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**West Midlands
Combined Authority**

Overview & Scrutiny Committee

Monday 26 November 2018 at 10.00 am

Minutes

Present

Councillor Peter Hughes (Chair)
Councillor Dean Carroll

Councillor John Cotton
Councillor Josh Jones
Councillor Tariq Khan
Councillor Angus Lees

Councillor Ian Shires (Vice-Chair)

Councillor Stephen Simkins
Councillor Joe Tildesley

Sandwell Metropolitan Borough Council
Shropshire Non-Constituent Local
Authorities

Birmingham City Council
Birmingham City Council
Coventry City Council

Dudley, Sandwell, Walsall and
Wolverhampton Councils

Dudley, Sandwell, Walsall and
Wolverhampton Councils

City of Wolverhampton Council
Solihull Metropolitan Borough Council

In Attendance

Tom McNeil

David Jamieson
Jonathan Jardine

Andy Street
Councillor Kath Hartley
Councillor Jackie Taylor
Councillor Daniel Barker
Councillor Julian Grubb

Strategic Adviser to the Police & Crime
Commissioner

Police & Crime Commissioner
Chief Executive, Office of the Police &
Crime Commissioner

Mayor of the West Midlands

Chair of Transport Delivery Committee

Sandwell Metropolitan Borough Council

Association of Black Country Authorities

Worcestershire Non-Constituent Local
Authorities

Item Title No.

24. Apologies for Absence

Apologies for absence were received from Councillor Stephen Craddock (Walsall), Councillor Cathy Bayton (Birmingham), Councillor Stuart Davis (Joint Coventry/Solihull representative), Councillor Mike Chalk (Worcestershire) and Mike Lyons (Greater Birmingham & Solihull LEP).

25. 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 11 January 2019 for formal approval and adoption.

26. Minutes

The minutes of the meeting held on 4 September 2018 were agreed as a true and accurate record.

27. Forward Plans - Overview & Scrutiny Committee and WMCA Board

The Committee considered forward plans of items that were to be reported to future meetings of the WMCA Board and this Committee.

It was recommended to the WMCA Board that:

(1) Items on the Overview & Scrutiny Committee forward plan be noted.

(2) WMCA Board and committees should have clear forward plans which were up to date and shared with Overview & Scrutiny Committee members.

28. Consultation for the Transfer of West Midlands Police & Crime Commissioner Functions

The Chair welcomed the Police & Crime Commissioner and the Mayor to the committee, and invited both of them to share their views and to provide any input into the consultation.

The Director of Public Service Reform gave a presentation to the committee, outlining the background of the proposal and the current journey to date. The second devolution deal included an expectation (from the Government) that WMCA and the Police & Crime Commissioner work together to look at a detailed governance model and timetable for transferring the role and powers of the Police & Crime Commissioner to the elected Mayor. Within the proposed consultation timeline, this committee and the Police & Crime Panel both would have opportunities to scrutinise the process.

The Director for Public Services Reform clarified that there would be a ring-fence of public money for the purpose of policing and clear access of data when completing the online consultation questions. The concerns expressed by committee members that the second devolution deal would become void, if the transfer of powers from the Police & Crime Commissioner to the Mayor did not take place, were confirmed as inaccurate, and some of the commitments outlined in the second devolution deal had already been delivered.

Councillor John Cotton questioned whether the robust consultation could be considered to be robust due to the short time period between phase 1 of the consultation closing and phase 2 opening. He requested reassurance that the responses being sought were dealt with in an appropriate way, and also asked what the outcome would be if the feedback from the principle consultation was not to agree to the proposals. The Monitoring Officer accepted that the timescales set were constrained but that WMCA Board asked for the consultation process to be as robust as possible and to include a two-stage consultation process for a period of eight weeks. Consideration also had to be given to the timing of the local elections and pre-election period.

It was highlighted that the transfer of power to the Mayor was not already decided and required ratification and agreement by constituent authorities, and in the Mayor's words was 'not a done deal'.

The Chair advised the committee that members had already exerted influence in the wording of the final consultation documents used in the Stage 1 consultation, resulting in sections being removed from both the introduction and one of the questions, to ensure the removal of any potential bias within the document.

With regard to the cost of the consultation, the Mayor highlighted that all costs were currently being covered by the Combined Authority with current costs estimated at around £24,000.

Councillor Joe Tildesley indicated that he had previously served on the West Midlands Police & Crime Panel, and for this reason expressed his concerns as to whether the Panel acted effectively as a robust scrutiny of the Police & Crime Commissioner, and similarly, the Mayor, should the transfer take place. He indicated that, in his opinion, provisions needed to be made for scrutiny of the Mayor's police powers to be carried out independently by the Overview & Scrutiny Committee, or sub-committee set up for this purpose. This was the view shared by the Chair and, other member, and the Mayor indicated that he would not be against this.

David Jamieson, Police & Crime Commissioner was provided with an opportunity to share his views which included information on the police force, a range of serious crimes, the budget, and the high volume of 999 and 101 calls. David Jamieson expressed that the service deserved proper attention and scrutiny. David Jamieson expressed concerns around the consultation taking place over the Christmas / holiday period with a feeling of it being hurried. He also questioned the wording and nature of the questions outlined within the consultation document. The Police & Crime Commissioner also highlighted that Greater Manchester had been given two years to consider the governance changes, and he felt that it would be sensible to gain experience from Greater Manchester, before entering into a transfer of powers. He further pointed out that whilst he, as Police & Crime Commissioner was an elected representative, the Deputy Mayor overseeing and leading on policing would not be.

In outlining his position the Mayor advised the committee that he believed that this transfer would allow delivery of better outcomes for residents in the West Midlands, and this process was building on what had already been achieved. He stressed however that the independence of the police force remained at the heart of this process, and with both the Fire Service and Police transfer to WMCA, effectively both of the main emergency services would be together under one governance model. In his opinion this should enable better coordination of those emergency services.

It was recommended to the WMCA Board:

- (1) That the presentation delivered to members outlining the consultation for the transfer of the West Midlands Police & Crime Commissioner

Functions be noted.

- (2) That Overview & Scrutiny Committee's comments on the stage 1 consultation questions be noted.
- (3) That Overview & Scrutiny Committee be provided with the feedback of both stage 1 and 2 consultations.
- (4) That Overview & Scrutiny Committee's role in Scrutiny of police and crime powers undertaken by the Mayor in this role be clearly defined within the final model for approval.

[N.B: Councillor Joe Tildesley and Councillor Julian Grubb declared a personal interest in this.]

29. WMCA Governance - Presentation

The Chair proposed that the Monitoring Officer should provide members of Overview & Scrutiny Committee with a copy of a presentation outlining the role of governance within the Combined Authority.

30. Devolution 2 Update

The Director of Strategy provided members with an update on the progress of the WMCA Devolution deal and Combined Authority's approach to the wider devolution agenda. The overall ambition for WMCA was to move away from a Devolution process which was defined by events, particularly fiscal, moving more towards a process in which engagement was much more constructive, seamless and collaborative, allowing for discussions with Government on how to work together better to achieve ambitions in the region.

Councillor Stephen Simkins sought assurances that members of the Overview & Scrutiny Committee would have an input into the next devolution deal, and the Chair proposed that the Director of Strategy actively engaged with the chairs committee's of the working groups.

The committee considered that it was vitally important to be a part of the process, to provide an input and to ensure that clear accountability was visible, and also that input from the committee was facilitated in a timely, positive and constructive manner.

Councillor Josh Jones believed that a system should be in place whereby essential decisions required sign off by relevant Chairs and Portfolio Leads. The committee asked for assurance that they would have an input into the review the WMCA of Governance and Constitution.

The Director of Strategy highlighted that, in terms of the spending review taking place in autumn next year, WMCA were forward planning and believes that, as plans developed there were multiple opportunities for the committee to be engaged in the process before formal conversations start with Government.

It was recommended to the WMCA Board:

(1) That the comments made by Committee to be noted.

31. Local Industrial Strategy

The committee received an overview from the Director of Strategy on the Consultation for the West Midlands Industrial Strategy. The West Midlands agreed to be a trailblazer and develop the UK's first Local Industrial Strategy. It was noted that the consultation document was not designed as a draft version on the strategy but to gather discussion, set out the issues and key opportunities for the region.

Consultation feedback so far suggested that:

- there was insufficient emphasis on drawing out employment needs and how that factored into plans;
- there needed to be more clarity on the needs of different areas ;
- the needs of rural areas needed to be addressed more;
- Brexit would need to be addressed explicitly within the final version.

The Local Industrial Strategy would be taken to the Strategic Economic Delivery Board and WMCA Board for sign off in January 2019. Following a request from the Chair the Director of Strategy agreed to circulate the Terms of Reference and membership of the Strategic Economic Delivery Board. In terms of governance of this committee, the Economy Portfolio did not have a delivery board therefore the chair of the Governance Working Group, Councillor John Cotton, agreed to revisit the governance arrangements to find the appropriate structure.

Councillor John Cotton asked for confirmation of the definition of 'inclusivity' in terms of this strategy, and how this linked to WMCA activities. The Director of Strategy confirmed joint work was being undertaken with the Director of Public Services Reform to unlock the potential to have a positive impact on the economy.

With regards to long-standing productivity problems in the region, the Director of Strategy highlighted that national work was being undertaken to better understand the productivity puzzle. The Committee shared concerns around the need to access education and the need to address this further, as well as funding being channelled to those most in need and to areas of deprivation. Councillor Jackie Taylor emphasised the need to ensure diversity occurs across all job levels to ensure individuals feel they had contributed and added value.

The Chair expressed his concern that, as an emerging sector artificial intelligence and robotics had not been identified within the consultation document. He also felt that the final strategy document should try to re-balance the income disparities in different parts of the region by encouraging, or focusing, investment in such 'high-tech' industries within areas of greater deprivation.

It was recommended to the WMCA Board:

(1) That the comments made by the Committee be noted.

32. Overview & Scrutiny Committee Working Groups - Progress Update

The Committee considered a report from the Scrutiny Officer on the developments and programme in relation to the work of the five working groups.

Further to the call-in made by committee, Councillor Ian Shires reported that he had met with the Director of Housing & Regeneration and had agreed that the committee would now receive:

- pre-decision scrutiny regarding the Housing and Regeneration Strategy;
- for further scrutiny a summary of the key decisions and conversations held within the Housing & Land Delivery Board;
- a forward plan of the Housing & Land Delivery Board.

Councillor Angus Lees advised that following attendance at the Transport Delivery Committee, this committee should note that there was a delay on six major key projects due to issues with Network Rail. He and other committee members felt that this highlighted how important it was for the WMCA Board to recognise the need for robust scrutiny of transport functions, which was presently not being delivered through the Transport Delivery Committee, as this was not its remit.

It was recommended to the WMCA Board that:

(1) The comments made by the committee be noted.

(2) The progress made in respect of the working groups be noted.

(3) The proposed work programme for the working groups be approved.

33. Tuesday 16 January 2019 at 10.00am

The date of the next meeting was noted.

The meeting ended at 2.15 pm.