

Annex 2

West Midlands Combined Authority

Draft Scheme for the delivery of the Trailblazer Deeper Devolution Deal 2023

This scheme has been prepared by the West Midlands Combined Authority in consultation with the Leaders of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton Local Authorities.

The scheme sets out proposals for the adoption of additional delegated functions from Government.

Introduction

The West Midlands has been at the forefront of devolution in England. In November 2015, the government and WMCA agreed an ambitious devolution deal, including a directly elected mayor and powers to improve transport, skills, housing and to drive growth in the region. In 2017, devolution was deepened, and new funding agreed, including significant further investment in transport. The West Midlands has seized these opportunities, demonstrating what local leaders can achieve when empowered with the tools they need. Local leaders have increased investment in transport from £38 million in 2016/17 to £363 million in 2021/22, pioneered new approaches to brownfield development and net zero homes and delivered the c. £130 million Adult Education Budget, securing an over 10% increase in 2020 alone in the portion of the population with Level 3 skills.

The West Midlands is now embarking on a new phase by bringing greater investment, control over investment and powers to the region.

The new deal is estimated to be worth in the region of £1.5bn and it is hoped that this will reboot the economy, provide vital housing, jobs and skills, bolster our existing strengths in transport and Smart City Region innovation, and drive our net zero ambitions. The deal looks to create a more prosperous and better-connected West Midlands which is fairer, greener and healthier.

The WMCA have conducted a review under Section 111 of the 2009 Act (the Review) in relation to the delegation to the Combined Authority of additional functions and duties relating to:

- Improving the public's health,
- Buses Service Operators Grants

Having considered the findings of the Review, the WMCA concluded that an Order by the Secretary of State to make the changes considered in the Review, including delegating additional functions to the Combined Authority, would be likely to improve the exercise of statutory functions in relation to the Combined Area. The WMCA have therefore resolved to prepare and publish this Scheme under section 112 of the 2009 Act.

Proposals contained in the Scheme will be subject to public consultation from 12 June 2023 to 4 August 2023.

Functions of the West Midlands Combined Authority

The prime purpose of conferring functions on the WMCA is to improve the exercise of statutory functions in relation to the Combined Area. In pursuit of this prime purpose, the WMCA will take on those functions set out in the Trailblazer Deeper Devolution (and retain those functions which were previously exercised by the WMCA in respect of the Combined Area).

It is proposed that the Constituent Councils and the Combined Authority will agree operating protocols for the exercise of any concurrent functions by the WMCA where considered appropriate. These protocols will recognise the strategic role of the Combined Authority and safeguard the role of Constituent Councils in local decision making and delivery.

Functions exercised by the Mayor

Bus Service Operators Grant (Public Authority Function) (Section 105A of the Local Democracy, Economic Development and Construction Act 2009)

It is proposed that the Government will devolve powers for the payment of the bus service operators grant to the Mayor under section 154 of the Transport Act 2000.

WMCA will provide support to identify the funding for bus services entirely within the WMCA boundary that is paid to commercial operators and would be suitable to be devolved to WMCA, both currently and following national reform.

Non-Mayoral Functions

Non-Mayoral Functions to be exercised by the WMCA include any functions conferred on the Combined Authority by the Transport Act 2000, the West Midlands Combined Authority Order 2016, The West Midlands Combined Authority (Functions and Amendment) Order 2017, and the functions conferred by the West Midlands Combined Authority (Adult Education Functions) Order 2018.

In addition to the functions of the WMCA conferred by the above Orders, it is proposed that the WMCA exercise the following additional Non-Mayoral Functions:

Public Service Reform

Health Duty (Local Authority Function) (Section 105 of the Local Democracy, Economic Development and Construction Act 2009)

A new formal duty to improve the public's health, concurrent with local authorities as set out in the NHS Act 2006. This will neither supersede existing duties of partners nor be subservient to them, rather it will be a supportive addition to bring about systemic change and will enable WMCA to act to improve health through its wider responsibilities. The government and WMCA can use their collective resources and expertise to develop and test innovative solutions to shared prevention and population health priorities.

The relevant functions under the 2006 Act are:

- (1) Each local authority must take such steps as it considers appropriate for improving the health of the people in its area.
- (2) The Secretary of State may take such steps as the Secretary of State considers appropriate for improving the health of the people of England.
- (3) The steps that may be taken under subsection (1) or (2) include—
 - (a) providing information and advice.
 - (b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way).
 - (c) providing services or facilities for the prevention, diagnosis or treatment of illness.
 - (d) providing financial incentives to encourage individuals to adopt healthier lifestyles.
 - (e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment.
 - (f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement;
 - (g) making available the services of any person or any facilities.
- (4) The steps that may be taken under subsection (1) also include providing grants or loans (on such terms as the local authority considers appropriate).

The WMCA will play a key role through exercising its transport, housing, skills and economic growth functions, which constitute the wider determinants of health and have a key impact on health outcomes.

Under the new health improvement duty and simplified funding streams, the WMCA will work with its constituent local authorities to enhance the provision of and access to activities which might include developing a healthier food environment for children and young people, establishing a regional tobacco alliance with local public health and integrated care boards and piloting vaping as a quit tool to reduce smoking rates in the region; and driving forward the ambition to be an exemplar region for disabled people through the development of a pan-disability needs assessment and a regional disability strategy in conjunction with the Cabinet Office, and in line with proposals in the emerging disability action plan.