

West Midlands Combined Authority – Decisions taken by the WMCA Board on Friday 9 June 2023

| Agenda Item No | Item | Decision |
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| 1. | Apologies for Absence | Lee Barron (Midlands TUC), Councillor Ian Brookfield (Wolverhampton), Councillor Ian Courts (Solihull), Councillor Ian Davison (Warwick), Councillor Tony Johnson (Cannock Chase), Councillor Izzi Seccombe (Warwickshire) and Councillor Kristofer Wilson (Nuneaton & Bedworth). |
| 2. | Chair's Remarks | The Chair welcomed new members attending their first meeting of the WMCA Board, as well as thanking those councillors who were no longer members of the board. He also wished Gareth Bradford and Julie Nugent well as they were to shortly take up new roles outside of the WMCA. |
| 3. | Minutes - 17 March 2023 | Agreed as a correct record. |
| 4. | Forward Plan | Noted. |
| 5. | Appointment of WMCA Boards and Committees 2023/24 | <p>(1) The members nominated by constituent, non-constituent and observer member authorities to sit on the WMCA Board and its committees/boards, as amended, was noted.</p> <p>(2) Councillor Cathy Bayton was appointed the chair of the Overview & Scrutiny Committee, and the appointment of the chair of the Transport Delivery Overview & Scrutiny Committee was deferred until the next meeting of the board on 21 July 2023.</p> |

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| | | <p>(3) The appointments made by the Mayor to the Portfolio Lead positions were noted.</p> <p>(4) The timetable of meetings for 2023/24 was agreed.</p> <p>(5) Authority was delegated to the Director of Law & Governance to approve any subsequent minor changes to the individual appointments made to boards/committees.</p> |
| 6. | Financial Monitoring Report | <p>(1) The latest update on the production of the statutory accounts was noted.</p> <p>(2) The financial position as at 31 March 2023 was noted.</p> <p>(3) The proposed transfers to earmarked reserves was approved.</p> <p>(4) The updates to the 2023/24 revenue budget were noted.</p> <p>(5) Authority was delegated to the s151 Officer and the Executive Director of Transport for West Midlands, in consultation with the Portfolio Lead for Transport, to submit a change request in respect of Bus Service Improvement Plan funds to allow them to be used to maintain existing services.</p> <p>(6) Authority was delegated to the s151 Officer to utilise the transport risk reserves as necessary to support the transport network, including £5m to support existing network services.</p> <p>(7) The continuation of payments of concessions to operators at pre-pandemic levels until 31 March 2024 was approved.</p> |

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| | | <p>(8) The rebased 2023/24 capital programme was approved.</p> <p>(9) The new grant awards to the WMCA, and the arrangements for these grants, were noted.</p> <p>(10) Authority was delegated to accept the funding to be provided to the WMCA following the Deeper Devolution Deal agreement, subject to the terms and conditions of those grants being to the satisfaction of the s151 Officer.</p> <p>(11) The intended use of the Department for Levelling Up, Housing & Communities' capital funds of £25m to be awarded to WMCA, which would be subject to business cases progressing through the Single Assurance Framework in the normal way, was noted.</p> <p>(12) The financial position as at 31st March 2023 and the future project life forecast projections for West Midlands Cycle Hire were noted.</p> <p>(13) The receipt of funding totalling £3.6m for the West Midlands' region for additional highways maintenance and pothole repair, announced within the Government's 2023 Budget Statement was noted, and the allocation of this funding to relevant local authorities was endorsed.</p> <p>(14) Authority was delegated to the s.151 Officer and to the Executive Director of Transport for West Midlands, in consultation with the Portfolio Lead for Transport, and the three programme partners to enter into funding agreements for funding and outputs for the first gateway stage of the Very Light Rail project only, noting the terms and conditions were considered materially different from those approved by WMCA Board at its meeting on 13 January 2023.</p> <p>(15) Authority was delegated to the s151 Officer and Executive Director of Transport for</p> |

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| | | <p>West Midlands, in consultation with the Portfolio Lead for Transport, to enter into subsequent agreements for subsequent gateway stages at a later time, up to a total value of c. £36.8m (subject to any changes from the original board approval not being of a material nature).</p> |
| 7. | Transport Governance Review | <p>(1) The existing Transport Delivery Committee evolve into a new Transport Delivery Overview & Scrutiny Committee.</p> <p>(2) It was noted that, following the decision of the WMCA Board on 28 October 2022, a further report of the Independent Remuneration Panel had been prepared and would be considered at item no. 8 in relation to the paying of allowances for:</p> <ul style="list-style-type: none"> (a) the Deputy Mayor; (b) members of the Overview & Scrutiny Committee; (c) members of the Transport Delivery Overview & Scrutiny Committee; (d) scrutiny champions; (e) members or the Audit, Risk & Assurance Committee. |
| 8. | Report of the Independent Remuneration Panel | <p>(1) The Independent Remuneration Panel’s recommendations to increase the Special Responsibility Allowance paid to the Deputy Mayor to £20,000 and to backdate this to October 2022 was agreed.</p> |

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| | | <p>(2) The Special Responsibility Allowance paid to the chairs of each of the Audit, Risk & Assurance Committee, the Overview & Scrutiny Committee and the Transport Delivery Overview & Scrutiny Committee was set at £9,500.</p> <p>(3) The Special Responsibility Allowances that were paid to the six Scrutiny Champions operating within the Transport Delivery Overview & Scrutiny Committee were set at £4,750.</p> <p>(4) A Co-optees Allowance of £3,000 for all members of constituent authorities who served on the Audit, Risk & Assurance Committee, the Overview & Scrutiny Committee and the Transport Delivery Overview & Scrutiny Committee was agreed.</p> <p>(5) It was agreed that all the allowances in resolutions (1) - (4) above should be updated annually on the basis of the average increase in salaries (private and public sector in previous financial year in the West Midlands, as published in the Annual Survey of Household Earnings) set out in the Independent Remuneration Panel's 2022 report.</p> <p>(6) It was agreed that mechanisms should be introduced to monitor and publish the attendance of co-optees on the Audit, Risk & Assurance Committee, the Overview & Scrutiny Committee and the Transport Delivery Overview & Scrutiny Committee.</p> <p>(7) It was agreed that a review should be carried out annually of the extent to which the work of the Audit, Risk & Assurance Committee, the Overview & Scrutiny Committee, the Transport Delivery Overview & Scrutiny Committee and the six Scrutiny Champions on the Transport Delivery Overview & Scrutiny Committee was proving effective and 'adding value'.</p> <p>(8) It was agreed that if either the Audit, Risk & Assurance Committee or the Overview & Scrutiny Committee were minded to introduce Scrutiny Champions, these</p> |

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| | | <p>positions should attract the same Special Responsibility Allowance as for the Transport Delivery Overview & Scrutiny Committee ie. £4,750.</p> <p>(9) It was agreed that if any of the Audit, Risk & Assurance Committee, the Overview & Scrutiny Committee or the Transport Delivery Overview & Scrutiny Committee were to establish ‘task and finish’ groups to study a particular issue in depth, then a Special Responsibility Allowance of £2,375 should be paid to the chair of the group, so long as this role was not filled by a committee chair or scrutiny champion.</p> <p>(10) It was agreed that if a councillor from a constituent authority was co-opted onto any two of the Audit, Risk & Assurance Committee, the Overview & Scrutiny Committee or the Transport Delivery Overview & Scrutiny Committee, he or she should be entitled to two Co-optees allowances.</p> <p>(11) It was noted that the remuneration recommended in relation to members of the Audit, Risk & Assurance Committee, the Overview & Scrutiny Committee, the Transport Delivery Overview & Scrutiny Committee and the Scrutiny Champions could not be paid until such time as the legislation permitting it has been passed, and that the WMCA would at that time backdate the remuneration to the start of the municipal year, if the legislation permitted it to do so.</p> |
| 9. | West Midlands Investment Zone | <p>(1) The Government’s requirement for the WMCA to select a ‘Primary Sector’ in relation to the development of the West Midlands Investment Zone proposition was noted.</p> <p>(2) The recommended Primary Sector for the West Midlands Investment Zone as advanced manufacturing, to inform and underpin further co-development of the Investment Zone proposition, was endorsed.</p> |

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| 10. | Deeper Devolution Deal - Statutory Processes | <ul style="list-style-type: none"> (1) The progress on the Deeper Devolution Deal implementation was noted. (2) The decision of the Chief Executive to request the commencement of the statutory governance review was ratified. (3) It was agreed to initiate public consultation and awareness-raising on the Deeper Devolution Deal, the governance review and scheme. (4) It was agreed <i>not</i> to include as part of the public consultation, any statutory public consultation on the Health Improvement Duty. (5) The plans for the Deeper Devolution Deal ratification at the WMCA Board on 13 October 2023 and the provision for council discussion and endorsement of the governance review and scheme, at the discretion of each council, by the 30 September 2023, was noted. |
| 11. | Wednesbury - Brierley Hill Metro Extension Funding Mitigation Measures | <ul style="list-style-type: none"> (1) The update on the delivery and financial status of the West Midlands Metro network for the Wednesbury - Brierley Hill extension was noted. (2) It was noted that the specific financial details concerning the funding strategy were presented as a private addendum to the report for commercially confidential reasons. (3) The delivery strategy, which was intended to enable progression of the programme against the available funding sources and authorising continued progression of Wednesbury - Brierley Hill extension delivery to an interim Merry Hill terminus, |

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| | | <p>subject to ongoing discussions with Dudley Metropolitan Borough Council with regard to funding, was agreed.</p> <p>(4) It was noted that in agreeing the funding and delivery strategy, there were dependencies, including the need for the Department for Levelling Up, Housing & Communities to agree the business case for additional funding agreed in principle through the Deeper Devolution Deal, the WMCA and the Department for Transport to separately approve changes to the City Region Sustainable Transport Settlement programme and Single Funding Pot, and the requirement for the successful refresh of business cases for the relevant individual schemes.</p> |
| 12. | West Midlands Transport Investment Programme & City Region Sustainable Transport Settlement Review | <p>(1) The City Region Sustainable Transport Settlement 1 Year One delivery progress was noted.</p> <p>(2) It was noted that the financial strategy relevant to the WMCA’s transport capital pressure details were covered in the private part of the meeting agenda.</p> <p>(3) The proposal to formally re-base the City Region Sustainable Transport Settlement 1 programme, allowing for over-programming, ready for further consideration by the WMCA Board on 15 September 2023, working with all scheme promoters to ensure realism over scheme costs, spending and delivery profiles for all schemes, in response to the Department for Transport’s ‘once in a programme’ opportunity to re-baseline the programme, was agreed.</p> <p>(4) The headlines of the City Region Sustainable Transport Settlement 1 Memorandum of Understanding updated Terms and Conditions, that the s151 Officer was required to sign-off, was noted.</p> |

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| | | <p>(5) The initial response from the Department for Transport regarding the region's change control request to move a previously funded Transforming Cities Fund scheme into the core City Region Sustainable Transport Settlement 1 funding allocation was noted, subject to the clarification of what schemes would be deferred to accommodate it.</p> <p>(6) The need for all scheme promoters to provide sufficient and timely information in their quarterly and annual returns to enable the WMCA to fulfil its reporting obligations back to the Department for Transport, without which future annual payments of City Region Sustainable Transport Settlement grant from the Department for Transport could be restricted, was noted.</p> |
| 13. | Overview & Scrutiny Committee - Annual Report | <p>(1) The Overview & Scrutiny Committee 2022/23 annual report was endorsed.</p> <p>(2) The proposed work plan of the Overview & Scrutiny Committee for 2023/24 was supported.</p> |
| 14. | Housing & Land Delivery Board - 22 March 2023 | The minutes were noted. |
| 15. | Investment Board - 29 March 2023 | The minutes were noted. |
| 16. | Exclusion of the Public and Press | The public and press were excluded from the remainder of the meeting. |

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| 17. | Wednesbury - Brierley Hill Metro Extension Funding Mitigation Measures | <p>(1) The funding strategy, which was intended to enable progression of the programme against the available funding sources by authorising continued progression of the Wednesbury - Brierley Hill extension delivery to an interim Merry Hill terminus, was agreed.</p> <p>(2) Subject to the necessary consents from the Department for Transport, it was agreed for the s151 Officer to confirm a project budget of £175m for Phase 2a of the Wednesbury - Brierley Hill extension from Flood Street, Dudley to Waterfront.</p> <p>(3) Subject to securing an appropriate funding arrangement with Dudley Metropolitan Borough Council, it was agreed for the s151 Officer to confirm a project budget of £35m for Phase 2b of the Wednesbury - Brierley Hill extension from Waterfront to Merry Hill.</p> <p>(4) It was noted that connectivity options for delivery of the network post-Merry Hill would continue to be evaluated and assessed.</p> <p>(5) It was noted that the costs were current best estimates, which might be subject to change as firm market prices were received from suppliers, some design changes to include a turnback facility at Merry Hill stop, and during construction due to any unforeseen circumstances but which were being robustly managed, and technical design changes to provide a turnback facility at Merry Hill.</p> |
| 18. | West Midlands Transport Investment Programme & City Region Sustainable Transport | <p>(1) The current financial position on the overall WMCA transport capital programme was noted.</p> |

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| | Settlement Review | <p>(2) The principle of over-programming against a ten-year City Region Sustainable Transport Settlement to address the WMCA's transport capital pressures, thereby meaning no projects or programmes would need to be deleted or deferred to accommodate the changes, was agreed.</p> <p>(3) Subject to the necessary consents from the Department for Transport, it was agreed for the s151 Officer to confirm revised project budgets.</p> <p>(4) It was noted that execution of the financial strategy would be subject to Department for Transport consent via the necessary change control arrangements.</p> |
| 19. | Date of Next Meeting | Friday 21 July 2023 at 11.00am. |