

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

**Report to:** CABINET  
**Report of:** CHIEF EXECUTIVE  
**Date of Decision:** 27<sup>th</sup> March 2018  
**SUBJECT:** DISSOLUTION OF WEST MIDLANDS JOINT COMMITTEE

**Key Decision:**

**If not in the Forward Plan:**  
(please "X" box)

**Relevant Cabinet Member(s) or**

**Relevant Executive Member :**

**Relevant O&S Chair:**

**Wards affected:**

Chief Executive approved ☐

O&S Chairman approved ☐

COUNCILLOR IAN WARD, LEADER

N/A

NONE

### 1. Purpose of report:

- 1.1 This report seeks authority from Cabinet to sign a unifying Resolution to dissolve the West Midlands Joint Committee ("WMJC" or the "Committee") and to approve the new arrangements for managing the remaining residual business of the Committee once the Committee is dissolved.

### 2. Decision(s) recommended:

That Cabinet:-

- 2.1 Resolves to dissolve the WMJC
- 2.2 Authorises the seven recommendations to transfer the WMJC's previous functions and responsibilities to the parties as set out in Appendix 3.
- 2.3 Notes that the City Solicitor and Monitoring Officer will set out all relevant changes to the Council's Constitution at a future meeting of the Council Business Management Committee and Full Council in order to enact the recommendations at 2.1 and 2.2.
- 2.4 Authorises the City Solicitor to negotiate, execute and complete all legal documents necessary to support and deliver the above recommendation.

### Lead Contact Officer(s):

Stella Manzie, Chief Executive

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### 3. Consultation:

#### 3.1 Internal

- 3.1.1 Both the Chief Executive and the Leader have contributed to the proposals via their regular meetings with other Metropolitan Borough Council Chief Executives and Metropolitan Leaders Group.

### 3.2 External

- 3.2.1 As above. A brief update was also provided at the last WMJC meeting on 26 January 2018.
- 3.2.2 The unifying Resolution is being submitted to Cabinet in each of the other six constituent Councils for approval.

## 4. **Compliance Issues:**

### 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

- 4.1.1 The impact of the changes will have minimal, if any, effect on the Council's policies, plans and strategies.

### 4.2 Financial Implications (Will decisions be carried out within existing finances and Resources?)

- 4.2.1 Birmingham City Council's contribution to the WMJC in 17/18 was £192,560.00. Future costs are likely to remain very similar since although WMJC responsibilities will be dealt with differently the financial obligations remain the same.
- 4.2.2 An outline of future costs are included at Appendix 1 of this report.

### 4.3 Legal Implications

- 4.3.1 There are no inherent provisions with the revised Constitution of WMJC dated 28 January 2015 which provide for its dissolution. The WMJC was established by the District Councils of the County of West Midlands on 24 July 1985 under the provisions of Part VI of the Local Government Act 1972.
- 4.3.2 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").
- 4.3.3 Section 9KB Executive arrangements states: other variation of arrangements within the Local Government Act 2000 c. 22 as added by Localism Act 2011 c. 20 Schedule 2(1) paragraph 1 provides a statutory authority to a local authority which operates executive arrangements to vary those arrangements so that differ from the existing arrangements in any respect, but still provide for the same form of executive.
- 4.3.4 The unifying resolution as set out in Appendix 2, once signed by all the constituent Councils will dissolve the West Midlands Joint Committee.

### 4.4 Public Sector Equality Duty (see separate guidance note)

- 4.4.1 No adverse effects have been identified from the actions recommended in this report.

## 5. **Relevant background/chronology of key events:**

- 5.1.1 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. .

- 5.1.2 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.
- 5.1.3 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.
- 5.1.4 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. Birmingham City Council's members are Councillor Ian Ward (voting Member), Councillor Brigid Jones and Councillor Robert Alden (non-voting Members).
- 5.1.5 Appendix 3 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 October 2017 and again on 26 January 2018 and by Metropolitan Leaders at their meeting on 9 February 2018.
- 5.1.6 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 4 sets out the proposals for the Airport Committee in more detail.

## **6. Evaluation of alternative option(s):**

- 6.1. When developing proposals, consideration has been given to:
- The nature and frequency of occurrence of each area of WMJC business;
  - Existing formal and informal regional meetings;
  - Arrangements in other regions.
- 6.2 Having taken into account the above, the proposals outlined were deemed to be the most practicable by both the Metropolitan Chief Executives and Metropolitan Group Leaders at their respective meetings as referred to at paragraph 5.1.5

## **7. Reasons for Decision(s):**

- 7.1 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.

**Signatures****Date**

Councillor Ian Ward, Leader

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Stella Manzie,  
Chief Executive

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**List of Background Documents used to compile this Report:**

WMJC Constitution

Report to Met Chief Executives

Report to Met Leaders

**List of Appendices accompanying this Report (if any):**

1. Outline of future costs
2. Unifying Resolution
3. Proposals on how existing WMJC functions will be carried out in the future
4. Proposals for Airport Committee

**Report Version****Dated**

## **PROTOCOL**

### **PUBLIC SECTOR EQUALITY DUTY**

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
  - (a) whether there is adverse impact upon persons within the protected categories
  - (b) what is the nature of this adverse impact
  - (c) whether the adverse impact can be avoided and at what cost – and if not –
  - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
  - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
  - the full equality impact assessment (as an appendix)
  - the equality duty – see page 9 (as an appendix).

## Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
  - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
  - (a) tackle prejudice, and
  - (b) promote understanding.
- 5 The relevant protected characteristics are:
  - (a) Marriage & civil partnership
  - (b) Age
  - (c) Disability
  - (d) Gender reassignment
  - (e) Pregnancy and maternity
  - (f) Race
  - (g) Religion or belief
  - (h) Sex
  - (i) Sexual orientation

**Estimate of future costs**

	<b>Airport Committee</b>	<b>Pension Fund</b>	<b>Administration</b>
Aeronautical adviser	24,000		
SASIG subscription	6,000		
Finance & Admin Support	32,000		24,000
Pensions	45,000 (former airport employees)	387,000 (former WMCC, WMRB and Other Employees without a Successor Authority)	
Miscellaneous (catering, room bookings etc)	3000		4000
<b>Total</b>	<b>110,000</b>	<b>387,000</b>	<b>28,000</b>

**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>
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).	That relevant items requiring a formal decision go to WMCA Board (eg planning) and any remaining items go to Met Leaders Group meeting.
<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,</p>	Responsibility to transfer to WMCA Board. (Existing contract expires in 2018).

<p>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>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>	<b>38.1%</b>
<b>Coventry</b>	<b>11.8%</b>
<b>Dudley</b>	<b>11.4%</b>
<b>Sandwell</b>	<b>11.5%</b>
<b>Solihull</b>	<b>7.6%</b>
<b>Walsall</b>	<b>10.0%</b>
<b>Wolverhampton</b>	<b>9.6%</b>
<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.