



# WEST MIDLANDS COMBINED AUTHORITY

## WMCA Board

Friday 8 December 2017 at 11.00 am

### Minutes

#### Constituent Members

Andy Street (Chair)	Mayor of the West Midlands Combined Authority
Councillor Bob Sleigh (Vice-Chair)	Solihull Metropolitan Borough Council
Councillor Sean Coughlan	Walsall Metropolitan Borough Council
Councillor Ian Courts	Solihull Metropolitan Borough Council
Councillor Patrick Harley	Dudley Metropolitan Borough Council
Councillor Roger Lawrence	City of Wolverhampton Council

#### Non-Constituent Members

Jonathan Browning	Coventry & Warwickshire Local Enterprise Partnership
Councillor Bill Hartnett	Redditch Borough Council
Councillor Dennis Harvey	Nuneaton & Bedworth Borough Council
Councillor David Humphreys	North Warwickshire Borough Council
Councillor Chris Saint	Stratford-on-Avon District Council
Councillor Izzi Seccombe	Warwickshire County Council
Councillor Michael Stokes	Rugby Borough Council

#### Co-Opted Member

Rob Johnston	Trades Union Congress Midlands
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#### Observer Members

Councillor John Edwards	West Midlands Fire & Rescue Authority
David Jamieson	West Midlands Police & Crime Commissioner

#### In Attendance

Councillor Peter Hughes	Overview & Scrutiny Committee
David Lane	Audit, Risk & Assurance Committee
Councillor Richard Worrall	Transport Delivery Committee

#### Item No. Title

##### 112. Apologies for Absence

Apologies for absence were received from Councillor George Adamson, Lee Barron, Councillor Sean Davies, Councillor Steve Eling, Councillor Paul Moore, Councillor Peter Nutting, Tim Pile, Stewart Towe and Graham Wynn.

**113. Chair's Remarks (if any)**

- (i) The Mayor congratulated Coventry on having been awarded UK City of Culture 2021 and thanked all those that had been involved in the successful bid.
- (ii) The Mayor welcomed Gareth Bradford, the new Director of Housing & Regeneration who would formally take up his post on 18 December, to the meeting.

**114. Minutes - 10 November 2017**

The minutes of the meeting held on 10 November 2017 were agreed as a correct record.

**115. Devolution Deal Update**

The board received an update from Deborah Cadman, WMCA Chief Executive, on the devolution deal announced by the Government on 22 November 2017. This included the funding that had been announced for the delivery of the Wednesbury - Brierley Hill metro extension, along with funding for skills and housing workstreams. Deborah Cadman undertook to provide a breakdown of specific funding allocated to each work area to members of the WMCA Board.

David Jamieson, West Midlands Police & Crime Commissioner, noted that the announcement included an expectation that the Mayor of the West Midlands would become responsible for the powers currently exercised by the Police & Crime Commissioner from May 2020, and he committed to work with the Mayor to help implement an orderly transfer of powers and responsibility.

Councillor Bob Sleight also welcomed the support given within the devolution agreement for the region's homeless strategy, including access to funds to help deliver the strategy.

Resolved:

The update on the devolution deal announced by the Government on 22 November 2017 be noted.

**116. Forward Plan**

The forward plan of items to be considered at future meetings of the WMCA Board was noted.

**117. Mayoral WMCA Governance of West Midlands Fire Service - Governance Review and Scheme**

Councillor Syeda Khatun presented a report on the contents of the governance review and scheme, which had been developed to enable the framework for the proposed Mayoral WMCA governance model to be discussed and understood prior to undertaking public consultation. The WMCA Board also considered a report of the Overview & Scrutiny Committee's Governance Working Group that informed it of its considerations relating to the review of governance arrangements, along with a wish to be involved in developing the final governance model. Councillor Peter Hughes, Chair of the Overview & Scrutiny Committee, provided further details of the work the committee had undertaken to look at the governance proposals that were to be subject to public consultation.

On 8 September, the WMCA Board approved a report for the development of a governance review and scheme document, as part of the proposed future Mayoral WMCA governance for the West Midlands Fire & Rescue Service. The governance review looked at existing governance arrangements and functions, as well as the benefits of the proposed new structure in respect of public safety, collaboration between public services, scrutiny and transparency, accountability, savings and value for money.

The Mayor confirmed that the governance review referenced within the report related to the West Midlands Fire & Rescue Authority only. Councillor John Edwards, Chair of the Fire & Rescue Authority, undertook to work closely with the Overview & Scrutiny Committee to see how best to implement a scrutiny function that provided appropriate oversight and challenge to the new governance arrangements.

Resolved:

- (1) The contents of the Governance Review and Scheme outlining the proposed governance model for Mayoral West Midlands Combined Authority governance of West Midlands Fire Service be approved.
- (2) The amendments to the process timeline presented to the WMCA Board meeting on 8 September 2017 be noted.
- (3) The points raised at constituent council meetings in consideration of the prepared Governance review and Scheme be noted.
- (4) The amendments to the Governance review and Scheme based on the outcomes of resolution (3) above be approved.
- (5) The proposed approach for the formal public consultation to commence in January 2018 be approved.
- (6) It be agreed that the governance review would be undertaken collaboratively with the Overview & Scrutiny Committee so as to ensure that the views of that committee were considered as part of the development of the final governance model for the West Midlands Fire Service.

**118. West Midlands Growth Company - Business Plan**

The board considered a report seeking approval of the West Midlands Growth Company's Business Plan. The West Midlands Growth Company was formally established in April 2017, and its business plan covered the period 2017/18 - 2019/20. It had previously been considered by the Strategic Economic Plan Board and approved at the Growth Company AGM on 2 October.

Jonathan Browning, Chair of the Strategic Economic Plan Board, confirmed that his board was continuing to work closely with the West Midlands Growth Company to help deliver the long term aspirations contained within the Strategic Economic Plan.

Resolved:

- (1) The West Midlands Growth Company's Business Plan 2017/18 - 2019/20 be approved.
- (2) The Chief Executive of the West Midlands Growth Company provide clarification to Councillor Chris Saint in respect of the local authority membership status of the Growth Company.

[NB. Councillor Michael Stokes declared an interest in this item in respect of his employment by a company that had a contractual arrangement with the West Midlands Growth Company.]

**119. Delegation of Statement of Accounts Approval**

Councillor Izzi Seccombe presented a report setting out the rationale for recommending an amendment to the WMCA's constitution that would allow for the delegation of the approval of the statutory accounts to the Audit, Risk & Assurance Committee.

The WMCA was required to prepare and approve its annual statement of accounts and an annual governance statement. The Audit and Accounts Regulations required that the final version of these audited documents were considered and approved either by members of the WMCA as a whole or by a delegated committee. It was considered that the approval of these documents fitted closely with the terms of reference of the Audit, Risk & Assurance Committee, whose members already had a good understanding of the regulatory approval process. Any issues of concern that the committee might have could then be raised with the WMCA Board as necessary.

Resolved:

An amendment to the WMCA Constitution, to enable consideration and approval of the WMCA's statutory Statement of Accounts to be delegated to the Audit, Risk & Assurance Committee be endorsed.

**120. Financial Monitoring 2017/18**

Councillor Izzi Seccombe presented a report that provided an update of the WMCA finances as at the end of October 2017. The report provided a summary of the revenue and capital financial positions against the approved budget, along with a summary of the Investment Programme and its current commitments and a summary of the balance sheet.

It was reported that the budget forecasts showed a favourable variance of £941,000 to date in the WMCA's operational budget due to a number of posts remaining vacant, and the Mayor's office spend was now in line with the budget due to an increased amount of work being undertaken in-house.

Resolved:

The financial position for October 2017 be noted.

**121. Wolverhampton Interchange Project**

Councillor Izzi Seccombe presented a report that confirmed that the Investment Board had considered the options for funding the Wolverhampton Interchange Project could be made available through the Investment Programme.

The Wolverhampton Interchange Project incorporated the Midland Metro Wolverhampton city centre extension, the provision of a new multi-storey car park and the reconstruction of Wolverhampton rail station. The Investment Board had considered the funding of this project at its meeting on 27 November and had confirmed that the WMCA's proposed additional capital contribution of £15m could be made available from within the existing Investment Programme.

Councillor Izzi Seccombe noted that the cost of the project had increased from the original estimates, and that it was intended that the City of Wolverhampton Council and the WMCA would meet these increased costs equally. Councillor Peter Hughes, Chair of the Overview & Scrutiny Committee, noted that a 'lessons learnt' exercise was to be carried out that would identify the reasons for an increase in the forecast costs of the project, and suggested that both the Audit, Risk & Assurance Committee and Overview & Scrutiny Committee could play a role in this review.

Resolved:

- (1) The appended report by the Portfolio Lead for Transport with regard to the Wolverhampton Interchange Programme contained in Appendix 1 be noted.
- (2) The Investment Board's endorsement of this report at its meeting of 27 November 2017 and the following recommendations made in that report be noted:

- (a) For the funding package for the Wolverhampton Interchange Programme and for the project team to submit this report to the WMCA Board seeking authority to commit the funding of £49.3m, of which the £21.9m WMCA contribution is to be funded by the Department for Transport deed as approved by the ITA.
  - (b) For the WMCA Board to approve the delegation of powers from the WMCA to the Metro Programme Director and the Head of Governance to enter into the necessary legal agreements.
- (3) Based on the Funding Package agreed at Investment Board, the recommendations made by the Portfolio Lead for Transport be agreed as follows:
- (a) Approve the funding package for the Wolverhampton Interchange as detailed in Appendix 1, including the commitment of funding by the WMCA of £49.3m, of which £21.9m is to be funded by the Department for Transport deed as approved by the ITA and the remainder financed by borrowing.
  - (b) Approve the delegation of powers to the WMCA to the Metro Programme Director and the Head of Governance to enter into the necessary legal agreements.

[NB. Councillor Roger Lawrence declared an interest in this item in respect of his membership of the City of Wolverhampton Council.]

#### **122. Productivity & Skills Dashboard**

The board considered a report on the emerging dashboard on Productivity & Skills measures for the WMCA, to be used as a tool to monitor and improve outcomes for local people.

The Productivity & Skills Commission was examining in depth the detailed indicators relating to productivity and skills and would be reporting its initial recommendations on what the WMCA and its partners could do to have maximum impact upon them early in the new year. Programme level indicators would be identified that captured the impact of WMCA activity to be included in future iterations of the dashboard.

Resolved:

The proposed approach to the dashboard performance reporting for the Productivity and Skills Portfolio be agreed.

#### **123. Governance for Establishing Advanced Quality Bus Partnerships**

Councillor Roger Lawrence presented a report on proposals to streamline the approvals process within the WMCA for the creation of bus partnership schemes in line with the delivery objectives of the West Midlands Bus Alliance.

Within the current terms of reference for the Transport Delivery Committee, it could specifically make recommendations to the WMCA Board on quality bus partnership schemes. It was now proposed that the committee could also approve the consultation and implementation of such schemes. This would help speed up the process to getting the necessary approvals required to make an order, whilst still ensuring that the Strategic Transport Officers Group, WMCA Programme Board and WMCA Board had visibility of the decisions made on Advanced Quality Bus Partnership Schemes.

Resolved:

- (1) The delegation of responsibility for the making of Advanced Quality Bus Partnership Schemes, including the oversight of any required consultation (statutory or otherwise) to the Transport Delivery Committee, and with the Transport Delivery Committee to have an ongoing responsibility to report its activity to the WMCA Board, be approved.
- (2) The terms of reference of the Transport Delivery Committee be amended to reflect the approved delegation.

#### **124. Midland Metro Penalty Fare**

Councillor Roger Lawrence presented a report on a proposal to submit an application for a Transport & Works Act Order to amend the Midland Metro (Penalty Fares) Act 1991 so as to establish a two-tier system of penalty fares, and to confer powers on the WMCA to make changes to the penalty fares on Midland Metro.

The current penalty fare was £10, and this was no longer considered an effective deterrent to potential fare evaders, particularly given that the cost of a single end to end journey was currently £4.10. It was therefore proposed that the WMCA applied for a Transport & Works Act Order to confer on it the powers to establish a two-tier penalty fare system and to make changes to the level of penalty fares charged. It was expected that this process would take four months to conclude.

Resolved:

- (1) The background to the existing penalty fare regime be noted.
- (2) The proposed submission of an application for a Transport & Works Act Order to seek the necessary powers for the West Midlands Combined Authority to make changes to the penalty fares on Midland Metro (including increases and a two tier system), removing the requirement for Secretary of State approval be approved.

**125. Midland Metro Wednesbury to Brierley Hill Extension - Submission of Transport & Works Act Order**

Councillor Roger Lawrence presented a report seeking approval to allocate £207m Transforming Cities funding to the Wednesbury to Brierley Hill metro project, and to approve the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order to the Secretary of State for Transport under the Transport & Works Act 1992.

The Wednesbury to Brierley Hill extension would connect with Metro Line 1 at Wednesbury and run via Dudley town centre and Waterfront/Merry Hill to Brierley Hill, covering a distance of 10.7km. The extension would also include 17 new metro stops and three Park & Ride sites. The report provided further details on the project, including the land to be acquired for the extension, the planned schedule of works, consultation with stakeholders, the impact and benefits of the scheme, procurements costs and funding sources.

Councillor Patrick Harley expressed his thanks to officers working at Transport for West Midlands for the progress made in delivering this metro extension.

Resolved:

- (1) The progress on business case and funding on the Wednesbury to Brierley Hill Metro Extension project since the report to WMCA Board on 21 April 2017 be welcomed, and the £250m of new Transforming Cities funding announced by Government on 20 November 2017 be noted.
- (2) The allocation of £207m of the above funding to secure the delivery of the Wednesbury to Brierley Hill project be approved.
- (3) The submission by the WMCA to the Secretary of State for Transport of an application under the Transport and Works Act 1992 for the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order, in accordance with the approved project delivery schedule, to refresh powers of compulsory acquisition in respect of land and interests in land required to implement the scheme be approved, subject to a confirmation by Government of funding for the scheme.
- (4) The delegation of powers from the WMCA to the Metro Programme Director and the Head of Governance be approved to:
  - (a) finalise the application documents for the Order;
  - (b) negotiate with any affected parties or objectors to the Order with the aim of avoiding, or securing the withdrawal of, objections to the Order;
  - (c) comply with the requirements of the relevant procedures for hearing and determining the application for the Order, including any public local inquiry;

- (d) progress negotiations with landowners and leaseholders and enter into any necessary arrangements to acquire the land within the proposed Order, conditional on funding being available; and
  - (e) place orders to appoint the Midland Metro Alliance, consultants, legal advisors and others as necessary to undertake further design development work on the scheme and support the ongoing statutory process, in line with any existing agreements and in compliance with internal governance requirements and procurement best practice and in consultation with Head of Governance where appropriate.
- (5) The delegation of powers from the WMCA to the Head of Governance or their nominated representative to negotiate, agree, enter into, execute, approve and serve (where appropriate) all relevant legal agreements, notices and other documentation necessary to facilitate and underpin the application for, and implementation of, the Order be approved.
- (6) It be noted that WMCA Investment Board had agreed to bring forward £1.6m of capital expenditure into 2017/18, to maintain and accelerate progress on development and implementation of this important project.
- (7) It be noted that the WMCA Funding for Growth Board would be asked to look at how to maximise private sector investment in the scheme across the entirety of the route.

#### **126. West Midlands Cycle Design Guidance**

Councillor Roger Lawrence presented a report proposing the adoption of a single West Midlands Cycle Design Guidance, developed by national cycle design experts Phil Jones Associates.

Within the West Midlands Cycling Charter Action Plan 2016/17 there was a priority to develop a West Midlands based cycling design guidance to ensure consistency of high quality cycling design routes across the region. Local authority engineers had confirmed that the existing design guidance documents did not address the specific challenges of the region. The proposed design guidance contained 13 chapters on the principles of design for cycle provision based on best practice. It was proposed that the guidance would be a 'living document' that would be reviewed annually to ensure that the best practice contained within it was up to date.

Resolved:

- (1) The adoption of the West Midlands Cycle Design Guidance be approved.
- (2) It be agreed to continue to support a common approach to cycling across the West Midlands.

**127. Minutes of the Investment Board - 30 October 2017**

The board received the minutes of the Investment Board held on 30 October 2017.

Resolved:

The minutes of the meeting held on 30 October 2017 be noted.

**128. Minutes of the Transport Delivery Committee - 6 November 2017**

The board received the minutes of the Transport Delivery Committee held on 6 November 2017.

In respect of minute no. 55 ('Safer Travel Update'), Councillor Richard Worrall, Chair of the Transport Delivery Committee, noted that Walsall Metropolitan Borough Council was now utilising the Transport for West Midlands CCTV Control Centre and he encouraged authorities who were not currently using this excellent facility to consider doing so.

Resolved:

The minutes of the meeting held on 6 November 2017 were noted.

**129. Minutes of the Strategic Economic Plan Board - 16 November 2017**

The board received the minutes of the Strategic Economic Plan Board held on 16 November 2017.

In respect of minute no. 86 ('Local Sector Strategies'), Jonathan Browning, Chair of the Strategic Economic Plan Board, reported that the board was working with the region's Local Enterprise Partnerships to make the most opportunities that would be offered by the Local Industrial Strategy.

The minutes of the Strategic Economic Plan Board were noted.

**130. Minutes of the Audit, Risk & Assurance Committee - 17 November 2017**

The board received the minutes of the Audit, Risk & Assurance Committee held on 17 November 2017.

In respect of minute no. 24 ('Combined Authority Leadership Team Priorities') David Lane, Chair of the Audit, Risk & Assurance Committee, reported that it would be considering a 'governance map' at its next meeting to help identify the relationships that existed amongst the WMCA's boards/committees.

In respect of minute no. 29 ('WMCA Arm's Length Companies Checklist'), David Lane reported that a checklist was being developed that would be used by the committee on an annual basis to seek confidence in the assurance arrangements for arm's length companies related to the WMCA.

Resolved:

The minutes of the meeting held on 17 November 2017 be noted.

**131. Minutes of the Overview & Scrutiny Committee - 21 November 2017**

The board received the minutes of the Overview & Scrutiny Committee held on 21 November 2017.

Councillor Peter Hughes, Chair of the Overview & Scrutiny Committee, reported that the committee was currently looking at the staff resources being allocated to the scrutiny function, and how this compared with other combined authorities across the country.

In respect of minute no. 5 ('The Role of the Combined Authority in Air Quality') Councillor Bob Sleigh suggested that a discussion be held with Councillor Patrick Harley as Portfolio Lead for the Environment on the remit of the committee in respect of air quality matters.

Resolved:

The minutes of the meeting held on 21 November 2017 be noted.

**132. Friday 12 January 2018 at 11.00am**

The date of the next meeting was noted.

The meeting ended at 12.40 pm.