

Council

21st May 2015

Name of Cabinet Member:

Cabinet Member (Policy and Leadership): Councillor Ann Lucas

Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

All

Title: Amendments to the Terms of Reference of the West Midlands Joint Committee

Is this a key decision?

No

Executive Summary:

This report sets out proposed changes to the terms of reference of the West Midlands Joint Committee which are needed now that the West Midlands Integrated Transport Authority (ITA) is operational.

The main changes to the Joint Committee's Constitution are:

- To remove responsibilities for the shadow ITA, now that the formal West Midlands ITA is up and running; and
- To include reference to the role of the WMJC in confirming the appointment of the 5 additional members of the ITA's Joint Overview and Scrutiny Committee to achieve the balanced appointment.

Each local authority member of the Joint Committee must agree the changes before they can be implemented.

Recommendations:

Council is recommended to:

- (1) To approve the changes to the Terms of Reference and Constitution of the West Midlands Joint Committee as set out in Appendix 1 to this report; and
- (2) To authorise the Assistant Director of Legal and Democratic Services to agree and enter into such documents are necessary to give effect to the above recommendation.

List of Appendices included:

Appendix 1 – West Midlands Joint Committee Terms of Reference and Constitution.

Background Papers:

None

Other useful documents:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes

Report title: Amendments to the Terms of Reference of the West Midlands Joint Committee

1. Context (or background)

- 1.1 The West Midlands Joint Committee (WMJC) comprises the seven metropolitan district councils of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton. It was established in 1985 following the abolition of the West Midlands County Council. The Committee is a joint committee for the purposes of Part VI of the Local Government Act 1972.
- 1.2 The overall objectives of the WMJC is to co-ordinate actions on important issues affecting the local authorities in the West Midland and to provide a vehicle for communicating these actions and their needs to Government and other influential bodies.

2. Options considered and recommended proposal

- 2.1 A number of revisions to the Terms of Reference and Constitution of the West Midlands Joint Committee were approved by Council in January 2014. These included the creation of an interim Shadow Integrated Transport Authority (ITA) pending the establishment new governance arrangement for the West Midlands Integrated Transport Authority.
- 2.2 The West Midlands Integrated Transport Authority (Decrease in Number of Members) Order 2014 was laid before Parliament on the 12th of May 2014 and the legislation came into force on June 4th 2014.
- 2.3 The inaugural meeting/AGM of the new WMITA took place on 18th July 2014 formally establishing the body.
- 2.4 Following its formal establishment of the WMITA in July 2014 and its further agreement to the establishment of a Joint Overview & Scrutiny Committee in September 2014, it is now necessary to revise the Terms of Reference and Constitution of the West Midlands Joint Committee in order to:
- i) Remove responsibilities previously laid in relation to the interim Shadow ITA arrangements. These are no longer required as the WMITA is now operational.
 - ii) Add reference to the role of WMJC in confirming the appointment of the 5 additional members to the WMITA's Joint Overview & Scrutiny Committee as outlined to achieve the balanced appointment objective.

The proposed changes are set out in Appendix 1 to this report with additional text being underlined and deleted text scored through. The changes need to be approved by all the constituent authorities of the Joint Committee.

3. Results of consultation undertaken

The proposed changes have been considered by the Joint Committee and circulated for approval by its constituent authorities. As these are technical changes which do not directly affect stakeholders or the public, further consultation has not been necessary.

4. Timetable for implementing this decision

The changes to the Joint Committee's Constitution will be implemented as soon as they have been ratified by all the Committee's constituent authorities.

5. Comments from Executive Director, Resources

5.1 Financial implications

There are no financial implications arising from this report.

5.2 Legal implications

The West Midlands Joint Committee is constituted under Part VI of the Local Government Act 1972. The proposed amendments are to recognise that changes made in 2013/14 are no longer necessary now that the WMITA is operational and to deal with the need to provide for the Joint Committee's role in the appointment of the 5 additional members of the Joint Overview and Scrutiny Committee.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The proposed changes are designed to reflect the changing role of the Joint Committee now that the WMITA is operational and to ensure that the Joint Committee's governance arrangements are updated.

6.2 How is risk being managed?

No specific risks have been identified.

6.3 What is the impact on the organisation?

No specific impact.

6.4 Equalities / EIA

No equality impact assessment has been carried out as the recommendations in the report do not constitute a change in service or policy

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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Enquiries should be directed to the above person.

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Chris West	Executive Director	Resources	12/5/15	
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APPENDIX 1

WEST MIDLANDS JOINT COMMITTEE
CONSTITUTION

2015

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 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.
 5. (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
 - (ii) to the 5 balancing places of the West Midlands Integrated Transport Authority Joint Overview and Scrutiny Committee.
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 authorized 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:~~

~~Providing a coherent single position on the major strategic transportation issues~~

~~Setting the annual transport budget~~

~~Setting major transport priorities~~

~~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.
(attached)~~