

**REPORT TO CABINET**

**16 May 2018**

<b>Subject:</b>	<b>Dissolution of West Midlands Joint Committee</b>
<b>Presenting Cabinet Member:</b>	<b>Councillor Steve Eling – Leader of the Council</b>
<b>Director:</b>	<b>Director – Monitoring Officer – Surjit Tour</b>
<b>Contribution towards Vision 2030:</b>	
<b>Key Decision:</b>	No.
<b>Forward Plan (28 day notice) Reference:</b>	Not applicable.
<b>Cabinet Member Approval and Date:</b>	Councillor Steve Eling – 12/04/18
<b>Director Approval:</b>	Surjit Tour – 11/04/18
<b>Reason for Urgency:</b>	Urgency provisions do not apply.
<b>Exempt Information Ref:</b>	Exemption provisions do not apply.
<b>Ward Councillor (s) Consulted (if applicable):</b>	Ward councillors have not been consulted.
<b>Scrutiny Consultation Considered?</b>	Scrutiny have not been consulted.
<b>Contact Officer(s):</b>	Surjit Tour – Director – Monitoring Officer <a href="mailto:surjit_tour@sandwell.gov.uk">surjit_tour@sandwell.gov.uk</a>

**DECISION RECOMMENDATIONS**

**That Cabinet:**

1. Agrees to recommend to Full Council on the approval of the dissolution of the West Midlands Joint Committee.
2. Agrees to recommend to Full Council to set up a Joint Executive Committee with the other six Councils within the West Midlands for the purpose of airport decisions known as West Midlands Shareholders Airport Committee in accordance within the terms of reference set out at Appendix 3.
3. Agrees to recommend to Full Council the proposals for managing the remaining residual business of the WMJC once it is dissolved as set out in Appendix 2 be approved.

4. Authorises the Director – Monitoring Officer to make the necessary changes to the Council’s Constitution to incorporate the recommendations in 1 and 2 above.
5. Authorises the Director – Monitoring Officer to negotiate, execute and complete all legal documents necessary to support and deliver the above recommendation.

## **1 PURPOSE OF THE REPORT**

- 1.1 This report seeks authority from Cabinet to recommend to Full Council the approval of a unifying Resolution to dissolve the West Midlands Joint Committee (“WMJC” or the “Committee”) and the new arrangements for managing the remaining residual business of the Committee once the Committee is dissolved. In addition, it seeks Cabinet approval to establish a Joint Executive Committee with the other six Councils within the West Midlands for the purpose of airport decisions known as West Midlands Shareholders Airport Committee.

## **2 IMPLICATIONS FOR SANDWELL’S VISION**

- 2.1 The West Midlands Joint Committee co-ordinates actions on important issues which affect the seven Metropolitan District Councils of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton. A key aspect of the Committee is Birmingham Airport which Sandwell has direct transport links to and contributes towards the development of the local economy.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 WMJC was established in 1985 for the purpose of discharging the residual County Council functions that were deemed inappropriate to pass on to individual Metropolitan Borough Councils (MBCs). Lead responsibilities for different functions across the region were allocated eg support to Fire Authority; support to Passenger Transport Authority etc.
- 3.2 Initially meetings of the WMJC took place 3 to 4 times a year and dealt with a wide range of matters; Birmingham Airport has always been a substantial item of business but previously many transport-related matters were covered as well as more ad hoc items including waste landfill agreements, spatial planning, Environment Agency Levy.
- 3.3 Over more recent years, as other regional bodies have been introduced, particularly the West Midlands Combined Authority (WMCA), the responsibilities of WMJC have diminished. Only two short meetings per year are held now, often with few items of interest to Members. This has been commented on by voting and non-voting members recently.

- 3.4 Appendix 2 sets out the existing functions of the WMJC with recommendations on how they could be carried out in the future. These proposals were discussed and agreed by Metropolitan Chief Executives at their meeting on 27<sup>th</sup> October 2017 and again on 26<sup>th</sup> January 2018 and by Metropolitan Leaders at their meeting on 9<sup>th</sup> February 2018.
- 3.5 Since the majority of the existing business of WMJC is airport related, it is proposed that a WM Shareholders Airport Committee be established to deal with all Birmingham Airport matters. This would allow for more appropriate detailed discussion on issues related to the Districts' shareholding in Birmingham Airport. The new Committee will be administered by the Birmingham-based Airport Adviser. Appendix 3 sets out the proposals for the Airport Committee in more detail.

## **4 THE CURRENT POSITION**

- 4.1 Birmingham City Council, Coventry City Council, Dudley MBC, Sandwell MBC, Solihull MBC, Walsall Council and City of Wolverhampton Council are member authorities of WMJC with each having one voting and two non-voting members. Sandwell MBC's voting member is Councillor Steve Eling (voting Member).

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The unifying Resolution is being submitted for approval to Cabinet in each of the other six constituent Councils.
- 5.2 Each of the other six constituency Councils have agreed through their respective Executive governance arrangements to set up a Joint "Executive" Committee with the other six councils.

## **6 ALTERNATIVE OPTIONS**

- 6.1 The alternative is that the Council recommends to the WMJC that it continues to function in its current capacity.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 The Council's contribution to the WMJC in 2017/18 was £19,195.00. Future costs are likely to remain very similar since although WMJC responsibilities will be dealt with differently the financial obligations remain the same.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 There are no inherent provisions in the revised Constitution of WMJC dated 28 January 2015 which provide for its dissolution. The WMJC was established by the Full Councils of the District Councils of the County of West Midlands as a Joint Committee on 24 July 1985 under the provisions of Part VI of the Local Government Act 1972.
- 8.2 Its Constitution was 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”).
- 8.3 Where local authorities are jointly discharging functions they must work within the statutory framework that governs this. The Local Government Act 1972 S101(5) requires the authorities to appoint a joint committee consisting of councillors from each authority.
- 8.4 The unifying resolution as set out in Appendix 1, once signed by all the constituent Councils will dissolve the West Midlands Joint Committee.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An equality impact assessment is not required.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

- 10.1 A data protection impact assessment is not required.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

- 11.1 A crime and disorder and risk assessment is not required.

## **12 SUSTAINABILITY OF PROPOSALS**

- 12.1 The proposals will ensure the all the constituency Council’s. as shareholders, can continue to discharge the functions relating to Birmingham Airport.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

- 13.1 There are no health and wellbeing implications.

**14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 No impact.

**15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 To approve the unifying resolution to dissolve WMJC. The unifying resolution, if agreed by all 7 MBCs, will be taken to the next WMJC meeting on 22 June 2018 for final approval.

**16 BACKGROUND PAPERS**

WMJC Constitution.

Report to Metropolitan Chief Executives.

Report to Metropolitan Leaders

**17 APPENDICES:**

Appendix 1 – Unifying Resolution

Appendix 2 – Proposals on how existing WMJC functions will be carried out in the future

Appendix 3 – Proposals for Airport Committee

**Surjit Tour**  
**Director – Monitoring Officer**

**RESOLUTION OF ALL THE CONSTITUENT LOCAL AUTHORITIES TO  
DISSOLVE THE WEST MIDLANDS JOINT COMMITTEE FROM THEIR  
RESPECTIVE GOVERNANCE ARRANGEMENTS**

We the undersigned Local Authorities ALL hereby determine to dissolve the West Midlands Joint Committee (the "Committee").

On the dissolution, the powers and functions of the Committee will be determined in a manner agreed by each constituent local authority.

Signed

**Proposals for Remaining WMJC functions**

<b><u>FUNCTION</u></b>	<b><u>RECOMMENDATIONS</u></b>
1. To make nominations or appointments to the 5 balancing places of the West Midlands Police and Crime Panel.	<p>That nominations to the Panel are reviewed at Met Leaders Group meeting.</p> <p>(Nominations will be formally made by each of the Councils and through ABCA; Leaders will be asked to review the nominations and political balance on the panel)</p>
2. Matters relating to Birmingham Airport.	<p>That WM Shareholders Airport Committee be established with responsibility for all those airport related functions which currently sit with WMJC. This to include:</p> <ul style="list-style-type: none"> <li>• The exercise of the Districts powers and rights as shareholders of the Airport Company including the manner in which the Districts' block shareholder vote is to be exercised pursuant to the Shareholders' Agreement</li> <li>• The appointment and removal of District Directors of the Airport Company</li> <li>• The determination of the manner in which the District Directors block vote is to be cast pursuant to the Shareholders' Agreement</li> </ul> <p>The 7 Mets will need to make contributions to cover airport related costs.</p>

<p>3. 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).</p>	<p>That relevant items requiring a formal decision go to WMCA Board (eg planning) and any remaining items go to Met Leaders Group meeting.</p>
<p>4. To oversee the work of and payment of the Joint Data Team contract with Mott Macdonald Ltd dated 27 March 2008.</p> <p>The JDT contract with Mott MacDonald provides services to the seven metropolitan authorities, the Highways Agency and Centro as was, comprising of two main elements:</p> <ul style="list-style-type: none"> <li>• Transportation and Planning Services; and</li> <li>• Transportation Modelling (PRISM).</li> </ul> <p>The contract currently runs until March 2018, costs being covered by the 7 District Councils, split according to population. (A paper was presented to WMJC in June 2015 outlining full details of the work of the team).</p>	<p>Responsibility to transfer to WMCA Board. (Existing contract expires in 2018).</p>
<p>5. To receive reports from any partnership.</p>	<p>That items go to either Met Leaders Group meetings or WMCA Board meetings as appropriate.</p>

<p>6. Approval of nominations to West Midlands Arts Trust.</p> <p>The principal activity of the Trust is, having received grant aid from West Midlands County Council, to provide a building at a peppercorn rent to the Arts Council England in order to further the arts in the West Midlands.</p>	<p>Historically Birmingham and Sandwell Councils have provided a Trustee to sit on this Board, this has been managed through WMJC. It is proposed that this is now dealt with by the Met Leaders Group.</p>
<p>7. Payment of pension costs relating to former employees of WMCC, WMRB and other employers without a successor authority.</p>	<p>That responsibility for collection of contributions remains with Wolverhampton Finance. Financial reports presented at Met Leaders Group meeting for information.</p>

## Proposals for Airport Committee

### Structure

- It is suggested that the Airport Committee schedules six meetings each year.

### Functions

- Appoints officers to advise the Districts and Airport Committee on Birmingham Airport Holdings Limited (the “Company”).
- Exercises the powers and rights of the Districts as shareholders of the Company including the manner in which the Districts’ block shareholder vote is to be exercised.
- Appoints and removes District directors.
- Determines the manner in which the block vote is to be cast by any of the Districts’ directors.

### Membership

- One voting Member from each District.

In order to ensure that the current non-voting members of WMJC retain knowledge of airport related issues, it is suggested that two non-voting members from each District are invited to attend one of the scheduled meetings of the Airport Committee each year.

### Voting

- All resolutions passed by a majority of the members present who between them represent Districts who hold at least 51% of the Districts’ total shareholding.

The Districts currently hold the following shareholding in the Company:

<b>Birmingham</b>	38.1%
<b>Coventry</b>	11.8%
<b>Dudley</b>	11.4%
<b>Sandwell</b>	11.5%
<b>Solihull</b>	7.6%
<b>Walsall</b>	10.0%
<b>Wolverhampton</b>	9.6%
<b>Total District Shareholding</b>	<b>100%</b>

### Urgent Decisions Between Meetings

- It is suggested that the Airport Committee may arrange for the discharge of their functions 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 Airport Committee.