
	Homes	Business Starts
		Sustainable/ accessible housing
		Housing mix
Homelessness		
Inclusion	Income	Housing Quality
		Out of Work benefits
		In-work Tax Credits
	Living costs	Low earnings
		Housing affordability
		Housing costs
	Labour market exclusion	Fuel Poverty
		Unemployment

		Economic inactivity
		Workless households
		Funded Early Education and Childcare
Prosperity	Output growth	Output
		Private sector businesses
		Wages/earnings
	Employment	Workplace jobs
		People in employment
		Employment in low pay sectors
	Human Capital	Higher level occupations
		Intermediate and higher-level skills
		Educational Attainment
		Low level skills

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WMCA Board

Date	14 September 2018
Report title	Housing First: Background, Principles, Governance and Delivery
Portfolio Leads	Councillor Steve Eling - Cohesion & Integration and Public Service Reform Councillor Mike Bird - Housing & Land
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority tel: (0121) 214 7200 email: deborah.cadman@wmca.org.uk
Accountable Employees	Henry Kippin, Director of Public Service Reform tel: (0121) 214 7880 email: henry.kippin@wmca.org.uk Gareth Bradford, Director of Housing & Regeneration tel: (0121) 214 7954 email: gareth.bradford@wmca.org.uk
Report has been considered by	Public Service Reform Board - 6 September 2018

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note that WMCA has been awarded £9.6m for the delivery of Housing First for the period 2018-21.
- (2) Note that Birmingham City Council has received £1.44m to cover the first year of the pilot.
- (3) Note that the Constituent Members have agreed to deliver 225 housing units per year, for three years, in order to conduct the pilot.

(4) Endorse the principles of taking a Housing First approach to supporting people who are sleeping rough into secure accommodation.

1.0 Purpose

- 1.1 This report outlines proposals to deliver a Housing First pilot across all seven Constituent Authority areas of the WMCA. The process, which has been tested in many cities around the world, is designed to prevent and relieve the homelessness of rough sleepers with the most complex needs.

2.0 Background

- 2.1 Housing First is an approach to meeting the housing and subsequent support issues of some of the most vulnerable and excluded people in society. Housing First has substantial history in New York, and other areas of the US, Norway, the Netherlands, and at a relatively small scale in various locations around the UK.

- 2.2 Housing First has seven key principles

- i) People have a right to a home;
- ii) Flexible support is provided for as long as it is needed;
- iii) Housing and support are separated;
- iv) Individuals have choice and control;
- v) An active engagement approach is used;
- vi) The service is based on people's strengths, goals and aspirations;
- vii) A harm reduction approach is used. (Housing First England, Homeless Link).

These principles are strongly advocated for.

- 2.3 In Summer 2017, Birmingham City Council produced and submitted a speculative Housing First bid to MHCLG, in consultation with other local authorities within the WMCA. Subsequently, the then-Secretary of State Sajid Javid invited WMCA to submit a bid for Housing First for the region. This bid – with a total value of £10.8m – was developed by Birmingham City Council in consultation with the Homelessness Taskforce and the other Constituent Members, and submitted by WMCA.

- 2.4 In October 2017 the Chancellor announced that Government would be investing £28m into three Housing First pilots, to be shared between Greater Manchester, Merseyside Region and WMCA. Following discussions, the WMCA has been awarded £9.6m, the largest allocation of the three. This is to deliver Housing First for the period 2018-21 with a further two years of legacy support. The profile of the funding is as follows:-

2018-19	£1.44m
2019-20	£3m
2020-21	£5.16m (support for 2021-23 should be included)

- 2.5 While a pilot, Housing First is intended to realise a significant reduction in the number of people sleeping rough on the streets, as well as improving the lives of the people who participate. Housing First also has potential to create savings in the Supported Housing sector, and this will be explored.

- 2.6 The WMCA bid is for 225 people supported in Housing First each year for three years, 675 people in total. The majority of the investment is to provide intensive support that wraps around the person, who will be housed in mainstream housing – this is not 'supported housing'. The rest of the investment will cover street outreach, nursing, substance support, accommodation access support, and crisis interventions.

- 2.7 Each local authority and the members of the Homelessness Taskforce contributed to the Housing First proposal. Following the notification of funding, each Local Authority has confirmed its commitment to delivering the following Housing First units, and each has agreed to the proposed allocation of the funding across the seven Local Authorities:

	Units p.a.	HF Support	Other Support	Total
Birmingham	100	£2,839,656	£1,191,150 *	£4,030,806
Coventry	40	£1,148,625	£525,100	£1,673,725
Dudley	5	£127,625	£127,650	£255,275
Sandwell	20	£574,313	£388,800	£963,113
Solihull	10	£287,156	£238,150	£525,306
Walsall	32	£893,375	£444,800	£1,338,175
Wolverhampton	18	£510,500	£303,100	£813,600

*includes project management and data management costs

- 2.8 Each Local Authority has responsibility to deliver the identified number of Housing First units each year. This must be done according to the principles of Housing First, in line with the Housing First evaluation requirements, and according to common identified requirements across the WMCA pilot – for example common role profiles, role costs and acceptance criteria (to be identified through the Task Group).
- 2.9 Birmingham City Council has created a Task Group for the mobilisation and delivery of Housing First. This group is Chaired and led by Birmingham City Council and includes membership from: each of the seven Constituent Members of the WMCA, the WMCA Homelessness Taskforce, the voluntary sector, Homeless Link (representing the principles of Housing First), and Coventry University (to assist with evaluation management and oversight). Linking into the Task Group will be other specialist resources, including mechanisms for the voice of those with lived experience.
- 2.10 Birmingham City Council has appointed BVSC to undertake project management of the mobilisation of the project.
- 2.11 Each Local Authority will undertake its own evaluation of need, procurement, commissioning and mobilisation of services within its contract requirements.
- 2.12 At this time each Local Authority is targeting delivery of 25% of the annual Housing First number of units by March 2019.

3.0 Financial implications

- 3.1 Funding for this pilot is provided by MHCLG directly to Birmingham City Council via a Section 31 grant agreement. The total funding over the three years of the pilot is £9.6m.
- 3.2 The funding already received for the first year of the pilot is £1.44m. This budget covers the period from delivery of funding until March 2019.
- 3.3 The second year tranche of funding will be released in April 2019, and the third year tranche in April 2020. The exact yearly allocations are subject to review.

3.4 Assurance is being sought from MHCLG that allocations in 2019 and 2020 will cover liabilities created in previous years i.e. support to homeless people who already being supported by Housing First will be honoured.

3.4 It will be the region's responsibility to provide assurance to the MHCLG that funding is accounted for and is only applied to pilot-based activity.

4.0 Legal implications

4.1 Based upon the work already undertaken by Birmingham City Council and capacity requirements, the WMCA and Birmingham City Council agreed that BCC would be the accountable body for the receipt and expenditure of these funds. As the accountable body, Birmingham City Council will be directly accountable to MHCLG for the funds, programme and outcomes. In agreeing to Birmingham City Council acting as the accountable body, the WMCA will maintain oversight and scrutiny of the Housing First programme.

4.2 Michael Brookes (Policy Advisor, Rough Sleeping and Single Homelessness, Homelessness Division, MHCLG) has confirmed that the funds will be paid direct to BCC as a Section 31 Grant.

4.3 A Memorandum of Understanding (MoU) underpins the relationship between WMCA and MHCLG. A first draft of this MoU has been produced by MHCLG, and covers a) Funding Composition and Payment Mechanism; b) Role of the pilot region covering Fidelity – adherence to the Housing First principles to inform evaluation and Housing Supply – ensuring that accommodation is available to accommodate the cohort of the regional pilot. c) Governance and Reporting – content and frequency of returns, agreed outputs – number of units, milestones and governance structures; d) Evaluation – the activity necessary for engagement with the pilot and its study; e) Data Protection - adherence to data protection arrangements, drawn up with MHCLG.

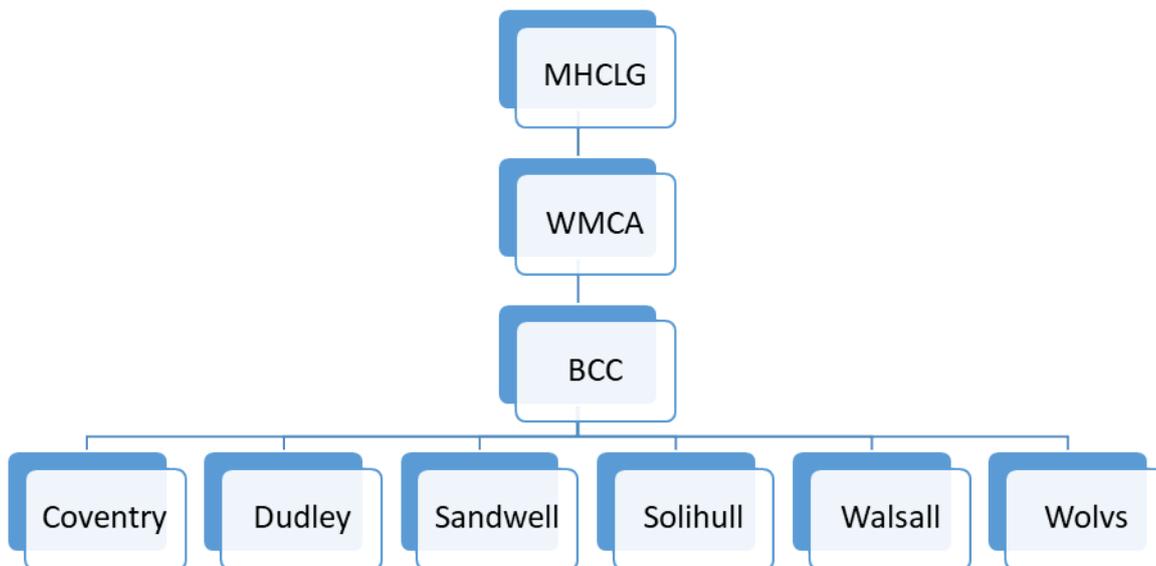
4.4 It is intended that a MoU will be in place between WMCA and BCC based upon the content of the MoU between MHCLG and WMCA.

4.5 Oversight and scrutiny of the programme by the WMCA will be undertaken through the Homelessness Task Force. A report will be provided by Birmingham City Council on a quarterly basis. This report will include programme status – services commissioned, units filled, outcomes achieved, risks to programme and opportunities.

4.6 Heriot Watt University have secured the contract with MHCLG, along with expertise from Homeless Link, to undertake the evaluation of the Housing First Pilot.

4.7 A Partnership Agreement has been drafted between Birmingham City Council and each of the six other Constituent Members. This will specify the service to be delivered and the outcomes sought. It is expected that the service requirements, including Housing First principles, evaluation requirement and outcomes will be reflected in any commissioning undertaken by Local Authorities.

4.8 The chart below sets out the management structure for Housing First in the West Midlands.



5.0 Equalities implications

- 5.1 Housing First is a programme designed to engage and include some of the most excluded and disadvantaged people in society. In the first instance, the people who will be supported will be those who are entrenched rough sleepers with multiple and complex needs, including poor mental health, substance misuse, offending behaviour, and financial exclusion. There will also be a preventative element to Housing First, identifying those at greatest risk of becoming entrenched rough sleepers and determining the means to support them into secure accommodation.
- 5.2 As part of the evaluation, the pilot will review the profile of those people who are accommodated and supported. The pilot will also look at the implications of value for money and alternative approaches to housing and support.

6.0 Other implications

- 6.1 Housing First sits within the work of the Homelessness Taskforce, and is a specific answer to an important but targeted group of people. The Taskforce is keen to ensure that Housing First is not viewed as a global answer and that it does not distract from the broader commitment to ‘designing out’ homelessness through prevention work.
- 6.2 Important parts of ‘designing out’ homelessness are contained within the asks of the Homelessness Taskforce of the mainstream strategies of the WMCA.
- 6.3 The Government’s Rough Sleeper Strategy cites the Housing First Pilots as work being undertaken. The Rough Sleeper Strategy may provide further opportunities to expand the work supported by the WMCA around homelessness in the region.

7.0 Schedule of background papers

Draft MoU with MHCLG



WMCA Board

Date	14 September 2018
Report title	Congestion Management
Portfolio Lead	Councillor Roger Lawrence - Transport
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority email: deborah.cadman@wmca.org.uk tel: (0121) 214 7200
Accountable Employee	Laura Shoaf, Managing Director Transport for West Midlands
Report has been considered by	WMCA Programme Board - 31 August 2018 Strategic Transport Operators Group - 3 September 2018

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Agree the ten point plan summarised in 3.36 and the wider actions outlined within the Congestion Management Plan (attached at appendix 1) where they relate to it.
- (2) Agree the preferred option (option 6) for the development of the Regional Transport Coordination Centre (RTCC) (as per appendix 2) and next steps in development;
- (3) Approve the Road Safety Memorandum of Understanding (attached at appendix 3) and note the development of a Regional Road Safety Strategy being led by Coventry City Council; and
- (4) Publish the Key Route Network (KRN) global evidence report, 23 detailed corridor reports and approve the monitoring framework (executive summary attached as appendix 4).

1.0 Purpose

- 1.1 The purpose of this report is to agree the Congestion Management Plan (CMP) and supporting activities which will, together with all partner authorities and other transport agencies, facilitate the existing and future economic performance of the region with a growing demand for journeys.
- 1.2 The CMP builds on existing programmes of work from various partners to tackle congestion through providing additional capacity on the public transport and road networks. It brings forward new areas of work taking into account the additional powers of the WMCA in relation to the Key Route Network (KRN) and road safety.
- 1.3 The wider transport investment programme will bring positive economic benefits to the region but the need to manage congestion during this investment period is also critical given the scale of these works. All parts of the transport system will be affected limiting capacity, particularly on the road networks, during construction. These projects are not just being delivered through the WMCA's investment programme but also major projects including HS2, Highways England, Network Rail and major developments will have a cumulative negative impact on the transport network during their construction.
- 1.4 The recommendations contained in this report are to enhance the ability to coordinate programmes of work at multi-agency level that will manage congestion and enable more effective methods of mitigating the impacts of the delivery of the investment programmes on residents, businesses and visitors through a regional transport coordination centre supported by outcomes of 5G connectivity within the region.
- 1.5 Further, the recommendations also ensure that we understand the performance of the KRN, in particular congestion hotspots, as well as the relationship with the strategic motorway and trunk road network. This will include future demands as a consequence of growth and understand road safety issues. This will enable a strong evidence base for future investment requirements on the road network aligned with improving road safety as well as the growth plans of the partner authorities and the WMCA.
- 1.6 The CMP will rely on strong partnerships with the delivery partners to ensure an enhanced ability to coordinate planned and unplanned disruptions on the transport network. This will include the tools to enable communication of disruptions to residents, businesses and visitors to help them to avoid congestion but also to encourage more sustainable journeys to help reduce congestion.

2.0 Background

- 2.1 Road congestion is a difficult concept to define and measure precisely, often subject to an individual's perception of traffic conditions. Fundamentally congestion and reliability problems arise when road space demand starts to outstrip available supply. The most commonly used measures relate to speed and travel time based typically in the morning and afternoon peak demand periods.
- 2.2 The maps on pages 10-11 of the CMP in appendix 1 show the extent of the travel delay (minutes per kilometre) across the region's KRN. The KRN comprises of 7% of the local road network, carries 50% of the traffic and connects the region to the strategic road network (motorway and trunk roads). Understanding the issues of congestion on the KRN is therefore paramount to providing solutions to manage congestion.

- 2.3 The West Midlands' economy is seeing sustained growth and with this growth comes increasing demand for journeys on our networks. With record levels of traffic measured on the region's roads in 2016, this has impacted on travel during the peak periods.
- 2.4 Congestion is also a key concern for residents of the West Midlands with 86% of those surveyed identifying that they are not satisfied with the current levels. In addition, a recent study by the Greater Birmingham Chamber of Commerce has found that congestion is viewed by businesses as a major constraint citing staff punctuality, reduction in productivity and subsequent loss of revenue as key concerns.
- 2.5 This issue is also a key concern environmentally with road transport emissions responsible for approximately 80% of air pollution. This is harmful to health outcomes and over 1,500 early adult deaths within the region are attributed to poor air quality, with many more suffering long term chronic conditions. Managing congestion will support wider initiatives to improve air quality and public health outcomes addressing a further key concern for the region. Making sure that traffic is kept moving whilst reducing the number of miles travelled by vehicles on the road network will have a positive impact on air quality.
- 2.6 The WMCA and partner authorities have set out in its Strategic Economic Plan, its growth ambitions backed up with investment programmes around housing, infrastructure and skills development. By 2035 it is anticipated that 215,000 new homes and up to 506,000 new jobs will be created across the West Midlands. Based on current travel habits as listed in "Movement for Growth", this growth could add an additional 1.2 million trips on our transport system each weekday increasing the number of car kilometres by 34%.
- 2.7 Transport is a key enabler to growth and congestion left unmanaged, will have an adverse impact on the demands for additional journeys that come from that growth.

3.0 The Congestion Management Plan

- 3.1 The CMP is based around three key pillars:
- Improving capacity;
 - Improving efficiency; and
 - Managing demand.
- 3.2 The CMP considers all modes as part of an integrated transport system and focusses on the most efficient way of moving people (rather than vehicles) and goods.

Improving Capacity

- 3.3 The plan identifies current actions aimed at improving capacity of the existing public transport system and road space. The WMCA investment programmes are delivering improvements to public transport with tram extensions, bus priority measures and rapid bus corridors through Sprint. Through the WMCA's relationships with the DfT, rail operators and rail franchises, improvements to rail passenger services, rolling stock and new rail stations are also being brought forward.
- 3.4 HS2 whilst delivering a new rail service, is also unlocking capacity on existing rail networks and is a catalyst for wider connectivity projects.

- 3.5 Investment in the road network, through multiple funding sources such as the National Productivity Investment Fund (NPIF) are tackling congestion hotspots on the region's roads. These are being delivered by the local authorities alongside investments from Highways England on the motorway network.
- 3.6 Partnerships such as Midlands Connect are leveraging further strategic improvements to both road and rail. At a West Midlands regional level, there is a pipeline of projects on the KRN and other local roads that are being delivered which can cater for a range of journeys including cycling, walking and priority public transport measures where appropriate.
- 3.7 There have been a number of successes in the region to increase capacity at key locations on the road network. These include recently completed programmes at Holloway Head in Birmingham city centre, which has provided greater control of the junction through improved signalling and changes to the road layout which, as well as improving the capacity of the junction, will help manage diverted traffic during the Metro works along Paradise Circus and Broad Street. Similar benefits have been seen at completed schemes elsewhere around the region including local improvements on the A459, junction improvements with Coombs Road in Halesowen and the A45 Leamington Road junction.
- 3.8 In addition there have been successes to increase bus capacity through schemes such as the bus priority measures on Lode Lane, which has made the morning bus commute to Solihull town centre 8 minutes faster for 25,000 passengers, bringing a 5% rise in customers using these services.
- 3.9 Furthermore, the metro tram extension from Snow Hill to New Street Station, has seen an increase in tram passengers along this corridor from Wolverhampton grow from approximately 5 million in 2015 to 6.6 million following the extension opening in 2016, with forecasts of between 7 and 8 million for 2018.
- 3.10 Further planned capacity improvements on the transport network will deliver additional successes enabling more sustainable journeys as demand grows.

Improving Efficiency

- 3.11 Improving the efficiency of the road network through better management is critical to making the existing assets enable more journeys.
- 3.12 This includes programmes of work to deliver improvements to the existing traffic signal infrastructure and improve control at the respective traffic management control centres across the region, as well as road safety measures which are helping to reduce road traffic collisions and minimise congestion.
- 3.13 **Monitoring of the Key Route Network** - The legislation defines the KRN along with a schedule of roads and confers on WMCA functions in regards to promoting road safety, bus lane contravention, road traffic reduction and permit schemes. The development work for the KRN culminated in the production of a global evidence report which provides the baseline of the operational performance. This is further accompanied by 23 route reports setting out the issues and challenges in more detail.

- 3.14 The global evidence report and the accompanying route reports confirms that -
- There are major congestion and capacity problems accessing the strategic centres in the West Midlands;
 - Only 65% of drivers are satisfied with their travel experience;
 - The main concern for drivers is congestion and road maintenance;
 - During weekday peak time, 44% of drivers built extra journey time for delays/congestion;
 - The average weekday peak speed is 17.7mph;
 - There are 800'000 daily bus trips and congestion has decreased average bus speeds below the average network speed; and
 - Collisions and casualties on the KRN remain fairly consistent compared to an overall decline in Great Britain.
- 3.15 The KRN is an integral piece of the region's transport network and an area where TfWM have concurrent responsibility in some key aspects. TfWM together with the constituent authorities have defined a number of performance metrics for the KRN.
- 3.16 Monitoring the KRN is critical in terms of understanding causes of congestion, bringing forward relevant mitigating proposals and providing key information to inform additional measures needed to facilitate development and growth. Work has been undertaken to baseline a set of measures to understand current performance. Ongoing monitoring will provide relevant intelligence assist in developing further congestion mitigation strategies and inform growth programmes. This is particularly critical to supporting the development for infrastructure that supports the unlocking of land and delivery of the region's housing investment programme and industrial strategy.
- 3.17 The complexity of the network suggests a regional approach to monitoring is required; KRN routes cross local authority boundaries and the performance of these routes needs to be understood end to end, the network cannot be simply monitored and measured as part of a series of local authority networks and this will be particularly important for further investment programmes to improve the performance of the region's roads.
- 3.18 A number of performance metrics have been considered as part of this monitoring framework, these include:
- Collisions;
 - Congestion;
 - Asset Condition;
 - Roadworks/Planned works;
 - Preventable Disruption; and
 - Future impact
- 3.19 The Board is recommended to approve the monitoring framework in order to provide the evidence base needed for further investment programmes as and when funding becomes available through further government challenge funds or other sources. The executive summary is included at appendix 4.

- 3.20 **Road Safety** - Improving road safety and reducing collisions on our road network will also have a positive impact on managing congestion and delays. The local authorities and TfWM have developed a Memorandum of Understanding (MoU) which interprets how the powers contained within the West Midlands Combined Authority (Functions and Amendment) Order 2017 are to be applied. It sets out the principles of collaboration, governance structures to be established and explains the role of the West Midlands Strategic Road Safety Group (WMSRSG). The MoU also clarifies:
- the concurrent legal powers available to the WMSRSG;
 - the functions and service it will oversee, including the associated financial implications;
 - the respective roles and responsibilities the parties will have during the activities being delivered in support of the Regional Road Safety Strategy and Action Plans; and
 - the collaborative working arrangements, required by the Mayor of the West Midlands, the constituent authorities and the partners in order to reduce the risk of road traffic collisions and casualties occurring in the West Midlands Combined Authority area.
- 3.21 The draft MoU is attached as Appendix 3 and is recommended for approval within this report by the Board. A Regional Road Safety Strategy is currently under development being led by Coventry City Council and will be presented to the WMCA Board for approval in due course.
- 3.22 In addition, a protocol is under development with West Midlands Police, Local Authority Traffic Managers and TfWM to enable greater coordination between the parties relating to the management of incidents on local roads.
- 3.23 **Regional Transport Coordination Centre** - As part of the devolution agreements, funding was allocated by the DfT to TfWM to develop a full business case (FBC) for the delivery of a Regional Transport Coordination Centre (RTCC). A report setting out the case for change and a Strategic Outline Business case was agreed at the WMCA Board in February 2017. The next steps were to review a range of options and recommend a preferred option to the Board in order to take forward the development of the detailed design and set out a delivery plan. This work has been overseen by a Steering Group drawing from the expertise within the partner authorities, TfWM, West Midlands Police and Highways England. Their role was to provide a professional steer and ensure visibility of the project within their respective organisations, ensuring that their views and interests were conveyed in the development of the FBC.
- 3.24 The RTCC, in terms of managing congestion and mitigating the impacts of planned events and infrastructure programmes, is intended to cover a range of outcomes -
- There is no single place where a global view of the network is visible making coordination difficult. The RTCC will provide a multi-agency view cross the whole transport network (traffic and public transport);
 - Provide a joined up approach to planning infrastructure, major events and maintenance works;
 - Support the day to day management of the network enhancing the resilience of the network operation, improving local control and enabling greater regional coordination;
 - Regional coordination of major incidents affecting the network;

- Provide reliable and trusted information about the performance and disruptions to the network to residents, businesses and visitors in order to mitigate the impacts of congestion through improved communications
 - Greater joint working with the police and the ability to link into the other blue light services where appropriate; and
 - Improve the management of the network during current out of hours for current operations and to enable a 24/7 capability.
- 3.25 The Steering Group has considered and reviewed a long list of options and taken forward a shorter list for further investigation to identify the benefits to the region. The services provided by these options are identified in appendix 2.
- 3.26 The FBC has been drafted but before approving this business case, further work is required to undertake a detailed design on the preferred option including both technical and organisational design. This is to enable a further robust assessment of the capital investment costs and understand any revenue implications which will need to be managed.
- 3.27 The Steering Group has recommended Option 6 for approval by the Board as it provides the greatest benefits and outcomes in relation to managing congestion, coordinating planned events and dealing with major incidents within an indicative cost benefit ratio of over 5:1. The next steps will be to undertake the detailed design referred to above and a further report will be presented to the Board to approve the FBC prior to the implementation of delivery. This work will continue to progress with the input and oversight of the Steering Group.
- 3.28 Existing Urban Traffic Management Control Centres across the region will remain at the heart of managing local traffic networks and the RTCC will not change any of the partners' existing network management duties and obligations. The RTCC will provide operational support to each authority as part of a regionally integrated system, public transport oversight, additional network resilience and the means to provide coordinated communications relating to planned works and unplanned incidents to residents, businesses and visitors.
- 3.29 The RTCC will also be a key tool for managing the transport requirements of planned major events including the delivery of HS2 and wider transport investment programme, the 2021 Coventry City of Culture, and the Commonwealth Games in 2022.

Managing Demand

- 3.30 A strategy focussed on significant road building and highway upgrades could result in capacity increases that are quickly taken up by increased demand, leaving adverse impacts of increased traffic in terms of economic, environment and social costs.
- 3.31 Overall demand to move people and goods across the transport network will continue to increase as the population and economy grows. To prevent worsening congestion as a consequence of this growth, influencing demand for journeys and encouraging these to be made in a more sustainable way, taking advantage of the new capacity being delivered, will be a key element of congestion management.

- 3.32 This is also critical where we have constraints on the network during the delivery of the investment programme. Suppressing traffic demand will help keep the road network moving and facilitate bus movements to ensure that this remains a reliable alternative transport mode through road works. This is particularly important for those residents who rely on bus services for access to education, skills training and employment.
- 3.33 A travel demand management programme is currently being developed which will support the delivery of the investment programme with targeted campaigns to promote sustainable journeys which will focus on:
- **Re-mode** – encouraging the take up of public transport and walking and cycling as viable options where appropriate;
 - **Re-route** – encouraging residents and businesses to plan ahead and identify different routes away from areas of congestion or road works;
 - **Re-time** – encouraging journeys to be made outside of peak periods where possible to smooth demand; and
 - **Remove** – encouraging employers to promote more agile working at different locations where possible, encouraging car sharing and other options which will remove journeys from the network.
- 3.34 Experience within the region has demonstrated the need for a well-planned communication programme to assist with mitigation of the impacts of infrastructure projects.
- 3.35 The communications, supported by the RTCC, will complement the travel demand programme to support behaviour change to more sustainable forms of travel under the principles set out above. This will need to be commensurate with the scale of the investment programmes within the region and delivered in partnership with Local Authorities, HS2, Highways England and Network Rail responsible for the delivery of the investment programme.
- 3.36 In summary the CMP 10 point plan will:
1. Tackle congestion hotspots through further investment in roads;
 2. Push for greater traffic management powers, including moving traffic offences;
 3. Invest in technology to help monitor performance and manage traffic ;
 4. Deliver a regional transport coordination centre for all modes in partnership with local authorities, Highways England and West Midlands Police to manage incidents/major events;
 5. Invest in road safety and work with the Police and Crime Commissioner to manage road incidents more efficiently;
 6. Continue to build capacity into the public transport networks;
 7. Invest in communication and information tools and become a trusted source of travel advice;
 8. Coordinate the delivery of the transport investment programme and minimise impact through collaboration with the Resilience Partnership;
 9. Make better use of the M6 Toll; and
 10. Deliver a travel demand action plan to encourage residents and businesses to re-mode, re-route, re-time or remove some journeys.

4.0 Financial implications

- 4.1 There are no direct financial implications arising from the CMP work. Projects to build additional capacity on the network are funded through various funding streams which have or will be agreed as part of the relevant investment programmes.
- 4.2 Sufficient budget has been prioritised within existing Transport Development revenue funding in order to undertake the detailed design phase of the RTCC.
- 4.3 Bids for the capital investment for the RTCC have been made to the Transforming Cities Fund as well as to Midlands Connect through their Road Hub. The detailed design stage will identify any further capital investment requirements as well as any on-going revenue implications for which the intention will be to manage and prioritise within existing resources.

5.0 Legal implications

- 5.1 By virtue of the West Midlands Combined Authority (Functions and Amendment) Order 2017, the functions of the constituent councils specified in section 39(2) and (3) of the 1988 Act (duties of local authorities in relation to measures designed to promote road safety and studies into vehicular accidents arising, etc.) are exercisable by the Mayor in relation to the combined area.
- 5.2 As a network management authority the WMCA has powers under ss. 16 & 17 of the Traffic Management Act 2004 (2004 ACT), by virtue of the West Midlands Combined Authority (Functions and Amendment Order above), to make such arrangements as it considers appropriate for planning and carrying out the action to be taken in performing the network management duty.
- 5.3 The WMCA also has powers under section 23 of the 2004 ACT to enable monitoring of anything connected with the performance by the authority of its duties under ss.16 and 17, including the use of its road network by different kinds of traffic or the effects of that use.
- 5.4 Powers which are to be exercised by the Mayor only, are more particularly set out in art 22 of Part 7 to the West Midlands Combined Authority (Function and Amendment) Oder 2017.
- 5.5 The above functions are exercisable by the Combined Authority concurrently with the constituent councils.

6.0 Equalities implications

Managing congestion and ensuring that we keep the road network moving to accommodate growth and mitigate the impacts of infrastructure delivery will ensure that any implications for equalities are addressed. In particular, maintaining bus journey times will ensure that those residents that are dependent on this form of transport for education, skills and employment are not impacted.

7.0 Other implications

There are no other implications identified.

8.0 Schedule of background papers

1. Key Route Network Global Evidence report and accompanying 23 corridor reports
2. KRN monitoring Framework

9.0 Appendices

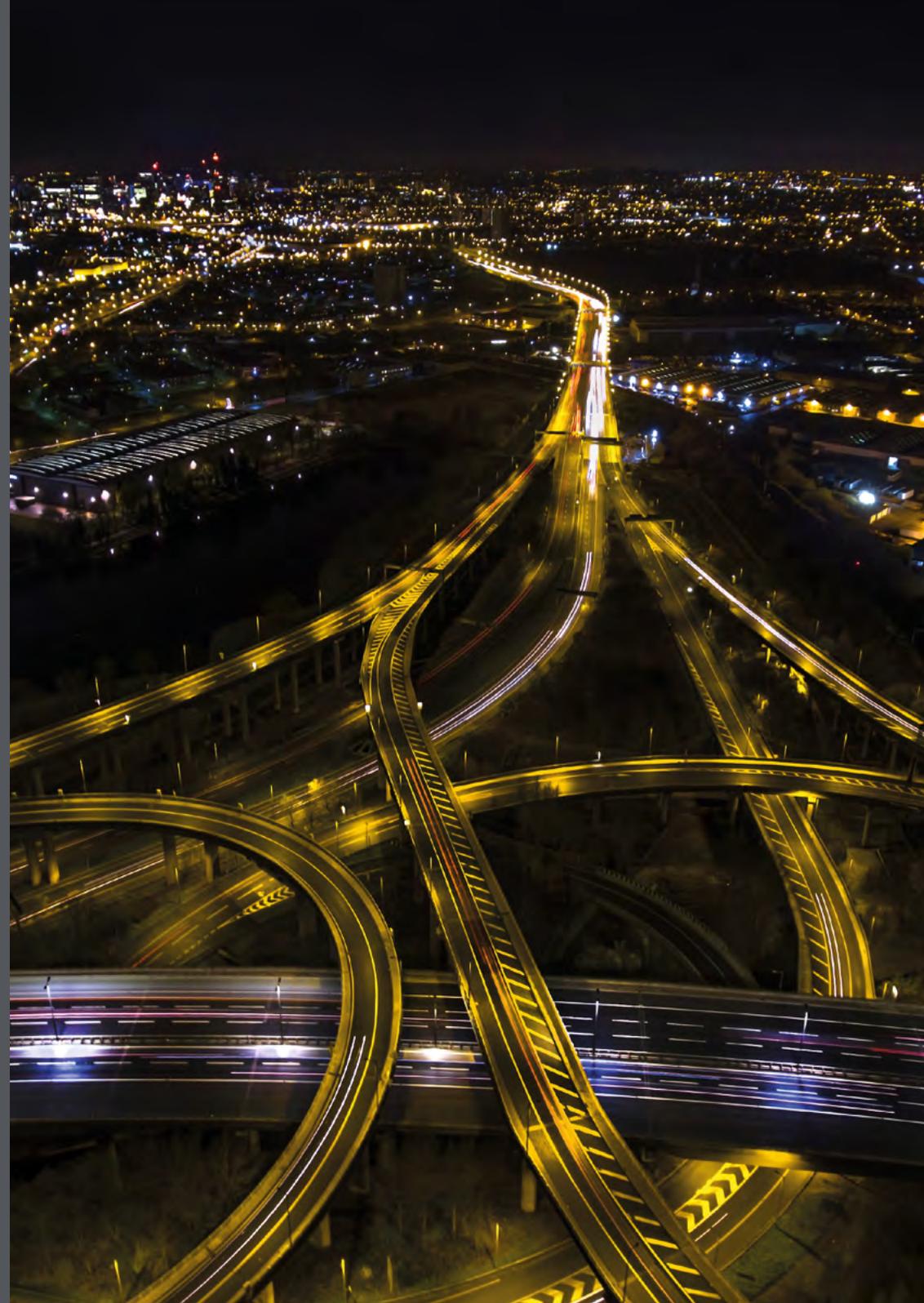
1. Congestion Management Plan
2. Options for the RTCC and benefits assessment
3. Road Safety MoU
4. Executive Summary – Key Route Network Monitoring Framework

Congestion Management Plan

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Transport for
West Midlands







Andy Street
Mayor of the West Midlands

My Renewal Plan for the West Midlands set out my ambitions to deliver a transport system that the region could be proud of, one which allows people to prosper, by connecting our communities to opportunities in employment, learning, housing and leisure.

A transport system that has a positive impact on the quality of life, the environment, supports businesses to reach their potential and aids inclusive growth in the region by removing constraints and managing congestion.

The West Midlands Combined Authority (WMCA) and I have new powers shared with local authorities in relation to managing congestion, air quality and road safety.

Collectively, working with local authorities and other key partners such as Highways England, we need to keep our roads moving. This, however, is not about continuing as we have always done, but about giving residents the choice to travel in different ways.

We must not just tackle the points of congestion, but we all must take responsibility for our actions through changing how and when we travel.

This Congestion Management Plan identifies the causes and issues of congestion and how we will deliver the step change that we need.

The West Midlands is at the heart of transport innovation. We need to ensure we make best use of new technologies such as connected and autonomous vehicles, and support our universities and industry partners to be global leaders in devising the new ways in which we will move around on our transport system. We also need to be innovative in future mobility services that will meet rising demand for individual journeys in different ways and ensure that these are made in the most sustainable way.

To ensure we have a joined up approach to managing congestion, we will continue to work very closely with our transport partners to have a joined up approach to managing congestion including Highways England, Network Rail and key public transport operators as well as the operators of the M6 Toll.

This Congestion Management Plan is built on three core pillars providing an holistic approach to how we tackle existing congestion and sustain an increase in the demand for journeys as our population and economy grows.

These core pillars are:

- **Improve Capacity;**
- **Improve Efficiency; and**
- **Manage Demand.**



Roger Lawrence

**Leader - City of Wolverhampton Council
Portfolio Holder - Transport WMCA**

The West Midlands is our home. Over the next few years our region will be transformed with changes that are seen as once in a lifetime through investments in HS2, and our road, rail and tram systems. Over the last few years we have achieved a great deal to bring forward new investment in our public transport system. The WMCA, together with partners, has set out a clear plan to invest £5bn to deliver a world class transport network by 2026.

We are delivering extensions to the tram system creating a cross- regional line from the Black Country to Solihull. We are working with rail partners to deliver additional rail capacity on services and stations and the West Midlands Bus Alliance is driving forward improvements to our bus services.

We are currently developing Sprint - one of the largest bus rapid transit networks in the UK - and also making it easier to walk and cycle through initiatives such as the bike sharing scheme and implementing the Cycling Charter.

By improving public transport capacity and making walking and cycling more attractive we can provide real and sustainable travel choices that will enable residents, businesses and visitors to travel differently and reduce impacts on congestion.

We need to ensure that we keep pace with population growth and meet the future demand for journeys that doesn't increase congestion further.

A robust congestion management plan will introduce wide-ranging, coordinated measures to manage congestion and enable our region to thrive.

But we all have a role to play. As well as policy and decision makers improving the performance of the integrated transport system, we must all consider how and when we travel so that we can all play our part in keeping the West Midlands moving.

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The West Midlands is enjoying a renaissance, with an upturn in economic performance, a strong economic plan and leading the UK in terms of exports, creating employment opportunities, speeding up the delivery of housing and investing in our infrastructure. We are well placed to welcome the arrival of HS2 and other major developments.

Transport is key to this economic growth, but congestion on our roads remains a challenge. Left unmanaged it will stifle our ambitions. Failure to work collaboratively and manage congestion is not an option if we are to continue to lead the country through economic, housing, social and industrial success. We must also tackle the resulting environmental impacts that congestion causes, most notably poor air quality.

We are growing new capacity on our transport network as an integrated system. Our plans include tripling the tram network, delivering the largest bus rapid transit network in the UK, revolutionising rail through new and enhanced stations and services, improving the performance

of our bus network and investing in our integrated ticketing options, making it easier and cheaper to travel. We have tackled some of the worst congestion hotspots on our road network and are tackling more, but further work needs to be done to improve both capacity and efficiency to meet future demand.

We are at the forefront of technology and, alongside our constituent authorities, will increase control of our road network through investing in on street technologies.

Congestion is an issue for us all and we need to take responsibility for the demands on the system. We must work collaboratively with partners to deliver choice, influence travel behaviour and reduce single car occupancy journeys through walking and cycling for shorter journeys.

WMCA and Transport for West Midlands (TfWM) have a vital role to play alongside the constituent authorities to minimise congestion.

The Congestion Management Plan will:-

1. Tackle congestion hotspots through further investment in roads
2. Push for greater traffic management powers, including moving traffic offences
3. Invest in technology to help monitor performance and manage traffic
4. Deliver a regional transport coordination centre for all modes in partnership with local authorities, Highways England and West Midlands Police to manage incidents/major events
5. Invest in road safety and work with the Police and Crime Commissioner to manage road incidents more efficiently
6. Continue to build capacity into the public transport networks
7. Invest in communication and information tools and become a trusted source of travel advice
8. Coordinate the delivery of the transport investment programme and minimise impact through collaboration with the Resilience Partnership
9. Make better use of the M6 Toll
10. Deliver a travel demand action plan to encourage residents and businesses to re-mode, re-route, re-time or remove some journeys.

The **West Midlands Strategic Economic Plan** (SEP) sets out the vision, objectives and actions to improve the quality of life for everyone who lives and works in the West Midlands. It aims to deliver this within the context of expected regional population growth of 444,000 by 2035.

Within the SEP it is recognised that an efficient and resilient transport system will underpin future economic success. Transport connects communities to opportunities and businesses to markets.

Movement for Growth, the West Midlands Strategic Transport Plan, is accompanied by a 10-year delivery plan which outlines key supporting transport projects that will deliver many of the SEP's outcomes over the coming decade.

Midlands Connect is also developing proposals to provide better inter-regional connectivity

between the East and West Midlands through improvements to road and rail networks. As part of the Midlands Engine this initiative has identified a number of key corridors and initiatives to manage congestion on this sub regional level.

With continued economic success, travel demand has grown rapidly with 2016 seeing record levels of traffic on the region's roads.

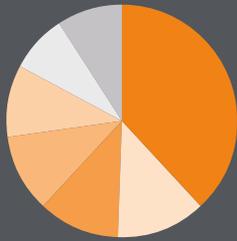
With the predicted population growth, it is anticipated that 215,000 new homes and up to 506,000 new jobs will need to be created across the West Midlands by 2030.

Based on current travel habits this growth could add an additional 1.2 million trips to our network each weekday, increasing car kilometres by 34%.

Congestion on the region's roads is already of concern for residents and businesses, with 86%

of residents in the West Midlands surveyed not satisfied with levels. Furthermore, a recent survey by Greater Birmingham Chamber of Commerce has found that congestion is viewed by business as a major constraint, citing staff punctuality, reduction in productivity and subsequent loss of revenue as key concerns. Congestion costs businesses money as employees spend time in traffic jams, deliveries are late, and an unreliable road network harms the reputation of the West Midlands as a centre for commerce.

It is critical that we deal with managing congestion collaboratively at a regional and local level. Our congested network is undermining economic performance and stifling the very growth that is planned.



Record

8.4 billion miles

driven on the region's roads in 2016



Key Route Network key statistics

50%

Of road traffic is carried on

7%

Of the road network



17.7mph

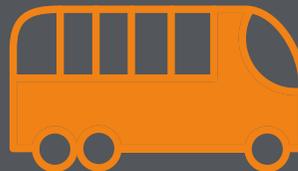
Average weekday peak speed



Over

800,000

Daily bus trips

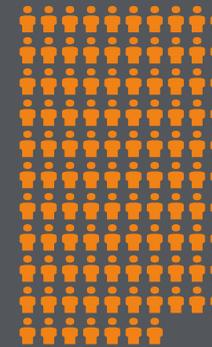


A growing region

Every day, our region grows by

107 people

Which is the equivalent of filling an extra...



1.5
buses

or



24
cars

or



0.5
trams

every day.



41%

Of all car journeys are within 2 miles

Customer satisfaction



48%

Dissatisfied with congestion



45%

Dissatisfied with information on delays



216,000

Fewer people are within a 45 minute bus journey time of Birmingham city centre compared to 2008 because of congestion



1,473

Deaths per year in the region attributable to particulate air pollution of which transport is a major contributor



10x

More people are likely to use the bus than travel by train in areas with lowest levels of car ownership

Roads ranked by delay



Fundamentally, congestion and reliability problems arise when road space demand starts to outstrip available supply. Measures of congestion through the network, cover speeds and travel time, typically in morning and afternoon peaks.

Reliability of journey times is also a factor. Most notably, delayed or unreliable journey times impact the freight and logistics sector by adding unplanned time onto journeys.

Recent studies on the region’s Key Route Network ¹ identify the levels of congestion within the morning and afternoon peak periods.

The figures adjacent show the extent of the travel delay (minutes per km) across the region’s road network.

¹ Key Route Network Definition – the strategic road links between the motorway and trunk roads and main economic and housing centres. It comprises 7% of the local road network and carries 50% of the traffic. It has been defined within statute.

Fig 1: Traffic congestion on the Key Route Network AM Peak

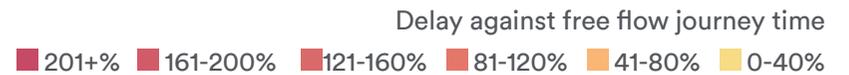
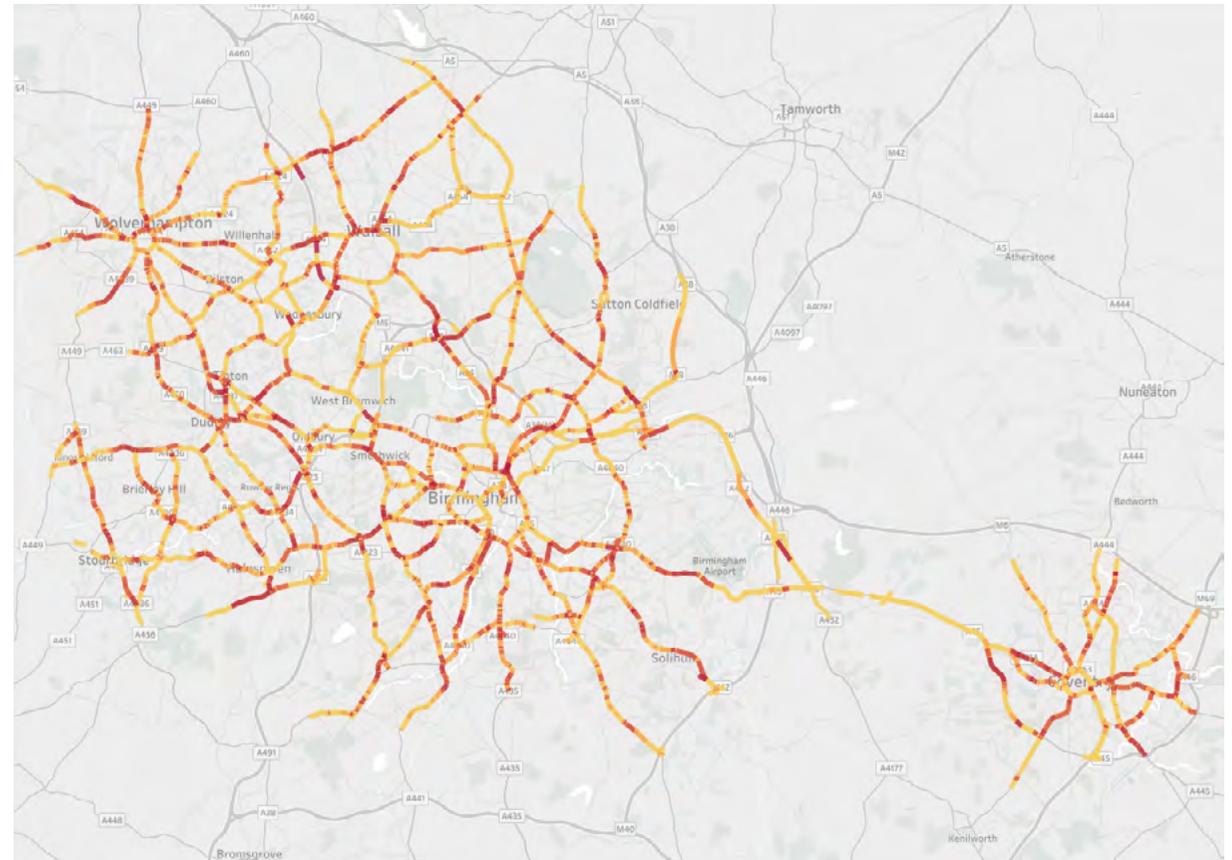
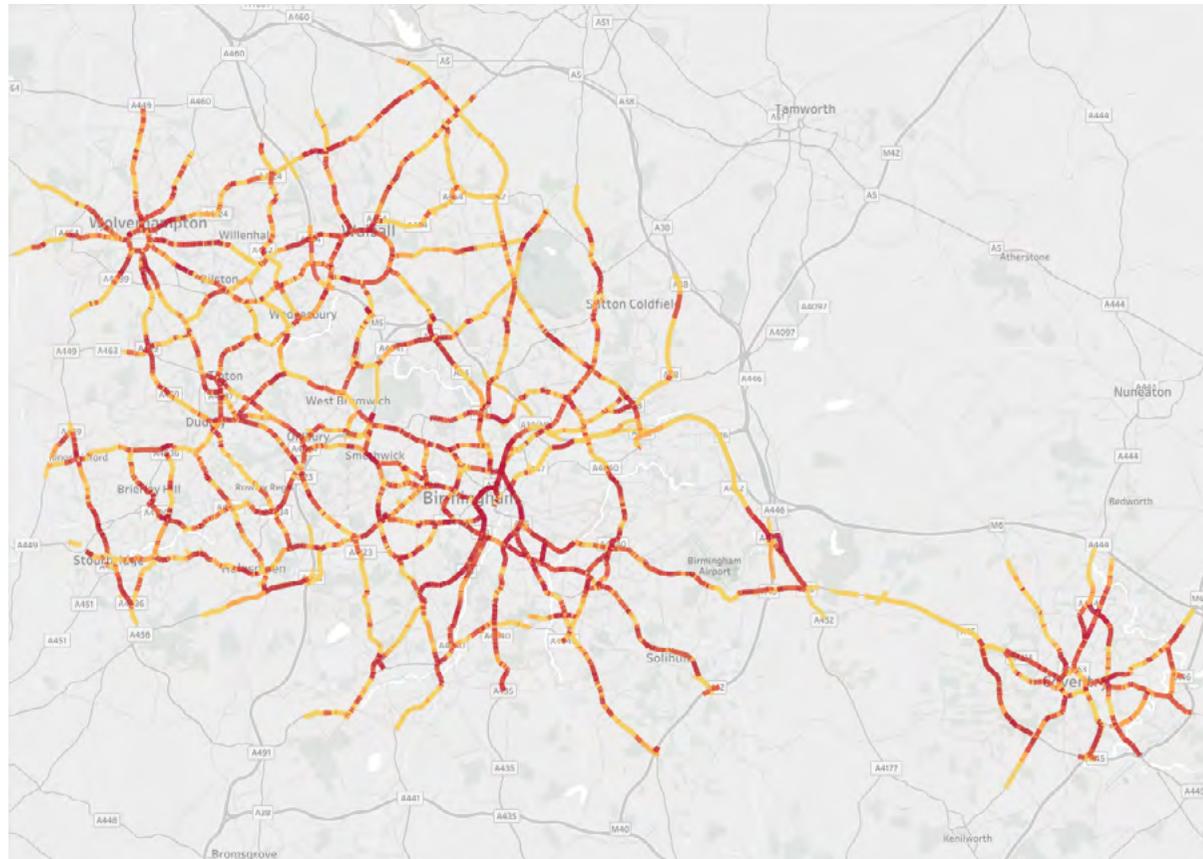


Fig 2: Traffic congestion on the Key Route Network PM Peak



Delay against free flow journey time

■ 201+% ■ 161-200% ■ 121-160% ■ 81-120% ■ 41-80% ■ 0-40%

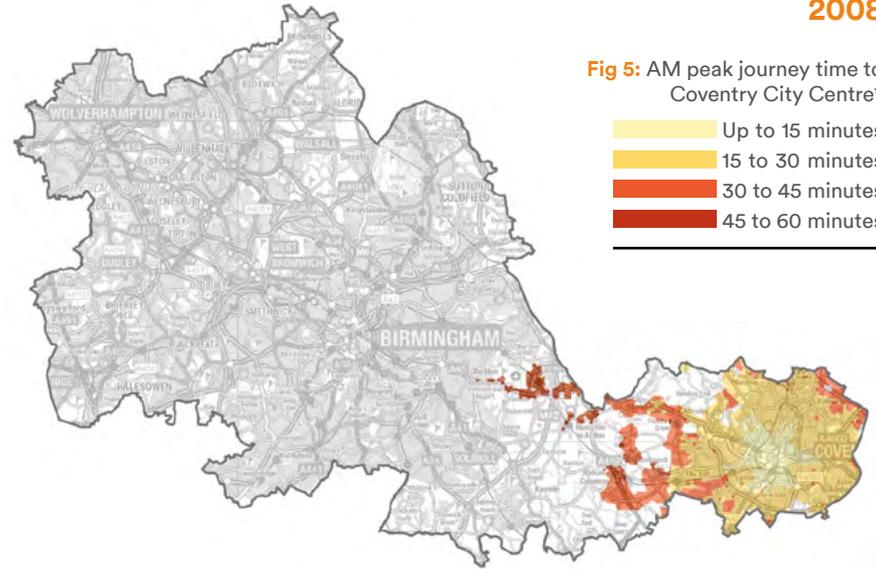
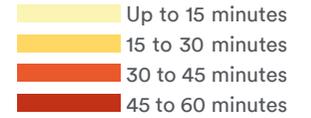
Congestion is not just felt by those in private transport but also by bus users. The following diagrams represent the decreased distance that buses are able to travel on the network during the same time based on 2008 and 2018 data.

Increasing journey times and poor reliability of bus services impacts on those that rely on this as their main form of transport impacting on the region's desire for inclusive growth and enabling all of our communities to take advantage of education and employment opportunities.

We need to ensure that we can improve local bus services for this to continue to be a viable option for many and reverse the decline in patronage.

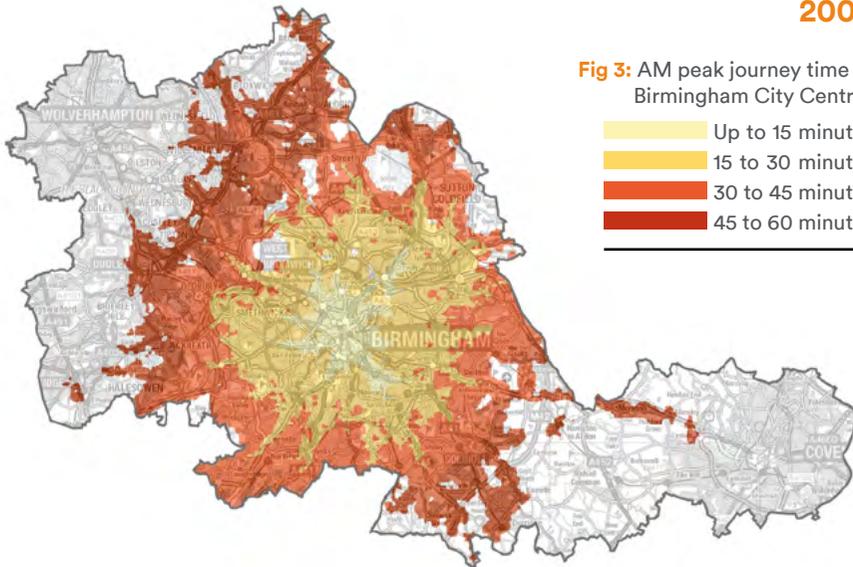
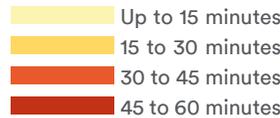
2008

Fig 5: AM peak journey time to Coventry City Centre*



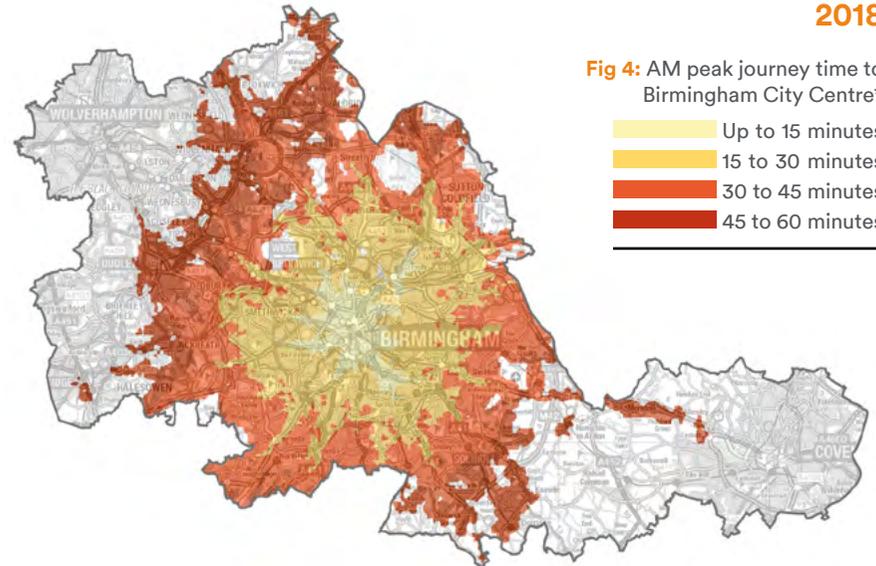
2008

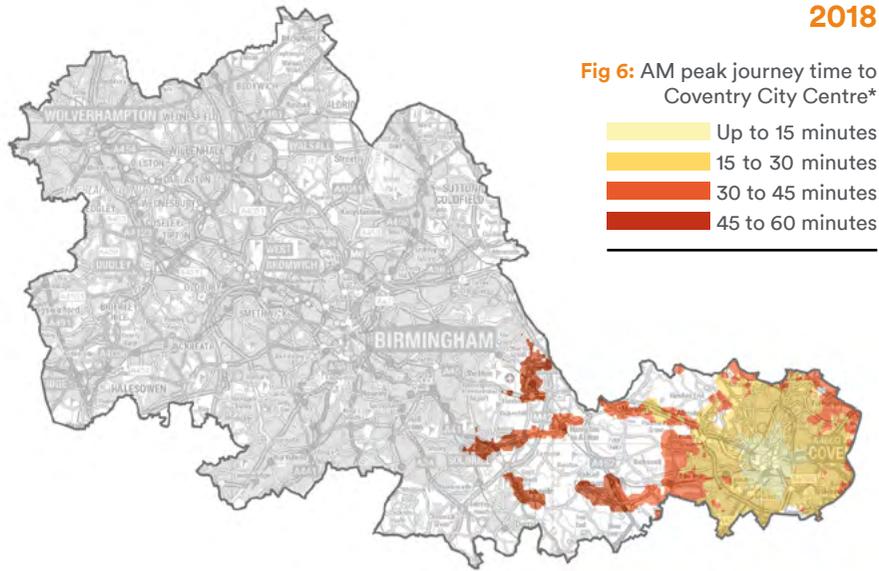
Fig 3: AM peak journey time to Birmingham City Centre*



2018

Fig 4: AM peak journey time to Birmingham City Centre*

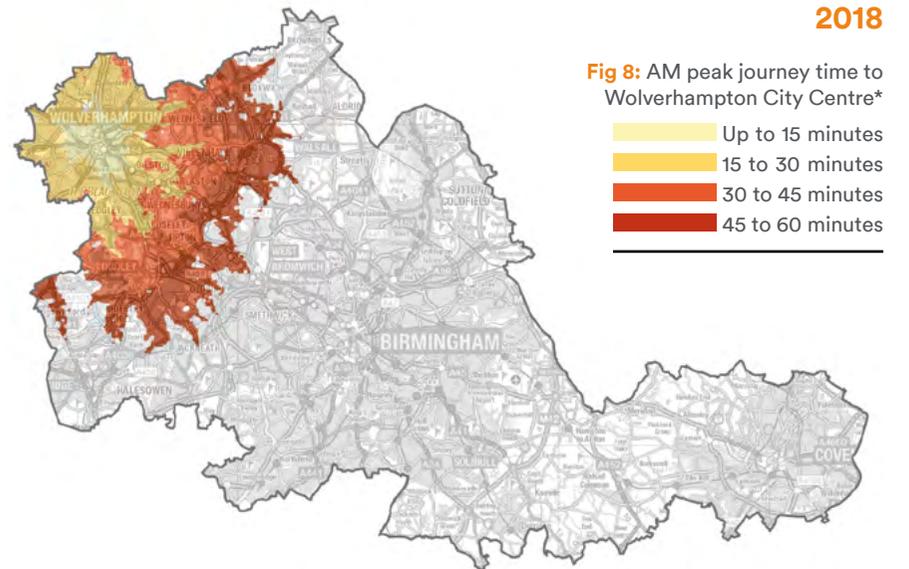
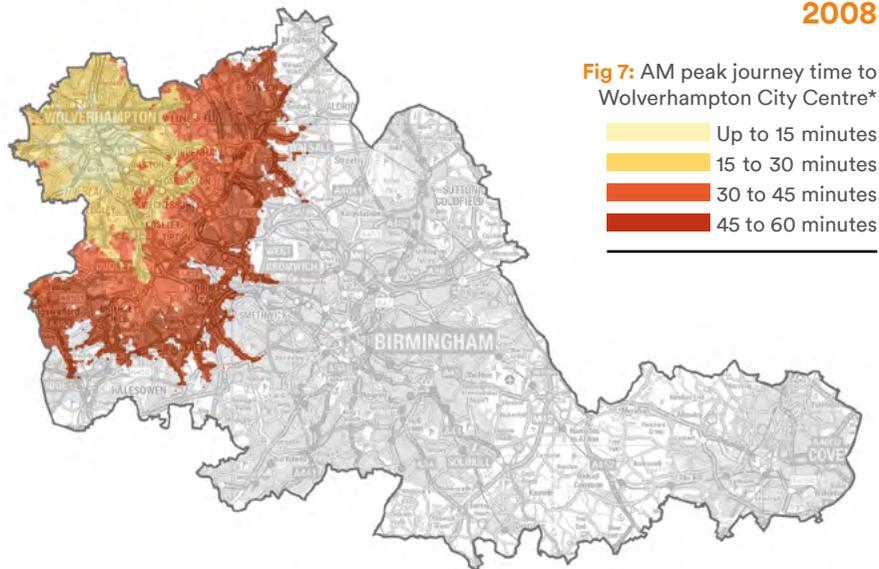




As well as impacts on individuals and businesses, congestion can also have significant social and environmental costs; road traffic accounts for 65% of NO2 and contributes to noise pollution and greenhouse gas emissions.

The opportunity to tackle congestion collaboratively at a regional level enables us to improve the performance of our road networks through a range of measures.

* If congestion is not properly managed, increasing demands for road space could stifle economic growth.



This plan outlines the approach to achieving a more effective network and actions to better manage congestion.

It recognises that no economically successful urban region has truly solved the congestion challenge. Improvements at network bottlenecks and pinch-points can deliver some congestion relief, however if we are to meet the demands of growth we must also use our existing infrastructure more efficiently and influence how people and goods are moved around the network.

This plan reflects the relationship of all modes as an integrated transport system that meets the requirements for travel and the most efficient ways for movement of people and goods.

This plan focuses on making the best use of data insights and congestion monitoring information to identify and support the delivery of measures to increase capacity, maximise road space efficiency and influence the demand for journeys to move people and goods around the region in the most efficient way.

It recognises that moving people, not just vehicles is critical to get the best out of the network.

Managing congestion is therefore built upon three core pillars:-



Increasing Capacity:

This involves providing more capacity on the public transport and road networks.



Improving Efficiency:

We aim to improve efficiency of local roads through better integration across modes, reducing roadwork delays, optimising traffic signals and improving responses to disruptive incidents.



Managing Demand:

Overall demand to move people and goods across the transport network will continue to grow. We can better manage this by influencing the choices by residents businesses and visitors to make more sustainable journeys.

Fig 9: The three pillars of the Congestion Management Plan



Walking and cycling

In the West Midlands, 41% of journeys under two miles and 67% of journeys under five miles are made by car so there is huge scope for an increased role for walking and cycling to provide sustainable, effective local accessibility. Walking and cycling also play major roles in improving health and wellbeing in the region.

The WMCA Cycling Charter sets out commitments to increase the share of journeys made by bike to 5% by 2023 and 10% by 2033.

Transport for West Midlands (TfWM) is delivering an innovative bike share scheme across the West Midlands, providing a world-class system that is integrated with Swift payment system and Whim Mobility as a service trial.

In addition, the constituent authorities and TfWM are developing future cycling infrastructure building on the work undertaken under previous Local Sustainable Travel Fund (LSTF) programmes, Cycle City Ambition grants and LEP funding. A comprehensive infrastructure delivery plan is currently being developed.





Public transport

TfWM is delivering a comprehensive programme of public transport improvements together with the constituent authorities.

Metro

Metro is the region's tram system currently linking Wolverhampton to Birmingham. A number of extensions are being delivered or planned which will triple the size of the network, taking it to 54km.

The recently completed extension to New Street Station has seen the patronage increase from approximately 5 million passengers in 2015 to approaching 8 million per year in 2018. The further planned extensions will support this growth.

These extensions include:

- Connection into Wolverhampton train and bus stations, open in 2020
- New Street Station to Hagley Road, Birmingham open in 2020
- Wednesbury to Brierley Hill via Dudley open in 2024
- Connection to HS2 Curzon Street Station and Digbeth in Birmingham open in 2022
- Digbeth across East Birmingham to the HS2 station in Solihull open in 2026



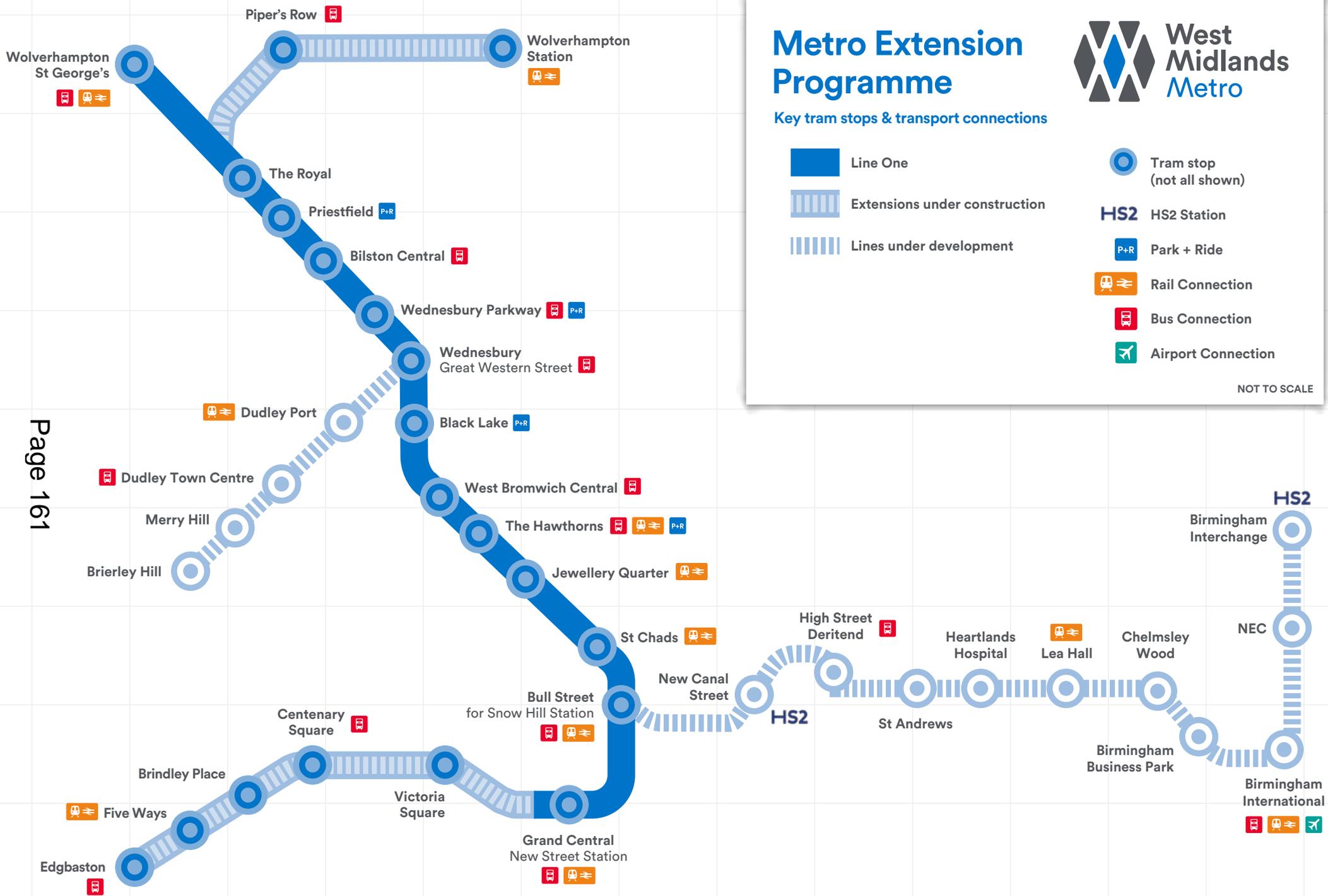


Fig 10: West Midlands Metro Network from 2026

Sprint

Sprint is a high-frequency bus rapid transit service which aims to offer a level of service comparable to the West Midlands Metro making best use of the existing highway network, to provide a fast and reliable service to over 23 million passengers a year.

A number of routes are under development with the first of these corridors along the A34 north from Birmingham to Walsall, A45 from Birmingham to the airport and the A38 north to Sutton Coldfield currently being accelerated to open in 2022 ahead of the Commonwealth Games with further routes to follow.



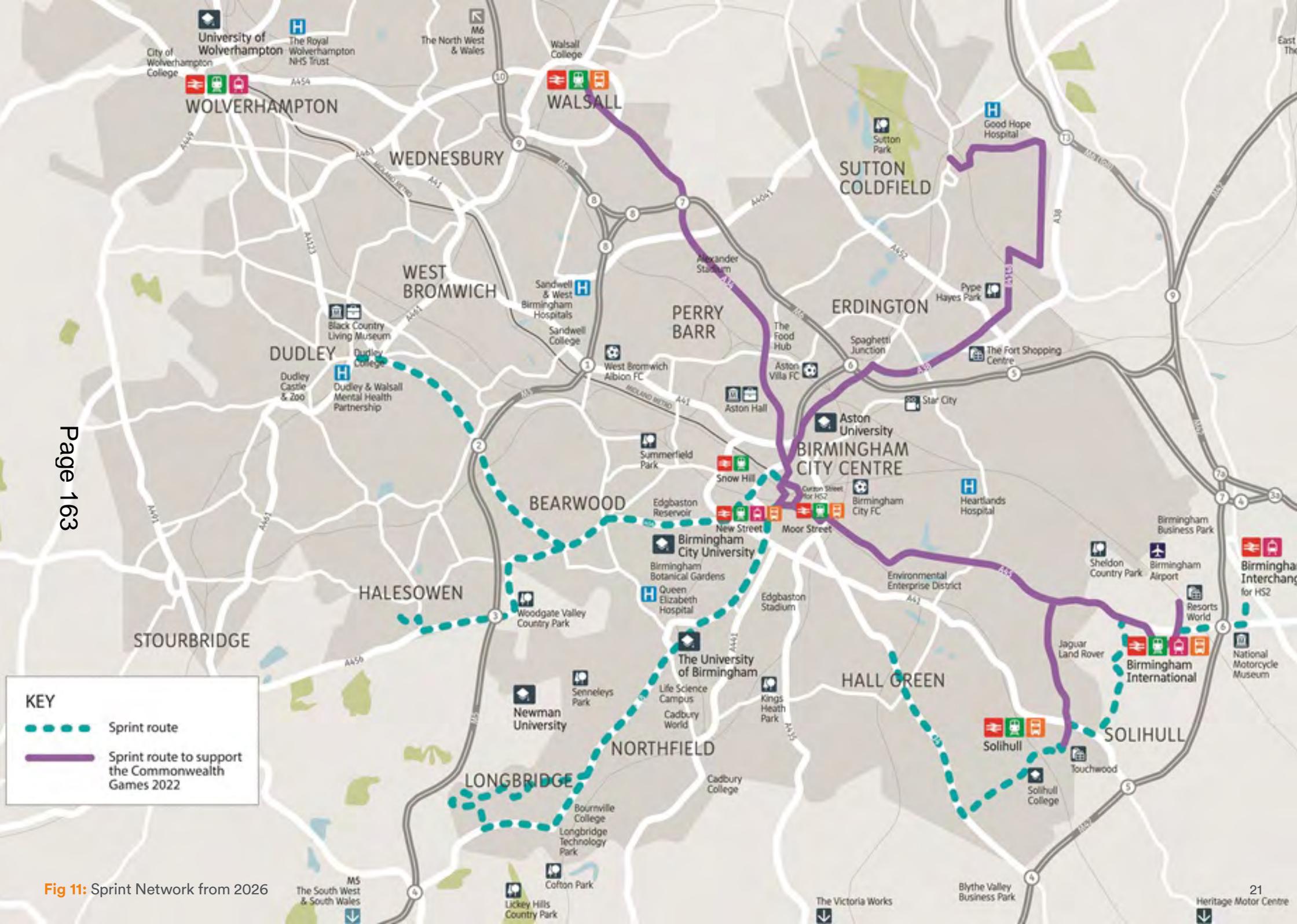


Fig 11: Sprint Network from 2026

Bus

The bus network has an undisputable role as the workhorse of the transport system. It reaches every corner of the region, generating four in every five public transport trips made each year, providing an essential mobility service to access employment, education, leisure and other key facilities. Good bus services are fundamental to the region's sustainable growth, particularly for people without access to the private car.

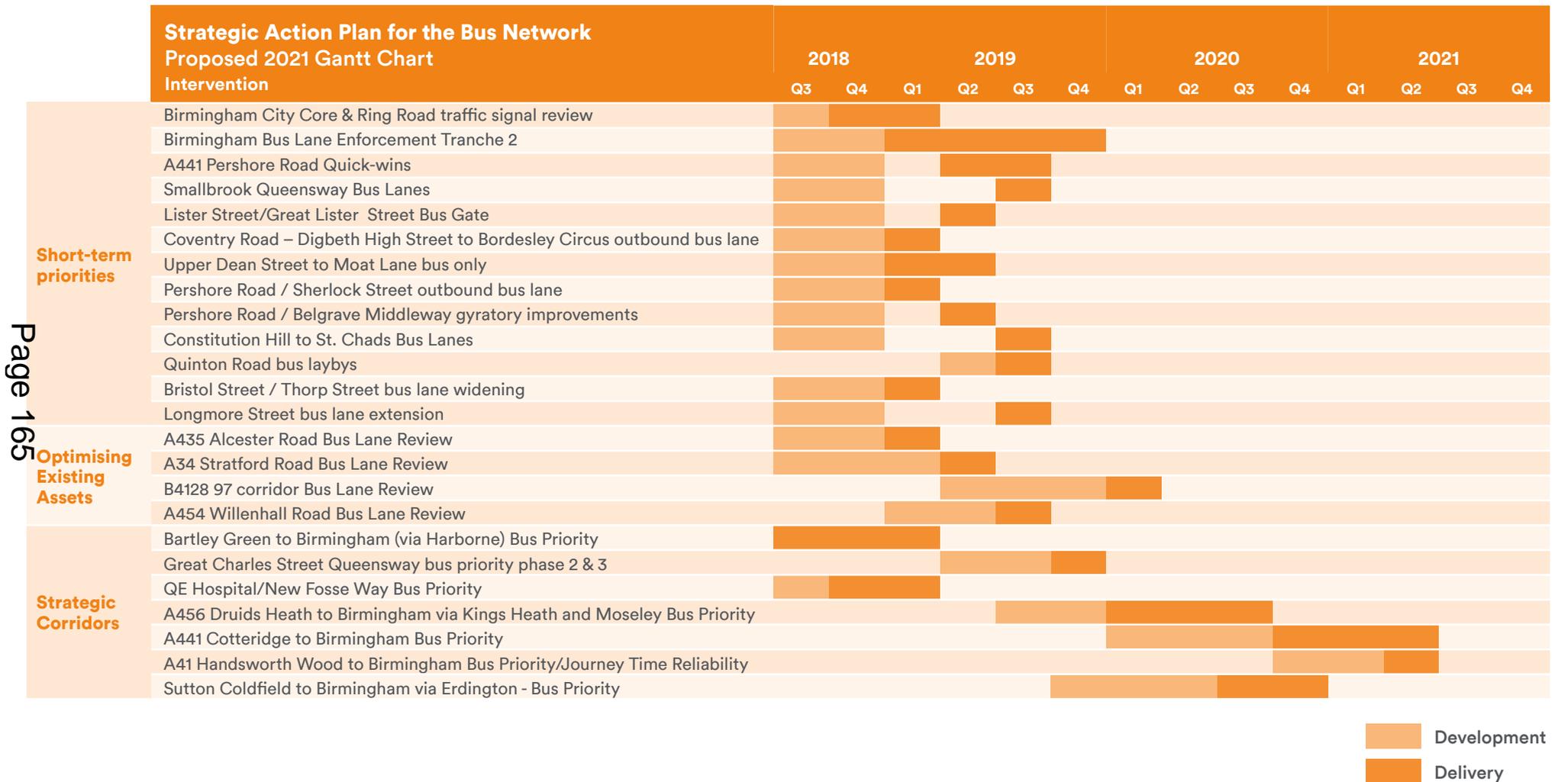
As a result of increased congestion, peak hour bus services now take, on average, 20% longer than three years ago, reducing connectivity and labour market catchments for the people who often have no other transport option.

There is a commitment within this plan to setting the bus network free from congestion. In 2018/19, nearly £8 million will be invested into the highway network to speed up bus journey times. This will be followed by an indicative three-year programme of bus priority schemes, as shown in Figure 12.

In addition this plan will be supported by a bus network action plan to mitigate against congestion impacts. This will set out our strategic aspirations for the bus network, aiming to deliver even greater priority for buses, ensuring the network supports the anticipated scale and shape of growth across the region.



Fig 12: Bus Delivery Programme



Rail

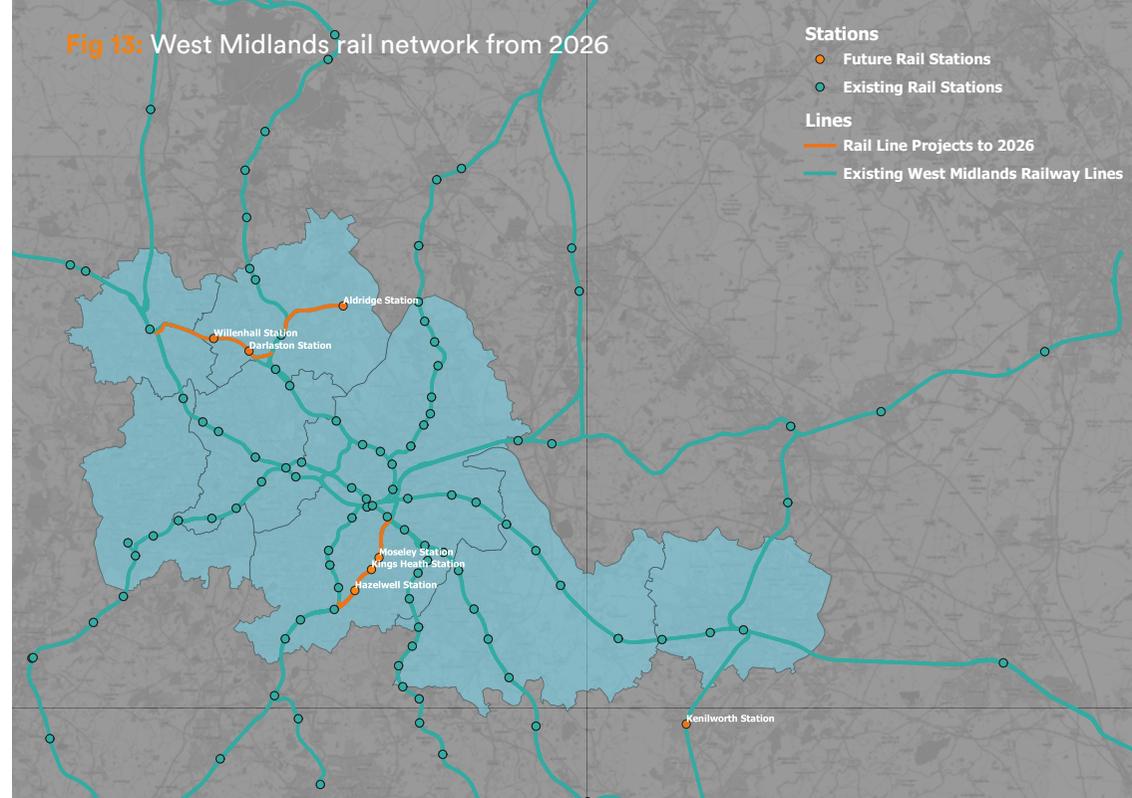
HS2 will provide additional capacity not just on this line but by releasing capacity on existing lines. It has also been a catalyst for the HS2 connectivity package which is bringing forward further improvements to the existing rail infrastructure regionally.

We are seeing improvements at the 4 major rail stations. Alongside the completed New Street station there are proposals for Wolverhampton, Coventry and Birmingham International stations. In addition other local rail stations are undergoing improvements such as University, Perry Barr and new stations proposed including Darlaston, Willenhall and stations along the Camp Hill line.

The new locally-specified and managed rail franchise (launched in December 2017) will deliver an additional 20,000 seats and space for a further 50,000 extra passengers during morning peak from 2021. Additional off-peak services are being introduced during 2018 and by 2022 there will be a significant increase in evening and Sunday services to reflect changes in customer demand.

The West Midlands Rail Investment Strategy (to be published in winter 2018) will outline key projects that are being developed and delivered up until 2047.

Fig 13: West Midlands rail network from 2026



Park and Ride

As measures are brought forward to address congestion, well-located park and ride facilities will be vital in ensuring people can still access rail and rapid transit services for travelling into major urban centres when they are unable to walk, cycle or catch the bus to their nearest station/stop.

TfWM is taking a strategic approach to developing and managing park and ride capacity. This will consider how best to use land around rail and rapid transit stations/stops and how to best help people access those services sustainably.

In addition, there are a number of existing schemes that TfWM has already committed to deliver.

These include:

- Tile Hill
- Bradley Lane
- Whitlocks End
- Longbridge
- Tipton



Roads

Tackling key congestion points on the Key Route Network (KRN) will benefit all road-based transport, including buses.

A set of KRN baseline reports, published autumn 2018, identified 20 priority congestion points in the morning and afternoon peaks that require targeted interventions.

In 2017/2018, TfWM, with the local authorities, delivered schemes to improve highway performance worth £5.8 million.

These projects included:

- Keeping Coventry Moving highway signalling scheme
- A34 Stratford Road Growth Corridor signalling scheme
- Solihull Bridge five year programme (2017/18)
- A4124 traffic signal upgrades and bus priority
- Brierley Hill Strategic Centre highways improvements
- A34 Birmingham Road/ A4041 Queslett Rd/Newton Rd
- A461 Eastern Opportunity Area
- Bromford gyratory improvements
- Holloway Circus improvements

Improving capacity on our roads at these key locations will keep traffic moving and minimise negative impacts of highways on the environment and health, particularly in relation to air quality.

A further programme of tackling congestion on the KRN is being developed as part of the emerging Highways Investment Plan which details projects that will be delivered over the next two years. These projects are critical to addressing congestion.

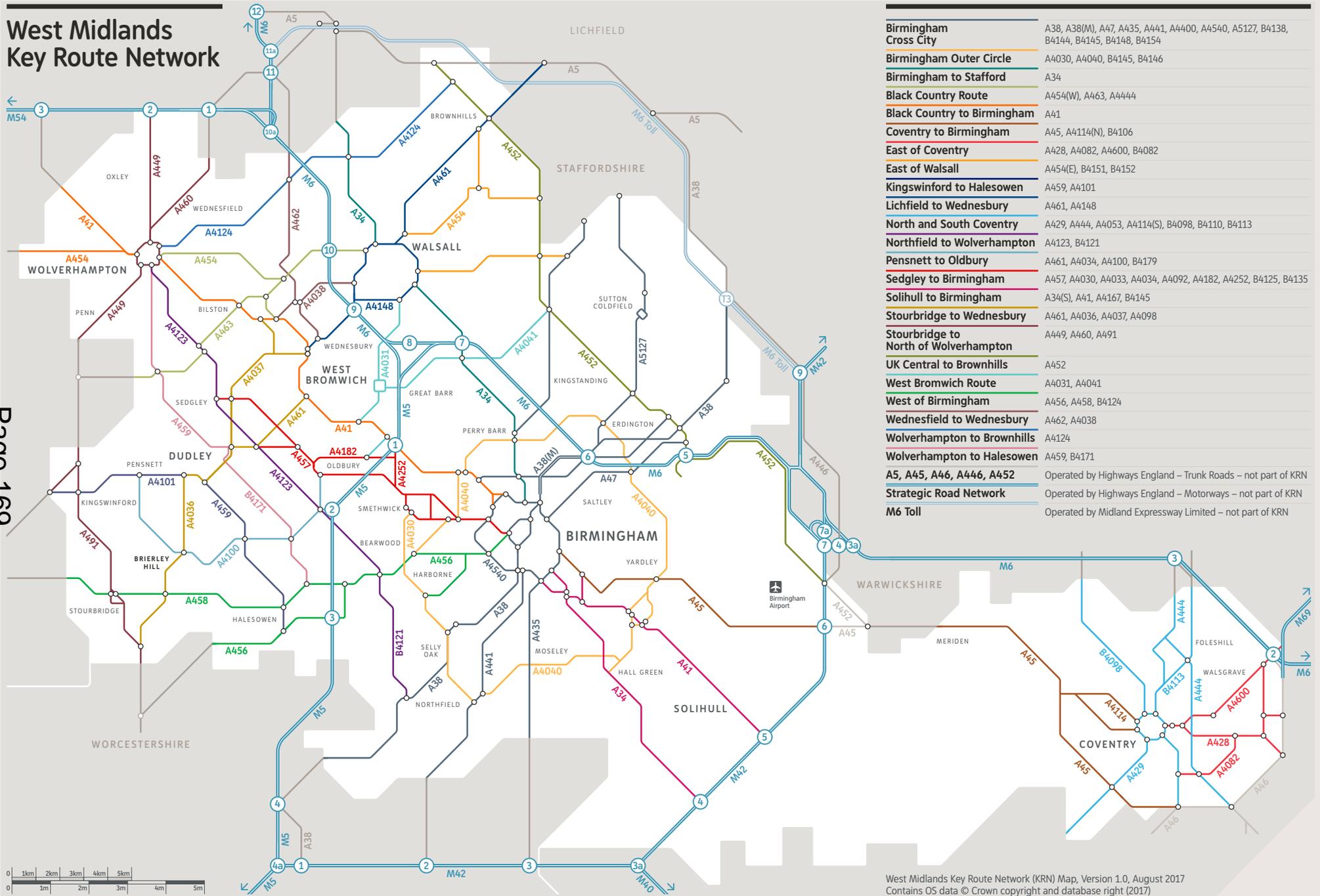
Highways Investment Plan

In increasing capacity on the region's road network, TfWM will work with partners to develop a Highway Investment Plan, setting out a long-term programme for the region's Key Route Network (KRN). The plan will identify schemes to tackle congestion hot spots and network bottlenecks, using the evidence within the KRN baseline reports, the emerging bus network action plan and local development plans and transport strategies.

Being clear on the region's priorities for the KRN will allow strategic approach to investment, recognising that congestion does not end at district's border and ensuring we can deliver the performance needed to support the region's growth ambitions. The Highway Investment Plan will therefore be a key tool in addressing the congestion challenge.



Fig 14: WM Key Route Network diagram



Motorway junction improvements

Other measures are being delivered by Highways England in partnership with TfWM and the local authorities including Junction 10 of the M6, Junction 6 of the M42, capacity improvements and delivery of smart motorways to assist with all lanes running.

WMCA will continue to work with Highways England to bring forward further investment in the Strategic Route Network that will assist with wider congestion management programmes.



Investment in the capacity of transport infrastructure will, during construction, cause disruption to the network. There is a need to ensure that these work programmes are coordinated and that residents and businesses within the West Midlands are still able to go about their day to day business. In addition, the region is to play host to a series of major events, including the Coventry City of Culture in 2021 and the Commonwealth Games in 2022.

There is a requirement for the existing transport infrastructure to work more efficiently to mitigate the impacts of construction and manage congestion.

Creating strategic partnerships for network resilience

With multiple partners investing in the transport system, there is a need to work collaboratively to coordinate programmes and to minimise the impact. This is being undertaken through a Resilience Partnership which, at the top level, includes the Minister for Transport, the Mayor of the West Midlands, the WMCA Portfolio Holder for transport, the Police and Crime Commissioner and the chief executives of HS2, Highways England and Network Rail.

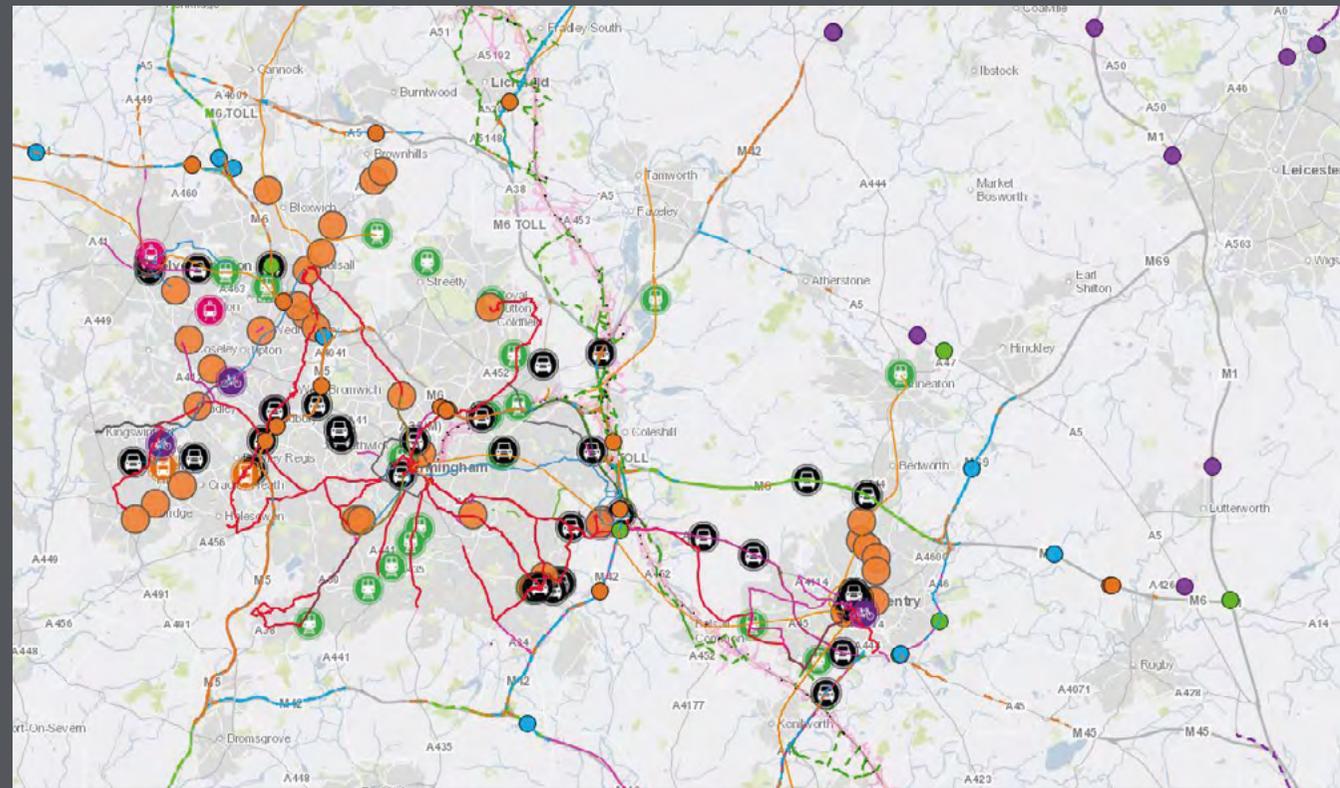
The partnership aims to work collaboratively to keep the West Midlands open for business, supporting growth during the extended

construction period of transport investment and act as an exemplar of good practice for the future delivery of HS2 and other major investment programmes.

This is supported by a regional forum as well as a tactical group to look at the responses to works and deal with the detail of their delivery.

This has enabled the development of a single view of the programme across all partners which can be used for planning and communication purposes as well as supporting the operation of the transport network as part of the Regional Transport Coordination Centre.

Fig 15: Single view of programme



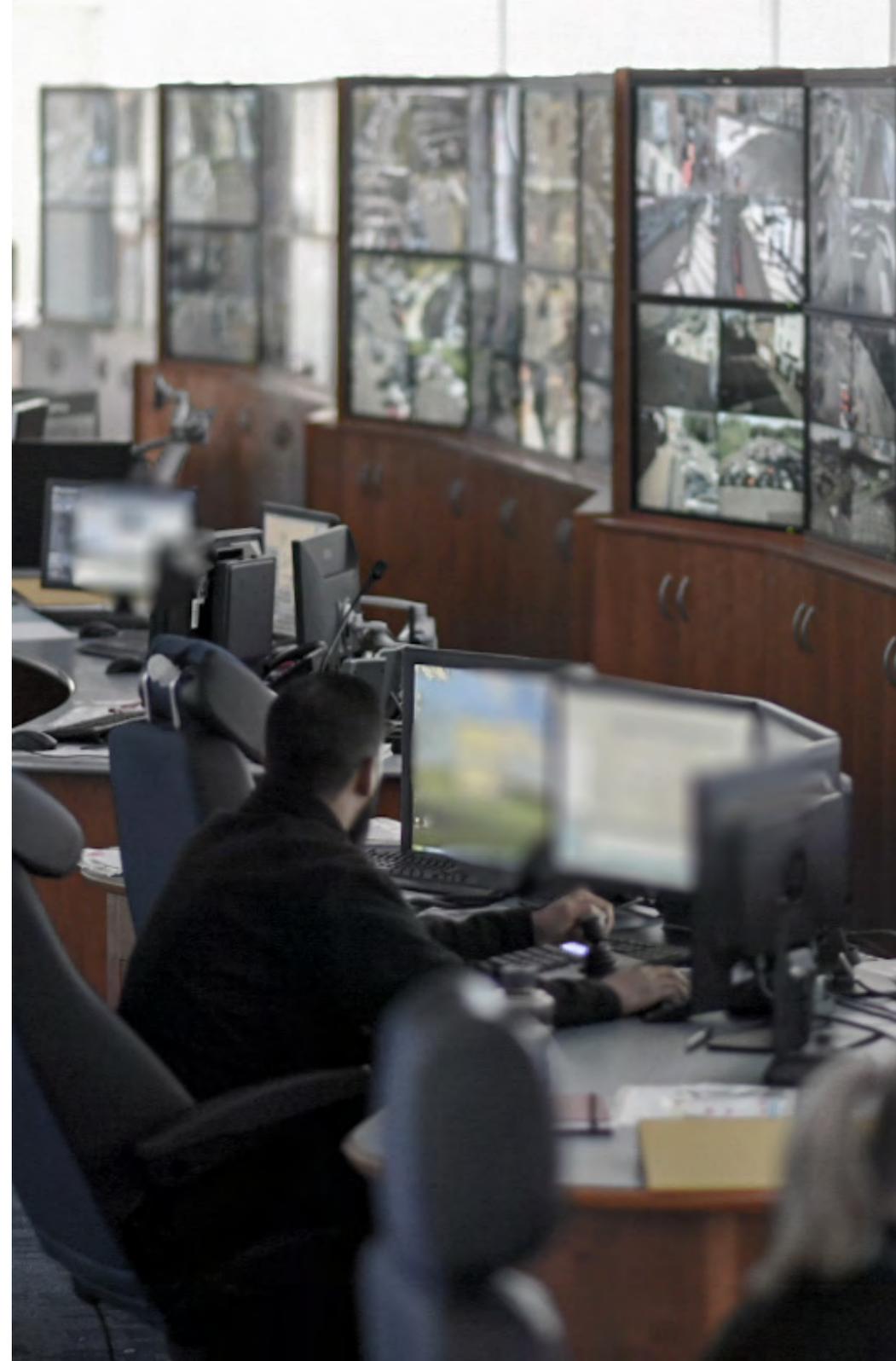
Developing a Regional Transport Coordination Centre (RTCC)

The day to day management of the local road network rests with the constituent authorities, as well as Highway England's regional control centre for the motorway network.

At present there is no single place in the West Midlands where a common and unified view of the transport network across all modes is available. This impacts the management of the road network when there are cross boundary programmes of work or incidents that affect traffic flow, particularly outside of the normal operating hours.

The RTCC will provide a coordinating umbrella across all modes of transport with partners. It will provide the means with how we manage the day to day operations of the network, planned events such as major construction programmes and culture and sporting events as well as major incidents.

Funding has been secured through the Devolution Agreement to develop a full business case for a RTCC to inform delivery. This work is progressing to deliver an RTCC by December 2019 ahead of the major construction programmes and events. In the short term, TfWM will run a number of pilots to test an operational plan. In particular working with partners to provide a single view of the network and work programme, monitor the network and disruptions and, form the basis of information and travel advice to residents businesses and visitors to assist in avoiding disruption and congestion.



Technology on the network to support the RTCC

On the road network we have invested in:

- Signal upgrades
- Telecoms connecting traffic signals to control centres
- Journey time monitoring systems
- Ground detection cameras
- Traffic route models
- Common database providing location, operational performance and management of the highway network.

Alongside the RTCC, there will be investment in the sensor technology to ensure that we can understand and manage the road network more effectively in real time.

Road safety

Accidents on the road network are estimated by the DfT to cost the economy £1.8m per accident in terms of accident management and congestion. Monitoring of the Key Route Network can identify where these problems are and support the development of a programme of work to improve the safety of the network which will contribute to minimising disruption

and delays caused through these collisions.

A Road Safety Strategy is currently under development for the region being led by Coventry City Council. This will provide the framework for ways in which we can improve road safety with an overall impact on managing congestion by preventing accidents.

Incident management and the Network Emergency Plan (NEP)

As well as taking measures to improve road safety, reviewing the way accidents are managed when they do occur, can help reduce the impact of resulting delays. TfWM and the local authorities (LA's), alongside the Police and Crime Commissioner are working on a protocol which will enable the emergency services to control and manage road traffic collision scenes with the LA's traffic teams and the RTCC providing support to minimise those caught up in resulting disruption.

TfWM has also developed a Network Emergency Plan (NEP) which will support this and other major incidents that disrupt the network. Working alongside emergency partners, this will allow us to effectively manage traffic flows

and public transport impacts to keep the region moving and provide tactical and strategic responses to emergencies.

Monitoring of the Key Route Network (KRN)

TfWM together with the LA's has reviewed key information it would need to collect to enable insight into performance, produce congestion dashboards for stakeholders and identify future areas for investment and improvement including:

- Collisions
- Congestion
- Asset condition
- Roadworks
- Preventable disruption
- Future impact
- Air quality

This review identified current data access and monitoring capabilities, gaps in monitoring and best practice and made recommendations to support improvement to the management of the KRN which will support appropriate congestion management measures.

Managing road works and permit schemes

Where permit schemes have been introduced they have effectively cut works times, reduced inconvenience for road users and helped manage congestion.

A coordinated view of current and upcoming roadworks will allow appropriate planning to mitigate impact of scheduled works on road users. Permit schemes are being introduced by the constituent authorities in 2018/19 (Coventry already has a scheme in place with Warwickshire).

Permit schemes enable the potential to introduce lane rental schemes to manage and coordinate roadworks minimising the impacts on congestion. Trial lane rental schemes by TfL and Kent County Council have identified further efficiencies in managing roadworks, reducing congestion. TfWM is working with constituent authorities to review the potential for a lane rental scheme to provide a positive impact on managing congestion.

Innovation in the transport system

Innovation is key to improving efficiency in the region. There are many projects helping to ascertain the viability and benefits of cutting-edge technologies to support future mobility demands. We are working with regional universities and industry partners to make the West Midlands a global leader in new technologies and create new high-tech jobs which will be key to retaining young talent.

These innovations enable a shift from single car occupancy journeys to other more sustainable choices and include;

- Connected and Autonomous Vehicles (CAV): establish real world environment in-vehicle and roadside technologies that will enhance the performance of the network.
- Drone Technology: assist with management of our transport system including rapid response for major traffic incidents, enable real time monitoring and reaction of emergency services, first responders and traffic management centres.
- Establishing a West Midlands innovation group to coordinate activity on innovative transport solutions to manage congestion.
- Mobility as a Service: via smartphone apps such as WHIM, we will influence how these can support the wider economic objectives and demand for journeys whilst responding to the reduction of congestion.



Making better use of the M6 Toll

Although well used, the M6 Toll carries less traffic than originally forecast (circa 45,000 vehicles per day, compared with original forecasts of 75,000). This underutilisation, especially by HGVs, has a negative regional and national impact on productivity and economic competitiveness for local businesses.

Securing better use and integration of the M6 Toll into the wider highway network to achieve environmental, air quality and economic benefits is critical to helping manage congestion.

Encouraging greater use of the road by HGVs is a core priority for the West Midlands. Data analysed by TfWM identifies that there is scope for further HGV through movements, to transfer to the M6 Toll. It also suggests that more could be done to encourage greater use outside peak periods for traffic travelling through the region.

TfWM will continue to push for greater cooperation from partners to encourage this shift through an established Memorandum of Understanding with the M6 Toll Operator: Midlands Expressway.

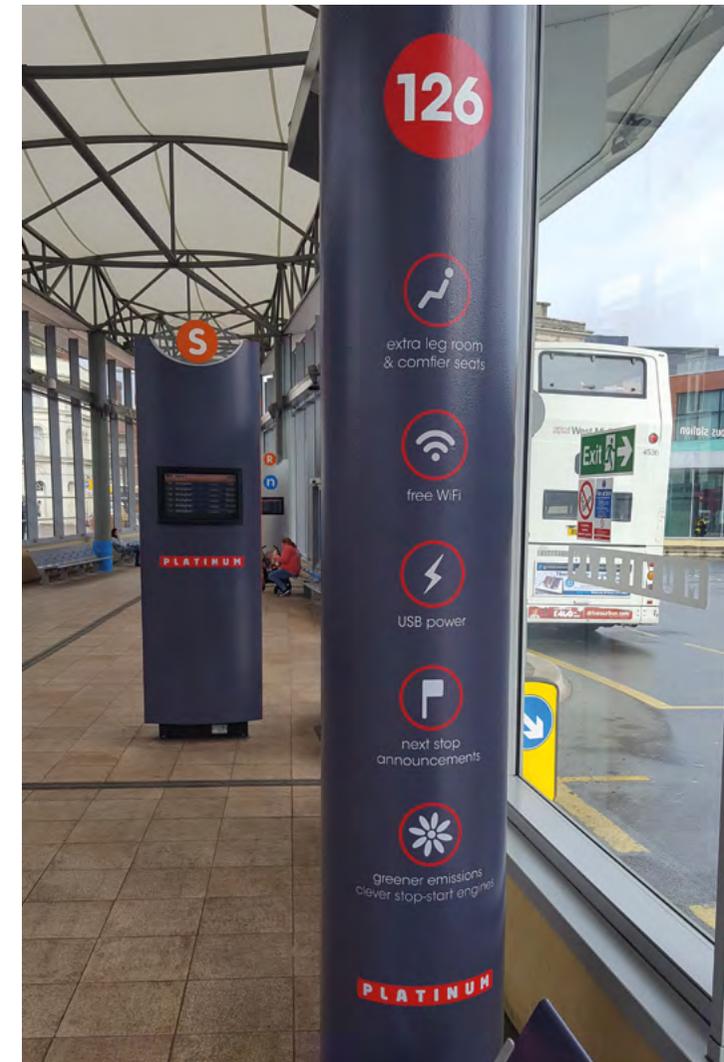
West Midlands Bus Alliance

The West Midlands Bus Alliance was formed in 2015 in a formal partnership with bus operators to strengthen relationships and develop a more strategic approach to improving the bus services. The Alliance has an independent chair from Transport Focus and an emphasis on improved outcomes for customers and integration within a wider transport offer. Under its Strategic Action Plan, it aims to tackle congestion which impacts on the reliability of bus services and has identified high-priority bus corridors and associated bus priority on the network for investment and ongoing studies with network development plans. Short-term priorities aim to deliver measures in traffic blackspots and improve efficiency by addressing congestion quickly and cheaply.

The Alliance partnership has identified high-priority bus corridors for investment and is undertaking studies to produce network development plans to improve bus services to customers now and into the future.

Short-term priorities aim to deliver measures in traffic blackspots and improve efficiency by addressing congestion quickly and cheaply.

Alongside short-term schemes, strategic development of bus priority on the network is vital to maximise benefits and address congestion. (See bus section in Improving Capacity for the current programme.)



Connecting public transport

Navigating the West Midlands by public transport requires passengers to be able to make connections between modes as quickly, seamlessly and conveniently as possible. An integrated transport system will ensure that public transport is an attractive and viable alternative to using a car.

The Movement for Growth 10 year delivery plan includes a number of locations across the conurbation where improvements are being made at key public transport interchanges.

Projects include:

- Wolverhampton Interchange
- Dudley Interchange
- Walsall's St Paul's Street bus station refurbishment
- Sutton Coldfield HS2 Gateway
- University Station Interchange
- Birmingham Interchange HS2 Station and One Station project
- Solihull rail station capacity and accessibility improvements
- Perry Barr rebuild
- Snow Hill new entrance
- Coventry rail and bus

Switching between modes will be easier and cheaper through our integrated ticketing systems and further enhancements to Swift, the region's smart travel card.

Ticketing - Swift

The West Midlands has the largest smart ticketing scheme in the UK outside London (Swift), accepted on buses and trams and on the train for direct debit customers (with plans to roll out the full range of Swift onto rail, including Pay-As-You-Go).

Swift provides tailored discounting and offers supporting behaviour change. Work is underway to improve the customer experience through improved digital channels, contactless payments and further roll out of fare capping.

TfWM is also working to increase its multi-modal offer incorporating:

- Parking
- Cycle Hire
- Taxis
- Electric Vehicle Charging





Collaboration and enabling by TfWM is critical in managing journeys and supporting project delivery, given the scale of the investment programme. This is particularly so when delivery is adding to the constraints on the network. Unchecked, demand for single occupancy car travel creates issues that extend well beyond the daily commute including environmental, social impacts and financial costs on people and businesses.

A comprehensive demand management approach will be introduced separately to this plan.

Previous programmes such as the Smarter Network, Smarter Choice programme, which was supported by the Local Sustainable Travel Fund, achieved good progress on behaviour change. We can learn from this and apply innovation, such as digital technologies, to manage demand for travel.

The new TfWM demand management approach will recognise that customers can make intelligent decisions given the right information. We should also not underestimate the spare capacity that exists on the network outside of peak hours and how this should be utilised.

The basis for this approach will be to:

- Re-mode journeys
- Re-route journeys
- Re-time journeys
- Remove journeys.

A key focus is to target business sites around prime areas of disruption, providing advice and support to enable them to mitigate impacts of congestion and disruption.

In addition, the demand management approach will target educational sites and communities impacted by the investment programme and support wider health agendas through active travel, walking and cycling.

Communications and marketing

‘Movement for Growth’ states that disruption to normal travel patterns cannot be avoided, but with strong governance supported by senior politicians and executives, a culture of collaboration, and excellent communication, a network which is resilient to disruption can be achieved. A robust and universally adopted

communications and engagement strategy can greatly assist with managing congestion and underpin the demand management approach. As part of its new approach, TfWM will implement a resilience communications and engagement strategy that will:

1. Provide effective communications that are up to date, manage customer expectations and offer advice on alternative travel.
2. Create a pathway towards personalised travel information or ‘zoned’ alerts through social and digital media.
3. Provide multi-modal journey-planning advice and information alongside targeted marketing campaigns and ticketing offers to incentivise using other forms of transport.

The communications and engagement strategy will be coordinated across all delivery partners with a consistent message outlining the positive impacts of the investment programme on the growth ambitions, as well as social and environmental outcomes. Working with partners, the strategy will provide a framework that can support localised messaging within a consistent context.

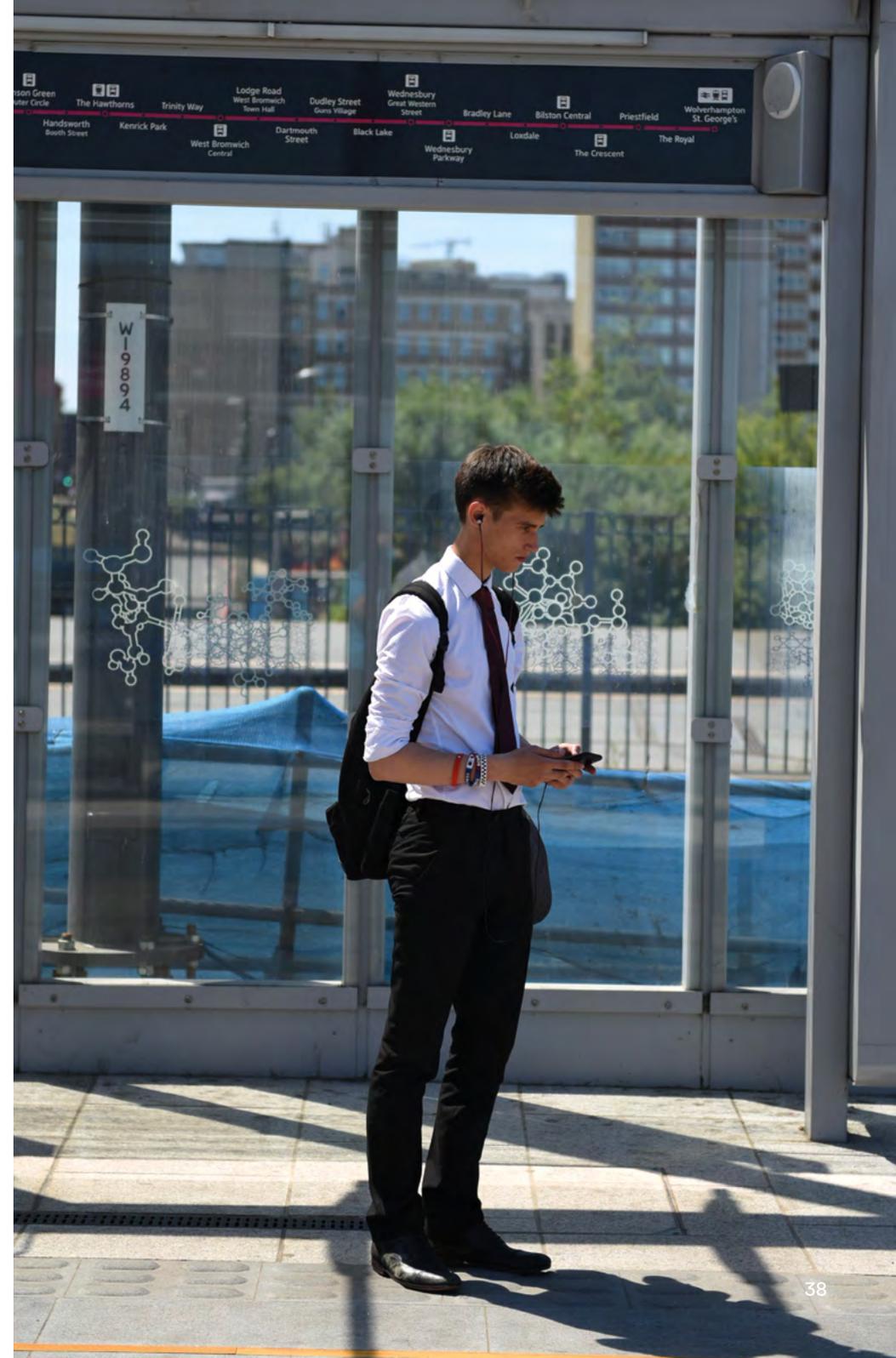
The resilience communication and engagement strategy will also support the Network Emergency Plan and the RTCC when dealing with major incidents.

Journey planning

It is important that businesses, residents and visitors to the region have easy to access and trusted information on travel planning and disruptions.

TfWM's Network West Midlands digital platforms are already a trusted source of travel information for public transport. They allow users to plan journeys and receive live updates during trips. They are where people go, to plan alternative routes during major incidents. However, they do not provide this information across the road network and they are not able to communicate congestion or the impact of road works or incidents.

TfWM will transform existing digital platforms to provide a multi-modal single source of the truth on travel, incorporating real time information on the public transport and road networks. This will bring together information from those investing in the network, operating services and managing traffic flows. It will enable the communication of day to day operations, as well as planned events and incidents that cause disruption to the network. This portal will also seek to publish information openly to ensure relevant information is available to all journey planners.



How you can help

It is not just up to TfWM to reduce congestion; a number of organisations are working together to improve the way we travel in and around the West Midlands and through our programmes we will work with you to keep the region moving. Roads and public transport will be busier than normal while essential works take place. You will still be able to get to where you need to go, but will need to plan ahead and check your journey before you travel.

There will also be a large number of extra visitors to our region as we prepare for the Coventry City of Culture and the Commonwealth Games, so in some cases you may need to re-think your route or change the time you travel. We can help you plan your journey through networkwestmidlands.com which we will improve to cover all modes of transport.

We all need to think about how we travel and there are ways in which together, we can help reduce the impacts of congestion.

These include:-

1. Could you change the time of your journey?

Avoid travelling during peak times wherever possible. Plan ahead, check timetables or apps and leave more time for your journey as services will be busier.

2. Could you car share with a friend or colleague?

Car sharing for just two journeys a week could help to keep traffic at 'school holiday' levels all year round. It will save you money, reduce congestion and some companies even offer priority parking to staff when they share their journeys.

3. Could you leave your car at home?

By using public transport, congestion on key roads across the region will be reduced. The bus, train or Metro might be a good alternative for your journey depending on where you need to go and at what time and for shorter trips walking or cycling could be the fastest route to your destination, as well as providing exercise and health benefits.

4. Could you use a different route?

If you do have to use the car, check your route before you leave. Google Maps or a Sat-Nav with live traffic updates will help you pick the least congested route each time.

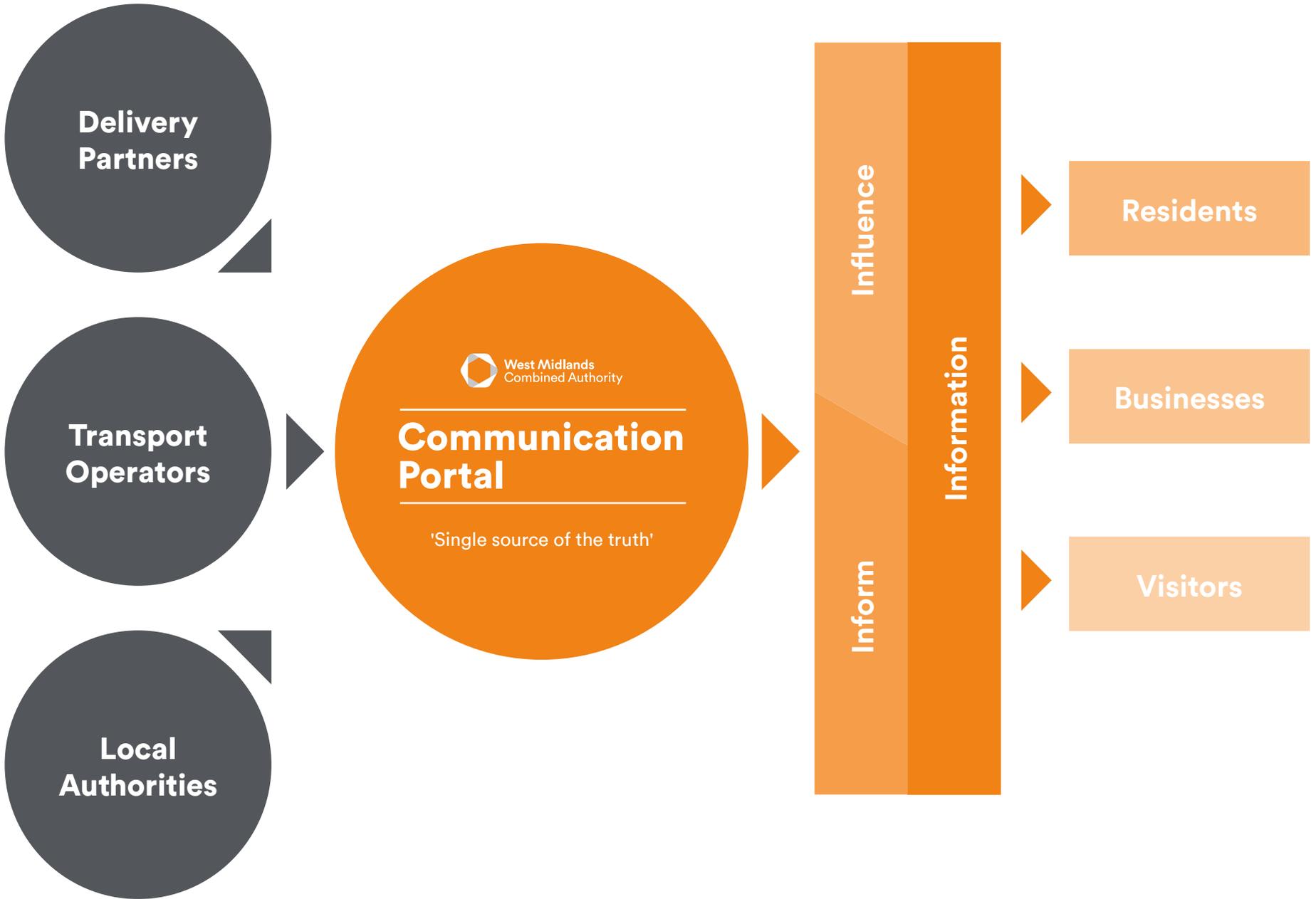
5. Could you speak to your employer?

If you commute for work, speak to your employer about whether there is the option of working from home. This will help to reduce the number of journeys being made each day.

Stay up to date with the latest transport projects and plan your journey at networkwestmidlands.com/keepmoving

or follow the conversation on **Twitter: @networkwm**

Fig 17: Creating a single source of the truth





Congestion is a major problem for many cities across the UK. In the West Midlands we acknowledge that we cannot continue with the traditional approaches to congestion management that have provided limited success and therefore we believe a fresh approach is required.

The next decade will see an unprecedented level of investment in our region, which will generate additional pressures on our already congested transport networks.

We all have a role to play in contributing to the solutions. Whilst TfWM and partners can provide improvements to the network through additional capacity and issue trusted information to aid sustainable travel choices, this journey will only be successful if we undertake it together.

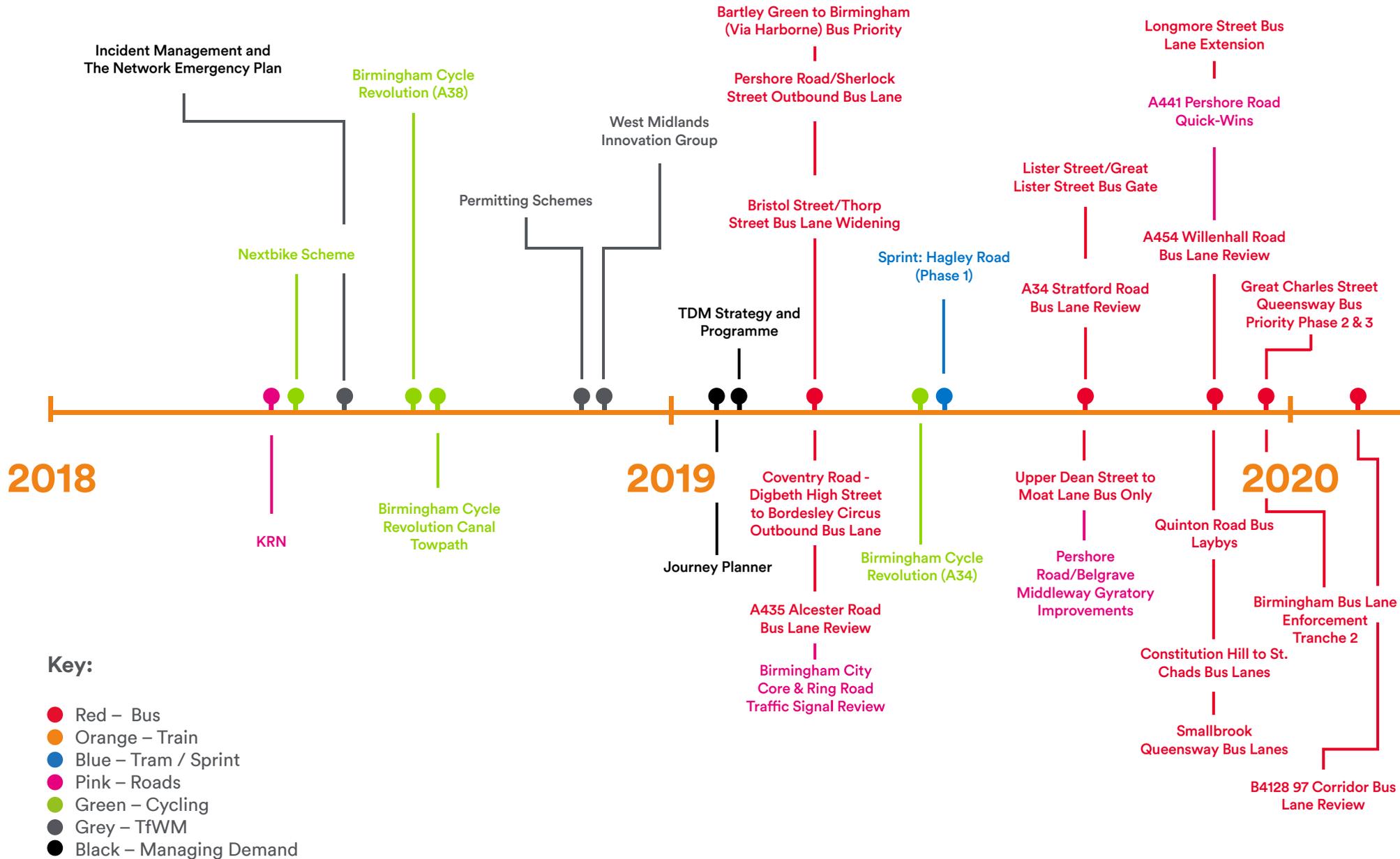
The level of disruption that we will experience brings with it many opportunities for behavioural change. This will require us all to consider how, when and where we travel and whether the journeys are necessary or could be shared. We need to encourage consideration of the full range of travel choices available and to utilise the information that has been provided.

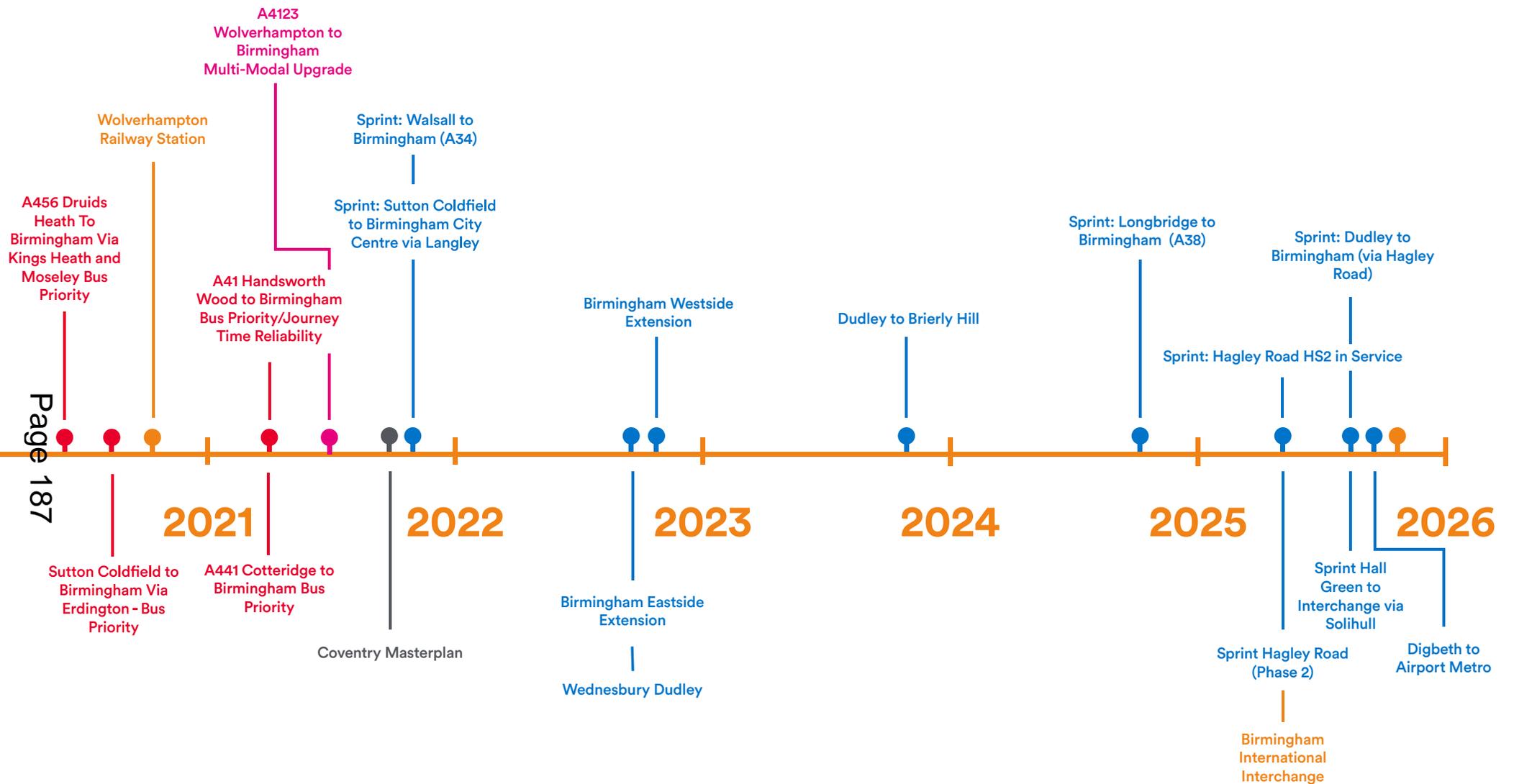
We will work with all parties to maximise the opportunities to firmly establish a long term change to existing travel habits with sustainability at its core. This will reduce the impact on our environment, improve air quality as well as mental and physical health to our residents.

Ultimately the investment taking place in the West Midlands will provide the foundation to build towards our vision for a healthier, happier, better connected and more prosperous region.



Fig 17: Delivery timeline





Monitoring our success

We need to know that we are being successful in managing congestion so it is important that we monitor and adjust where appropriate. To do this we will continue to monitor movement for growth outcomes.

In addition we will now keep the Key Route Network (KRN) under constant review to ensure that we are able to identify key hotspots for congestion, road safety issues and the reliability of the network. This is in line with the KRN monitoring framework and will enable us to target appropriately further investments linked to economic growth.

We will also continue to undertake customer satisfaction surveys on all modes to help understand how we are doing from the users' perspective. This again will help us to review our programmes of work and adjust to improve what we do.







Transport for West Midlands

*Building a healthier, happier, better connected
and more prosperous West Midlands.*

16 Summer Lane, Birmingham, B19 3SD | 0345 303 6760

To request a copy of this document in a different format, please get in touch.

Appendix 2 – RTCC options and benefits

Appendix 2 - RTCC Option 3 and Option 6 Comparison

Criteria	Option 3	Option 6
Functional Scope	<ul style="list-style-type: none"> • Management of people and business movements: <ul style="list-style-type: none"> - Surface operations - private car, delivery/freight, bus and Sprint - Pedestrians and cyclists 	<ul style="list-style-type: none"> • Management of people and business movements: <ul style="list-style-type: none"> - Surface operations - private car, delivery/freight, bus and Sprint - Pedestrians and cyclists
	<ul style="list-style-type: none"> • Contingency planning in response to region-wide incidents <ul style="list-style-type: none"> - Informed by intelligence-led scenario planning and simulated decision support 	<ul style="list-style-type: none"> • Contingency planning in response to region-wide incidents <ul style="list-style-type: none"> - Informed by intelligence-led scenario planning and simulated decision support
		<ul style="list-style-type: none"> • Management of people and business movements: <ul style="list-style-type: none"> - Surface operations - rail and tram - “Street” activities
		<ul style="list-style-type: none"> • Safety and security: <ul style="list-style-type: none"> - Support for Police coordination of events - “Blue light” routes
		<ul style="list-style-type: none"> • Safety and security: <ul style="list-style-type: none"> - Monitoring crime and anti-social behaviour at transport facilities/routes
Capability	<ul style="list-style-type: none"> • Roadworks coordination • Common operating picture • Output to “Travel Information Service” 	<ul style="list-style-type: none"> • Roadworks coordination • Common operating picture • Output to “Travel Information Service”
	<ul style="list-style-type: none"> • Incident planning • Incident response coordination • Network monitoring and reporting • Major event transport planning 	<ul style="list-style-type: none"> • Incident planning • Incident coordination • Network monitoring and reporting • Major event transport planning
		<ul style="list-style-type: none"> • Major event transport coordination and management
		<ul style="list-style-type: none"> • Incident management and control (e.g. Gold and/or Silver governance structure)
		<ul style="list-style-type: none"> • As-needed management of all transport networks and services
Hours of Operation	<ul style="list-style-type: none"> • Capability for operation: <ul style="list-style-type: none"> - Weekends 24/7 - Weekdays out of UTC operational hours 	<ul style="list-style-type: none"> • 24/7 operational capability
Geography	<ul style="list-style-type: none"> • TfWM Key Route Network 	<ul style="list-style-type: none"> • All roads within WMCA region
	<ul style="list-style-type: none"> • HE Strategic Road Network 	<ul style="list-style-type: none"> • All modes within WMCA region
Physical Space	<ul style="list-style-type: none"> • Virtual connectivity between existing centres 	<ul style="list-style-type: none"> • Expanding/reconfiguring space in existing centre
	<ul style="list-style-type: none"> • Existing space in existing building 	

Criteria	Option 3	Option 6
Permanency	<ul style="list-style-type: none"> • Permanent capability with ability scalable for major events and future demands 	<ul style="list-style-type: none"> • Permanent capability fully equipped to expand
Organisation	<ul style="list-style-type: none"> • Seven authorities • Highways England • WMCA/TfWM 	<ul style="list-style-type: none"> • Seven authorities • Highways England • WMCA/TfWM
		<ul style="list-style-type: none"> • Police • Warwickshire and surrounding Shire Counties
		<ul style="list-style-type: none"> • Multi-agency response teams
		<ul style="list-style-type: none"> • Public transport service operators
		<ul style="list-style-type: none"> • Other service providers, e.g. Inrix
Resourcing	<ul style="list-style-type: none"> • Existing personnel in current roles 	<ul style="list-style-type: none"> • Existing personnel in current roles
	<ul style="list-style-type: none"> • Core Coordination Team 	<ul style="list-style-type: none"> • Core Coordination Team • 24/7 operational capability
Indicative BCR	4.11:1	5.81:1



Memorandum of Understanding

Working in partnership to delivery safer roads in the West Midlands

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Memorandum of Understanding

dated 2018

Parties

The parties to this Memorandum of Understanding (**MoU**) are:

- (1) **The Mayor of the West Midlands** 16 Summer Lane, Birmingham B19 3SD (the **Mayor**);
- (2) **West Midlands Combined Authority** of 16 Summer Lane, Birmingham B19 3SD (acting through its transport arm, Transport for West Midlands) (**TFWM**);
- (3) **Birmingham City Council** of Council House, Victoria Square, Birmingham B1 1BB (**BCC**);
- (4) **Coventry City Council** of Council House, Earl Street, Coventry CV1 5RR (**CCC**);
- (5) **City of Wolverhampton Council** of Civic Centre, St. Peter's Square, Wolverhampton WV1 1SH (**WCC**);
- (6) **Dudley Metropolitan Borough Council** of Council House, Priory Road, Dudley, DY1 1HF (**DMBC**);
- (7) **Sandwell Metropolitan Borough Council** of PO Box 2374, Oldbury B69 3DE (**SMBC**);
- (8) **Solihull Metropolitan Borough Council** of Council House, Manor Square, Solihull B91 3QB (**SoMBC**);
- (9) **Walsall Metropolitan Borough Council** of The Civic Centre, Walsall UK WS1 1TP (**WMBC**);

(BCC, CCC, WCC, DMBC, SMBC, SOMBC and WMBC are hereinafter referred to individually as a **Constituent Authority** and collectively as the **Constituent Authorities**)

- (10) **West Midlands Police** of Lloyd House, Colmore Circus, Birmingham B4 6NQ (**WMP**);
- (11) **West Midlands Fire Service** of 99 Vauxhall Road, Birmingham B7 4HW (**WMFS**);
- (12) **Highways England** of Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ (**HE**); and
- (13) **Public Health England** of Wellington House, 133-155 Waterloo Road, London SE1 8UG (**PHE**)

(WMP, WMFS, HE and PHE are hereinafter referred to individually as a **Partner** and collectively as the **Partners**. All of the aforesaid organisations and any additional parties are hereinafter referred to individually as **Party** and collectively as the **Parties**).

1.0 Introduction

- 1.1 The Parties to this MoU wish to collaborate on road safety matters and activities across the West Midlands in order to deliver the West Midlands Road Safety Strategy and Action Plans.
- 1.2 The Parties wish to record the basis on which they will collaborate with each other on the activities.
- 1.3 This MoU is one of four memorandums of understanding that explain the powers contained within the West Midlands Combined Authority (Functions and Amendment) Order 2017 and how they will be applied. The other memorandums of understanding cover the following topics:
- Bus lane contravention
 - Highway works permit schemes; and
 - Air quality.
- 1.4 The West Midlands Strategic Road Safety Group (WMSRSG) work under the jurisdiction of the Traffic Management Act 2004, Section 39 (2)

An order or regulations under this Part—

- (a) may make different provision for different cases or different areas,
- (b) may include incidental, supplemental, consequential or transitional provision or savings.
- (c) A power to make an order or regulations under this Part is exercisable by statutory instrument.

2.0 Purpose

This MoU sets out:

- the principles of collaboration;
- the governance structures the Parties will put in place;
- the role of the West Midlands Strategic Road Safety Group (WMSRSG)
- the concurrent legal powers available to the WMSRSG (noted above), the functions and service it will oversee, including the associated financial implications.
- the respective roles and responsibilities the Parties will have during the activities .
- the collaborative working arrangements, required by the Mayor, the Constituent Authorities and the Partners in order to reduce the risk of road traffic collisions and casualties occurring in the West Midlands Combined Authority area (**WMCA Area**);

3.0 Principles of collaboration

3.1 The Parties agree to adopt the following principles, for the duration of this agreement which remains in place in alignment with the WMCA existence. The agreement will be reviewed on an annual basis by WMSRSG:

Collaborate and co-operate with one another;

- establish and adhere to the governance structure set out in Appendix 1 of this MoU to ensure that activities are delivered and actions taken as required;
- take on, manage and account to each other for performance of the respective roles and responsibilities set out in this MoU;
- communicate openly about major concerns, issues or opportunities relating to the road safety matters and activities in accordance with the Governance Structure;
- learn, develop and seek to achieve full potential of the activities;
- share information, experience, materials, resources and skills to learn from each other and develop effective working practices,
- work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
- adopt a positive outlook and behave in a positive, proactive manner;
- adhere to statutory requirements and best practice, whilst also giving consideration to new emerging innovative practices;
- comply with applicable laws and standards including EU procurement rules, data protection and freedom of information legislation when performing the obligations under this MoU;
- act in a timely manner and respond accordingly to requests for support;
- manage stakeholders effectively;
- deploy appropriate resources and ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this MoU; and
- act in good faith to support achievement of the protocol and compliance with these Principles.

4.0 The Road Safety Matters and Activities across the West Midlands

4.1 If any Parties has any issues, concerns or complaints about the approach or any matter in this MoU, that Party shall notify the other Party and shall then seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of

time, the matter shall be escalated to Senior Transport Leads of the respective organisation which shall decide on the appropriate course of action to take.

4.2 If the matter cannot be resolved in accordance with clause 4.2 within thirty (30) days, the matter may be escalated to the Chair of the Senior Transport Officers Group (STOG).

5.0 Formation of the WMSRSG

- Within 2 months of this MoU, each Party to this MoU (save for the Mayor) will notify the other Parties in writing of which appropriate senior road safety officer (or equivalent role) has been selected to represent their organisation as a member of WMSRSG (the **Representative**).
- Each Party may, where necessary, appoint a deputy to act on behalf of the respective organisation at WMSRSG on occasions where the Representative is not available.
- The WMSRSG shall be deemed as formed once they have met, appointed a Chair and agreed a Terms of Reference.
- Once the WMSRSG has been formed in accordance with this clause 6, the WMSRSG shall appoint a chair and submit terms of reference for WMSRSG for approval by the Strategic Transport Officers Group (STOG).

5.1 The WMSRSG terms of reference shall include provisions regarding:

- taking ownership of the regional road safety strategy;
- collaboratively reviewing road safety education, engineering and enforcement programmes delivered across the WMCA Area; and
- developing regional policy and action plans together with setting and monitoring key performance indicators.
- The WMSRSG will review the terms of reference on an biannual basis to ensure they align with the region's current strategy and priorities. Any changes to the terms of reference shall be referred to STOG for approval.

5.2 The WMSRSG will ensure that its terms of reference are aligned with:

- the West Midland Combined Authority's strategic economic plan;
- the West Midlands Strategic Transport Plan – Movement for Growth;
- the local authorities road safety action plans; and
- national policy focused on the Department for Transport's five pillar approach of:
 - Pillar 1: Road Safety Management
 - Pillar 2: Safer Roads and Mobility
 - Pillar 3: Safer Vehicles

- Pillar 4: Safer Road Users
- Pillar 5: Post Crash Response

(together, the **Documents**, as set out in Appendix 2).

5.3 The WMSRSG may, at their discretion, create working groups to further investigate key topic areas including:

- to help inform policies and delivery;
- to coordinate regional and national road safety campaigns, speed management and education; and
- to give consideration to the emerging incident management protocol.

5.4 WMSRSG will ensure that, where applicable, outputs from WMSRSG are in a format which can be shared publicly either via press releases and/or partner authority websites including the provision of educational materials to support road safety objectives.

5.5 The WMSRSG will also:

- make recommendations to the Strategic Transport Officers Group and Board of the West Midlands Combined Authority in accordance with clause 6 in respect of regional programmes, delivery and development of policies for the promotion and encouragement of safe transport to, from and within its boundary under section 108(1)(a) of the Transport Act 2000 (the **Act**);
- on behalf of the Partners, oversee the powers and functions under any road safety legislation relevant to the Parties.
- carrying out road safety studies; and
 - instigate accident prevention campaigns; and
 - dissemination of information and advice relating to the use of roads; and
 - arranging for the giving of practical training to road users; and
 - construction, improvement and maintenance of roads.

6.0 Governance structure and financial implications

6.1 The Parties agree that from the date of this MoU, all road safety functions and services provided in the WMCA Area, by the Parties will be overseen by WMSRSG.

6.2 Any suggested changes in policy or priorities together with performance data will be reported by the WMSRSG to STOG who will, in turn, report to the Board of the West Midlands Combined Authority Board

6.3 The Governance Structure indicates the key roles, relationships and an overview of the services provided by the relevant Parties. Both the membership of and services provided by the Parties are subject to change in accordance with future priorities and work programmes.

6.4 By entering into this MoU, the Parties acknowledge that capital and revenue funding for road safety functions in the WMCA Area has been under severe pressure and has reduced in recent years. Notwithstanding any other provision of this MoU, the role of the WMRSSG will also include identifying specific funding opportunities, sharing these with the Parties and ensure the available funding is aligned to the region's priorities as well as the Parties' local needs.

7.0 Intellectual property

7.1 The Parties intend that any patents, rights to inventions, copyright and related rights, trade marks, trade names and domain names, rights in get-up, goodwill and the right to sue for passing off, rights in designs, rights in computer software, database rights, rights to use, and protect the confidentiality of confidential information (including know-how and trade secrets) and any other intellectual property rights created in the course of the delivering road safety activities, in each case whether registered or unregistered and including all applications and rights to apply for, and be granted, renewals or extensions of, and rights to claim priority from such rights and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future in any part of the world shall vest in the Party who created them.

7.2 The information provided by a Party to other Party's under this MoU can be used only, for the purposes of this delivering road safety.

8.0 Addition of new parties

8.1 Subject to clause 8.2, new parties may become signatories to this Memorandum of Understanding, if agreed in writing by all Parties and the Board of the West Midlands Combined Authority.

8.2 New parties shall be bound by the terms of this MoU and shall execute any document to give effect to this.

9.0 FOIA

9.1 If any Party (the **Requested Party**) which is subject to the Provisions of the Freedom of Information Act 2000 (**FOIA**) receives a request under FOIA to disclose any information that, under this MoU, that is defined as Confidential Information belonging to the other Party (the **Owning Party**), it will notify the Owning Party and will consult with the Owning Party. The Owning Party will respond to the Requested Party within seven (7) days after receiving the Requested Party's notice if that notice requests the Owning Party to provide information to assist the Requested Party to determine whether or not an exemption to the FOIA applies to the information requested under that Act.

10.0 Dispute notification

- 10.1 If any party receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier, service user) and (excluding FOIA requests as set out in clause 9 in relation to the road safety activities, the matter shall be promptly referred to the appropriate individual within the Party's respective organisation. No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect the road safety activities, without the prior approval of the Board of the West Midlands Combined Authority.

11.0 Term and termination

- 11.1 This MoU shall commence on the date of signature by the Parties, and shall expire on: when agreed by all Parties in writing.
- 11.2 Any Party may withdraw from this MoU by giving at least three (3) months' notice in writing to the other Parties at any time. Any withdrawal by a Party shall not affect the remaining Parties obligations under this MoU or the Principles.

12.0 Variation

This MoU, including the appendices, may only be varied by written agreement of the Parties.

13.0 Charges and liabilities

- 13.1 The Parties shall each bear their own costs and expenses incurred in complying with their obligations under this MoU unless separately agreed otherwise between the Parties in writing.
- 13.2 All Parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions or for any loss that Party may suffer as a result of this MoU.

14.0 Status

- 14.1 This MoU is not intended to be legally binding, and no legal obligations shall arise between the parties from this MoU. Notwithstanding the foregoing, the Parties enter into the MoU intending to honour all their obligations.
- 14.2 Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the Parties, constitute either party as the agent of the other party, nor authorise either of the Parties to make or enter into any commitments for or on behalf of the other party.

15.0 Governing law and jurisdiction

- 15.1 This MoU shall be governed by and construed in accordance with English law. Each Party agrees to submit to the exclusive jurisdiction of the courts of England and Wales.
- 15.2 This MoU has been executed on the date stated at the beginning of it.

Appendix 1

Governance Structure

WMCA Board
(Chaired by the Mayor)

Strategic Transport Officers Group
(STOG)

West Midlands Road Safety Strategic
Group

WMCA/TfWM

Local Authorities

Highways England

West Midlands Fire
Service

Public Health England

West Midlands Police

The Mayor will discharge the function concurrently with the constituent local authorities across the Combined Authority area and will have strategic oversight to coordinate the activities carried out in relation to road safety. Advise partners on the availability of funding streams for Road Safety, to support initiatives across the WMCA area where appropriate.

Shall continue to retain all their existing functions, powers and activities in relation to Road Safety and support the development and delivery of the West Midlands Regional Road Safety Strategy (RRSS) and Action Plan. Local Authorities will also continue to develop and maintain local Road Safety Partnerships.

Shall support the development and delivery of the West Midlands RRSS and Action Plan and share road safety plans and programmes for the strategic road network across WMCA area.

Shall support the development and delivery of the West Midlands RRSS and Action Plan. Provide support and delivering aspects of road safety education and other initiatives across the WMCA area and support local Road Safety Partnerships across the WMCA area.

Shall provide support and strategic public health advice to help inform the development and delivery of the West Midlands RRSS and Action Plan. Provide insight through Key Performance Indicators and health campaigns and promoting any co-ordination activity being undertaken by WMCA and local authorities.

Enforce road safety violations in accordance with Government regulations.
Deliver (1) West Midlands Safer Travel Partnership on behalf of the West Midlands Police, the Police and Crime Commissioner and WMCA. (2) Speed awareness courses and reporting the outputs of these interventions through WMRSSG.
Maintain an up to date collision database to inform regional investment programmes. Support the development and delivery of the West Midlands RRSS and Action Plan and constituent authorities Action Plan, moving vehicle contraventions and informing a comprehensive speed management strategy including the enforcement of 20mph speed limits, and management of speed on roads across the WMCA area.
Facilitate the harnessing of technologies for use by all partners for the purposes of gathering intelligence from multiple sources including ANPR and Watchman style systems.
Provide support to constituent authorities Road Safety Partnerships to actively deliver speed enforcement activities.

Appendix 2

Documents

- The West Midland Combined Authority's strategic economic plan – link to [PDF](#)
- The West Midlands Strategic Transport Plan – Movement for Growth; link to [PDF](#) and:
- The national policy (link to [PDF](#)) focused on the Department for Transport's five pillar approach of:

This MoU has been executed on the date stated at the beginning of it.

signed under hand on behalf of **THE MAYOR OF**)
WEST MIDLANDS)
)

Authorised signatory

signed under hand on behalf of **WEST MIDLANDS**)
COMBINED AUTHORITY)
)

Authorised signatory

signed under hand on behalf of **BIRMINGHAM**)
CITY COUNCIL)
)

Authorised signatory

signed under hand on behalf of **COVENTRY CITY**)
COUNCIL)
)

Authorised signatory

signed under hand on behalf of **CITY OF**)
WOLVERHAMPTON COUNCIL)
)

Authorised signatory

signed under hand on behalf of **DUDLEY**)
METROPOLITAN BOROUGH COUNCIL)
)

Authorised signatory

signed under hand on behalf of **SANDWELL**)
METROPOLITAN BOROUGH COUNCIL)
)

Authorised signatory

signed under hand on behalf of **SOLIHULL**)
METROPOLITAN BOROUGH COUNCIL)
)

Authorised signatory

signed under hand on behalf of **WALSALL**)
METROPOLITAN BOROUGH COUNCIL)
)

Authorised signatory

signed under hand on behalf of **WEST MIDLANDS**)
POLICE)
)

Authorised signatory

signed under hand on behalf of **WEST MIDLANDS**)
FIRE SERVICE)
)

Authorised signatory

signed under hand on behalf of **HIGHWAYS**)
ENGLAND)
)

Authorised signatory

signed under hand on behalf of **PUBLIC HEALTH**)
ENGLAND)
)

Authorised signatory

Appendix 4 - Executive Summary – Key Route Network Monitoring Framework

The West Midlands Key Route Network (KRN) is a 605km network, made up of 23 routes, that covers the entire West Midlands region. The KRN represents approximately 7% of all the roads within the West Midlands Local Authority network and carries approximately 50% of all car, public transport and freight journeys. A number of region wide policy documents highlight a clear need for KRN monitoring to demonstrate that the investments made are making the network operate as effectively and safely as possible.

In order to baseline current capability and identify where improvements are needed, KRN monitoring requirements have been defined by IBI Group through close engagement with TfWM. Six key monitoring areas have been defined through this process; collisions, congestion, asset condition, roadworks, preventable disruption and future impact. We have undertaken a review of the existing data use and monitoring capability through consultation with TfWM's data innovation team. This review has highlighted that current capabilities do not fully align with the requirements for KRN monitoring, with key gaps in time and space.

We have defined a KRN subset, made up of six of the KRN routes, which will allow the proposed monitoring capability to be tested on a smaller scale, before being implemented across the KRN.

Having defined the KRN monitoring requirements and gained a high level understanding of the datasets available currently available to TfWM, we have conducted a gap analysis. This analysis has highlighted six problem areas where there are significant gaps between requirements and capability, these are:

1. Data alignment to the KRN;
2. Congestion data;
3. Real time data;
4. Preventable disruption data;
5. Data availability in one location, and
6. Reliance on local authorities.

Where it is deemed feasible we have proposed specific metrics which can be used to fill these gaps. The approach has considered the likely benefits from monitoring such metrics, the ease with which TfWM will be able to obtain at regular intervals suitable data, and how effectively TfWM can influence change in such areas. The analysis indicates TfWM's initial KRN monitoring should be focused around a limited number of monitoring areas with capability being built up over a 12 month period, these initial areas are:

1. Mapping existing collision data through CRASH (Collision Reporting And SHaring, the DfT's reporting system) to individual KRN routes and the KRN as a whole, so that incident hotspots are easily identified;
2. Utilising more of the currently available Congestion data sources to facilitate real-time identification of major congestion events. This can then be used as a basis to understand what additional data will be required to report at the KRN route or network level;
3. Ensuring that roadworks APIs (Application Programme Interface) are run consistently (i.e. daily) and spreadsheets are fully kept up to date, or that all local authorities fully utilise the Elgin platform to enable visibility of all roadworks/ planned works data, as well as future events, in an accurate and consistent manner to assist contingency planning where necessary, and;
4. Information for other modes, namely Metro and rail, should be a priority at this stage only where it is likely to have subsequent impacts on the road network, for example disruption on a line resulting in more people using buses as a replacement service.

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**West Midlands
Combined Authority**

Investment Board

Thursday 26 July 2018 at 11.30 am

Minutes

Present

Councillor Bob Sleight (Chair)
Nick Abell

Councillor Mike Bird
Councillor Patrick Harley
Councillor Robert Hulland
Councillor Tony Jefferson
Councillor Brett O'Reilly

Portfolio Lead for Finance & Investments
Coventry & Warwickshire Local
Enterprise Partnership
Walsall Metropolitan Borough Council
Dudley Metropolitan Borough Council
Solihull Metropolitan Borough Council
Stratford-on-Avon District Council
Birmingham City Council

In Attendance

Ed Bradburn
Nick Oakley
Sean Pearce
Carl Craney

West Midlands Development Capital
West Midlands Development Capital
West Midlands Combined Authority
West Midlands Combined Authority

Item Title No.

1. Apologies for Absence (if any)

Apologies for absence had been received from Paul Brown (Black Country Local Enterprise Partnership), Councillor Steve Eling (Sandwell MBC), Councillor Jim O'Boyle (Coventry City Council), Councillor Roger Lawrence (City of Wolverhampton Council), Councillor Roger Lawrence (City of Wolverhampton Council), Sue Summers (west Midlands Development Capital) and Gary Taylor (Greater Birmingham and Solihull Local Enterprise Partnership).

Apologies for absence had also been received from David Cockroft (Coventry City Council) and Sarah Middleton (Black Country Consortium).

2. Chair's Announcements

The Chair advised that following the reallocation of portfolio responsibilities at the Annual General Meeting of the WMCA Board he had taken over from Councillor Izzie Seccombe as the Portfolio Lead for Finance and Investments with Councillor Seccombe taking the Portfolio Lead for Health and Wellbeing.

At his invitation, introductions were duly made.

3. Nomination of Substitutes (if any)

No substitutes had been nominated.

4. Declarations of Interests (if any)

No declarations of interest were made relative to items under consideration at the meeting.

5. Minutes of last meeting

Resolved:

That the minutes of the meeting held on 4 June 2018 be confirmed as a correct record and signed by the Chair.

6. Matters Arising

There were no matters arising from the minutes of the meeting held on 4 June 2018.

7. Investment Programme Update

Sean Pearce presented a report on the status of the Investment Programme to help set the context for any decisions made by the Board.

He drew attention to the detailed analysis with the gross programme total having changed since the previous report (from £7,935 million to £8,615 million) due primarily to the inclusion of additional private sector funding against the UK Central Infrastructure Programme. He advised that the £2.022 billion value of the WMCA funding across the programme remained unchanged.

He referred to paragraph 3.7 of the report which detailed the following Strategic Outline Business Cases which had received approval from the WMCA leadership Team via the Assurance Process:

- HS2 Growth Delivery programme Communications - £0.08 million;
- HS2 Growth Jobs & Skills Project - £0.8 million;
- Rail Programme and Strategic Outline Case change control for land acquisition at Darlaston - £1.2 million.

He also referred to section 4 of the report which addressed significant changes compared with programmed budgets, the spending pressures on the East Birmingham Solihull Metro Extension and Wednesbury – Brierley Hill Metro Extension schemes, allocations made in accordance with funding through Devolution Deal 1 and the decision to increase the Collective Investment Fund (CIF) back up to the original £70 million from the temporary £60 million limit after the re-admittance of Sandwell MBC into the scheme.

Sean Pearce also referred section 5 of the report insofar as it referred the comprehensive review of the existing governance and assurance frameworks for the Investment Programme which was underway and would be the subject of a report to the next meeting. He reminded the Board that it currently acted as the 'gateway' for investment decisions but that this could change to include a monitoring and scrutiny role.

Councillor Mike Bird referred to the spending pressures on the two Metro Extension schemes and commented that at the WMCA Board held on 20 July 2018 a decision had been made with regard to the creation of a 'Business Support Package' for those businesses affected by the construction of new Metro routes. At that meeting it had been suggested that the costs of such a scheme could be contained within existing budgets and, on that basis, he questioned accuracy of the original budget. Councillor Patrick Harley sought an assurance that these schemes would be delivered on time and within budget. Sean Pearce commented that this type of issue would be identified as part of the current review being conducted by Laura Shoaf, Managing Director, Transport for West Midlands.

Councillor Mike Bird questioned the percentage of spending pressure on the two Metro Extension schemes. Nick Abell commented that since the inception of the Board it had always challenged how allocated funds would be spent.

Councillor Mike Bird queried whether any of the proposed Metro Extension schemes would service Birmingham Airport. The Chair confirmed that the East Birmingham Solihull Metro Extension scheme would service Birmingham Airport.

Resolved:

That the status of the Investment Programme delivery as detailed in the report be noted.

8. Exclusion of the Public and Press

Resolved:

That in accordance with Section 100A4 of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following items of business as they involve the likely disclosure of exempt information relating to the business affairs of any particular person (Including the authority holding that information).

9. Former Toys-R-Us site comprising 6.46 acres of land at Birchley Island and Wolverhampton Road, Oldbury

Nick Oakley presented a report which sought approval, subject to conditions, of acquisition and Value Added Tax (VAT) Bridge funding to enable Birchley Developments Ltd. to bring forward redevelopment of the former Toys R Us store, Oldbury in accordance with those conditions and sanctions detailed in the report. He responded to various questions raised by the Board in respect of attempts to market the site, the availability and propriety of taking a first charge on the site, evidence of pre-lets, experience and financial standing of the Developer, potential affect of the proposed development on local town centres and planning and highway considerations.

Resolved:

That approval be granted to the acquisition and Value Added Tax (VAT) funding to enable Birchley Developments Ltd. to bring forward redevelopment of the former Toys R Us store, Oldbury in accordance with those conditions and sanctions detailed in the report.

10. Plot 1 Halesfield, Telford

Ed Bradburn presented a report which sought approval to the allocation of £3.4 million of Collective Investment Fund (CIF) for senior development funding, the allocation of £1.831 million of Brownfield Land and Property Development Fund (BLPDF) with both approvals being subject to conditions detailed in the report.

Sean Pearce advised the Board that the Investment Advisory Group had raised the following issues in respect of this case:

- A sum of £17 million remained available in the BLPDF for allocation with anticipated demand exceeding that amount;
- A sum of £3,690,000 had been allocated to Telford and Wrekin Council by this Board in October 2017 but to date no draw down had been made; and
- An acknowledgement that this scheme could be delivered relatively quickly.

Councillor Mike Bird sought an assurance that those schemes within the Black Country area which were seeking funds would not be affected detrimentally by an award to this scheme.

Nick Abell questioned the propriety of the use of the BLPDF to bring forward a scheme where remediation was not necessary. He also queried whether the first charge on the site would cover both the CIF loan and BLPDF grant. Ed Bradburn advised that it was appropriate for the BLPDF to be used to cover viability gap funding and that both the loan and grant would be covered by the charge.

Ed Bradburn and Nick Oakley responded to various questions raised by the Board in respect of potential rental levels, the assistance provided from public sector funds, the potential for increasing the clawback if rental levels increased, the availability of alternative funding sources and the types of jobs likely to be created.

With regard to the previous allocation to Telford and Wrekin Council, Ed Bradburn advised on discussions which had taken place with the Council and on an offer to surrender £500,000 of that allocation towards this scheme albeit that a further request to fund the resulting shortfall in the original scheme could be necessary.

By way of an aside, Nick Abell commended the quality of the reports presented to the meeting, which were of a high standard, very clear and succinct. This view was shared by the Board.

Resolved:

1. That the allocation of £3.4 million of Collective Investment Fund (CIF) funding for senior development funding and £1.831 million of Brownfield Land and Property grant funding be approved in principle subject to the conditions of Sanction included in the report;

2. That West Midlands Development Capital be authorised to enter into further discussions and negotiations with Telford and Wrekin Council on the use of funding from that granted previously for use in funding this particular application at between £0.5 million and £1 million;
3. That delegated authority be granted to the Director of Finance in consultation with the Chair of this Board to determine the final allocation of a loan and grant for this scheme.

11. WMCA Collective Investment Fund (CIF) Dashboard

Nick Oakley presented the Collective Investment Fund (CIF) Dashboard as at 15 July 2018. He updated the Board with regard to the current position with the Opus Land and Goold Estates Ltd. cases. Nick Abell reported that the Complex Developments Projects Ltd. had now secured an operator for the hotel element of the scheme.

Resolved:

That the Dashboard be received and noted.

12. WMCA Brownfield Land and Property Development Fund (BLPDF) Dashboard

Nick Oakley presented the Brownfield Land and Property Dashboard (BLPDF) as at 15 July 2018.

Resolved:

That the Dashboard be received and noted.

13. Monday 20 August 2018 at 9.30am

Resolved:

That the next meeting of this Board be held on Monday 20 August 2018 commencing at 09:30 hours.

The meeting ended at 12.20 pm.

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West Midlands Combined Authority

Wellbeing Board

Friday 13 July 2018 at 1.30 pm

Minutes

Present

Councillor Izzi Seccombe (Chair)	Warwickshire County Council
Councillor Ruth Buttery	Dudley Metropolitan Borough Council
Councillor Les Caborn	Warwickshire County Council
Councillor Karen Grinsell	Solihull Metropolitan Borough Council
Councillor Ann Shackleton	Sandwell Metropolitan Borough Council
Sarah Norman	WMCA Chief Executive Lead
Alison Tonge	NHSE
Sue Ibbotson	Public Health England
Sean Russell	Mental Health Implementation Director
Sarah Marwick	West Midlands Police
Jason Campbell	West Midlands Fire Service
Jo Melling	STPS Systems Leader NHS
Andrew McKirgan	STP Systems Leader NHS

In Attendance

Dr Henry Kippin	WMCA
Simon Hall	WMCA
Jane Moore	WMCA
Mark Barrow	OPE Programme Director, Arcadis

Item Title No.

1. Apologies for Absence

Apologies for absence were received from Councillors Caan, Hamilton, Longden, Longhi and Malcolm and Guy Daly, Andy Hardy, Dame Julie Moore, Helen Hibbs and Gary Taylor.

2. Welcome and Introductions

The new Chair of the Wellbeing Board, Councillor Izzi Seccombe, welcomed everyone to the meeting and reported that she was looking forward to becoming involved with the work of the board having previously chaired the LGA's Community Wellbeing Board for four years. Introductions were made and duly noted

3. To note the schedule of meetings for 2018/19

The board noted the schedule of meetings for 2018/19

- 31 October 2018 (10.00-12.00)
- 18 January 2019 (10.00-12.00)
- 5 April 2019 (10.00-12.00)

4. Chair's Remarks

The Chair reported that the WMCA was looking at the devolution deal with regards to the Wellbeing agenda and the opportunities for getting people into work, improving health and lifestyle and how the board could make a difference.

5. Minutes of the last meeting

The minutes of the meeting held on 20 April 2018 were agreed as a correct record.

6. Matters Arising

West Midlands Mental Health Commission Update (Minute No.38)

Councillor Grinsell reported that in relation to suicide prevention, 10 September 2018 has been designated World Suicide Prevention Day and considered that all authorities should work together to support this.

The Mental Health Implementation Director, Sean Russell reported that he planned to circulate information to colleagues in good time on World Suicide Prevention Day.

7. Terms of Reference

The terms of reference for the board were submitted for information.

Resolved: That the terms of reference be noted.

8. Overview of Health & Wellbeing Programme

The board considered a report of the Director of Prevention and Wellbeing, Jane Moore that provided an overview of the Wellbeing Programme to date and the current activities being undertaken on the health and wellbeing agenda. This included a plan on a page for Public Service Reform, Inclusion and Cohesion, the WMCA Health and Wellbeing Portfolio plan on a page and a summary activity plan. A copy of the draft Birmingham and Solihull STP Strategy was also attached to the report.

Jane Moore, assisted by colleagues also outlined a presentation that focused on the key areas of radical prevention (West Midlands Mental Health Commission, 'West Midlands On The Move' and STP prevention stocktake 2018); productivity and health (Inclusive Growth Unit and Population Intelligence Hub, housing and health, transport and health and a children and young people summit) and system collaboration (integrated care, STPs and collaborative work and PHE and WMCA collective action).

In relation to the West Midlands Mental Health Commission and in particular work being undertaken in schools on mental health and whether this could be extended to include resilience, Sean Russell reported that consideration could be given to looking at extending the Thrive programme at the children and young people summit.

Alison Tonge reported that children was a very big priority and consideration could be given around prevention. Sue Ibbotson also felt that the board could play a significant role around prevention in this area.

In relation to 'West Midlands on The Move' programme and the workstream for improving physical activity for disabled people, Sarah Norman reported she would like to see the ambition broadened to those people who have long-term conditions that make physical activity difficult.

Councillor Buttery concurred with Sarah Norman and highlighted that health conditions such as diabetes and epilepsy prevent people from doing things and reported of the need for people of all ages to be active noting the importance of the accessibility of transport.

In relation to the STP prevention stocktake 2018, Alison Tonge reported that a session would be arranged to look at the themes that have emerged from the 3 STPs and responses from the wider region (H &W STP and Shropshire and are collating responses).

In relation to productivity and health and the establishment of a West Midlands Health Population Intelligence Hub within the Inclusive Growth Unit of the WMCA, Jane Moore reported that modelling work would be undertaken during the summer on the impact of the current Healthy Life Expectancy in the region on the economy and use of public services a report would be submitted to the next meeting of the board.

Andrew McKirgan presented the draft STP (Sustainability and Transformation) Strategy for Birmingham and Solihull, entitled 'Live health, Live happy' for information.

Andrew McKirgan reported that final amendments would be made to the strategy before it is considered at various events in October and a public launch would follow in November this year.

Colleagues commented that this was a really good, positive document and suggested that the Population Intelligence Hub might be useful in developing the evidence base to underpin proposals.

In relation to an enquiry from Councillor Buttery regarding working in partnership with the Birmingham and Solihull STP, Alison Tonge reported that good practice from STPs could be shared.

The Chair thanked Andrew McKirgan for his report and asked that board be kept updated on any developments.

In relation to productivity and health, the board noted that a children and young people summit was being organised jointly with the Health Foundation, Nuffield Trust and Birmingham Women's and Children's NHS Trust to be held late 2018 and further details would follow.

In relation to System Collaboration, the Chair posed the question to the board, 'What do you want us to be taking on?'

Alison Tonge reported that outcomes and ambition was the biggest gap followed by neighbourhood and place which could be linked to outcomes.

The Chair reported that place was dependent on communities and what worked locally and asked board members to consider with their sector, their ambitions and whether this should be a devolution ask.

In relation to outcomes, Jane Moore reported this was an opportunity for the Chairs of Health and Wellbeing Boards to look at how their strategies are driving outcomes.

Resolved:

1. That the Health and Wellbeing Plan on a page be noted and
2. That the key work areas under this plan as outlined be noted.

9. Discussion of current agenda and opportunities to build on this going forward

Further to the presentation of the Health and Wellbeing work programme, the Chair and Jane Moore sought the views of the board as to what areas it should be building on moving forward.

Councillor Buttery reported that system diagnostic was exciting, noting the current system of care was a 'post code lottery' and there was a need to take good practice from STPs to other areas to provide a consistent approach to healthcare.

Councillor Grinsell reported on the need for the WMCA to have knowledge of what is being undertaken locally to ensure work is joined-up and there no duplication.

Councillor Caborn considered attention should be focused on the older people's agenda and that a strong WMCA approach to the green paper on older people's social care should be taken when it is published.

The Chair reported that the LGA would be submitting its own response to the green paper which was expected to be published in August/September for consultation. The Chair added that it was really important for member organisations to respond to the consultation and proposed that a meeting could be held in September to discuss a joint response to the green paper.

Councillor Shackleton reported that she was interested in place and would look at the 6 towns in Sandwell.

Mark Barrow reported that out of the 250,000 new homes needed for the West Midlands 70,000 are needed for older people and consideration needs to be given as to what is required for independent living noting that housing needed to be considered alongside health.

The chair thanked everyone for their contributions and it was agreed that a letter of thanks would be sent to the previous Chair, Councillor Sleight from the board.

10. Date of next meeting - 31 October 2018 at 10.00am

The meeting ended at 3.40 pm.

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**West Midlands
Combined Authority**

Housing & Land Delivery Board

Monday 16 July 2018 at 10.00 am

Minutes

Present

Councillor Mike Bird (Chair)	Walsall Metropolitan Borough Council
Councillor Sharon Thompson	Birmingham City Council
Councillor Peter Bilson	City of Wolverhampton Council
Bill Blincoe	Coventry and Warwickshire LEP
Councillor Shaun Keasey	Dudley Metropolitan Borough Council
Roy Stokes	Environment Agency
Karl Tupling	Homes England
Councillor Matthew Dormer	Redditch Borough Council
Councillor Nic Laurens	Shropshire Council
Councillor Ian Courts	Solihull Metropolitan Borough Council
Councillor Daren Pemberton	Stratford on Avon District Council
Councillor Peter Butlin	Warwickshire County Council
Kevin Rodgers	West Midlands Housing Association Partnership

In Attendance

Gareth Bradford	West Midlands Combined Authority
Eleanor Young	Blackstock Partnership
Carl Craney	West Midlands Combined Authority
Kate Martin	City of Wolverhampton Council
Jasbir Kaur	Warwickshire County Council

Item Title No.

1. Apologies for Absence (if any)

Apologies for absence had been received from David Cockroft (Coventry City Council), Simon Marks (Greater Birmingham and Solihull Local Enterprise Partnership), Councillor David Humphreys (North Warwickshire Borough Council), Councillor Paul Moore (Sandwell Metropolitan Borough Council), Councillor Steven Claymore (Tamworth Borough Council) and Councillor Peter Butlin (Warwickshire County Council).

2. Declarations of Interests (if any)

No declarations of interest were made in relation to matters under consideration at the meeting.

3. Nomination of Substitutes (if any)

No nominations of substitutes had been received.

4. Chair's Opening Remarks

At the invitation of the Chair introductions were duly made. He apologised that all the documents for consideration at the meeting had not been circulated in a timely manner and he assured the Board that this would not happen in the future. All papers would be circulated in sufficient time to afford members the opportunity to read them and consult with Officers as appropriate.

He advised that all future meetings of the Board would commence on time and that he did not believe in holding meetings for meetings sake.

He commented that the last meeting of the Board had been held in February 2018 but that going forward the Board would meet on a bi-monthly cycle with updates being made in the intervening period as necessary.

5. Minutes of last meeting

Resolved:

That the minutes of the meeting held on 21 February 2018 be confirmed as a correct record and signed by the Chair.

6. Matters Arising

Councillor Ian Courts referred to Minute No. 10 (Matters Arising) insofar as it related to the provision of further information with regard to the award of £3.690 million to Telford and Wrekin Council to assist in bringing forward approximately 540 housing units across that area. At the meeting held on 21 February 2018 he had expressed concern with regard to this award given the discussions held under the Duty to Co-Operate requirements and the stance taken previously by Telford and Wrekin Council. It had been agreed at that meeting that a detailed clarification on the background to this matter and the decision be provided to all members of the Board. He reported that, despite the passage of time since the last meeting he had still not received the information requested.

The Chair commented that there needed to be an improvement in communication to members of this Board and for it to be provided in a timely manner if the Board was to operate effectively. Councillor Ian Courts reminded the Board on the need to recognise what was happening within the various Housing Market Areas.

Resolved:

That a detailed report on this outstanding issue be submitted to the next meeting of the Board.

7. Spatial Investment and Delivery Plan - Update

Gareth Bradford presented a report which updated the Board on progress on the development of the Spatial Investment and Delivery Plan (SIDP) which was a key recommendation of the West Midlands Land Commission, the subsequent Land Delivery Plan and the recent Housing Deal agreed with HM Government. He assured the Board that the SIPD was not intended to supersede Local Plans prepared by the local authorities.

He explained that the SIDP had been built from emerging and adopted plans in order to set out a framework for growth that included priority sites and growth areas and associated infrastructure requirements and the actions participating authorities, including the WMCA and its strategic partners, Homes England, TfWM, HS2, Network Rail and the Highways Agency, would take to support the delivery of new homes and employment opportunities in the region. Eleanor Young advised that the SIDP had been developed in close liaison with Officers from the respective local authorities. She referred to Map 4 and an error with regard to the Bus infrastructure in Coventry which would be amended before the consultation process commenced.

Councillor Ian Courts raised the following questions and points:

- i) The reference on page 7 to agreeing the consultation – with whom and by whom?
- ii) The reference on page 33 to ‘quality’ – this meant different things to different people and needed to be supplemented and reference made to ‘place making’
- iii) References to ‘Affordable Homes’ – this required explanation and needed to reflect the need for more starter homes and smaller homes to be provided;
- iv) Pages 40/44- an explanation was required on how the 27 corridors related to ‘Inclusive Growth Corridors’
- v) The reference on page 54 to the adoption of a ‘brownfield first approach to the development of land’ – the need to include reference to wider environmental improvements including ‘green credentials’.

The Chair reminded the Board that the intention of the SIDP was not to conflict with Local Plans. Councillor Peter Bilson supported the comments now made and welcomed the report but commented that it was deliverability upon which the success of the Board would be judged. He suggested that once the consultation exercise commenced the Board would be better placed to assess the support it would receive.

Bill Blincoe commented on the work being taken on the development of Local Industrial Strategy and suggested that this and the SIDP needed to be prepared in parallel with cross referencing and cross checking as necessary. He opined that the SIDP was primarily focussed on housing matters although employment matters were referenced and, on this basis, all references to employment should be removed. Gareth Bradford reported that he did not agree with this approach, and that housing and employment needed to be looked at together in the SIDP. The limited reference to specific employment sites within the SIDP was due to awaiting the forthcoming strategic employment sites study. He advised that the SIDP had been developed in consultation with the WMCA Industrial Strategy Team.

The Chair commented that he understood that revisions to the National Policy Planning Framework (NPPF) were to be published shortly and this would need to be reflected in the final iteration of the SIDP. Furthermore, the Board needed to have regard to the changes in the retail sector with the likelihood of a number of town/city centre retail units being converted to use as residential properties.

With regard to the latter point, Councillor Ian Courts commented on the rapid change in the past three months within the retail sector as a whole with many well known High Street retailers withdrawing from the sector. He reported that the affected properties were often in central areas but the properties in question not being owned by the retail operators. Resolving issues with the freehold owners was often problematic but he suggested that the WMCA could have an integral role to play in town centre regeneration in addressing such issues. The Chair commented that mapping out ownership of former retail units would be a useful starting point.

Councillor Daren Pemberton commented that responding to the rapid rate of change posed a potential problem. He was of the view that residential use of former retail premises would become commonplace. He suggested that the issue needed to be approached from a strategic perspective rather than in a piecemeal way with a regional approach being developed.

The Chair commented that the location of retail centres had been used previously to determine the location of residential areas but that this could change going forwards. He reminded the Board on the need to use finite resources carefully in providing infrastructure to service residential and retail premises. In particular, he suggested that advice on sustainable drainage systems would be a useful part of any future design guidance produced and published by the WMCA.

Roy Stokes advised that the Environment Agency was best placed to assist in addressing both 'contaminated land' and 'flooding' issues referred to in the SIDP and was keen to be of assistance.

Jasbir Kaur commented that the document waited until page 19 until it began to explain its purpose and suggested that the 'Executive Summary' should include the bold point. This view was supported by the Chair. Jasbir Kaur also referred to the report published recently by Savill's in relation to changes on the average High Street which indicated that footfall had decreased but 'click and collect' transactions had increased.

Councillor Shaun Keasey advised that Dudley MBC had taken a conscious decision to reduce the retail offer in Dudley Town Centre with priority being given to quality rather than quantity. Redundant units would be converted for residential use.

Karl Tupling welcomed the report supported by work being undertaken on site pipelines and a Land Delivery Plan. He advised that the SIDP document was 80% there in his view and would put the WMCA and partners in a very good position to secure funding from HM Government. With regard to 'affordability', he suggested that the trajectory of affordability changes be monitored as such data could prove very useful in discussions and negotiations with HM Government. He reminded the Board of the need to have regard to the various Housing Market Areas within the region.

Councillor Daren Pemberton questioned the reliability of the figures in the SIDP with regard to 'affordability' as he was of the view that the Stratford on Avon District Council area should be in the 9 -12 category rather than 7 (median house price to total annual household income ratio). Gareth Bradford and Eleanor Young agreed to confirm the source of the data. Gareth Bradford suggested that a report on affordability using local statistics be considered at a future meeting. He reported that a recent study had indicated that the recent increase in house prices in the West Midlands was the highest of any UK region.

Councillor Daren Pemberton commented on the need for hard discussions with development companies in relation to the type, quality and density etc. of development.

Resolved:

1. Subject to the various points above:
 - a) The timely progress in taking forward the development of the Spatial Investment Delivery Plan (SIDP) in accordance with the outline scope and timetable discussed and agreed at the meeting held on 21 February 2018 and subsequently in the Housing and Land Steering Group on 24 April 2018 be noted;
 - b) That the proposed Consultation draft of the Spatial Investment and Delivery Plan be approved;
2. That a report on 'affordability' making use of local statistics be submitted to the next meeting of this Board.

8. Exclusion of the Public and Press

Resolved:

That in accordance with Section 100A4 of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following items of business as they involve the likely disclosure of exempt information relating to the business affairs of any particular person (Including the authority holding that information).

9. Housing Infrastructure Fund (HIF) - Update

At the request of the Chair, Gareth Bradford explained that this matter was being considered in the private session of the meeting as it contained commercially sensitive information.

Gareth Bradford presented a report which updated the Board on progress in taking forward work to secure Housing Infrastructure Fund (HIF) investment agreed in principle with HM Government. He outlined the work necessary to prepare a Full Business Case (FBC) in order to draw down funding and the need to seek a delegation to him, in consultation with the Portfolio Holder, the Director of Finance and the Monitoring Officer.

He responded to various questions raised.

Resolved:

1. That the WMCA Board be recommended to support delegated authority being granted to the WMCA Director of Housing and Regeneration, in consultation with the Portfolio Holder, the Director of Finance and the Monitoring Officer, to submit the final HIF Business Case to HM Government in August 2018, securing the investment agreed 'in principle;
2. That the accelerated timetable being worked to for submission of the full HIF Business Case relative to other areas in order that a positive investment decision could be received in order to support the Commonwealth Games schemes be noted.

The meeting ended at 10.56 am.



West Midlands
Combined Authority

Overview & Scrutiny Committee

Monday 16 July 2018 at 12.15 pm

Minutes

Present

Councillor Peter Hughes (Chair)	Sandwell Metropolitan Borough Council
Councillor Cathy Bayton	Dudley Metropolitan Borough Council
Councillor Mike Chalk	Worcestershire Non-Constituent Local Authorities
Councillor Stephen Craddock	Walsall Metropolitan Borough Council
Councillor John Glass	Warwickshire Non-Constituent Local Authorities
Councillor Angus Lees	Dudley, Sandwell, Walsall and Wolverhampton Councils
Mike Lyons	Greater Birmingham & Solihull Local Enterprise Partnership
Councillor Ian Shires	Dudley, Sandwell, Walsall and Wolverhampton Councils
Councillor Joe Tildesley	Solihull Metropolitan Borough Council
Councillor Ken Wood	Birmingham City Council

In Attendance

Councillor Liz Clements	Birmingham City Council
Councillor John Cotton	Birmingham City Council
Councillor Bill Hancox	Nuneaton & Bedworth Borough Council
Chris Handy	Black Country Local Enterprise Partnership
Councillor Rachel Harris	Dudley Metropolitan Borough Council
Councillor Jackie Taylor	Sandwell Metropolitan Borough Council

Item No. Title

1. Apologies for Absence

Apologies for absence were received from Councillor Daniel Barker, Paul Brown, Councillor Dean Carroll, Councillor Julian Grubb, Councillor Josh Jones, Councillor Tariq Khan, Councillor John Preece, Councillor Stephen Simkins and Councillor Lisa Trickett.

2. Appointment of Chair

The committee noted that at the meeting of the WMCA Board held on 22 June, Councillor Peter Hughes was appointed Chair of this committee for the 2018/19 year.

3. Appointment of Vice-Chairs for Overview & Scrutiny Committee and Lead Members for Task & Finish Groups

The committee considered the appointment of its vice-chairs and the lead members for its task & finish groups for 2018/19.

Resolved:

- (1) Councillor Ian Shires and Councillor Lisa Trickett be appointed Vice-Chairs of the Overview & Scrutiny Committee for 2018/19.
- (2) The Lead Members for each of the committee's task & finish groups be as follows:
 - Budget - Councillor Peter Hughes
 - Governance - Councillor John Cotton
 - Health & Wellbeing - Councillor Cathy Bayton
 - Inclusive Growth and Productivity & Skills Commission - Councillor Lisa Trickett
 - Housing & Land - Councillor Ian Shires

4. Minutes - 16 April 2018

The minutes of the meeting were agreed as a correct record.

5. Task & Finish Groups - Governance Arrangements

The committee considered a report from Lyndsey Roberts, Scrutiny Officer, on the governance arrangements for its five task & finish groups for 2018/19.

During the last year, the committee established five task & finish groups with responsibility for undertaking detailed thematic scrutiny in areas members had identified as particular areas of interest, and it was proposed to continue with these groups. Because the groups themselves did not have any delegated decision making authority, they would provide regular update reports to this committee, along with recommendations for consideration.

The Chair confirmed that the Governance Task & Finish Group would look at the appropriateness of transport scrutiny within the combined authority as part of its workplan. Lyndsey Roberts undertook to arrange the first meetings of these task & finish groups beginning in September.

Resolved:

- (1) The continuation of five task & finish groups for 2018/19 be approved, namely:
 - Budget
 - Governance
 - Health & Wellbeing
 - Inclusive Growth and Productivity & Skills
 - Housing & Land

- (2) The terms of reference (including membership and lead members/chairs) of these task & finish groups be approved as set out in the report (and as subsequently amended).
- (3) The Head of Governance, in consultation with the Chair of the committee, be given delegated authority to approve any changes or subsequent notifications in respect of the membership of the task & finish groups.
- (4) The Head of Governance, in consultation with the Chair of the committee, be given delegated authority to appoint expert advisors (as considered necessary) to support the task & finish groups in their work.

[NB. Councillor Stephen Craddock declared an interest in matters related to the future governance arrangements affecting the West Midlands Fire & Rescue Authority as a result of him being appointed by Walsall Metropolitan Borough Council to sit on that Authority during 2018/19.]

6. Forward Plan

A forward plan of items to be considered at future meetings of the committee was noted.

7. Tuesday 4 September 2018 at 10:00am

The date of the next meeting was noted.

8. Sarah Sprung, Interim Scrutiny Officer

The Chair thanked Sarah Sprung for the guidance and support she had given to both himself and the wider committee whilst she had been seconded from Sandwell Metropolitan Borough Council to the post of Interim Scrutiny Officer. This support had been invaluable to the committee as it was becoming established and during its first year of operation. He wished her well during her upcoming period of maternity leave.

The meeting ended at 12.40 pm.

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West Midlands Combined Authority

Transport Delivery Committee

Monday 16 July 2018 at 1.00 pm

Minutes

Present

Councillor Pervez Akhtar	Coventry City Council
Councillor Keith Allcock	Sandwell Metropolitan Borough Council
Councillor Adrian Andrew	Walsall Metropolitan Borough Council
Councillor Phil Davis	Birmingham City Council
Councillor Allah Ditta	Walsall Metropolitan Borough Council
Councillor Kath Hartley	Birmingham City Council
Councillor Celia Hibbert	City of Wolverhampton Council
Councillor Diana Holl-Allen	Solihull Metropolitan Borough Council
Councillor Roger Horton	Sandwell Metropolitan Borough Council
Councillor Timothy Huxtable	Birmingham City Council
Councillor Les Jones	Dudley Metropolitan Borough Council
Councillor Chaman Lal	Birmingham City Council
Councillor Keith Linnecor	Birmingham City Council
Councillor Ted Richards	Solihull Metropolitan Borough Council
Councillor John Rowley	City of Wolverhampton Council
Councillor David Stanley	Dudley Metropolitan Borough Council

Item Title No.

1. To agree a Chair for this meeting

Councillor Davis proposed that Councillor Hartley be agreed as the Chair for the meeting. This was endorsed by the committee.

Councillor Hartley in the Chair

2. Apologies for absence

Apologies for absence were received from Councillors Alden, Fazal and Welsh.

3. Chair's Remarks

The Chair welcomed new members, Councillors Allcock, Ditta, Hibbert, Jones and Rowley to their first committee meeting. The Chair added that she envisaged the committee would play a valuable role in advising and influencing the delivery of transport projects during the course of the year

The Chair reported that Councillor Lawrence would be proposing the names of the TDC Chair (Councillor Hartley) and Vice-Chair (Councillor Horton) to the WMCA Board on 20 July 2018.

4. Minutes of the last meeting

The minutes of the meeting held on 11 June 2018 were agreed as a correct record.

5. Minutes of the last meeting

(i) Matters Arising (*Minute no.144 (ii) refers*)

In relation to Councillor Lal's enquiry regarding an update on an area bus ticket for Birmingham, the Head of Network Delivery, Jon Hayes, reported that this was an option for National Express West Midlands to consider. However, the company had indicated that travel patterns in Birmingham are different to those in other areas and it was unlikely that they would offer an area ticket.

(ii) Matters Arising (*Minute no. 146 (iv) refers*)

In relation to Bus Rationalisation Next Steps and a request from Councillor Huxtable for an update on the review of the Pershore Road, the Head of Network Delivery, reported that this work was still in its early stages and undertook to provide feedback following completion of the work.

(iii) Clarification of National Express West Midlands' consultation process on network reviews (*Minute no.155 refers*)

In relation to further discussion by the committee on this item at a pre-TDC policy briefing session, the Chair proposed that the matter be discussed on the morning of 10 September.

(iv) West Midlands Stations Alliance Update (*Minute no, 162 refers*)

Councillor Davis asked to be provided with the names of the Network Rail Officers who are involved with the West Midlands Stations Alliance as indicated by the Strategic Lead, Rail Policy Manager at the last meeting.

(v) Park and Ride Update (*Minute no.163 refers*)

In relation to an enquiry from the Chair regarding which Lead Member Reference Group park and ride would report into, the Director of Integrated Network Services considered that park and ride would report into the Rail and Metro Lead Member Reference Group and also Putting Passengers First but less frequently. Councillor Horton, Lead Member for Rail and Metro added that a joint meeting could be called if required which would save officer time. Councillor Huxtable considered that if park and ride relates to Sprint, the Sprint Lead Member Reference Group should also be involved.

Councillor Stanley asked to be kept informed with regards to any updates relating to park and ride for Coseley Rail Station.

6. Correspondence/ Petitions

The Chair submitted a petition on behalf of Councillor Fazal from residents of Springfield Road, Birmingham seeking the re-instatement of bus service number 5.

7. To note the schedule of meetings for 2018/19

The committee noted the schedule of meetings for 2018/19

- 10 September 2018 (1.00-3.00pm)
- 5 November 2018 (1.00-3.00pm)
- 7 January 2019 (1.00-3.00pm)
- 4 February 2019 (1.00-3.00pm)
- 4 March 2019 (1.00-3.00pm)
- 20 May 2019 (1.00-3.00pm)
- 24 June 2019 (1.00-3.00pm)

8. Appointments 2018/19

The committee considered a report of the Head of Governance, seeking approval of the appointment of Lead Members and members to sit on other bodies for 2018/19.

Resolved:

1. That the following Lead Member positions for 2018/19 be agreed :
 - Air Quality, Congestion and Environmental Impact – Councillor Davis
 - Finance and Performance – Councillor Akhtar
 - Putting Passengers First – Councillor Hartley
 - Rail and Metro – Councillor Horton
 - Safe and Sustainable Travel – Councillor Holl-Allen
 - Sprint – Councillor Huxtable.
2. That the following nominations to the named outside bodies for 2018/19 be agreed:
 - West Midlands Bus Alliance Board – Councillor Hartley (Lab) substitute for the WMCA Transport Portfolio; Councillor Horton (Lab) substitute for the TDC Chair and Councillor Huxtable (Con) substitute for the West Midlands Mayor
 - West Midlands Special Needs Transport Management Committee – Councillor Hartley (Lab), Councillor Ditta (Lab) and Councillor Stanley (Con)
 - West Coast 250 Campaign – Councillor Horton

9. Wolverhampton Advanced Quality Partnership Scheme - approval to make the scheme

The committee considered a report of the Network Development Manager that sought approval to make the Wolverhampton City Centre Advanced Quality Partnership Scheme (AQPS) following the period of formal consultation.

The Network Development Manager, Edmund Salt, outlined the key aspects of the report and advised the committee of minor changes following the report's circulation and consultation which related to the bus number of stops and future proofing the slot booking system.

In relation to an enquiry from Councillor Huxtable regarding the intended area of the next Advanced Quality Partnership Scheme, the Network Development Manager reported that discussions are on-going with Dudley and Walsall councils and consideration is also being given to Coventry.

In relation to an enquiry from Councillor Akhtar regarding how successful the Advanced Quality Partnership Schemes in Birmingham and Solihull are, the Network Development Manager reported that an AQPS protects investment in the infrastructure which has been the case with Solihull and has also led to improved levels of passenger satisfaction in those areas where a scheme is operating.

Councillor Horton noted that Sandwell was not being considered for an Advanced Quality Partnership Scheme and reported on the need for better services in Sandwell.

The Head of Network Delivery, Jon Hayes, reported that the Advanced Quality Partnership Scheme was not a tool that could prevent changes being made to the bus network. He added that Advanced Quality Partnership Schemes focus on protecting infrastructure investment in the area from local authorities. He advised that TfWM does seek to understand service changes that are being made and where Advanced Quality Partnership Schemes need to be implemented.

In relation to an enquiry from Councillor Hibbert as to whether an equalities impact assessment has been undertaken with regards to women as she noted that mums have difficulty getting buggies on buses and whether the consultation was undertaken with service users, the Head of Network Development advised that it is a requirement of all bus operators that their vehicles have low-floor access and with regards to consultation advised that a statutory consultation undertaken for the AQPS was not required to be a public consultation but it was publicised to stakeholders, bus operators, campaign groups and the public via TfWM social media channels. He added that passenger surveys are undertaken regularly to capture the views of bus users and would be for the AQPS.

Resolved: That the making of the Wolverhampton City Centre Advanced Quality Partnership Scheme, jointly with the City of Wolverhampton Council by 20 August 2018 be approved.

10. Presentation : Dudley Interchange

The committee received a presentation from the Operations Manager (Customer Facilities), Andy Thrupp on the Dudley Interchange Project. The presentation outlined the background to the Dudley Bus Station site, the aim of achieving a world class multi-modal facility that works with the town centre re-development, supports growth and accessibility and the next steps.

Councillor Linnecor reported that he welcomed the green roof of the bus station and was pleased to see the area around the interchange would be landscaped with trees which was good for the environment.

In relation to safety concerns expressed by Councillors Jones and Stanley regarding the requirement for bus drivers to reverse out of the bus station, the Operations Manager (Customer Facilities) reported that the design of the bus station has been supported by bus drivers and the planning department of Dudley MBC who were involved in the design. He added that visibility around the site was as good as it should be for drivers and pedestrians and attention would be given to improving accessibility into the site.

The Chair advised that a visit to Dudley Interchange would be arranged for members in the autumn and thanked Andy Thrupp for his informative presentation.

Resolved: That the presentation be noted.

11. Financial Monitoring Report

The committee considered a report of the Director of Finance that set out the financial position as at 31 May 2018 related to the Combined Authority's Transport Delivery Revenue and Capital Budgets.

The Lead Accountant-Transport, Wayne Farrington, outlined the key highlights in the report.

In relation to the Wednesbury to Brierley Hill Extension where slippage is due to the completion of the survey and site investigation works, Councillor Stanley noted that that the Parkhead Viaduct had caused problems over the years and enquired as to the current status of the viaduct and whether this would require additional work for the scheme.

The Lead Accountant-Transport, undertook to investigate the matter with colleagues and for a response to be sent to Councillor Stanley.

Resolved:

1. That the year to date net revenue expenditure outturn for 2018/19 shows a favourable variance of £136,000 compared to budget and there is no change in the full year to date position be noted;
2. That the total capital expenditure to the end of May 2018 for the overall transport programme is £10.3 million within the year to date budget be noted;
3. That the treasury indicators are within the expected range and there are no issues to highlight be noted.

12. Capital Programme Delivery Monitoring Report

The committee considered a report of the Director of Development and Delivery that provided a progress monitoring update on the approved TfWM lead 2018/19 programme and projects.

The Projects Delivery Manager, Alison Peckmore, outlined the key achievements since the last report was submitted.

Councillor Davis commented that he appreciated there would be slippage in some big projects but would like to know whether targets are being hit or, whether assurances could be given that schemes are on target for the Commonwealth Games

Councillor Lal noted that Perry Barr Station status was given as amber/red which was concerning given the scheme was scheduled for delivery in time for the Commonwealth Games.

The Projects Delivery Manager reported that a two phased approach would be undertaken for the delivery of Perry Barr Station, that is, pre and post Commonwealth Games.

Councillor Huxtable expressed concern regarding the pre and post Commonwealth Games split and considered the forecast dates included in the executive summary did not make sense. He added that no mention was made of the connection to Sprint from Walsall to Birmingham, noting the tight timescales for delivery.

The Projects Delivery Manager confirmed that Sprint was included in the project for Perry Barr.

Councillor Huxtable considered that Sprint should be included in the executive summary of future reports.

The Director of Integrated Network Services reported that a supplementary note that provides more information on Perry Barr schemes could be added to the report in the future.

In relation to Bradley Lane Park and Ride Project, Councillor Andrew asked to be provided with information on the award of the contract and to be kept updated on the project's progress.

Resolved:

1. That the achievements since the May 2018 meeting of the committee be noted ;
2. That progress of deliverables under 2018/19 Capital Programme be noted and
3. That there are no variations to the baseline programme in this reporting period be noted.

13. Date of Next Meeting -10 September 2018

14. Forward Plan

The committee considered a report on agenda items to be submitted to future meetings.

In relation to items for future meetings, Councillor Huxtable considered that a Commonwealth Games update should be a regular item and also asked for updates to be given on the Stations Alliance and Park and Ride proposals.

The Director of Integrated Network Services reported that Commonwealth Games Update reports were included on the forward plan for the September and March meetings but could also be reported as part of the regular Capital Programme Delivery Monitoring Report as proposed earlier in the meeting.

Resolved: That the report be noted.

15. Exclusion of the public and press

Resolved: That in accordance with Section 1004A of the Local Government Act, the press and public be excluded from the meeting during consideration of the following items of business as they involve the likely disclosure of exempt information relating to the business affairs of any particular person (including the authority holding that information).

16. Bus Operator Recharging Proposal

The committee considered a report of the Director of Integrated Network Services that sought approval for a proposal to provide a one year holiday period to bus operators within the region for bus departure charges and roadside information recharging, in return for investment that supports the objectives of the West Midlands Bus Alliance and the WMCA.

The Director of Integrated Network Services, Pete Bond, outlined the background to the report and the Bus Alliance proposal.

In relation to enquiries from the committee regarding the financial implications of the scheme, the Director of Integrated Network Services reported that the proposal was affordable and was within budget; this was confirmed by the Lead Accountant –Transport.

Councillor Huxtable reported that he welcomed the report and this innovative scheme and he looked forward to similar approaches being undertaken in the future.

Resolved:

1. That the overall investment the proposal brings to the West Midlands Bus Alliance, in particular for accelerated investment in improvements to bus emission standards be noted ;
2. That the proposal to commit funding as detailed within the report to provide bus operators with a bus station departure charge and roadside information charge holiday for a period of 12 month commencing 1 October 2018 up to and including the 30 September 2019 be supported;
3. That following the commencement date of 1 October 2018 that bus operators not be charged for a period of one year, with a potential for a second year if financial savings allow be agreed;

4. That the additional commitments to the West Midlands Bus Alliance generated by this agreement, including ticket machine investment, network stability protocol, a significant change in the provision of data sharing and in the case of National Express West Midlands to retain their travel shops until at least April 2019 be noted;
5. That a significant improvement in air quality in the region associated with the regional bus fleet that enables the region and its Bus Alliance to deliver improvements above the current targets levels by 2020 as a result of the agreement be noted and
6. That as a holiday from recharging this is not a change in policy and during the holiday period, operators granted exemption from payment in return for a level of investment for additional measures to assist the West Midlands Bus Alliance exceed its deliverables and set new targets be noted.

The meeting ended at 3.40 pm.



**West Midlands
Combined Authority**

Investment Board

Monday 20 August 2018 at 9.30 am

Minutes

Present

Councillor Bob Sleight (Chair)
Nick Abell

Councillor Mike Bird
Paul Brown

Councillor Robert Hulland
Councillor Tony Jefferson
Sue Summers

Portfolio Lead for Finance & Investments
Coventry & Warwickshire Local
Enterprise Partnership
Walsall Metropolitan Borough Council
Black Country Local Enterprise
Partnership
Solihull Metropolitan Borough Council
Stratford-on-Avon District Council
West Midlands Development Capital

In Attendance

Sarah Middleton

Liz Grove
David Harris
Lucy Lee
Mark O'Connell
Alan Smith
Nicola Van der Hoven
Nick Oakley
Sukhy Dhanoa
Claire Jones
Sean Pearce
Carl Craney

Black Country Local Enterprise
Partnership
Solihull Metropolitan Borough Council
Warwickshire County Council
West Midlands Development Capital
West Midlands Combined Authority
West Midlands Combined Authority
West Midlands Combined Authority
West Midlands Combined Authority

Item Title No.

14. Apologies for Absence (if any)

Apologies for absence had been received from Councillor Jim O'Boyle (Coventry City Council), Councillor Brett O'Reilly (Birmingham City Council), Councillor Roger Lawrence (City of Wolverhampton Council) and Gary Taylor (Greater Birmingham and Solihull Local Enterprise Partnership).

An apology for absence had also been received from David Cockroft (Coventry City Council).

15. Nomination of Substitutes (if any)

No substitutes had been nominated.

16. Declarations of Interests (if any)

Nick Abell declared a Non Disclosable Pecuniary Interest in Agenda Item No. 8. - Full Business Case (FBC) – Coventry South and A46 Link Road Phase 1 insofar as his company represented various companies who would benefit from the construction of the road improvement scheme.

The Chair (Councillor Bob Sleight) and Councillor Robert Hulland declared Non Disclosable Pecuniary interests in Agenda Item 9. – Full Business Case (FBC) – A45 to Solihull Town Centre and UKC Strategy Cycle Link and Agenda Item No. 10. – Strategic outline Business Case (SOC) – UKC Infrastructure Package Phase 2 insofar as they were elected members of Solihull Metropolitan Borough Council.

17. Minutes of last meeting

Resolved:

That the minutes of the meeting held on 26 July 2018 be confirmed as a correct record and signed by the Chair.

18. Matters Arising

With reference to Minute No. 7. (Investment Programme Update) and in particular to the spending pressures on the East Birmingham and Solihull Metro extension and the Wednesbury – Brierley Hill Metro extension schemes, Councillor Mike Bird sought clarification as to the ceiling within which the Officers were working on in excess of the approved budgets. Sean Pearce assured the Board that the Officers were working within the approved budgets and that the Forward Plan for this Board included a review of the two schemes on 10 December 2018 in the case of the East Birmingham Solihull scheme and 21 January 2019 in the case of the Wednesbury – Brierley Hill scheme when the Outline Business Case and the Full Business Case would be considered respectively. Councillor Robert Hulland commented that it should not be assumed that additional funding would be made available for these schemes.

19. Investment Programme - Update

Sean Pearce presented a report on the status of the Investment Programme to help set out the context for any decisions made by the Board.

Resolved:

That the status of the Investment Programme delivery as detailed in the report be noted.

20. Exclusion of the Public and Press

Resolved:

That in accordance with Section 100A4 of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following items of business as they involve the likely disclosure of exempt information relating to the business affairs of any particular person (Including the authority holding that information).

- 21. Full Business Case (FBC) - Coventry South and A46 Link Road Phase 1**
Nicola Van der Hoven presented a report which outlined a request for the award of £6.6 million of Devolution Deal funding for the A46 Stoneleigh Junction (A46 Link Road Phase1), subject to the successful confirmation from the Department for Transport of Local Growth Fund grant. She explained that the application was promoted by Coventry City Council working in collaboration with Warwickshire County Council and fell within Coventry City Council's 'Coventry South Package'.

She responded to various questions posed by members of the Board.

Resolved:

That the WMCA Board be recommended to approve the award of £6.6 million Devolution Deal funding for the A46 Stoneleigh Junction (A46 Link Road Phase 1), subject to a successful confirmation from the Department for Transport of Local Growth Fund grant.

- 22. Full Business Case (FBC) - A45 to Solihull Town Centre and UKC Strategy Cycle Link**

Sean Pearce introduced a report and advised that following the approval of funding for the UK Central Infrastructure Package (SOC Phase 1), two cycle links had been brought forward to Full Business Case stage. He drew to the attention of the Board issues which had been raised at the Investment Advisory Group and the WMCA Leadership Team including funding and sharing of best practice with other local authorities with regard to delivering cycle link schemes.

Liz Grove, Lucy Lee and Mark O'Connell presented the report and responded to questions raised by members of the Board including means of promoting use of the cycle links, monitoring and evaluation of usage, provision of CCTV, encouraging behavioural change and links to neighbouring local authority schemes.

Resolved:

1. That the Full Business Case (FBC) for the UKC Hub Strategic Cycle Links and A45 to Town Centre (Damson Parkway) Cycle Link be approved;
2. That the funding position be noted with any underspend being considered as part of the work being undertaken across the Investment Programme;
3. That the experiences gained by Solihull MBC in encouraging behavioural change to increase cycling be shared with other local authorities in the West Midlands.

23. Strategic Outline Business Case (SOC) - UKC Infrastructure Package Phase 2

Alan Smith presented a report on Solihull MBC's Strategic Outline Business Case (SOC) for Phase 2 of the UKC-IP. He explained that this consisted of 12 projects that complemented the existing Phase 1 projects that were already underway, as well as the wider investment programmes which were being brought forward within the WMCA to deliver the HS2 Growth strategy and Strategic Economic Plan. The report requested funding of £10.295 million through the SOC to bring Phase 2 of the UKC-IP forward. He drew to the attention of the Board that this request for funding was from the total investment to be made in UKC-IP forming part of the WMCA Devolution Deal of £288 million.

David Harris responded to various questions from members of the Board including the need for WMCA funding rather than local funding and the inter-relationship with the Greater Birmingham and Solihull Local Enterprise Partnership Strategic Economic Plan.

Resolved:

That The Strategic Outline Business Case (SOC) for Phase 2 of UKC-IP for £10.295 million, to bring forward 12 projects with a total estimated value of £753.589 million, of which the total WMCA contribution was expected to be £123.493 million be approved.

24. MACC Homes Ltd.

Nick Oakley presented a report which sought approval to provide £2.350 million of senior and mezzanine debt via the Collective Investment Fund (CIF) to assist with the acquisition and subsequent development of a 10x open market houses and a care home in Sutton Coldfield. He advised that a further application would be submitted in due course to assist with the construction costs of the care home and on the current position with planning permission. The Board noted the risk associated with the planning position but was satisfied that the interests of the Fund would be protected sufficiently.

Resolved:

That approval be granted to £2.350 million of senior and mezzanine debt for the acquisition of the property by the Company subject to the conditions detailed in the report.

25. WMCA Collective Investment Fund (CIF) - Dashboard

Nick Oakley presented the Collective Investment Fund (CIF) Dashboard as at 15 August 2018.

The Chair suggested that the Officers investigate the use of information contained within the Dashboard to promote the work of the WMCA in investing in economic activity in the area. Sue Summers reported that an annual review of both the Collective Investment Fund and Brownfield Land and Property Development Fund had been compiled and would be available shortly. She undertook to ensure that this document was circulated to members of the Board.

Resolved:

1. That the Dashboard be received and noted;
2. That the Officers investigate using the information from the Collective Investment Fund (CIF) and Brownfield Land and Property Development Fund (BLPDF) Dashboards to promote the work of the WMCA in investing in economic development activity in the area;
3. That the annual review of both the Collective Investment Fund and Brownfield Land and Property Development Fund be circulated to this Board.

26. WMCA Brownfield Land and Property Development Fund (BLPDF) - Dashboard

Nick Oakley presented the Brownfield Land and Property Dashboard as at 15 August 2018.

Resolved:

That the Dashboard be received and noted.

The meeting ended at 10.26 am.

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Overview & Scrutiny Committee

Tuesday 4 September 2018 at 10.00 am

Minutes

Present

Councillor Peter Hughes (Chair)	Sandwell Metropolitan Borough Council
Councillor Cathy Bayton	Dudley Metropolitan Borough Council
Paul Brown	Black Country Local Enterprise Partnership
Councillor Dean Carroll	Shropshire Non-Constituent Local Authorities
Councillor Mike Chalk	Worcestershire Non-Constituent Local Authorities
Councillor Joe Clifford	Coventry City Council
Councillor Stuart Davis	Joint Coventry/Solihull Representative
Councillor John Glass	Warwickshire Non-Constituent Local Authorities
Councillor Angus Lees	Dudley, Sandwell, Walsall and Wolverhampton Councils
Councillor Ian Shires (Vice-Chair)	Dudley, Sandwell, Walsall and Wolverhampton Councils
Councillor Stephen Simkins	City of Wolverhampton Council
Councillor Joe Tildesley	Solihull Metropolitan Borough Council
Councillor Lisa Trickett (Vice-Chair)	Birmingham City Council

In Attendance

Councillor Daniel Barker	Walsall Metropolitan Borough Council
Councillor John Cotton	Birmingham City Council
Councillor Julian Grubb	Redditch Borough Council

**Item Title
No.**

- 9. Apologies for Absence**
Apologies for absence were received from Mike Lyons, Sarah Windrum and Councillor Ken Wood.
- 10. Minutes - 16 July 2018**
The minutes of the meeting held on 16 July were agreed as a correct record.

11. Forward Plans - Overview & Scrutiny Committee and WMCA Board

The committee considered forward plans of items that were to be reported to future meetings of the WMCA Board and this committee. In respect of a response to the Ministry of Housing, Communities & Local Government's policy document 'Strengthened Local Enterprise Partnerships', it was agreed that authority be delegated to the Chair, Vice-Chairs and lead members of the five working groups to agree this committee's contribution to the WMCA's formal response.

12. WMCA Leaders Like You Report - Progress Update

The committee considered a report from Henry Kippin, Director of Public Sector Reform, appraising it of the developments and progress in relation to the work being undertaken to implement the recommendations of the 'Leaders Like You' report that was published by the WMCA's Leadership Commission in May. Councillor Steve Eling, Portfolio Lead for Cohesion & Integration and Public Service Reform, was also in attendance to answer questions on the report.

The Leadership Commission looked at how the region could improve the opportunities for people from communities and groups that were currently underrepresented in the leadership of the West Midlands. It met with groups representing black and other minority ethnic communities, women, LGBT, people with disabilities and underrepresented socio-economic groups to better understand the experiences being faced, and produced a report containing recommendations that sought to address issues of underrepresentation.

Councillor Lisa Trickett noted that many of the recommendations in the report were not directly within the powers of the WMCA to deliver, but were region-wide issues that needed addressing. It was therefore important for the WMCA to be more challenging to organisations that were not able to demonstrate a diverse leadership. Councillor Steve Eling agreed with this and considered that the WMCA was getting better at understanding where it could most effectively provide that challenge. Part of this process would involve maintaining the public profile of these issues.

Councillor Cathy Bayton noted that organisations were now publishing their gender pay gaps, but she had been disappointed by the apparent lack of organisational strategies aimed at reducing the gender pay differentials that had been highlighted. Henry Kippin suggested the committee would benefit from meeting with Julie Nugent, Director of Productivity & Skills, who was leading on the WMCA's Regional Skills Plan that set out how this might be achieved. He also considered that the Mayor had a key role as a regional leader to continue to be a strong advocate for organisations to strive towards pay parity.

The Chair stressed the importance of the WMCA reflecting the diversity of the region that it represented. He urged local authorities to consider carefully the appointments it made annually to the WMCA Board and its committees so that it was able to achieve a better balance in gender and ethnicity within WMCA meetings.

The Chair thanked Councillor Steve Eling and Henry Kippin for their attendance at the meeting and answering the questions from members.

Resolved:

- (1) The WMCA Board be recommended to request that all future reports it considered included a specific reference within them to any implications regarding inclusive growth considerations.
- (2) Councillor Steve Eling and the Director of Public Service Reform be invited to attend the meeting of the committee on 12 April 2019 to provide a further update on the progress being made with the regional implementation of the recommendations contained within the 'Leaders Like You' report.

13. 'Effectiveness of Overview & Scrutiny Committees' - Government Response to the Communities & Local Government Select Committee's First Report

The committee considered a report from Lyndsey Roberts, Scrutiny Officer, on the report of the Communities & Local Government Select Committee on the 'Effectiveness of Local Authority Overview & Scrutiny Committees' and the Government's response to the report's recommendations.

The Communities & Local Government Select Committee published its report in December 2017 and made seven recommendations to improve the effectiveness of local authority scrutiny. The Government had now published its response to these recommendations, and the report set out this response and the implications for overview and scrutiny within the WMCA.

Councillor John Cotton noted that the Governance Working Group intended to look at how scrutiny within the WMCA maintained its organisational independence, including by ensuring that it was properly resourced. Tim Martin, Head of Governance, undertook to report to the working group how the WMCA had allocated its share of the £12m Government funding made available to mayoral combined authorities to boost capacity.

Councillor Lisa Trickett stressed the value of pre-decision scrutiny, and considered that the West Midlands Local Industrial Strategy should be considered by this committee prior to its submission later in the year to the WMCA Board. The Chair agreed to write to the WMCA's portfolio leads and their support officers to stress the value that pre-decision scrutiny could provide to WMCA Board members as part of the approval process for key strategy documents.

Resolved:

- (1) The Government's response to the Communities & Local Government Select Committee's First Report of Session 2017-19 on the 'Effectiveness of Local Authority Overview & Scrutiny Committees' be noted.

- (2) It be noted that revised scrutiny guidance would be issued by the Government later in the year and that the West Midlands Combined Authority would be required to review its scrutiny function, as appropriate, after the publication of this revised guidance.

14. Overview & Scrutiny Committee - Working Groups - Progress Update

The committee considered a report from Lyndsey Roberts, Scrutiny Officer, on the developments and progress in relation to the work of the five working groups established at the last meeting, and the appointment of three scrutiny champions to have responsibility for the oversight of thematic areas.

Updates were provided by the lead members for each working group as follows:

- Budget - Councillor Peter Hughes
- Governance - Councillor John Cotton
- Health & Wellbeing - Councillor Cathy Bayton
- Housing & Land - Councillor Ian Shires
- Inclusive Growth and Productivity & Skills - Councillor Lisa Trickett

It was also proposed that scrutiny champions be appointed to oversee three workstreams relating to the 'Leaders Like You' Leadership Commission report, transport and air quality.

Resolved:

- (1) The progress in developing the workstreams for the five working groups be noted.
- (2) The following scrutiny champions be appointed to have responsibility for the oversight of specific workstreams as follows:
- 'Leaders Like You' - Councillor Jackie Taylor
 - Transport - Councillor Angus Lees and Councillor Mike Chalk
 - Air Quality - Councillor Stephen Simkins

15. Exclusion of the Public and Press

Resolved:

In accordance with s100(A) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business as they were likely to involve the disclosure of exempt information as specified in paragraph 3 of the Act.

16. Midland Metro Construction - Proposed Business Support Package

The board considered a report from Phil Hewitt, Director of West Midlands Metro, on details of the Midland Metro Construction - Proposed Business Support Package report that was considered by the WMCA Board at its meeting on 20 July.

The WMCA Board agreed a package of support schemes for business directly affected by the metro construction works undertaken by the WMCA, but asked this committee to give consideration to a number of specific issues contained within the report, namely:

- The number of businesses likely to be covered by the scheme
- The determination of the capping level
- The calculations used for determining support
- The schemes' funding arrangements

The committee received a presentation from Nafees Arif, Finance & Commercial Director of West Midlands Metro, that provided a detailed explanation of the these issues.

Resolved:

- (1) The information provided within the report and presentation on the number of businesses likely to be covered by the business support package, the determination of the capping level, the calculations used for determining support and the schemes' funding arrangements be noted.
- (2) A task & finish group be established, comprising Councillor Angus Lees, Councillor Ian Shires and Councillor Stephen Simkins, to report back to the next meeting of the committee on 26 November on the impact that the Bilston Road metro track replacement works had had on nearby businesses and the support they received by the WMCA to mitigate the impact of the works.

17. Bus Operator Recharging Proposal

The committee considered a report from Pete Bond, Director of Integrated Network Services, that provided further details on the Bus Operator Recharging Proposal report considered by Transport Delivery Committee at its meeting on 16 July.

The report approved funding to allow for a bus station departure charge and roadside information 'holiday' to generate additional investment by all bus operators in Euro VI standard vehicles without any change to policy. This committee had requested further information on the report in respect of:

- Any financial implications of the use of the concessionary fares budget
- The distribution of the investment across all bus operators, particularly the smaller operators
- The rationale for considering the report in private
- Funding arrangements

Pete Bond clarified that the report was considered in private as commercial negotiations were continuing to be held with bus operators about these proposals that might be prejudiced were the report to be in the public domain. Members of the committee noted that transport powers differed in the West Midlands to those of the Mayor of London, and considered whether having similar powers would help deliver the wider air quality improvements that were being sought from bus operators. Pete Bond indicated that work was currently being undertaken to look at the legislative options available under the Bus Services Act 2017 regarding public transport governance, and the Chair requested that a further update on this be provided to the next meeting of the committee on 26 November.

Resolved:

The rationale and financial implications of the Bus Operator Recharging Proposal considered and approved by the Transport Delivery Committee on 16 July be noted.

18. Monday 26 November 2018 at 10:00am

The date of the next meeting was noted.

The meeting ended at 12.50 pm.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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