

WMCA Board

Date	15 March 2024
Report title	Request by Warwick District Council to become a Non-Constituent Authority of WMCA
Portfolio Lead	Andy Street, Mayor of the West Midlands
Accountable Chief Executive	Laura Shoaf, West Midlands Combined Authority. email: laura.shoaf@wmca.org.uk
Accountable Employee	Helen Edwards, Director of Law & Governance email: helen.edwards@wmca.org.uk
Report has been considered by	N/A

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Designate Warwick District Council as a Nominating Body entitled to nominate a Member to be appointed to the WMCA Board.
- (2) Agree to grant the Member nominated by Warwick District Council and appointed to the WMCA Board the same voting rights as the Non-Constituent Authorities as set out in the Constitution of the WMCA.
- (3) Authorise the Director of Law & Governance to make the necessary amendments to the Constitution to record the status of Warwick District Council as a Nominating Body and the voting rights of its Members.

1. Purpose

- 1.1 To consider the request submitted by Warwick District Council to be granted equivalent status as the Non-Constituent Councils with the right to be represented on the WMCA Board and other Boards and Committees.

2. Background

- 2.1 The composition of the WMCA, its Constituent and Non-Constituent Councils is defined in the Orders which established the WMCA. At the time the WMCA was established, Warwick District Council did not apply to be a Non-Constituent Council and so was not named as such in either the West Midlands Combined Authority Order 2016 or the West Midlands Combined Authority (Functions and Amendment) Order 2017.
- 2.2 Although Warwick District Council has since requested to become a Non-Constituent Council this was not something that could be done by a decision of the WMCA Board but could only be achieved through a new Government Order and the Government were unwilling to make a statutory Order for this purpose alone.
- 2.3 The legal position has changed with the passing into law of the Levelling Up and Regeneration Act 2023, section 64 of which has introduced a new provision into the Local Democracy, Economic Development and Construction Act 2009.

104A Non-constituent members of a combined authority

- (1) A combined authority may designate a body other than a constituent council as a nominating body for the purposes of this Part.
- (2) A body may be designated under subsection (1) only if the body consents to the designation.
- (3) A nominating body of a combined authority may nominate a representative of the body for appointment by the authority as a member (a “non-constituent member”).
- (4) The non-constituent members of a combined authority are to be non-voting members of that authority unless the voting members resolve otherwise.
- (5) A resolution under subsection (4) does not permit non-constituent members to vote on a decision whether the combined authority should consent to the making of an order under this Part.
- (6) This section is subject to regulations under section [104C\(4\)](#) (disapplication of this section).
- (7) In this section “constituent council”, in relation to a combined authority, means—
- (a) a county council the whole or any part of whose area is within the area of the authority, or
- (b) a district council whose area is within the area of the authority.
- 2.4 The effect of this section is to enable WMCA to designate Warwick District Council as a nominating body, able to nominate a Member for appointment to the WMCA Board, and so to effectively become a Non-Constituent Authority without the need for the making of a Government Order. No Regulations have been made which would disapply this section and the new provisions came into force on 26 December 2023.
- 2.5 Warwick District Council resolved to formally request WMCA to agree to designate the Council as a Nominating Body at its Council Meeting on 15 November 2023 and this request has now been formally submitted to the Chief Executive of the WMCA.

2.6 In making this request Warwick District Council set out its reasons as follows:

“As you will be aware, Warwick District Council is the only Council in Warwickshire which is not currently a non-constituent member of the WMCA, but it is the only such Council that will host a significant element of the West Midlands Investment Zone. This Council will therefore bring a significant opportunity forward for the benefit of the WMCA area as all as Warwickshire as a whole. At the same time, the Council is conscious of the benefits that the WMCA can also offer the citizens and communities of Warwick District environmentally, socially and economically.”

2.7 Having the same status as a Non-Constituent Council will also bring benefits to Warwick District Council and its residents in that as a voting member on the WMCA Board, Warwick District Council will be able to input into the development of WMCA’s strategies for the Region. Warwick District Council’s representative will be able to participate in other Boards and Committees in the same way as the representatives of the Non-Constituent Councils which will also bring benefits to WMCA through the closer involvement of Warwick District Council in the formulation of wider regional strategies.

2.8 If the Board is minded to agree to the proposals, the WMCA Constitution would need to be amended to reflect these decisions and it is recommended that the Director of Law & Governance be authorised to make the necessary amendments

3. Strategic Aims and Objectives

3.1 The proposal in this report for Warwick District Council to have the same status as the Non-Constituent Councils will support all WMCA’s Strategic Aims.

4. Financial Implications

4.1 The proposal set out in this report for Warwick District Council to be designated as a Nominating Body if agreed will mean that the Council will be granted the same rights as WMCA’s Non-Constituent Councils and an annual membership fee currently set at £30,000 a year will be payable by the Council to WMCA.

4.2 The membership fees payable by Non- Constituent and Observer authorities reflect their ability to access regeneration funds as well as the wider benefits delivered by WMCA:

- Enabling cross-organisation and cross partner working to build economic resilience in the West Midlands;
- Lead on Digital platforms such as deployment of c.£100m to support the 5G mobile network within the region;
- Coordinated Housing and Land investments such as brownfield land development and town centre regeneration programmes; and
- Ongoing work on the Environmental strategy, notably WM2041.

4.3 Non-Constituent authorities are currently able to access the WMCA loans funds (CIF and RIF totalling £210m), Brownfield Land and Property Development Fund (grants up to £50m) and devolved housing grants (totalling £353m) from government. This allows for significant opportunity for increased housing, regenerated brownfield land, economic growth and jobs, alongside increased business rates income and investment into awarded areas.

5. Legal Implications

- 5.1 The proposal set out in this report is for Warwick District Council to be designated as a Nominating Body under section 104A of the Local Democracy, Economic Development and Construction Act 2009 as amended by the Levelling Up and Regeneration Act 2023
- 5.2 Warwick District Council consented to becoming a designating Body at its meeting on 15 November 2023. No other procedural steps are required.
- 5.3 It is proposed that the Member nominated by Warwick District Council and appointed to the WMCA Board should be granted the same voting rights as the Non- Constituent Councils.
- 5.4 The decision to designate Warwick District Council as a nominating Body will need the Mayor and a 2/3 majority of the Constituent Authority Members present and voting in favour to be passed. The decision to grant voting rights to the representative of Warwick District Council will require a unanimous vote of all the Constituent Authority Members
- 5.5 The WMCA Constitution would need to be amended to reflect these decisions and it is recommended that the Director of Law and Governance be authorised to make the necessary amendments.

6. Single Assurance Framework Implications

- 6.1 Not Applicable

7. Equalities Implications

- 7.1 This proposal is likely to have neutral (neither positive nor negative) impact with respect to groups or individuals with one or more protected characteristics.

8. Inclusive Growth Implications

- 8.1 Bringing in Warwick District Council as a Non-Constituent member will support us in building an inclusive economy across the West Midlands. It will enable both residents of Warwick District Council and the whole WMCA area to have an increased sense of power and participation over the decisions that are being made in the area and how they benefit from these. Warwick District Council is a key partner in supporting us to achieve our other inclusive growth fundamentals; Affordable and safe places, connected communities, education and learning, health and wellbeing and equality by working even closer together on the projects we are delivering.

9. Geographical Area of Report's Implications

- 9.1 This report has implications for the whole of the geographical area of WMCA and for the administrative area of Warwick District Council.

10. Other Implications

- 10.1 No other implications have been identified.

11. Schedule of Background Papers

- 11.1 Formal request from Warwick District Council to be a Designating Body (Available on request).