



**Overview & Scrutiny Committee**

**Wednesday 16 January 2019 at 10.00 am**

**Minutes**

**Present**

Councillor Peter Hughes (Chair)  
Councillor Cathy Bayton  
Councillor Mike Chalk

Councillor Peter Fowler  
Councillor Angus Lees

Councillor Ian Shires (Vice-Chair)

Councillor Stephen Simkins  
Councillor Joe Tildesley

Sandwell Metropolitan Borough Council  
Dudley Metropolitan Borough Council  
Worcestershire Non-Constituent Local  
Authorities

Birmingham City Council  
Dudley, Sandwell, Walsall and  
Wolverhampton Councils

Dudley, Sandwell, Walsall and  
Wolverhampton Councils

City of Wolverhampton Council  
Solihull Metropolitan Borough Council

**In Attendance**

Councillor Liz Clements  
Councillor John Cotton  
Councillor Daniel Barker  
Councillor James Butler  
Councillor Rose Burley  
Councillor Kath Hartley  
Deborah Cadman

Birmingham City Council  
Birmingham City Council  
Association of Black Country Authorities  
Solihull Metropolitan Borough Council  
Walsall Metropolitan Borough Council  
Chair of Transport Delivery Committee  
Chief Executive WMCA

**Item Title  
No.**

**34. Apologies for Absence**

Apologies for absence were received from Councillor Josh Jones (Birmingham), Councillor Lisa Trickett (Birmingham), Councillor Stuart Davies (Joint Coventry / Solihull Representative) and Paul Brown (Black Country LEP).

**35. Welcome & Introductions**

Chair welcomed:

- Two new members to the committee Councillor Vera Waters and Councillor James Butler.
- Deborah Cadman, Chief Executive of WMCA.
- Councillor Chris Tranter Chair of the Scrutiny Committee for the West Midlands Fire Authority and colleagues from the West Midlands Fire Service.
- Councillor Kath Hartley Chair of Transport Delivery Committee.

**36. Inquorate meeting**

In accordance with the WMCA's constitution, the meeting was inquorate. The recommendations contained within the minutes would be submitted to the WMCA Board on 8 February 2019 for formal approval and adoption.

Councillor Stephen Simkins shared that the quorum was discussed at City of Wolverhampton Council Scrutiny Committee and a recommendation from this was that there should be a permanent member for Local Authorities dedicated solely to Combined Authority work. Councillor Stephen Simkins would share the relevant information with the Monitoring Officer and to the Governance Working Group.

**37. Minutes of the previous meetings**

The minutes of the meeting held of the 20 November 2018 were confirmed as a correct record subject to an amendment to minute no. 20 whereby the minutes should reflect that Councillor Ian Shires was in attendance and had not sent apologies and with this amendment the minutes of the meeting held of 26 November 2018 were agreed as a true and accurate record.

**38. Forward Plans**

The committee considered the items as outlined on the WMCA Board forward plan and requested oversight of the Park & Ride Strategy and Common Approach to Cycling reports. Committee members' comments regarding these items would be fed back to WMCA Board via the Chair on 8 February 2019.

In relation to the governance issues raised by committee, the Chief Executive suggested that the committee needed investment in order to develop further. The Chief Executive advised the committee members that they would be given the opportunity to undertake some work with the LGA and Centre for Public Scrutiny. She explained that this was not a criticism of the current arrangements, but she felt that an external body such as the Centre for Public Scrutiny or LGA could help to build on the role of scrutiny and more provide strategic oversight of the role scrutiny with the developing WMCA.

Councillor Cathy Bayton highlighted Dudley Metropolitan Borough Council's concerns regarding the business case and arrangements of the finance for New Stations Outline Business Case – Packages 1 & 2 as outlined on the WMCA Board forward plan, due to be considered on 22 March 2019. The concerns were around the decision making process of the £14million feasibility study undertaken. It was therefore agreed that a targeted time-limited task & finish group would be implemented to review this further and feedback would be provided at a future committee. Councillor Vera Waters abstained from this recommendation.

Councillor Stephen Simkins requested that committee should oversee the Strategic Risk Register. The Monitoring Officer shared that the Audit, Risk & Assurance Committee had primary responsibility oversight of the Strategic Risk Register. The Chair also advised that there continued to be ongoing dialogue with the Chair of the Audit, Risk & Assurance Committee.

It was recommended to the WMCA Board that:

- (1) Items on the Overview & Scrutiny forward plan be noted.
- (2) Comments regarding other boards / committees be noted.
- (3) Boards & Committees who had not implemented forward plans to provide an estimated date indicating when a forward plan would be available.

**39. Response to Overview & Scrutiny Committee - Mayor's Question Time: Policy**

The committee considered a report from the Chief Executive providing a formal response to the points raised by committee at the Q&A session relating to issues on air quality, transport, housing and other policy-related matters.

The Chief Executive commented that it was her view the funding of resources for scrutiny was more sustainable from the operational fund of the Combined Authority than the Mayoral Capacity Fund as this was only allocated for a period of two years. Further to committee concerns around the lack of resources as highlighted in the Governance Working Group, it was also noted that additional resources for scrutiny had been identified in the draft budget.

The chair acknowledged the additional resources being committed to scrutiny from the operational budget. However, committee members considered that the Mayor should still have shown support to scrutiny by allocating a segment of the Mayoral Capacity Fund (albeit only over the 2 years of the fund) for this purpose. They considered that this would have demonstrated a significant commitment towards scrutiny in decision making, and help to substantiate his claims regarding 'transparency'.

Further to concerns raised around the Mayor not utilising his bus franchising powers, it was agreed that a task & finish group would be implemented to look at this further and feedback at a future committee.

Councillor Ian Shires also referenced point (d) of the report and requested that pre-decision scrutiny be undertaken into the development of proposals for an affordable housing deal with Government.

It was recommended to the WMCA Board that:

- (1) The responses provided be noted.
- (2) The comments made by committee in relation to the Mayoral Capacity Fund to be noted.

**40. Low Emissions Strategy**

The committee considered a report from the Head of Environment on the progress of the West Midlands Low Emission Strategy and action plan. Further to previous concerns expressed by the committee. The Head of Environment advised that a steering group had been established and would be meeting to finalise the development and implementation plan.

Councillor Liz Clements drew attention to the work being undertaken in Birmingham City Council to introduce a Clean Air Strategy for Birmingham. She stressed the need to add value to the work being undertaken by other West Midland Local Authorities which would help to support a wider regional strategy. She also highlighted the need to set more ambitious targets in comparison to the World Health Organisation and EU standards. The Chair also reminded members and the Head of Environment of the committee's previous recommendation (made following the Mayor's Policy Question Time) that further regional resources were required for data collection, and the Combined Authority could provide a lead, and also a strategic role in this.

Councillor Joe Tildesley requested that the Head of Environment provide an ambitious 12 month plan with anticipated outcomes and achievements set out in the strategy. This would then allow scrutiny of achievements against targets and maintain accountability of individual officers and portfolio holder.

The committee considered that it would be more appropriate for the strategy to be referred to as an 'Air Quality Strategy' due to its wider brief. The committee further requested input into the development of the strategy prior to being approved by WMCA Board.

It was recommended to the WMCA Board that:

- (1) The content of the report and its appendices be noted.
- (2) The comments made by committee in relation to the strategy be noted.

**41. Monday 25 February 2019 at 10am**

The date of the next meeting was noted.

**42. 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 of business as it was likely to involve the disclosure of exempt information as specified in paragraph 3 of the Act.

**43. Wednesbury to Brierley Hill Extension Project Update**

The committee considered a report from the Metro Finance & Commercial Director on the Wednesbury to Brierley Hill Metro Extension Project, which was planned to enter into passenger service in November 2023. The report provided an update regarding current activities, upcoming key milestones, current estimated costs, funding position and the key risks to the project.

It was noted that the report was considered in a private session due to commercially sensitive information as outlined under reference 5.2 of the report, and some members expressed concern regarding this decision. The Monitoring Officer advised members that it was his principle to be transparent in the reports considered in both public and private sessions. In order to facilitate more openness, expressed that he would explore the structure of reports in the future.

Councillor Cathy Bayton highlighted the importance of the extension for Dudley (and other neighbouring boroughs) in order to boost local skills and rail economy. Committee members raised concerns over the possibility of future freight train operation on the line and suggested that this should not be brought into costing arrangements. It was agreed that the Budget Working Group would oversee the arrangements of the final business case prior to approval at WMCA Board.

The Chair raised also raised concerns that the key decision dates for this project (and the necessary Board reports) had not been included into forward plans, and requested that this be rectified. He also pointed out the need for scrutiny of the business case prior to approval by the WMCA Board.

It was recommended to the WMCA Board that:

- (1) The contents of the report be noted.
- (2) The comments made by committee in relation to Wednesbury to Brierley Hill Metro Extension Project be noted.

The meeting ended at 1.35 pm.