

## **Cabinet – 11 December 2013**

### **West Midlands Integrated Transport Authority – new governance arrangements**

**Portfolio:** Councillor Bird, Leader of the Council

**Related portfolios:** None

**Service:** Chief Executive

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

This report informs Cabinet of the new governance arrangements that need to be put in place in relation to the establishment of the Integrated Transport Authority and to recommend these to Council for approval

#### **2. Recommendations**

##### **2.1 To recommend to Council:**

That the amended terms of reference for the West Midlands Joint Committee as set out in the appendix to this report be agreed.

##### **2.2 That the Leader of the Council, in consultation with the Chief Executive, be authorised to write to the Secretary of State for Transport supporting the proposed structural changes to the West Midlands Integrated Transport Authority.**

#### **3. Report detail**

##### **3.1 The government has highlighted the importance of effective governance arrangements as one of the key requirements that must be met in devolving powers and funding to sub-regions. It is recognised that strong themed transport governance is a prerequisite to furthering significant devolved funding to the West Midlands, including growth and City Deals which must contain proposals for stronger governance across their economic area so that decisions necessary for the growth of the area as a whole can be taken quickly and effectively.**

- 3.2 The West Midlands Metropolitan Leaders Group at their meeting held on 23 January 2013 agreed a set of principles for transport governance, recommended them to the West Midlands Joint Committee and tasked officers with exploring how transport governance relating to the Integrated Transport Authority (ITA) could be taken forward.
- 3.3. At the meeting of the Leaders in March 2013 a preferred route to implement the changes was agreed, this being to put in place a Shadow Board through the existing Joint Committee structure, whilst progressing the required review to be considered by the Secretary of State. On 2 April 2013 the West Midlands Joint Committee agreed to undertake a governance review of the West Midlands Integrated Transport Authority.
- 3.4 Following on from this the West Midlands Joint Committee at its meeting on 12 June 2013 agreed to establish a Shadow ITA pending formal approval by the Secretary of State. In order to progress this matter, the seven West Midlands authorities (Birmingham, Coventry, Dudley, Sandwell, Solihull, Wolverhampton and Walsall) are being recommended to endorse the revised terms of reference of the West Midlands Joint Committee as set out in the **Appendix** to this report. In short these terms of reference seek to:
- Update the provisions relating to Birmingham Airport (these provisions have previously been agreed by the West Midlands Districts in 2009).
  - Provide for effective decision making between meetings.
  - Provide for the new duty to co-operate.
  - Accommodate the disbanding of the West Midlands Planning and Transportation Sub-Committee.
  - Create the Shadow Integrated Transport Authority.

#### **4. Council priorities**

The priorities of the Council around transport and regeneration will be further strengthened by complying with the wishes of the government around effective governance arrangements.

#### **5. Risk management**

The West Midlands Joint Committee governance structure includes the necessary advice and guidance to support decision making via a secretariat support provided by Birmingham City Council.

#### **6. Financial implications**

None arising from this report.

## 7. Legal implications

Decision making with regard to Birmingham Airport and transportation is delegated via the West Midlands Joint Committee.

## 8. Property implications

None arising from this report.

## 9. Health and wellbeing implications

Health and wellbeing across the West Midlands is supported by improved transport infrastructure.

## 10. Staffing implications

None arising from this report.

## 11. Equality implications

None arising directly from this report.

## 12. Consultation

West Midlands Joint Committee  
West Midlands Councils  
West Midlands Leaders

## Background papers

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Paul Sheehan  
Chief Executive  
3 December 2013



Councillor M.A. Bird  
Leader of the Council  
3 December 2013

**WEST MIDLANDS JOINT COMMITTEE**  
**CONSTITUTION**

[ 2013 ]

1. (i) The District Councils of the County of West Midlands established on 24 July 1985 a Joint Committee known as the West Midlands Joint Committee ("the Committee") for the purpose of discharging the functions mentioned in the Annex. The Committee was a joint committee for the purposes of Part VI of the Local Government Act 1972 and the provisions of that part applicable to joint committees shall apply to the Committee.
- (ii) This Revised Constitution has been updated to reflect changes as set out in the Localism Act 2011 in relation to strategic planning and cross boundary infrastructure matters which must now be dealt with via the Duty to Cooperate ("the duty"). Further takes account of the establishment of a Shadow Integrated Transport Authority Board, its membership and role and functions as outlined in the attached annex.
2. (i) The Committee shall comprise seven voting members, each District Council being entitled to appoint one voting member who shall be a member of the District Council making the appointment. In the event of any voting member of the Committee ceasing to be a member of the District Council which appointed him/her, the District Council shall forthwith appoint another voting member in his/her place. Only a voting member is entitled to be elected as Chair or Vice-Chair of the Committee.
- (ii) Each District Council may appoint two of its members to attend the meeting of the Committee as observer members in addition to the voting member appointed under (i) above. Such observer members may speak at meetings of the Committee but not vote.
- (iii) Each District Council may appoint members of its Council as substitute for the voting members or observer members appointed under (i) or (ii) above to attend meetings of the Committee and its sub-committees in the absence for any reason of the voting members or observer members appointed under (i) or (ii) above and in attending meetings of the Committee and its sub-committees the substitute voting members or observer members shall be treated in all respects as if they were appointed under (i) or (ii) above as the case may be. The Secretary for the Committee shall be informed prior to the commencement of the meeting of the names of substitute members.
- (iv) The Chairman of each Joint Authority appointed in the West Midlands shall be an ex officio member of the Committee. Such ex officio members may speak at meetings of the Committee but not vote.
- (v) The Chairman (or their delegated representative) of each of the Local Enterprise Partnership's covering the Met. Area geography (GBS LEP, Black Country LEP and Coventry & Warwickshire LEP) shall be an ex officio member of the Committee for Shadow Board agenda items. Such ex officio members may speak at meetings of the Committee but not vote.
- (vi) The Committee shall, at its Annual Meeting, elect a Chair and Vice-Chair from amongst its voting members. In the event of both being absent from the meeting, the Chair and the Vice-Chair for whatever reason, the Committee shall elect a Chair from amongst the voting members present for that meeting.
- (vii) Four voting members of the Committee shall constitute a quorum. Except as otherwise provided by statute, all questions shall be decided by a majority of the votes of the voting

members present, the Chair having the casting vote in addition to his/her vote as a Member of the Committee.

- (viii) The Committee will meet as agreed at AGM but in any event at least quarterly. However, a meeting of the Committee may be convened at any time by the Secretary in consultation with the Chair. A meeting of the Committee must also be convened by the Chair within 28 days of the receipt of a requisition of any two voting members of the Committee addressed to the Secretary to the Committee. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.
  - (ix) The Committee shall from time to time make such standing orders for the carrying on of the business of the Committee as the Committee shall deem necessary or desirable.
  - (x) For the avoidance of doubt and subject to there being no changes to the law on this issue, where a District Council is operating executive arrangements pursuant to the Local Government Act 2000 (and any regulations made under it), it will be a matter for the Executive of the District Council to appoint any voting member, observer member or substitute member to the Committee.
3. The Committee shall from time to time appoint such sub-committees to consider and deal with any of the functions of the Committee as may be thought desirable.
  4. The Committee shall employ a Secretary and such other officers as may be deemed necessary for the due conduct of the business of the Committee at such remuneration (if any) and upon such terms as the Committee shall decide. The appointment of Secretary shall be for a term of three years and shall be made at the annual meeting of the Committee in the appropriate year.
    - (i) The Secretary shall keep proper accounts of the money received and expended by the Committee.
    - (ii) The Secretary shall apportion the expenses of the Committee between the District Councils in proportion to the population of each district in the County.
  6. This Revised Constitution and, subject as hereinafter mentioned, the functions of the Committee may be amended at any time by the unanimous agreement of the District Councils.
  7. That the relevant Standing Orders for West Midlands Joint Committee are those of Birmingham City Council.
  8. Decision making between meetings is delegated to the Chair, but those decisions are only to be implemented if supported in writing by the signatures of all of the Chief Executives of each of the 7 Districts.

## The Annex

### (Functions of the Joint Committee)

1. To make nominations or appointments as the case may be:-
  - (i) to the 5 balancing places of the West Midlands Police and Crime Panel
2. In relation to Birmingham Airport, to:-
  - 2.1 (i) determine the exercise of the Districts' powers and rights as shareholders of the Company including the manner in which the Districts' block shareholder vote is to be exercised;
  - (ii) determine the manner in which the block vote is to be cast by any of the Districts' Directors.
  - (iii) determine the exercise of rights and performance of obligations, warranties, indemnities and covenants contained in the Investment Agreement and Taxation Deed relating to the restructuring of the Airport;
  - (iv) appoint and remove the Districts' Directors on the Board and appoint appropriate officers as Districts' Observers to attend Board meetings and support the District Directors.
  - 2.2 The delegation of powers by the Districts to the Joint Committee in clause 2.1 shall be subject to a condition that all resolutions of the Joint Committee or any Sub-Committee appointed by the Joint Committee shall be passed by a majority of the members present who between them represent Districts who hold at least 51% of the Districts' total shareholding.
  - 2.3 The Joint Committee may arrange for the discharge of their functions by a Sub-Committee subject to the same condition set out in clause 2.2.
  - 2.4 The Joint Committee may arrange for the discharge of their functions subject to the condition set out in clause 2.2 by each of the Districts' Chief Executives or anyone authorised by any District to act in the Chief Executive's absence acting in consultation with the Chair or Vice Chair of the Joint Committee.
3. To co-ordinate actions on important issues affecting the Districts and to provide a vehicle for communicating these actions, and the needs of Districts, to Government and other influential bodies.
4. To consult and co-operate as respects matters affecting the District Councils (including the Duty to Cooperate) and as appropriate with each District Council and the Joint Authorities.
5. To consider, in consultation with and, if appropriate, in partnership with the Joint Authorities, whether they could make better value arrangements for the provision of any services, supplies or works required in connection with the discharge of the functions of the District Councils.
6. To co-ordinate the exercise by the District Councils of the enforcement functions conferred on them by the Weights and Measures Act 1985 (as amended) with a view to securing uniformity in the exercise of those functions throughout the West Midlands and the employment provision or use by those Councils for the purposes of those functions of staff, property and facilities.
7. To oversee the work of and payment of the Joint Data Team contract with Mott Macdonald Ltd dated 27 March 2008.

8. To receive reports from any partnership
9. To exercise the functions delegated to it by the Agreement between the District Council relating to landfill brokerage dated 9 September 1994.
10. In relation to the Shadow Integrated Transport Authority Board
  - 10.1 To act as a strategic advisory body; setting and reviewing objectives for strategic investment in transport economic infrastructure across the conurbation, including:
    - a. Providing a coherent single position on the major strategic transportation issues
    - b. Setting the annual transport budget
    - c. Setting major transport priorities
    - d. Advising the existing ITA in respect of developing and monitoring the Local Transport Plan and its expenditure
  - 10.2 Consider the formal review and identify a preferred option for transport governance which is fit for purpose;
  - 10.3 Influence and align government investment in transport in order to boost economic growth;
  - 10.4 To ensure alignment in decision making on transport supports other areas of policy;
  - 10.5 Co-ordinate and align decision making on transport with the LEPs (through direct LEP representation) ensuring that business views are taken on board and that LEP growth plans are reflected in strategic priorities;
  - 10.6 Advising on capital expenditure programmes and ensuring policy and programmes are delivered effectively through partners including Local Authorities, Centro, Network Rail and the Highways Agency;
  - 10.7 Recommend appropriate steps to reorganise the ITA to make its functions more efficient; and
  - 10.8 Engaging and Co-ordinating with the wider travel to work area.