



WEST MIDLANDS COMBINED AUTHORITY

Overview and Scrutiny Committee

Date 21 March 2017

Minutes

Members

Councillor Peter Hughes
Councillor Stuart Davis
Councillor John Glass
Councillor John Mutton
Councillor Ian Shires
Councillor Tersaim Singh
Councillor Claire Spencer
Councillor Jenny Wheeler

Sandwell Metropolitan Borough Council (Chair)
Solihull Metropolitan Borough Council
Nuneaton and Bedworth Borough Council
Coventry City Council
Walsall Metropolitan Borough Council
City of Wolverhampton Council
Birmingham City Council
Redditch Borough Council

In Attendance

Jan Britton
Sarah Sprung

Sandwell Metropolitan Borough Council
Sandwell Metropolitan Borough Council / West
Midlands Combined Authority
West Midlands Combined Authority

Carl Craney

By Invitation

John Cade

Institute of Local Government Studies (INLOGOV)

Observer

Craig Goodall

Walsall Metropolitan Borough Council

28/16 Apologies for Absence

Apologies for absence had been received from Councillor Nathan England (Telford and Wrekin Council), Councillor David Sparks (Dudley Metropolitan Borough Council), Paul Brown (Black Country Local Enterprise Partnership) and Sarah Windrum (Coventry and Warwickshire Local Enterprise Partnership) and from Keith Ireland (City of Wolverhampton Council) and Jess Bayley (Bromsgrove District / Redditch Borough Councils).

29/16 Chair's Announcement

The Chair, Councillor Peter Hughes, welcomed all those present to the meeting including Craig Goodall, Senior Democratic Services Officer, Walsall Metropolitan Borough Council.

30/16 Declarations of Interest

No declarations of interest were made in relation to matters under consideration at the meeting.

31/16 Minutes

Resolved:

That the minutes of the meeting held on 27 January 2017 be confirmed as a correct record and be signed by the Chair.

32/16 Matters Arising

With reference to Minute No. 22/16 insofar as it related to the establishment of a formal link between the Constituent and Non-Constituent Scrutiny Panels with regard to Work Programmes, the Chair advised that only three responses had been received to date. Sarah Sprung advised that this matter could be dealt with at Agenda Item No. 5.

With reference to Minute No. 24/16 (Overview and Scrutiny Committee – working arrangements) Sarah Sprung advised that Select Committees, appointed at the meeting held on 27 January 2017, would now be referred to as 'Task and Finish Groups' in order to ensure that scrutiny was able to be flexible and responsive.

Councillor Claire Spencer queried whether any further meetings of the Committee were scheduled for the current Municipal Year and whether it was intended that meetings of the Task and Finish Groups would be convened in the near future. The Chair advised of his intention to meet with Sean Russell, Mental Health Commission Implementation Director with regard to a meeting of the Mental Health Task and Finish Group being held before the Mayoral Election on 4 May 2017 and invited other members of the Committee to attend the meeting.

Sarah Sprung reminded the Committee that the recommendations of the Mental Health Commission had been accepted by the WMCA Board, whilst the recommendations from the Land Commission had only been received by the WMCA Board at this stage. The Productivity and Skills Commission had yet to complete its report. In response to a question from Councillor Claire Spencer, Jan Britton suggested that she speak to Nick Page, the responsible Chief Executive on whether the Productivity Task and Finish Group could assist with any elements of the work of that Commission.

Sarah Sprung reported on a conversation she had had with Sean Russell in relation to the role of the Task and Finish Group assisting with the Mental Health Commission workstreams and that 'Housing First' had been identified as being suitable. This could involve the use of any scrutiny work carried out across the WMCA area to date on housing for those with mental health issues.

With regard to 26/16 (Visit to London Assembly) it was agreed that the visit had been useful. John Cade reported that Members and Officers from the London assembly had been very interested in the work of the WMCA in relation to Mental Health and were keen to develop a relationship with the WMCA in that regard. He highlighted that the lack of resources to support the work of this Committee had been identified as an issue, albeit that it was better resourced than some other Combined Authorities as had been established at the Workshop in Manchester hosted by the Centre for Public Scrutiny. He advised that this matter was being considered by a Parliamentary Select Committee with regard to the availability of resources at local authority and combined authority levels. Jan Britton reported that he had raised that matter with Meg Hillier M.P as Chair of the Public Accounts Committee when that Committee had met recently in Wolverhampton.

In response to comments from members with regard to resources and capacity, Jan Britton reminded the Committee that these were issues across the WMCA, that the WMCA was still 'new' in relative terms and was only now in the process of recruiting a full time Chief Executive and Management Team. He commented on the issues around the size of the Capital Programme and on the scale of resources available to deliver the various projects.

The Chair commented that there was a need to recognise how long it had taken for the WMCA to be formed but that tremendous progress had been made compared to peer authorities. He reminded the Committee that the former Centro and its Officers had little or no experience in the requirements of the scrutiny regime. Carl Craney reported that Centro had operated under Transport legislation rather than the Local Government Acts and had not been required to adopt a scrutiny system which had operated in its present form in local government since 2000.

The Chair commented on the need for Overview and Scrutiny to be integrated into the work of the Combined Authority and suggested that the development of a Forward Plan for the WMCA Board would assist with this. He also suggested that the Committee should aspire to receive reports to be considered by the WMCA Board in advance of decisions being made to enable pre-decision scrutiny to be undertaken.

Councillor Claire Spencer referred to a discussion at a previous meeting on the lack of representation from the Greater Birmingham and Solihull Local Enterprise Partnership and advised that she had recently learnt that the body had not appointed a representative to service on the Audit, Risk and Assurance Committee. She suggested that the Committee express its concern on the lack of representation from the GB&SLEP on these bodies given the need for engagement in the democratic process and the need for transparency.

Resolved:

- (1) That the 'Select Committees' be re-named as 'Task and Finish Groups'
- (2) That the level of resources available to undertake scrutiny work at the WMCA be identified as an issue;
- (3) That as the WMCA Board develops its Work Programme the need to integrate the Overview and Scrutiny be recognised;
- (4)
- (5) That the concern of this Committee be put forward to the WMCA Board at the failure of the Greater Birmingham and Solihull Local Enterprise Partnership to appoint a representative on either the Overview and Scrutiny Committee and the Audit, Risk and Assurance Committee.

33/16 Key Principles to underpin the relationship between the CA and LA scrutiny, including the scrutiny by individual authorities on the work of the Combined Authority

Sarah Sprung circulated a paper in connection with the above which was considered by the Committee.

Resolved:

That the paper circulated at the meeting be approved subject to the following amendments:

(1) Principles:-

Pre-ambule to be included by way of an explanation.

- i. Second bullet point of first principle to be refined to 'intellectual and practical resources'
- ii. That the Coventry practice of the Leader briefing the Council on the proceedings of WMCA Board meeting and the O&S representative briefing the Scrutiny Co-ordination Panel on the proceedings of this Committee be noted as an example of good practice
- iii. That a digital archive be created for the storage of all policies, procedures and scrutiny reviews undertaken by Constituent and Non-Constituent authorities using the 'STAIRS' system or similar
- iv. To support bullet point four with regard to transparency , wherever possible and acknowledging the logistical difficulties, meetings of this Committee be webcast and the Combined Authority and the Mayor be encouraged to do likewise

(2) Ways of Working

- i. That a diagrammatic representation of the relationship between this Committee, the WMCA, the Centre for Public Scrutiny (CfPS) and the Regional Scrutiny Network be presented to the meeting of Scrutiny Lead Members and Officers on 4 April 2017

(3) Summary of discussion from 4 April 2017 meeting referred to above to be circulated to the Committee.

34/16 West Midlands Combined Authority Overview and Scrutiny Committee

Sarah Sprung presented a report which afforded the Committee the opportunity to comment on proposals for governance changes required to comply with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017. A draft report to be considered by the Programme Board on 24 March 2017 and the WMCA Board on 7 April 2017 was appended to the report. In view of comments made earlier in the meeting she advised that the paragraph relating to resources would need to be strengthened.

Councillor Ian Shires reported on the particular circumstances at Walsall Metropolitan Borough Council. Sarah Sprung reminded the Committee that the legislation was prescriptive and required reasonably practicable efforts to be made to comply with the political proportionality requirements. Jan Britton commented that it was impossible to compose a policy / strategy document which covered every possible situation but that if 'reasonably practicable' efforts had been made to comply with the legislation a judicial challenge could be defended. He suggested that this point should be stressed in the main body of the report. Councillor Tersaim Singh reminded the Committee that ultimately it would be for the individual Leaders of the Councils to nominate representatives on outside bodies.

Resolved:

[NOT PROTECTIVELY MARKED]

That subject to the reference to 'resources' and 'reasonably practicable' being strengthened and Option 1 of Appendix 2 being preferred to secure political proportionality the report be approved for submission to the WMCA Board.

35/16 Feedback on the Centre for Public Scrutiny (CfPS) Workshop held on 3 March 2017 on 'Scrutiny in Combined Authorities'

John Cade provided feedback on the Centre for Public Scrutiny (CfPS) Workshop held on 3 March 2017 on 'Scrutiny in Combined Authorities'.

Resolved:

That the report be received and noted.

36/16 Thanks to Chair

Resolved:

That the best thanks of the Committee be extended to the Chair, Councillor Peter Hughes, for the able and courteous manner in which he had conducted the proceedings of the Committee during the current Municipal Year.

DRAFT