

WMCA Board

Date	5 June 2020
Report title	COVID19 - Actions taken by the WMCA Report of the Statutory Officers
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Report has been considered by	Strategic Leadership Team Programme Board

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note and endorse the actions taken under delegated powers in response to the current public health emergency.

1. Purpose

- 1.1 This report sets out how the Combined Authority has approached decision making processes since the introduction of social distancing measures in response to the Covid-19 pandemic in March. The report also summarises the main decisions that have been taken using these delegated processes.

2. Background

- 2.1 The WMCA has a detailed Business Continuity plan and this has been updated and reviewed in the time that the WMCA has been in existence. The sort of far reaching and fundamental impacts of Covid19 are hard to plan for and to an extent go beyond the type of circumstances envisaged in the plan. Nevertheless, with great support from our IT team and the Assets team we moved in the space of less than a week to an almost entirely homebased operation with staff being enabled to log on and carry out their normal workload remotely. Although a huge amount of work was done at pace to enable this to happen there has in most cases been minimal disruption and little discernible impact on workstreams and productivity.
- 2.2 From around 30 April, Summer Lane has seen very limited footfall which has bottomed out at around a maximum of 9 or 10 essential staff (CCTV control centre etc). This has enabled the welfare of staff to be prioritised and provided a safe working environment for the small number of people who need to be in the building.
- 2.3 A tactical group of officers was established to ensure that these measures were properly planned and to make sure that staff were kept fully informed and updated throughout the planning period. Clear communication with staff has been maintained throughout and regular written and video updates have been provided by the Chief Executive, joined, where appropriate, by the Mayor and/or other senior officers. Good feedback has been received on the level of communication and information provided.
- 2.4 The WMCA is also playing its part in the regional emergency resilience arrangements by being a member of the Strategic Co-ordination Group (SCG) for the LRF areas of West Midlands and Warwickshire. Membership has involved participating in daily conference calls and ensuring that actions are taken and followed through.
- 2.5 The Government's announcement of social distancing measures in response to the emerging Covid-19 pandemic, has resulted in all local authorities (including the WMCA) adopting a significantly different approach to formal decision making. Limitations on gatherings of more than two people at any time made committee meetings impossible to hold in the traditional sense.
- 2.6 To overcome this, Parliament passed the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) (England and Wales) Regulations 2020 which for the first time permitted local authorities to hold formal meetings (such as this one) by enabling members to attend remotely, either by telephone or video conferencing facilities. The legislation currently permits all such meetings to be held in this manner until 7 May 2021.

- 2.7 In the immediate aftermath of the social distancing requirements, the WMCA cancelled its full Board meeting scheduled for 20 March and the Audit, Risk & Assurance Committee on 21 April. But following the enabling of 'virtual meetings', it has successfully held meetings of the Investment Board, Housing & Land Delivery Board and Strategic Economic Development Board. Feedback from members and officers who participated in these meetings was encouraging, with agenda items able to be transacted effectively and without any significant technical problems.
- 2.8 The WMCA has a fall-back position in common with most local authorities whereby the Chief Executive may take decisions under delegation where they are urgently required to protect the interest of the Authority. The Monitoring Officer has now agreed a protocol with the Mayor and the Constituent Authority Leaders on how that would be used in the event of a decision being required that could not be signed off in the normal way. This process would also involve sign off from the Monitoring Officer, the Director of Finance and Constituent Authority Leaders.
- 2.9 The WMCA's statutory officers have instituted an additional process of assurance to be completed before any new contracts or legal agreements over £250,000 in value are entered into which asks Directors to certify that the implications of Covid-19 on costs and deliverability have been fully taken into account.
- 2.10 Since the beginning of March, the Chief Executive has exercised delegated authority in the following instances:
- (a) **Adult Education Budget 2019/20 and 2020/21**

This related to the progress made at the midpoint of the first year of devolved delivery of the Adult Education Budget, proposed changes to AEB funding policy for 2020/21 and the proposed approach to commissioning and procurement.

All Constituent Authority Leaders were consulted on the proposals prior to the Chief Executive approving the report, prepared by the Director of Productivity & Skills.
 - (b) **Payment of Critical Suppliers**

Following guidance/instructions from Government to public authorities the decision was taken to continue to pay critical suppliers at current rates for a period of up to 3 months irrespective of service levels in the interim. The decision was advised upon by the Statutory Officers and confirmed at Senior leadership Team chaired by the Chief Executive.
 - (c) **English National Concessionary Travel Scheme**

Following guidance/instructions from the Department for Transport a decision was made to continue to make payments for transport concessions (ENCTS) at previous rates subject only to already agreed adjustments irrespective of passenger numbers. This decision was advised upon by the Statutory Officers, TfWM Leadership Board and confirmed at Senior Leadership Team chaired by the Chief Executive.

(d) Closure of 16 Summer Lane, Birmingham

The decision to close the WMCA offices at 16 Summer Lane and move all staff to a home working operation was taken by the Chief Executive on staff health and safety grounds in consultation with all relevant stakeholders including the Mayor and Deputy Mayor. A number of operational decisions have also been taken to facilitate this.

(e) Redirection of Resources

In all portfolio areas there have been measures taken to secure and reprofile programmes, resources have been redirected to ensure that outcomes can still be achieved and additional efforts have been made to ensure that the overall objectives of the Authority as previously agreed can still be followed pending further review. These have been taken within Directors' operational delegations and in consultation with the relevant Portfolio Lead Members.

(f) Provision of Public Transport

In relation to the transport network the actions taken in relation to stepping down the services and now beginning to re-start those services are covered in a separation report on this Board Agenda from the Managing Director of TfWM. A number of operational decisions were taken by TfWM under delegation including alterations to concessionary travel arrangements, Park and Ride operations and Ring and Ride services to facilitate travel by vulnerable passengers and key workers.

2.11 The Chairs of Scrutiny and the Audit, Risk & Assurance Committee have been briefed on actions taken. The decisions set out in paragraph 2.10 above have now been implemented, require no retrospective ratification by the WMCA Board and are included for information only.

3. Financial Implications

3.1 The financial impact of the Covid-19 pandemic and lockdown measures continue to have a detrimental impact on the Authority's approved Budget. This is being closely monitored through the Executive team and with the Finance Portfolio Holder. We are lobbying government directly and nationally through the CA Network and M9 for financial assistance for Combined Authorities.

3.2 The main financial impact has been to the loss of commercial revenue on transport. Government has however recently awarded WMCA £2.1m as settlement for the loss in Metro fare revenue which will ensure Metro operations are financially viable until the end of June. A further funding settlement is expected imminently for the period post June.

3.3 As the report notes additional assurance controls have been implemented to ensure any new activity and procurement of contracts and supply of goods or services remain valid and viable. Both in terms of supplier resilience and capability and capacity to deliver but also in terms of the value for money of the Authority continuing to spend at this current time. Currently the Authority's capital investment programme therefore continues to be delivered in accordance with plans and deadlines.

- 3.4 We are also paying critical services in term of concessionary travel, accessible transport and subsidised services along with Adult Education suppliers on pre-Covid profiles to the end of June in accordance with cabinet office guidance. Further cabinet guidance for post June payments is expected imminently. In addition, WMCA placed all its suppliers on immediate payment terms from the start of the lockdown to ensure there are no delays for our supply chain in terms of cash and income due. The Authority's own cash position remains healthy as government grants come in at the start of the financial year and the treasury position is being monitored daily along with the financial markets to ensure our investments remain secure.
- 3.5 A full reforecast for the current financial year is being undertaken and will be reported for July. At this stage the Authority's S151 Officer is content that the Authority has sufficient financial resilience not to trigger a requirement for a S114 notice where by law the CFO can suspend spending should in their view expenditure be likely to exceed resource in any given year.
- 3.6 A more detailed financial report is due to the Authority in July which will update on any new financial pressures and government settlements and guidance.

4. Legal Implications

- 4.1 It is important that despite the current unparalleled situation, all key decisions are taken lawfully, either through a Board or Committee meeting that is held through remote attendance or by the exercise of delegations. Now that the measures are in place to permit meetings to take place through the use of phone or video conference every effort will be made to continue with the "normal" decision-making processes. Where significant decisions have to be made under the Chief Executive's delegated powers due to urgency, the matter will be subsequently be reported to Board.

5. Equalities Implications

- 5.1 There are no direct equalities implications arising out of this report.

6. Inclusive Growth Implications

- 6.1 There are no direct inclusive growth implications arising out of this report.

7. Geographical Area of Report's Implications

- 7.1 Decisions taken under the Chief Executive's delegated authority have related principally to the area covered by the WMCA's Constituent Authorities.

8. Other Implications

- 8.1 There are no other significant implications arising out of this report.

9. Schedule of Background Papers

- 9.1 Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings (England and Wales) Regulations 2020